A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Ramirez at 7:00 P.M. on Tuesday, October 11, 2005, in the City Council Chambers, Civic Avenue, Pittsburg, California.

ROLL CALL:

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

Absent: None

Staff: Planning Director Melissa Ayres, Associate Planner Ken Strelo, Associate Planner Dana Hoggatt, Associate Planner Christopher Barton, Assistant Planner Leigha Schmidt, Senior Civil Engineer Alfredo Hurtado, Senior Civil Engineer Paul Reinders, and Assistant City Engineer Keith Halverson.

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, October 7, 2005.

PLEDGE OF ALLEGIANCE:

Commissioner Williams 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:

Paul Reinders, Senior Civil Engineer - Traffic Update

Paul Reinders, Senior Civil Engineer, presented the traffic update for the Traffic Division of the Engineering Department. He reported that the State Route 4 Widening Project and Railroad Avenue traffic signals across the freeway had been interconnected with work to be done on the timing to improve the flow of traffic. Trucks would be detoured to West Leland Road since they could not make a left hand turn onto the narrow overpass being constructed. The limit line would be moved back on the southbound approach to reduce the amount of storage available. The contractor had allowed two lanes to approach the exit although that approach had not been striped for two lanes. The Project Consultant, Fehr & Peers, had written an opinion on the detour and improvements to be made.

Signage and striping improvements were planned for the eastbound State Route 4 on-ramp for the northbound approach on Railroad Avenue to Bliss Avenue since there was confusion as to which lane would use the on-ramp. The State Route 4 Strategic Plan would consider the future plans of the State Route 4 Widening Project past Railroad Avenue.

Mr. Reinders advised that the Loveridge Road Interchange phase would widen the freeway to Somersville Road, to begin in 2007 with completion by 2009. Staff was reviewing innovative ways to advance construction to the new bypass in the City of Antioch where State Route 160 began and would be considering widening the road to six lanes on an interim basis, to then widen it to eight lanes. There was funding in place in 2009 with the completion of that project scheduled by 2011.

Mr. Reinders reported that the City had increased its regional traffic fees which were now $15,150 per single family home. Staff was in the process of studying the local traffic fees and planned to increase that fee currently set at $3,918 per single family unit.

The 2005 Congestion Management Plan Update and Countywide Transportation Comprehensive Project list was being updated with the County and cities for the roads in the County, with a review of all potential projects in the next 20 years to address congestion issues.

He noted that the City was considering a Railroad Avenue eBART Station, the East Contra Costa County Bikeway Plan had been approved by the TRANSPLAN Committee and by the Pittsburg City Council allowing the City to apply for State Bicycle Transportation Account Funding, and the City’s Traffic Signal Equipment Replacement project would coordinate signal corridors, with that work scheduled to be completed by the end of November.
Further, an amendment with the consultant had been executed for the Buchanan Road Bypass (BRB) alignment studies to review additional analyses of different alignments with a two lane bypass as opposed to the four lanes previously studied, along with a potential widening of the existing Buchanan Road in response to comments from previous studies. Traffic calming projects had been completed by the City for the Eighth Street crosswalk with in-ground crossing lights and signage. Yosemite Drive crosswalk improvements in front of the junior high school were due to be completed soon. The School Street gate relocation had been completed allowing the use of the high school parking lot for student pick up and drop off. Staff also planned to present an ordinance to the City Council on November 7 to prohibit parking on certain streets to allow street sweeping, with a $100 citation fine for violators of the street sweeping schedules.

The East Central Traffic Management Study planned to implement control point metering on Buchanan Road during morning periods. Staff was moving forward on that project and would request that the County and the TRANSPLAN Committee implement the project with a request for funds. Plans were also in place to prohibit trucks on the westbound Harbor Street exit ramp, as directed by the City Council, which would require Caltrans to approve an encroachment permit.

The Traffic Division was also working on several traffic impact studies for new development and had completed studies for the Los Medanos Industrial Park and East Leland II projects. Studies had been started for the Harbor Park Development, the Marina Master Plan, Sky Ranch II, and the Mercy Housing Project.

The Traffic Division was working on an agreement with the City of Concord on how to pay for the mitigations to two intersections located in the City of Concord due projected traffic from new development in the Southwest Hills Sub Area. The Traffic Division was also working on ten new traffic signals in the City to complement the 48 existing traffic signals, including four at West Leland Road, one on East Leland Road, two on Harbor Street, one on Century Boulevard, one on Willow Pass Road, and one on Bailey Road at the Bailey Estates entrance.

As a member of the bicycle community, Commissioner Ohlson expressed his hope that the inclusion of more traffic lanes on Buchanan Road would maintain the existing bicycle lanes on that roadway.

Commissioner Garcia suggested that the four lanes on Buchanan Road would likely not be supported by the City Council. In his opinion, that improvement could create more problems in the neighborhood with more commuter traffic. He also recommended that the Buchanan Road By Pass be built now since it would be less expensive to construct now.
Mr. Reinders recognized the concerns although he advised that the analysis for the Buchanan Road By Pass, including a four lane alternative, must be conducted to comply with California Environmental Quality Act (CEQA) requirements.

Commissioner Garcia spoke to the left turn lanes on Railroad Avenue and Leland Road which had been extended but had not allowed sufficient time for traffic to clear resulting in many running red lights. He also spoke to the closure of Gladstone Drive and questioned why a public street had been closed. He stated that street should be open for through traffic during non-commute periods. He asked that the signs prohibiting through traffic be eliminated and that through traffic be allowed on Gladstone Drive during certain hours.

Mr. Reinders explained that the staff traffic committee had been scheduled to discuss that issue. He stated that the signs and the speed humps that had been installed had been installed at the direction of the City Council.

Commissioner Dolojan agreed that Gladstone Drive should be open for through traffic given that it was a public street that should be accessible to all residents. He otherwise expressed concern fining drivers $100 for vehicles parked on the streets scheduled for street sweeping. He expressed his hope that there would be adequate signage in that regard. He also inquired whether or not the Buchanan Road By Pass would be inside or outside of the City’s Urban Limit Line (ULL). He questioned any work on that project or monies being expended pending the outcome of the November election on Measure P.

Mr. Reinders reiterated that the City Council would consider the street sweeping ordinance on November 7. The streets would be signed to indicate that no parking would be allowed on the street when the street sweeping was scheduled. He clarified that the Buchanan Road By Pass had been intended to be built in unincorporated County land outside of the City limits. He was uncertain whether or not that would be inside the ULL.

