MINUTES

OF THE REGULAR MEETING
OF THE

PITTSBURG PLANNING COMMISSION

May, 24, 2005

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Jack Garcia at 7:00 P.M. on Tuesday, May 24, 2005 in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, California.

ROLL CALL:

Present: Commissioners Gordon, Dolojan, Ohlson, Ramirez, Chairperson Garcia

Excused: Commissioner Williams

Absent: Commissioner Tumbaga

Staff: Planning Director Melissa Ayres, Associate Planner Noel Ibalio, Senior Civil Engineer Alfredo Hurtado, and Administrative Secretary Fara Bowman.

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, May 19, 2005.

PLEDGE OF ALLEGIANCE:

Commissioner Ohlson led the Pledge of Allegiance.

DELETIONS/WITHDRAWALS/CONTINUANCES:

There were no deletions, withdrawals or continuances.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.
PRESENTATIONS:

There were no presentations.

CONSENT:

a. Minutes – May 10, 2005

MOTION:

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

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

COMMISSION CONSIDERATIONS:

Item 1: Acorn Self Storage. AP-05-204 (UP)

A request for the approval of a use permit to establish a truck rental business (3 trucks), an ancillary use to an existing mini-storage facility (Acorn Self Storage), at 5205 Railroad Avenue in the PD (Planned Development) Zoning District; APN 089-060-005.

Associate Planner Noel Ibalio presented the staff report dated May 24, 2005. He recommended that the Planning Commission adopt Resolution No. 9570 approving Use Permit Application Number AP-05-204 (UP).

[Note: The audiotape of the meeting started in the middle of the following discussion.]

PROPONEENT:

JIM MOITA, 8117 Marsh Creek Road, Clayton, explained in response to Commissioner Ohlson that if everything was equal, it was likely that customers would utilize the services of the Acorn facility given the easy access the facility could provide in comparison with similar facilities. He described the Acorn facility as aesthetically pleasing and structurally sound.

In response to the Chair, Mr. Moita advised that he had read and was in agreement with the staff recommended conditions of approval.

ROBERT GOLDSMITH, 170 Buchanan Road, Pittsburg, acknowledged that the property owner had taken good care of the property, although he was concerned where the rental
Mr. Ibalio explained that the trucks would not exceed the current height of the existing buildings and would be parked inside the compound within the gated area, not on the street or in the parking lot adjacent to the street. Also, if the use permit was approved by the Planning Commission it would only allow three trucks on the site. If there were more than three trucks on the site the applicant would be in violation of the use permit which would be handled through public complaints forwarded to the Code Enforcement Division. Further, the Planning Commission could revoke a use permit that was found to be in violation of the conditions of approval.

Mr. Ibalio also clarified that the City did not have the staff to monitor the site. Any complaints registered by the public would be investigated by the City.

Mr. Goldsmith understood that the hours of operation would be from 9:00 A.M. to 6:00 P.M. although the facility was open until 10:00 P.M. He also understood from the property owner’s statement that there had been no break ins at the facility. While that was a good thing, he commented that the alarms at the facility were extremely loud. He questioned whether or not anything could be done to reduce the decibel of the alarms.

From the audience, Mr. Moita expressed a willingness to address that situation.

Commissioner Gordon inquired whether or not the resolution of approval would restrict the number of trucks to a maximum of three trucks on site.

Mr. Ibalio suggested that an additional condition could be added to the resolution to stipulate that only three trucks would be permitted on site.

**MOTION: AP-05-204**

Motion by Commissioner Gordon to adopt Resolution No. 9570, approving AP-05-204 (UP), a Use Permit to establish a truck rental business on an existing mini-storage site located at 5205 Railroad Avenue in the PD (Planned Development) District; APN 089-060-005, with the conditions as shown and with an additional condition as follows:

9. The applicant shall be limited to three rental truck vehicles.

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

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

Item 2: Berry Residence. AP-05-207 (UP and VA).

A request for 1) a use permit to add 876 square feet to the rear of an existing one-story, 1,024 square foot home on a substandard lot at 103 Odessa Avenue; 2) a variance to allow the addition to encroach 2.5 feet into the required 10 foot street side yard setback (Front Street); and 3) a variance to allow a 12-foot wide addition to the front porch which will encroach four feet into the required 16-foot front yard setback for porches. The house is located at the southeast corner of Front Street and Odessa Avenue, in the RS (Single Family Residential) District; APN 085-044-010.

