MINUTES

OF THE REGULAR MEETING

OF THE

PITTSBURG PLANNING COMMISSION

April 26, 2005

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Jack Garcia at 7:00 P.M. on Tuesday, April 26, 2005 in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

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

Absent: None

Staff: Planning Director Melissa Ayres, Associate Planner Ken Strelo, Assistant Planner Christopher Barton, Senior Civil Engineer Alfredo Hurtado

Chairperson Garcia declared a Moment of Silence in Memory of Pittsburg Police Officer Larry Lasater who had been killed in the line of duty.

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, April 22, 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:

PETE CARPINO, 151 El Camino Drive, Pittsburg, requested clarification as to whether or not a property which had been zoned commercial and which had been proposed for a drastic change in use would trigger public notification to adjacent residents. He spoke specifically to a proposal for Mehran Restaurant in the Railroad Square Shopping Center.

Planning Director Melissa Ayres explained that each zoning district under the Zoning Ordinance allowed a number of permitted uses in the district. Those uses would be permitted by right with no discretionary approval needed to establish the use other than a business license and possible tenant improvements. A permitted use would require neither Planning Commission approval, nor public notification.

Mr. Carpino noted that the center had at one time been occupied by all clothing stores. He suggested that the floor plan of the proposed restaurant use would directly affect nearby residents. While he did not object to the restaurant itself, he was concerned that a trash container for the restaurant would be placed only 28 feet from his rear yard.

Ms. Ayres noted that the Municipal Code provided that planning staff could make an administration change to an existing building, even without design review, when changes were considered to be minor. In this case, the changes related to the addition of a trash enclosure and the addition of a door. The Municipal Code also included provisions that would allow the public to appeal a decision made by staff through a nominal fee. The appeal would be presented to the Planning Commission for consideration. The decision of the Planning Commission could also be appealed to the City Council.

Mr. Carpino questioned how he could appeal a decision without any knowledge of the proposed business. He was only aware of the specific business after speaking to people and after asking some questions.

Ms. Ayres identified provisions in State law that allowed anyone, whether an adjacent property owner or not, to write a letter to the City to request notification whenever a project was proposed on a piece of property. Once an application had been filed, those requesting notification of future development on that particular piece of property would then be notified.

Mr. Carpino suggested that unless he had been notified beforehand he would not have had the opportunity to have any input until after the fact. In this instance, he understood that the layout for the proposed restaurant had been resolved in discussions he had with the property owner who had been receptive to some of his concerns. He wanted the opportunity to express concerns although there appeared to be no avenue to do so.

Commissioner Williams suggested that all residents should be notified of anything that would impact his/her property. She confirmed with staff that residents could express any
concerns in writing to staff so that when a proposal was made on a specific piece of property that individual could be notified when development was proposed.

Chairperson Garcia reported that he had received two letters of correspondence; one from resident Ben Camera on the same project for the Mehran Restaurant. While no one had objected to the restaurant use, the major concern had been the size of the business.

Assistant Planner Christopher Barton, the Project Planner for the Mehran Restaurant, explained that the plans for the proposed restaurant had changed. As currently proposed, the entire facility would be within 10,000 square feet and the restaurant portion would be smaller than the banquet portion of the use.

Chairperson Garcia noted the lack of adequate parking for the proposed restaurant, to which Ms. Ayres emphasized that the use would have to meet the parking requirement for the use and the applicant was aware of that requirement.

Ms. Ayres added that the applicant was negotiating for additional shared parking spaces with the adjacent church in the shopping center which had a conditional use permit to operate on the property. The applicant understood the need to work out a parking agreement with the church and the property owner since the center had multiple owners. She also understood that the applicant wanted to obtain a use permit in the future for live entertainment in the banquet room which would require a public hearing including notification to all property owners within 300 square feet of the use.

Chairperson Garcia pointed out that another door had been planned in the front of the building which may impact a neighboring property.