Mr. Reinders explained that regardless of the outcome of the upcoming election in November, a study of the alternatives on the Buchanan Road By Pass alignment must be done whether or not the bypass was inside or outside the ULL.

Commissioner Harris inquired of the status of the completion of the Railroad Avenue overpass, to which Mr. Reinders anticipated that work would be completed either at the end of November or would be open by December 1.

Commissioner Harris spoke to the area north of Bliss Avenue onto Railroad Avenue which was to be opened up, and although it had been restriped there were two traffic lanes over the overpass and one to the freeway which were all stacked up behind the right turning lane. He asked that Mr. Reinders meet him at the site to discuss his concerns.
Mr. Reinders advised that those concerns had been forwarded to the Contra Costa Transportation Authority (CCTA) which was administering the project.

Commissioner Williams asked that the community be properly and timely noticed of any traffic projects where there could be impacts to residents.

Commissioner Ohlson inquired of the status for a dual left turn southbound Railroad Avenue to eastbound Leland Road, to which Mr. Reinders explained that the project was on the local traffic mitigation fee project list. He could not recall the time when the project was scheduled to commence. As to the status of another dual left turning lane from southbound Bailey Road onto eastbound Leland Road, he was unaware of such plans although there was a second left turn lane from eastbound Leland onto northbound Bailey Road. He commented that it was not feasible to have a dual east bound off-ramp at Bailey Road. Staff was considering lengthening the westbound on-ramp at the freeway interchange at Bailey Road and State Route 4.

CONSENT:

a. Minutes – September 13, 2005
c. Vista Del Mar School Site Acquisition.

MOTION:

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

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

PUBLIC HEARINGS:

Item 1: Navarro Residential Addition. AP-05-235 (UP)
Application by Robert Navarro requesting a use permit to construct a 1,296 square foot two-story living area addition to an existing 861 square foot home located on a sub-standard lot at 265 E. 15th Street. The site is zoned RS (Single Family Residential) District; APN 086-171-007-7.

Assistant Planner Leigha Schmidt presented the staff report dated October 11, 2005. She
recommended that the Planning Commission adopt Resolution No. 9582, approving Use Permit Application No. AP-05-235, with the conditions as shown. Commissioner Ohlson referenced Condition No. 5 of Resolution No. 9582, and asked that the first sentence be modified to read:

*The exterior finish of the entire building shall be painted upon completion of the building addition.*

Ms. Schmidt affirmed that the intent was that the entire building would be painted upon the completion of the building addition.

Commissioner Ohlson also referenced Condition No. 4, and requested clarification whether or not the trim would be wood. If so, he questioned whether or not the condition should be modified to require a nominal 1” x 4” trim or have the applicant purchase wood that measured 1” x 4”.

Ms. Schmidt explained that the intent was that the homeowner be able to determine the best window trim to use.

Commissioner Ohlson withdrew his concern on that issue.

PUBLIC HEARING OPENED

PROPONEENT:

ROBERT NAVARRO, 257 East 15th Street, Pittsburg, advised that he resided adjacent to the subject property and had for the past 50 years, was attached to the area, and had a large family. One of his daughters who had four children wanted to live adjacent to his home, so the home must be expanded. He also had another daughter who lived in the neighborhood who had similarly improved her residence.

In response to the Chair, Mr. Navarro affirmed that he had read and was in agreement with the conditions of approval.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-05-235

Motion by Commissioner Dolojan to adopt Resolution No. 9582, approving AP-05-235, a Use Permit application to construct a 1,296 square foot two-story addition with a 351 square foot covered patio to an existing 861 square foot home located on a sub-standard
lot at 265 East 15th Street for “Navarro Residential Addition,” with the conditions, as shown and with Condition No. 5 as modified.

The motion was seconded by Commissioner Harris and carried by the following vote:

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

**Item 2: Mehran Restaurant. AP-04-178 (UP)**

Application by Mary Klein requesting a use permit to conduct live entertainment at a new restaurant to be located at 3841 Railroad Avenue, (Railroad Square), CC (Community Commercial) District; APN 088-072-066.

Associate Planner Christopher Barton presented the staff report dated October 11, 2005. He recommended that the Planning Commission adopt Resolution No. 9585, approving Use Permit Application No. AP-04-178, with the conditions as shown.

Commissioner Tumbaga inquired of the number of parking stalls in the parking lot, to which Mr. Barton understood that there were 133 parking spaces in the lot, although he would have to verify that total. He advised that there was a shared parking agreement in the shopping center. The tenants were allowed an equal share of those parking spaces. While the restaurant would use more parking spaces than allotted under that agreement, the hours of operation of the restaurant would not conflict with the other uses in the center. The Zoning Administrator had determined that the parking would be sufficient provided that the hours of operation did not conflict with the church in the center.

Ms. Ayres advised that the parking for the center included 132 parking stalls, as shown in the staff report.

Commissioner Tumbaga inquired of the capacity of the restaurant/banquet facility, to which Ms. Ayres explained that there could be 44 customers in the restaurant, 72 seats in the small banquet room and 128 seats in the large banquet room for a total of 244 customers.

Commissioner Williams inquired when the restaurant would be open. Mr. Barton understood that the applicant was ready to open although the applicant would have to clarify those details.

Commissioner Ohlson spoke to the e-mail from Carole Gonzalez contained in the staff report, identified as Attachment 5, who had been unable to attend the last meeting of the Planning Commission, which meeting had been canceled due to lack of a quorum. He
questioned whether or not Ms. Gonzalez had been re-notified of the current public hearing.

Ms. Ayres advised that no new public notices had been mailed to the public since the public hearing had been continued to a date certain. A second notice was not required pursuant to the Public Notice requirements.

Commissioner Ohlson also referenced a letter from resident Ben Camera who had raised a number of concerns about the facility. The letter had been signed by Mr. Camera and the restaurant owner. He questioned whether or not the agreement between those two persons would obligate the City to enforce the agreement.

Ms. Ayres noted that the signatures on Mr. Camera’s letter would not obligate the City. She explained that some of the concerns raised by Mr. Camera were items that were not allowed by code anyway. To the extent that City code did not allow some things to occur, or the conditions of approval related to the project either on the restaurant design or the request before the Planning Commission, many concerns raised by Mr. Camera had already been covered.

Commissioner Ohlson spoke to Page 2 of Exhibit A, the report from the acoustical evaluation of the building shell. He requested clarification from staff to the reference in that letter to the criteria of “Ldn.”

Mr. Barton explained that the reference to Ldn related to measurements during the day and evening which had been spread out over a period of time, where sound measurements had been taken at several times of the day, which was a time weight average.