Associate Planner Noel Ibalio presented the staff report dated May 24, 2005. He recommended that the Planning Commission adopt Resolution No. 9569, approving Use Permit and Variance Application No. AP-05-207 (UP/ VA), subject to conditions.

PROPONENT:

WILLIAM BERRY, 103 Odessa Avenue, Pittsburg, advised that he was in agreement with the staff recommended conditions of approval with the exception of the recommendation to remove the shed at the rear of his property.

Mr. Ibalio advised that staff had recommended the removal of the shed from the rear of the property because of the requirement for 40 percent maximum lot coverage. The inclusion of the shed with the proposed addition would exceed the 40 percent lot coverage requirement. As a result, staff had recommended that the shed be demolished prior to the approval of a building permit.

Chairperson Garcia inquired whether or not the applicant could apply for a variance for the shed.

Mr. Ibalio acknowledged that the applicant could apply for a variance but that it wasn't part the subject application. A separate variance application would have to be filed if the property owner desired to retain the shed.

Commissioner Dolojan questioned whether or not the site would be greatly impacted if the shed were to remain. Since the property was located in an older portion of the community, he saw no reason why the Commission could not adopt the resolution of approval with the shed to remain as is.

Mr. Ibalio stated that most of the homes in the neighborhood had been built below the 40 percent maximum lot coverage standard, although the addition to the home would increase the lot coverage beyond the 40 percent standard. He suggested that the shed was too
large to remain. Demolition of the shed would keep the lot coverage at less than 40 percent. He added that the City would allow a shed that were less than 120 square feet to be located on a site without a building permit. The existing shed was 12 x 16 feet in size.

Chairperson Garcia understood that the property owner had the option to demolish the shed, reduce the size to 120 square feet or request a separate variance for the shed.

Commissioner Gordon spoke to the first page of the applicant’s plans which had shown that the existing shed would be removed. He inquired who had prepared the plans.

Mr. Ibalio explained that the applicant’s architect had prepared the plans and had made the notation for the removal of the shed. He added that when staff had first received the plans the shed had not been shown on the property. Staff had requested that the property owner add the shed to the plans with a notation that it would be removed.

Commissioner Gordon suggested that the conditions could be modified to allow the shed. Rather than requiring the demolition of the shed, he suggested that it could be reduced in size to 120 square feet or more. If the property owner was not in agreement with that recommendation, he could apply for a separate variance for the shed.

Mr. Berry expressed concern that if the shed were reduced in size he would have to completely tear it down and have it rebuilt. He clarified that the shed consisted of wood material. He also acknowledged, when asked, that it had been constructed without a permit.

Commissioner Ramirez pointed out that if the shed were to be retained and reduced in size, it would have to be brought up to code.

Commissioner Ohlson inquired whether or not the shed, as currently placed, met the setback requirements from the property lines.

Mr. Ibalio clarified that the shed encroached into the 10 foot rear yard setback.

Commissioner Ohlson recommended a condition to allow the shed but recommended that it be brought up to code.

Chairperson Garcia did not see that such a condition could be imposed in that the property owner must make application for a separate variance, reduce the size of the shed, or demolish the shed.

Planning Director Melissa Ayres pointed out that the shed was 192 feet, 16 x 12 feet in size, and constructed without a permit. As such, the applicant had no right to retain that structure.
Mr. Berry suggested that if the rules had changed the neighborhood should have been notified. He was unaware that the shed needed a permit. He emphasized that a shed had always been located at the rear. It had at one time been blown down and had been replaced.

Chairperson Garcia noted that the City always required building permits. The property owner could demolish the shed or request a variance which would likely involve the Building Department and a requirement that the shed be brought up to code.

Commissioner Gordon pointed out that if the applicant reduced the shed to 120 square feet in size, (and brought it up to current building codes) it would be permitted.

In response to the Chair, Ms. Ayres advised that a demolition permit might be required if the shed was demolished. At this time the shed was subject to code enforcement since it was an illegal building.

MOTION:

Motion by Commissioner Dolojan to adopt Resolution No. 9569, approving AP-05-207 (UP/VA) approving a use permit for an addition that exceeded 50 percent of the floor area on a substandard lot, and variances to extend legal nonconforming setbacks along the corner side yard setback and the front yard setback at 103 Odessa Avenue in the RS (Single Family Residential) District; APN 085-044-010, with the conditions as shown. The motion was seconded by Commissioner Ramirez and carried by the following vote:

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

STAFF COMMUNICATIONS:

1. Notice of Intent (to review/approve projects at staff level):
   a. Cingular Wireless at Golf Club Road II. AP-05-210 (AD)

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

Ms. Ayres reported that the Zoning Administrator had met on May 23 and had considered and approved an application from Castle Companies for a variance request for the project on the St. Vincent de Paul property.