Commissioner Gordon cited past problems where a business obtained a business license for a specific use and later changed the use with the false understanding that the business license permitted those changes without City approvals. In this instance, he understood that the applicant also planned live entertainment along with the sale of beer and wine. He recommended that the applicant be directed to apply for a conditional use permit. He also inquired at what point in time the Commission could call up an item for review.

Ms. Ayres explained that the proposed changes (door and trash enclosure) were so minor that staff was intending to process them with only a building permit approval, however they could be processed as an administrative design review application subject to Commission oversight. The applicant however could occupy the building as it was currently on the outside, and open a restaurant without any approvals from the Planning Commission. As to the sale of beer and wine, Mr. Barton advised that would be permitted with a restaurant use although the sale of full alcohol would trigger a required use permit.
Mr. Carpino remained concerned with the lack of public notification. He also understood that the applicant planned to provide live entertainment in the future which also raised some concerns, along with the removal of a security gate.

Commissioner Gordon expressed concern with a potential trash enclosure within such close proximity to residences.

Ms. Ayres asked staff to direct the applicant to file an administrative design review application, to be forwarded to the Planning Commission.

Mr. Barton noted that the delegated authority resolution would allow the Commission to call up the item under that section of the resolution. He added that the applicant had applied for a use permit for the live entertainment, although their priority at his time was to have the full service restaurant first, and process the use permit for live entertainment after the restaurant was opened.

Commissioner Tumbaga expressed concern that the Commission would change its policy at this point since it had previously delegated the responsibility to staff in order to streamline the process. While she understood the concerns, she did not want to see the Commission backtrack and take away that responsibility that had been delegated to staff. She recognized that a permitted use did not require public hearings.

Commissioner Ohlson recommended that the agreement Mr. Carpino had with the property owner be recorded in writing.

Mr. Carpino stated he had done that and the applicant had made some commitments in writing, although the City had suggested he could not do some things, which had led to his concerns. He reiterated his concern to ensure that residents had an avenue to address comments and concerns.

Commissioner Tumbaga emphasized that staff had outlined what Mr. Carpino could do to address his concerns with a letter to staff so that he could be notified at such time a formal proposal was made.

Commissioner Dolojan suggested that all property owners within 300 feet of the property should be notified of the proposal regardless of whether or not it was a permitted use. The Chair agreed that the Commission should not reverse its policy on administrative applications. He otherwise recognized the need for residents to have some ability to address concerns prior to the approval of a project that could impact adjacent neighborhoods.

Commissioner Tumbaga did not want the City to be seen as non business friendly. She supported an expeditious process, particularly when a business was a permitted use.
PRESENTATIONS:

There were no presentations.

CONSENT:

a. Minutes – April 12, 2005

Commissioner Ohlson requested an amendment to the first sentence of the fifth paragraph on Page 5:

"Commissioner Ohlson noted that more information on bicycle parking was available on www.bicycleparking.com."

MOTION:

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

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

PUBLIC HEARINGS:

Item 1: Outback Steakhouse and Sign Exception. AP-05-189 (UP/DR)

Application by Bill Fancher of Fancher Land Development Consultants requesting a use permit to establish a full service restaurant with full-alcohol service and outdoor dining, and design review approval of architectural and site development plans for the construction of a 6,163 square foot restaurant and sign exception for wall sign placement and to install exposed neon wall signs on an undeveloped two-acre portion of an 11.6 acre parcel located on the north side of Delta Gateway Boulevard (North of Circuit City and West of Krispy Kreme Doughnuts) CC (Community Commercial) District; APN 074-460-029 (portion of).

Assistant Planner Christopher Barton presented the staff report dated April 26, 2005. He recommended that the Planning Commission adopt Resolution No. 9564 approving Use Permit Application No. AP-05-189, and adopt Resolution No. 9565, approving Design Review Application AP-05-189, with the conditions as shown.