Commissioner Williams also spoke to Mr. Camera’s letter which had included references to other neighbors by name. She questioned whether or not all parties who had expressed concern had been addressed by the owner of the restaurant.

Mr. Barton suggested the applicant address that issue since the agreement signed by the residents was not related to the City. He was uncertain whether or not the applicant had agreed to the conditions included in the letter.

Commissioner Tumbaga inquired whether or not there were other businesses in the City that were allowed to operate as late as the applicant had requested the banquet room be open.

Mr. Barton noted that the only other use with similar hours was the Elks Lodge which was open until 11:00 P.M. There were no other businesses in the vicinity with similar hours of operation. Of the banquet halls he had contacted in the cities of Concord and Antioch, typically such facilities were open until midnight and sometimes 1:00 A.M. in some
instances. The Pittsburg Yacht Club, which had live entertainment, was restricted pursuant to an agreement with the City’s Redevelopment Agency.

PUBLIC HEARING OPENED

PROPOONENT:

MARY KLEIN, M. Klein Architect, 131 Star Street, Oakley, spoke to the neighbors’ concerns and commented that as far as she was aware the neighbors had been negotiating directly with the property owners. She understood that the concerns had been addressed. As to the conditions of approval, the property owners had read the conditions.

Commissioner Ohlson referenced Condition No. 4 of Resolution 9585 which had listed the hours of operation for the banquet room and which had shown the banquet being open on Wednesday, from 11:00 A.M. to 6:00 P.M. as an example. He understood that the Mecca Restaurant was closed on Wednesday evenings and he suggested that they were making a hard and fast solid rule that the restaurant would be closed on Wednesdays as well.

Other Commissioners noted that the hours of operation related only to the banquet room, not the restaurant.

Ms. Ayres noted that the banquet room overlapped with the church and the church had first right to the parking spaces, which was the reason for the hours of operation as proposed for the use of the banquet rooms.

Commissioner Harris questioned whether or not the applicant planned to apply for a liquor license, to which Ms. Klein understood that would be the case but only for the banquet area and not for the restaurant, which would not serve liquor.

Commissioner Harris commented that live entertainment was not something he could support given that there would be noise impacts in the evening impacting nearby residences. He understood that the banquet could be rented out to different people and he understood that the purpose for live entertainment was for the business to have a liquor license to be able to have a bar in the facility.

Ms. Klein explained that the live entertainment would predominantly involve a disc jockey.

Commissioner Harris noted that such a use would still have associated noise impacts outside of the facility particularly after the banquet events ended.

Ms. Klein explained that there would be security guards on-site to ensure no loitering outside. The guards would be bonded. With the sound study prepared by the acoustical engineer, the intent was to ensure that noise would not be audible two feet outside of the
Commissioner Harris expressed concern that people could be outside loading and unloading in the late morning, around 2:00 A.M. impacting the nearby residents who could be sleeping.

Commissioner Garcia expressed concern that the live entertainment, which had initially been intended to be on Fridays through Sundays, had grown to a seven day a week proposal. The sound study had only studied the interior noise, but had not considered outside impacts such as vehicles outside of the facility where people could leave at one time after an event ended. He also expressed concern with the clean up after an event from 1:00 to 2:00 A.M. since that could cause additional noise impacts, particularly with the trash enclosures with metal lids being located at the rear, further impacting nearby residents.

Commissioner Garcia suggested that the applicants were seeking a cocktail lounge/disco type seven nights a week operation. He reiterated that the property owner had originally proposed live entertainment on Fridays through Sundays, which was to end at 10:00 P.M. with people out of the facility by 11:00 P.M. He could not support the request for live entertainment given the potential noise impacts to the neighborhood.

Commissioner Garcia added that five feet had been added to the ventilation fan, although the property owner had indicated that he would install a charcoal filter, which the residents had requested, at a later time. He suggested that the Commission should consider in the future whether or not to allow restaurants with live entertainment in a residential area.

Ms. Klein noted that the banquet area was still only open on the weekends and the additional weekdays were being requested in the event that there could be banquets that could occur during the week. The banquet room would primarily be open on Fridays through Sundays with the banquet room closed by 11:00 P.M. during the week. In response to concerns with trucks loading and unloading in the evening, she stated that the property owner would have to work something out to address that concern.

Commissioner Tumbaga was concerned with the hours of operation until 1:00 A.M. She also recognized that there was a neighborhood adjacent to the center although the entire center faced Railroad Avenue with commercial uses on both sides. She suggested that the hours of operation for the banquet should be modified given that other facilities in the community with banquet facilities that allowed parties did not run that late. To avoid potential noise impacts after the end of events, she recommended that the hours be modified to coincide with the closure of the facility during the weekday hours of 11:00 P.M. She added that the City’s Municipal Code included an old code that did not allow dancing on Sundays but which had never been enforced.
Ms. Klein commented that if there was a weekday banquet the City could be notified and the hours could be considered at that time.

Commissioner Williams also expressed concern with the hours of operation. She commented that there was a liquor store on Railroad Avenue which was located adjacent to a club which was open until 1:00 A.M. and which had music.

Commissioner Harris noted that the business being referenced was the Silver Knight, which did not have music. He questioned whether or not the applicant was a resident of the City. He emphasized that he was not opposed to the restaurant, but would not support live entertainment. He otherwise questioned how the City would monitor the use.

Ms. Klein advised that the property owners lived in the City of Antioch.

ASHLEY DAVID, stated that he was one of the owners of the Mehran Restaurant. He clarified in response to Commissioner Tumbaga that he personally would be at the site part time while one of the other three owners would be present at all times. He also clarified that there had been some confusion as to the use and the facility. He was aware that the neighbors had discussed the project and he had met with many of the neighbors on several occasions.

Mr. David advised of the intent to apply for a beer and wine license. He explained that the use was not intended as a club, party house, or a place for people to get drunk and go out into the streets. The business was intended as a family oriented facility to allow banquet use for family events. There had also been some confusion as to the sale of alcohol in the restaurant. He verified that no alcohol would be served in the restaurant. The intent was to serve alcohol in the banquet room while it was being used for banquet events. He also commented that there could be occasions when people might be allowed to bring his/her own liquor although he recognized that would require that customer to have a liquor license.

Mr. David stated that 99 percent of the live entertainment would involve a DJ with music on a CD player. He noted that there had been a large response to the facility and people had been lined up through December given that there were only limited other facilities in the area to accommodate such events.

Commissioner Tumbaga commented that there were other facilities near residences and in this instance she recognized that there were neighbors on one side although the other side of the building involved commercial uses. She also recognized that the Silver Knight, and in the past Snooker Pete’s, had a facility for parties. She was uncertain whether or not the residents in the rear of those businesses had experienced noise problems.