Ms. Ayres stated that the Commission had been provided with notification of the Planning
Commission Appreciation Dinner which had been scheduled for June 13, 2005. Commissioners were encouraged to RSVP by the date given on the notice. Former Planning Commissioners Mark Leonard, George Harris and Doris Kelley would also be invited to attend.

Chairperson Garcia acknowledged receipt of a letter from Ben Camera, dated Received May 24, 2005, regarding the proposal for the Mehran Restaurant. Mr. Camera had commented that it appeared that of the 10,000 square feet of the building, the restaurant would use approximately 3,000 square feet. He questioned how the City would know whether or not the applicant would allow the facility to potentially be occupied by 500 people.

Ms. Ayres explained that the City’s parking requirements were based on the area on the floor plan designated for tables and chairs. The Fire Protection District would review the same plans and would set up the maximum occupancy standards. If it was found that the tables and chairs were placed in an undesignated area, and if parking problems were to occur, that could trigger a City review of how the restaurant had set up the tables and chairs. Code enforcement action could be enacted for any violation of the Zoning Ordinance. The banquet room in the restaurant was a permitted use. If and when the applicant chose to have live entertainment the applicant would have to request a use permit which would involve a public hearing through the Planning Commission.

Chairperson Garcia inquired what would occur if the adjacent church moved out and if another high parking requirement was needed for that building.

Ms. Ayres stated that the same computation would be required of the available parking at that time to determine whether or not there was adequate parking to meet the needs of all of the uses.

**COMMITTEE REPORTS:**

Chairperson Garcia reported that the TRANSPLAN Committee had met and had approved its Consent Calendar, the updated Countywide Forecast Traffic Model, the budget for the TRANSPLAN Committee, a merger of the Joint Powers Authority (JPA) and had discussed the desire to accelerate the time necessary to widen State Route 4 to Hillcrest Avenue. The County would be hiring a consultant firm to determine how the work could be expedited given the funds recently made available for that work.

Commissioner Ohlson reported that the eBART Partnership Policy Advisory Committee (ePPAC) had met on the same date as the TRANSPLAN Committee, at which time two Commissioners from the Metropolitan Transportation Commission (MTC) had been present to apprise the ePPAC of new housing density and job creation requirements that would have to be met prior to funding of the eBART project. Those requirements would require 2,000 housing units and 3,000 jobs within a half mile of each proposed eBART
station. ePPAC had not agreed with that stipulation and the discussions between the two groups would continue.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Dolojan spoke to a recent newspaper article about bicyclers and bicycle safety on neighborhood streets.

Commissioner Ohlson offered some comments on the tentative Commission schedule, particularly to request a clarification of whether or not projects were located inside or outside of the Urban Limit Line (ULL).

Ms. Ayres reported that all of the projects listed on the tentative schedule were within the City’s ULL with the exception of the Montreaux project and a sliver of the Montecito project. She noted that staff had recently sent a notice to the applicant advising that the Montreau application had been inactive for more than a year and it was staff’s intent to close that application if not completed within 60 days.

Chairperson Garcia advised that there was a pick up truck located on Stoneman Avenue near Delta Hawaii which had been parked on the street for at least a month and a half. Another vehicle, posted for sale, had also been parked on the street for several weeks. He was uncertain whether or not the vehicles were operable.

Chairperson Garcia also noted that a property on Ventura Drive, which he had previously reported to staff, had added another van to the existing number of vehicles on the property, along with two cars parked on the street that had not been moved for some time. He questioned why the Police Department had not tagged those vehicles.

Ms. Ayres understood that the Police Department responded to parked vehicles on City streets that have been parked for some time based on complaints.

Ms. Ayres also clarified, when asked, that, based on the Planning Commission meeting bylaws, the Commission shall meet at least once a month when there is business to attend to. The future meeting schedule was tentative and would be revised, as needed, to reflect future agenda items. As staff had previously reported, the Commission would be considering numerous zoning code updates throughout the summer.
ADJOURNMENT

There being no further business, the meeting adjourned at 7:50 P.M. to a regular meeting of the Planning Commission on June 14, 2005 at 7:00 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

MELISSA AYRES, Secretary
Pittsburg Planning Commission