Mr. David commented that if one was at the center on Railroad Avenue around 11:30 P.M.
or midnight the sound of traffic was loud enough to cause problems. He suggested that
the facility would not cause more trouble for the adjacent residents. He added that they
had taken all precautions to accommodate the residents.
As to a change in the hours of operation for the banquet facility, Mr. David did not agree to
any modification in the hours of operation. He commented that they had a facility located
in the City of Fremont where there was insufficient time for people to have parties. The
reason they had asked for the hours of 1:00 P.M. to 1:00 A.M. was that they would like the
ability to accommodate a luncheon, as an example, and then an event in the evening. He
could not recall a party with live entertainment in the afternoon and noted that live
entertainment would primarily occur in the evening. The afternoon hours were designed to
allow surrounding businesses the opportunity to have meetings or a luncheon.

Mr. David added that evening parties typically did not start until 7:00 or 8:30 P.M. On the
discussion, he would be comfortable with a stop time of midnight. In response to the
concerns with respect to noise after hours near the trash enclosures, he would hold off
dumping the trash outside the facility and could leave it inside and unload it in the morning.

Commissioner Dolojan stated that he was familiar with such uses and events. He agreed
that noise impacts could be created outside the facility during the evening hours after the
event ended. He also supported a modification to the hours of operation, with events to
end at 11:00 P.M. rather than at 1:00 A.M.

Mr. David expressed his hope that the Commission would be amendable to having the
hours of operation, as requested, particularly on the weekends. He recognized the
concerns and expressed his hope to be able to remain open on Fridays and Saturdays
until midnight, although the weekday hours could be modified. He also clarified, when
asked, that beer and wine would be served in glasses.

Mr. David emphasized that the business would not be selling alcohol where customers
would then walk outside and that alcohol would only be served in the banquet facility. The
restaurant would have no alcohol and there would have bonded security to ensure that no
alcohol would be outside of the facility.

In response to the Chair as to the customers already booked for the banquet facility, Mr.
David identified the types of events involved, including an engagement, wedding,
quincinerra, birthday parties, and the like. When asked he was uncertain whether or not
the entertainment would include belly dancers. If the person having the party wanted to
bring belly dancers, he commented that he could not stop them as long as no problems
were created.

Commissioner Harris questioned whether or not the wedding group would have its own
alcohol or whether the applicant would have to apply for a full liquor license for a bar in the
banquet room.
Mr. David stated that at this time there were no plans to apply for a full liquor license although he would have to consult with his partners. Only beer and wine had been proposed to be served in the banquet facility.

Commissioner Tumbaga noted that in the event customers wanted to have his/her own alcohol the customer must obtain his/her own liquor license.

Commissioner Harris noted that the business would be liable in the event that the alcohol caused any issues. The property owner acknowledged his responsibility. He asked the property owner to state in writing that he would not be apply for a liquor license.

Mr. David again recognized the concerns, acknowledged that they would be responsible for anything that might occur in their facilities and emphasized that they could not foresee any future problems. He reiterated again, that they were not pursuing a liquor license. He also clarified that their Fremont facility did not have a liquor license for that use. In that case, customers could bring in his/her own liquor to that banquet facility.

OPPONENTS:

PETE CARPINO, Pittsburg, commented that many of the issues being discussed had been raised by the residents with the property owner who had been receptive to meeting with the residents, although things had changed since that time. Neighbors had initially supported the concept of a family style restaurant and had recognized that they had no recourse since the property was zoned for a restaurant. He acknowledged that the facility was located at the tail end of the shopping center adjacent to residences and could have adverse effects.

Mr. Carpino advised that five residences would be directly impacted by the facility, including his own residence, since his back yard faced the rear of the facility and the kitchen door, which had been one of the reasons the property owner had initially agreed to move the trash container, install a security gate, and install charcoal filters. He now understood that the property owner was not in agreement to install the charcoal filters until a later date.

Mr. Carpino questioned why the City did not have an ordinance to require charcoal filters. He noted that the Elks Club had agreed on many considerations in response to concerns from nearby residents, and in that instance had agreed to install charcoal filters.

Mr. Carpino spoke to the hours of operation for the facility which had changed on many occasions. He referenced the property owner’s own ABC application for beer and wine
Mr. Carpino had asked the property owner to consider a change in the hours of operation since the property owner had indicated to him that he would abide by the Planning Commission’s direction. He suggested that live entertainment could be dancing, live bands, strippers and the like. He questioned whether or not the live entertainment would have an adverse affect on the neighbors, particularly if the applicant was allowed to have the banquet open until 1:00 A.M., with clean up from 1:00 to 2:00 A.M. and with loading and unloading from passenger vans and pick up trucks at the rear of the building.

Mr. Carpino advised that he had a petition signed by at least 50 residents who would be adversely affected by the facility. He questioned whether patrons of the banquet facility would be allowed to bring in his/her own alcohol into the facility and he questioned how that could be enforced. He also questioned whether or not the property owner would be able to control customers bringing in alcohol.

Mr. Carpino added that the parking for the use was questionable. He advised that of three tenants in the center, two had been unaware of the proposed hours of operation and had not been notified of the public hearing. One of the tenants he had spoken to had raised concerns with the use of the banquet facility during the afternoon since the parking lot could be full. That tenant was concerned where its own patrons would be allowed to park. He also requested clarification on the condition that the property owner provide licensed security personnel who were to be bonded.

Mr. Barton referenced the standard condition included in the resolution of approval in the event that things became out of control, where a bonded security guard as approved by the Chief of Police, would be required. The applicant was now proposing his own bonded security guard.

Ms. Ayres pointed out that as indicated in Condition No. 6, a licensed and bonded security guard would be required, by the Chief of Police, if a higher level of monitoring was found to be necessary.

Mr. Carpino submitted the petition signed by 50 residents opposed to the use of live entertainment and the hours of operation for the banquet facilities.

THOMAS STOLL, 131 El Camino Drive, Pittsburg, invited the members of the Planning Commission to view what was occurring outside his rear yard. He requested a charcoal filter for the facility given the close proximity of his residence to the restaurant. He was disappointed that the property owner would not agree or that the City would not require that
a charcoal filter be installed. He questioned whether or not live entertainment would be allowed and he commented that he was not thrilled with the restaurant either. Having experience in the entertainment industry for years and having attended many weddings, he questioned why a wedding reception, as an example, would end at midnight in that it would likely end later than midnight.

Mr. Stoll did not see that the hours of operation for the banquet facility would be enforced. He questioned the sound study with the doors for the restaurant opening and closing at all times, suggested that there would likely be people loitering at the rear of the site and commented that trouble would likely occur when the event ended.

Mr. Stoll advised that one of this neighbors Ben Camera had actually moved out of the neighborhood since he and his family did not want the problems that could arise from the use. He asked that the charcoal filters be installed and that the hours of operation initially proposed be enforced.

Commissioner Tumbaga was also uncertain why the City did not have a charcoal filter ordinance. While she personally had no problem with the smell of restaurants, as someone who worked in the downtown and surrounded by restaurants, she recognized that the smell of cooking could be too strong and severe for a residential neighborhood. She recognized the intent of the live entertainment in banquet facilities and suggested that the City did not have a similar restaurant facility in the community. She suggested that the City had a large population that would avail itself such a use. She remained concerned however with the hours of operation for the banquet facility.

Commissioner Dolojan remained concerned with the potential odors, the lack of a charcoal filter and the banquet hours. If the property owner could not compromise he stated that he would have no choice but to deny the project.

Commissioner Garcia stated that he would vote against the proposal given the concerns raised and the fact that the residents had been willing to work with the property owners. He was opposed to the hours of operation and the fact that the property owner was going to install the charcoal filter at one time but was now not going to do so. He recognized that the property owner had met with the residents and had then changed the proposed hours of operation.

Commissioner Garcia asked the residents if he/she would like the item continued to allow the opportunity to determine whether or not the concerns could be resolved. He emphasized that he would not support the hours of operation as proposed even if they were slightly modified.

Commissioner Tumbaga suggested that rather than continue the application to a later date, the Planning Commission could impose conditions. If the applicant did not follow those conditions, the use permit could be revoked.
Commissioner Williams concurred with Commissioner Tumbaga that conditions be imposed rather than continuing or denying the use permit. She reiterated the need to ensure that everyone affected be notified of the project and suggested that more work needed to be done in that area. As to the residents who were present in the audience, Commissioner Williams questioned whether or not those residents had signed the petition.

From the audience, Mr. Carpino affirmed that was the case.

Commissioner Tumbaga noted that the petition had been signed by 50 people who had the opportunity to address the Planning Commission but who had desired to speak through Mr. Carpino. She did not agree with the need to continue the item again since the Commission had the ability to impose certain conditions.

Chairperson Ramirez was uncertain that a meeting of the property owners and homeowners would be appropriate given that the homeowners had lost confidence in the property owner who had made promises and had not followed through with those promises. In the event the application was denied, he explained that the applicant had ten days to appeal the Planning Commission’s decision in writing to the City Council.

Mr. David spoke to the application for the sale of beer and wine and noted that the City could not mandate the hours for the restaurant. He noted that during a prior meeting of the Planning Commission, staff had stated and which had been reflected in the meeting minutes, that the hours of operation for the restaurant could not be regulated by the City. The business could be open 24 hours if there was a desire to do so. He stated there was no desire to remain open for 24 hours.

Mr. David otherwise suggested that if the charcoal filters were that great a concern, they could be installed, although he asked that consideration be given to a time period of 11:30 P.M. to close down the banquet facility as a compromise from 1:00 A.M.

REVEREND PAUL TAYLOR, Antioch Christian Center, explained that the church was located adjacent to the restaurant. He suggested that there was a workable solution and compromise that could be made. He understood that the City had been favorable to the restaurant which would be good for the community. The church planned to use some of the banquet facilities for weddings, and in fact had held off on weddings in the church for that very reason. He offered himself as part of the process to meet with people.

Commissioner Williams spoke to Condition No. 10 of Resolution No. 9585, which outlined how the use permit could be recalled in the event that any complaints arose regarding a lack of compliance with the conditions of approval and at which time the Planning Commission could revoke the use permit or add/modify the conditions of approval.
PUBLIC HEARING CLOSED

Commissioner Ohlson made a motion to adopt Resolution No. 9585, as conditioned and subject to an amendment to Condition No. 4, as follows:

4. *The allowable hours for live entertainment shall coincide with the hours of operation of the banquet rooms (Friday, Saturday from 1:00 P.M. to 12:00 A.M. Wednesday from 11:00 A.M. to 6:00 P.M., and Monday, Tuesday, Thursday, and Sunday from 11:00 A.M. to 11:00 P.M.)*

Commissioner Ohlson also requested an additional condition that a charcoal filter be placed on the kitchen exhaust and be maintained appropriately in operable condition and be serviced regularly.

Commissioner Garcia understood that a condition related to the kitchen could not be added since the item before the Commission related only to live entertainment.

Commissioner Ohlson pointed out that the property owner had agreed to install the charcoal filter.

Ms. Ayres suggested that the applicant had publicly amended his application by agreeing to install the charcoal filter.

Commissioner Harris disagreed in that it was a separate issue and did not involve the matter currently before the Commission, which was the live entertainment.

Commissioner Ohlson also requested an additional condition whereby after the live entertainment portion of the banquet facility ended, truck loading shall not occur through the back doors.

Commissioner Garcia opposed the hours of operation for the banquet facility and requested that the majority of the Commission vote no on the motion.

Commissioner Tumbaga seconded the motion with a request for further amendment to Condition No. 4, as follows:

4. *The allowable hours for live entertainment shall coincide with the hours of operation of the banquet rooms (Friday, Saturday from 1:00 P.M. to 11:30 P.M. Wednesday from 11:00 A.M. to 6:00 P.M. and Monday, Tuesday, Thursday, and Sunday from 11:00 A.M. to 11:00 P.M.)*

As the maker of the motion, Commission Ohlson accepted the second amendment to Condition No. 4.
MOTION: AP-04-178 (Failed)

Motion by Commissioner Ohlson to adopt Resolution No. 9585, approving Use Permit Application No. AP-04-178, a Use Permit to allow live entertainment consisting of amplified music and dancing of patrons at a new full service restaurant located at 3841 Railroad Avenue, CC (Community Commercial) District, for “Mehran Restaurant,” with the conditions as shown and modified, as follows:

4. The allowable hours for live entertainment shall coincide with the hours of operation of the banquet rooms (Friday, Saturday from 1:00 P.M. to 11:30 P.M., Wednesday from 11:00 A.M. to 6:00 P.M. and Monday, Tuesday, Thursday, and Sunday from 11:00 A.M. to 11:00 P.M.)

Additional Conditions:

- A charcoal filter shall be placed on the kitchen exhaust and be maintained appropriately in an operable condition and be serviced regularly.
- After the live entertainment portion of the banquet facility ends, truck loading shall not occur through the back doors.

The motion was seconded by Commissioner Tumbaga and FAILED to carry by the following vote:

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

MOTION: AP-04-178 (To Deny)

Motion by Commissioner Garcia to direct staff to return with a resolution denying Use Permit Application No. AP-04-178 a request for a Use Permit to allow live entertainment consisting of amplified music and dancing of patrons at a new full service restaurant located at 3841 Railroad Avenue, CC (Community Commercial) District, for “Mehran Restaurant.” The motion was seconded by Commissioner Dolojan and carried by the following vote:

Ayes: Commissioners Dolojan, Garcia, Harris, Ramirez
Noes: Commissioners Ohlson, Tumbaga
Abstain: Commissioner Williams
Absent: None
Chairperson Ramirez declared a recess at 9:08 P.M. The meeting reconvened at 9:17 P.M. with all Commissioners present.

Chairperson Ramirez advised that agenda item Nos. 3 and 5 would be considered concurrently.

**Item 3: Empire Commerce Center Minor Subdivision. MS-679-05. AP-05-240 (MS)**

Application by Stan Davis requesting approval of a minor tentative subdivision map to subdivide an existing 42,240 square foot commercial/industrial building into eight condominiums located at 671 Willow Pass Road, (Empire Commerce Center). The site is zoned IP-O (Industrial Park with a Limited Overlay) District (Ordinance No. 04-1214). APN 085-280-008.

**COMMISSION CONSIDERATION:**

**Item 5: Pittsburg Commerce Master Sign Program**

Application by Robert Rogers, Barber Sign Company, for sign review approval of a master sign program for Empire Commerce Center (671 Willow Pass Road) with the following sign exceptions: 1) an exception to allow a 100 square foot, 21.5 foot high pylon sign to exceed the maximum allowable sign area (23 square feet) and maximum allowable height limit (8 feet), and 2) an exception to allow applicable parcel sign area (208 square feet) to exceed the maximum allowable parcel sign areas (200 square feet). The site is zoned IP-O (Industrial Park with a Limited Overlay) District (Ordinance No. 04-1214). APN 085-280-008.

Associate Planner Ken Strelo presented the staff report dated October 11, 2005. He recommended that the Planning Commission adopt Resolution No. 9584, approving Minor Subdivision Application No. 05-240, and Resolution No. 9583, approving Sign Review Application No. AP-05-224, with the conditions as shown.

Commissioner Tumbaga spoke to the master sign program request and questioned the need for the height request of 21 square feet.

Commissioner Ohlson spoke to Page 1 of the staff report and requested clarification from staff as to the definition of air space.

Mr. Strelo explained that a condominium was not creating parcels on the ground, but legally separating airspace of each unit for sale per se. With condominiums, owners purchased airspace within he building and individually and owned the ground in common with each other.

PUBLIC HEARING OPENED
PROPONEENT:

STAN DAVIS, 284 Heron Drive, Pittsburg, expressed his agreement with the conditions of approval as contained in both resolutions.

ROBERT ROGERS, Barber Sign Company, 600 Pennsylvania Street, Vallejo, explained in response to Commissioner Tumbaga, that there was an 8-foot sound wall out to the street on the adjacent site to the east and any sign below that level would be obscured, which was the reason for the sign height request.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-05-224 (SR)

Motion by Commissioner Garcia to adopt Resolution No. 9583, approving AP-05-224 (SR), a Master Sign Program including two sign exceptions for the Empire Commerce Center located at 671 Willow Pass Road for the “Empire Commerce Center Master Sign Program and Sign Exception”, with the conditions as shown. The motion was seconded by Commissioner Tumbaga and carried by the following vote:

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

MOTION: AP-05-240 (MS)

Motion by Commissioner Garcia to adopt Resolution No. 9584, approving a Minor Subdivision application No. AP-05-240 for a Minor Tentative Map to subdivide an existing 42,240 square foot commercial/industrial building into eight condominiums located at 671 Willow Pass Road for “Empire Commerce Center Minor Subdivision MS-679-05. AP-05-240 (MS),” with the conditions as shown. The motion was seconded by Commissioner Tumbaga and carried by the following vote:

Ayes: Commissioners Dolojan, Garcia, Harris, Ohlson, Tumbaga, Williams, Ramirez
Noes: None
Abstain: None
Absent: None
Chairperson Ramirez stepped down from the dais due to a potential conflict of interest as the owner of property within 300 square feet of the project site as related to the next agenda item.

Vice Chairperson Dolojan chaired the meeting at this time.

CONTINUED PUBLIC HEARING:

Item 4: Mariner Walk Residential Development. AP-04-26 (Subdivision 8869, DR)
Application by Donald Reber of The Olson Company requesting: 1) approval of a vesting tentative map in order to subdivide an 18.7-acre site to create a 3.1-acre parcel for the Delta Diablo Sanitation District pump station; a 3.45-acre public park site; and to create a clustered single-family development of 123 units with public roads, and a 0.95-acre privately maintained linear parkway; and 2) design review approval of architectural floor plans and elevations of the proposed single-family houses to be built within the project. The property is partially developed with a five-acre park and is located west of Herb White Way and north of West Eighth Street, APNs 085-130-006, 185-143-001 through -006, 085-142-001 through -006, 085-141-002 through -005, 085-141-009 and 085-141-007.

Associate Planner Dana Hoggatt presented the staff report dated October 11, 2005. She recommended that the Planning Commission adopt Resolution No. 9588 approving the Vesting Tentative Map (Tract No. 8869) and Resolution No. 9589, Design Review Application No. AP-04-126, subject to conditions.

Ms. Hoggatt clarified that Condition No. 49 of Resolution No. 9588 had referenced Conditions 10 and 56 and should be corrected to read:

49. The developer shall pay a fee in lieu of dedication of parkland, prior to approval of the final map for this project, as required by PMC Section 17.32.020 and Condition of Approval No. 9 of this resolution. The developer shall pay additional in lieu parkland dedication fees for the net loss of parkland as a result of relocating the existing public park and developing the current park site. The additional in lieu parkland dedication fees required under this condition shall be based on the difference in acreage between the existing five-acre public park and the sum of the acreage of the HOA park parcel and the public park parcel (less the detention pond parcel, as required by Condition No. 48 of this resolution), as indicated on the final map for the project. The land and improvements in the relocated public park and linear park shall not be used as credit toward the in lieu parkland dedication fees required by this condition.
Commissioner Williams inquired whether or not the applicant was in agreement with all of the conditions of approval, to which Ms. Hoggatt stated that the applicant was in agreement with the conditions with the exception of the underground utility box requirement.

Commissioner Garcia questioned whether or not the conditions reflected the details in the Disposition and Development Agreement (DDA) between the developer and the City.

Ms. Ayres explained that the project represented was consistent with the P-D District presented to the Council and RDA. The Council had been comfortable with the plan. The DDA related to the number of units. The Redevelopment Subcommittee had seen the plans many times and was comfortable with what was being presented to the Planning Commission.

Commissioner Garcia referenced Condition No. 54 of Resolution No. 9588, and recommended that the condition be modified to require the developer to install the traffic signal at the intersection of Herb White Way and West Tenth Street now and to pay a fair share with credit through the traffic mitigation fees. He expressed a desire to see the traffic signal installed now, particularly with the new elementary school, to ensure that the traffic mitigation fees would not be used for something else. He also suggested that the developer could install the signal at less cost than the City.

Ms. Ayres advised that the traffic signal was not identified in the list of projects to be funded by the Traffic Mitigation Fee. The City could not use traffic funds to reimburse the developer.

Commissioner Garcia understood that KB Homes had been allowed credit in order to immediately install a traffic signal for that development.

Ms. Hoggatt explained that she had spoken with the traffic engineer on that issue and the reason the traffic signal was not being installed now was because it was not warranted at this time. The traffic signal would not be warranted until 2025, the long term horizon. She advised that the traffic engineer had indicated that it was not safe to install a signal at an intersection that was currently not warranted. She also clarified that the developer would be required to pay three percent (project’s pro-rata share) of the cost of the improvement.

Commissioner Garcia disagreed with the rationale to not install the traffic signal now. He reiterated that with a new elementary school planned in the area, the children would have to cross the street somewhere, likely along Tenth Street. He strongly asked that the condition be amended, as requested. The developer could always appeal that condition to the City Council if there was a disagreement.

Commissioner Ohlson referenced Condition No. 19 of Resolution No. 9588, and requested clarification from staff as to why water sampling stations would be required to be installed
Senior Civil Engineer Alfredo Hurtado explained that it was a requirement of the Public Works Department to evaluate the water quality throughout the City and to determine the drinkable water contents in the area from time to time. The water sampling was a way to evaluate the water in the area and was done in every subdivision to ensure safe drinking water.

RALPH RAMIREZ, Pittsburg, explained that he owned property at the corner of Eighth Street and Beacon Street which had a water sampling device consisting of a stand with a pipe and a metal hood that was locked until samples were taken and recorded.

Commissioner Ohlson inquired of the rational for imposing Condition No. 38.

Ms. Hoggatt explained that the condition was being imposed since the median between Fourth Street and Marina Boulevard was only along a portion of the street and did not extend the length of the roadway between those two intersections. The condition had been imposed by engineering staff who had asked that the median be removed and striped since they saw it as a potential safety hazard. She clarified that the bike lanes would not be changed and would be increased in width to five feet in accordance with the conditions of approval for the project.

Commissioner Ohlson suggested that the removal of the raised median on Bay Side Drive between West Fourth Street and Marina Boulevard could encourage drivers to do donuts in that area.

Commissioner Tumbaga commented that similar problems occurred frequently on Crestview Drive.

Ms. Hoggatt was uncertain of the right-of-way width on Crestview Drive and was uncertain how it compared to the right-of-way for the subject portion of Herb White Way. In this instance, she did not see that that the roadway would be wide enough for such problems to occur.

PUBLIC HEARING OPENED

PROPOSED:

DONALD REBER, The Olson Company, commented that they had made fencing and wall changes to the landscaping plan on the western property line. Six hundred feet of masonry wall had been added between the park and the subdivision and between Mirant and the subdivision with a wood sound attenuating fence, consisting of two fences side by side with no gaps, which provided sound attenuation and brought the noise in the rear yards to
acceptable levels allowed by the General Plan was to be installed around other homes subject to noise impacts. He noted that they would also comply with the condition that the detention basin be maintained by the Homeowners Association, with no City maintenance.

Mr. Reber spoke to the design review resolution and the recommendations to dress up blank elevations with foam banding. He suggested that would make no sense due to the way the walls had been designed. If more detailing was needed, he recommended borrowing on the front elevations and wrapping them around the sides which could be worked out with staff.

As to Condition No. 29 of Resolution No. 9588 relating to the undergrounding of utilities, Mr. Reber noted that PG&E drove the design of the aboveground utilities. He commented that in this instance with the high water table, Bay mud soils and the low elevation of the project, keeping the underground facilities dry would be a costly challenge even if PG&E would allow it. The developer would like to work with staff and PG&E to come up with a plan to meet everyone’s desires. He asked that the condition be amended to read:

29. The developer shall underground, or as approved by staff, all utility service/transformer and other types of utility boxes within the residential areas of the development.

In response to the comments regarding the traffic signal at Herb White Way and West Tenth Street, Mr. Reber stated that he would like to be able to work that out with staff rather than have to appeal anything to the City Council. He asked that any condition regarding the traffic signal be modified to allow the developer to work with staff.

Commissioner Garcia commented that transformers underground were not a good idea with the water and one of the reasons PG&E had low boys that were shielded was that they were out of the ground all the time and hard to keep cool in a vault. He had no problem with the low boy method.

Mr. Hurtado explained that the Municipal Code called for the utilities to be underground and in some cases they were allowed aboveground with landscaping used as a screening method.

Ms. Hoggatt commented that there were two policies related to the undergrounding of utilities; one a design review guideline regarding landscaping and screening. The General Plan policy called for the underground utility boxes primarily for aesthetic reasons.

Mr. Hurtado reiterated that the Municipal Code called for the underground of the utility boxes although some aboveground transformers had been allowed with landscaping. Mr. Hurtado had not seen the plan of the boxes the developer was offering but he could work that out with the developer.
Commissioner Ohlson asked that the floodplain issues be clarified.

A representative of Aliquot, Civil Engineers, 1390 South Main Street, Walnut Creek, explained that a study had been done for the Eighth Street extension west to the pump station past the Mirant plant. Federal Emergency Management Agency (FEMA) maps were being revised for insurance purposes and for loan purposes to identify homes at risk. FEMA would be revising the map and the developer had filed for a map amendment to have the floodplain moved on the map. He noted it had been determined that the project would not flood in a one hundred-year storm and with the grading, even at the bottom of the park level, a one hundred-year storm would not reach first base which ran parallel to the future linear park as it had been extended. None of the park area other than the southern end of the park would be inundated in a one hundred-year storm. There would be no inundation at all with a ten-year storm.

RALPH RAMIREZ, 180 Lois Avenue, Pittsburg, inquired how and when tires that had been dug up and piled on the property would be disposed.

Mr. Reber noted that the grading activities had ceased pending approvals from the City. He explained that as they had been grading the park site, they discovered that dumping had occurred on the property with concrete and old tires having been dumped. The tires must be hauled off to appropriate facilities. The plan was to shred the tires to be hauled to a standard dump.

PUBLIC HEARING CLOSED

Commissioner Garcia made a motion to approve the project subject to amendments to the conditions of approval including a modification to Condition No. 54 to have the developer install the traffic signal at Herb White Way and West Tenth Street with the developer to be reimbursed through traffic mitigation fees.

Ms. Hoggatt explained that the developer could not be reimbursed through traffic mitigation fees but possibly through a separate fee that future developers would pay into.

MOTION: (AP-04-126/Vesting Tentative Map)

Motion by Commissioner Garcia to adopt Resolution No. 9588, approving Tentative Map Application No. AP-04-126, a Vesting Tentative Map for a 123-lot single-family residential subdivision and public and private parks on 15.6-acres located west of Herb White Way, north of West Eighth Street, for “Mariner Walk Residential Development,” with the conditions as shown and with amendments to Condition No. 49, as amended by staff, and Condition No. 29, to be amended to allow the developer to work out that issue with staff, along with modifications to the following conditions:
The first sentence of Condition No. 53 to generally be amended to read:

53. An eight-foot tall masonry wall shall be constructed along the southern end of the western property lines of the school campus, where the campus abuts the residential units.

Condition No. 54 to generally be amended to read:

54. The developer shall design and obtain approval from the Engineering staff and install a signal light on Herb White Way/West Tenth Street with the developer to be reimbursed for the amount he did not have to pay.

The motion was seconded by Commissioner Harris and carried by the following vote:

Ayes: Commissioners Dolojan, Garcia, Harris, Ohlson, Tumbaga, Williams
Noes: None
Abstain: None
Absent: Chairperson Ramirez [Recused]

MOTION: (AP-04-126/Design Review)

Motion by Commissioner Garcia to adopt Resolution No. 9589, approving AP-04-126, Design Review approval for “Mariner Walk Residential Development,” with the conditions as shown. The motion was seconded by Commissioner Harris and carried by the following vote:

Ayes: Commissioners Dolojan, Garcia, Harris, Ohlson, Tumbaga, Williams
Noes: None
Abstain: None
Absent: Chairperson Ramirez [Recused]

Chairperson Ramirez returned to the dais at this time.

STAFF COMMUNICATIONS:

The Planning Commission acknowledged the receipt of the Notice of Intent item as shown.

1. Notice of Intent (to review/approve at staff level).
   a. U-Haul Freestanding Sign. AP-05-244 (AD)

2. The meeting of September 27, 2005 was canceled due to lack of a quorum.
Included in this packet is a copy of the unofficial incomplete minutes.

Ms. Ayres introduced Kristen Vahl, a new Assistant Planner to the Planning Department.

Ms. Ayres reported that Commissioner Williams had requested that name badges be provided to each Commissioner, which had been done.

Ms. Ayres also reported that the design for the Hampton Inn, previously approved by the Planning Commission was proposed to be, modified. The Commission was presented with proposed changes to dress down the project a bit with ornate balconies along the front and side, and sconces on the front elevations proposed to be removed, with the front balconies to consist of a thinner wrought iron design instead. The changes were being made at the request of Hilton Hotels, which would like to take over the project and which did not like the fancy design. The changes could be approved at the staff level but staff would not normally approve a lower quality design. The City was being asked to make the change to accommodate Hilton. Unless the Commission objected, the changes would be made and approved as changes to the building permit plans. She understood that Hilton would not accept the project with the ornate design.

Commissioner Harris disagreed with the changes and would rather the design remain as approved, particularly since the property faced California Avenue. He also objected to the threat by Hilton that it would not locate in the community if it could not have the plainer design.

The majority of the Commissioners supported allowing the less decorative façade, in order to attract Hilton as the operator.

Ms. Ayres added that the Commission had been provided with copies of a letter from the Pittsburg Unified School District (PUSD) regarding a Government Code Section which would allow the PUSD the option to opt out of the City process for PUSD buildings serving school purposes. The request was intended to expedite the PUSD review to acquire land, negotiate and remove toxics from a gas station site before the PUSD entered State funding competitions. The PUSD was willing to work with staff and the Planning Commission on the school design. Additional concerns in the letter would be addressed through the City Council’s School District Subcommittee.

COMMITTEE REPORTS:

Commissioner Garcia reported that he would be unable to attend the upcoming TRANSPLAN Committee meeting. As such, he asked that his Alternate attend in his absence. Commissioner Ohlson advised that he would attend as the Alternate.

COMMENTS FROM COMMISSIONERS:
Commissioner Garcia reported that Fort Knox had built a new building with no landscaping on the north side, the back of the property was still not paved with dirt having been piled in that area and there was no wrought iron gate. He asked that staff review that matter.

Commissioner Dolojan understood that the Elks Club was revising its plans, to which Ms. Ayres reported that the Elks Club had indicated that they could not afford the building and would like to remove approximately 10 feet from the south side. Staff had asked and been provided with new elevations which appeared to be the same, but smaller. The architect had also indicated that the charcoal filter would be too expensive to install although there were other filters that were not as expensive. The architect would be coming back to staff with information on that issue. She noted that the installation of the charcoal filter was a condition of approval. If not installed, the project would have to come back to the Commission for review.

Ms. Ayres added that with the future zoning code updates, it was possible that performance standards could be returned for discussion regarding restaurants near residential properties where filters might be required to filter odors.

Commissioner Ohlson apologized for being late for the last meeting of the Commission and he recognized that the meeting had been canceled due to the lack of a quorum. He otherwise added that the north facing wall of Fort Knox where faux windows had been installed were now all broken with views of the cinder blocks through the frame windows.

Commissioner Williams reported that Gregory Osorio had been chosen to receive an award from the Human Relations Commission for Bridging the Gap, to be held on October 26 at the Contra Costa Country Club. She also emphasized the need for the Chair/Vice Chair to appropriately recognize and respect Commissioners who desired to speak in turn, in that she had indicated the desire to speak on several occasions during the meeting and had not been recognized.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 10:38 P.M. to a regular meeting of the Planning Commission on October 25, 2005 at 7:00 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, California.

________________________________
MELISSA AYRES, Secretary
Pittsburg Planning Commission