Mr. Barton spoke to the applicant’s site plan and to the southern property line of the site where a sidewalk was to have been installed. He clarified for the record that there was an existing five foot sidewalk at that location and that the plans were incorrect. Part of the
staff analysis had been made on the assumption of the need to install the sidewalk. As a result, Condition No. 4 of Design Review Application AP-05-189, Resolution No. 9565, would no longer be required and should be eliminated.

Commissioner Ohlson thanked staff for the inclusion of the bicycle parking. He spoke to Page 3 of 8 of the staff report and the reference to the “creamy gray” and “gauntlet grey” building colors. He suggested that the correct spelling be the British version “grey” since it was an Australian organization. Also on Page A2 of the plans, he stated that the colors that had been listed on the plans did not match those in the staff report. He requested clarification from staff.

Ms. Ayres presented a sample colors and materials board to the Commission which reflected the appropriate colors and materials.

Mr. Barton explained that the plans in the staff report had been submitted by the applicant and had included Outback’s standard paint scheme, although in this instance there had been a slight variation to the colors. The color palette presented to the Commission represented the accurate proposal for the colors.

Commissioner Ohlson spoke to Landscaping Plan PL01, which had shown the hours of operation as being different than those shown on Page 1 of the staff report.

Mr. Barton advised that the restaurant was anticipated to open at 11:00 A.M. although the applicant could clarify that point.

Commissioner Williamson spoke to a typographical error on the color renderings which had shown “Pittsburgh” not “Pittsburg, California”.

PUBLIC HEARING OPENED

PROPOONENT:

BILL FANCHER, Fancher Land Development Consultants, 3890 Railroad Avenue, Pittsburg, spoke to Design Review Resolution No. 9565, Condition of Approval No. 21, (d) and (e) and requested clarification on the various fees to be paid.

Ms. Ayres explained that the condition was a generic standard which applied to all projects. The reference to fees per unit referred to a residential unit which would not apply to the proposed commercial development. The reference to fees per square foot would apply to a commercial development and was a standard condition of approval.

Commissioner Williamson welcomed the applicant to the City. She expressed her hope that local residents would be afforded the opportunity to work in the facility.
Mr. Fancher advised that on-site hiring for support personnel would be conducted during the latter half of the construction phase.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-05-189 (UP)

Motion by Commissioner Ramirez to adopt Resolution No. 9564, approving Use Permit Application No. AP-05-189 (UP), a use permit to allow a full service restaurant with full-alcohol service and outdoor dining for a new 6,163 square foot building proposed on the north side of Delta Gateway Boulevard (north of Circuit City and west of Krispy Kreme Doughnuts) for “Outback Steakhouse,” with the conditions as shown. The motion was seconded by Commissioner Tumbaga and carried by the following vote:

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

MOTION: AP-05-189 (DR)

Motion by Commissioner Ramirez to adopt Resolution No. 9565, approving Design Review Application No. AP-05-189 (DR), design review approval of architectural and site development plans for the construction of a 6,163 square foot building and related site improvements for a full service restaurant and for sign exceptions for wall sign placement and to install exposed neon wall signs on a portion of an 11.6 acre parcel located on the north side of Delta Gateway Boulevard (north of Circuit City and west of Krispy Kreme Doughnuts) for “Outback Steakhouse and Sign Exception,” with the conditions as shown and with the elimination of Condition No. 4. The motion was seconded by Commissioner Williams and carried by the following vote:

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

The Chair asked that agenda items 2 and 3 be considered concurrently since they were linked.
**Item 2: K & S Towing at Evola Brothers. 570-588 W. Tenth St. AP-05-197. (UP & VA)**

Application by Michael Evola requesting approval of 1) a use permit to allow operation of a vehicle storage business (tow yard) and 2) a variance to allow the site to be developed with only 0.5% of the site in landscaping (700 square feet) when 7.0% is required. If approved, the variance would require an amendment to a current use permit established on the site ("Evola Brothers Auto Services AP-04-84"). The site is currently located at 570-588 West Tenth Street and is zoned CS-O (Service Commercial with a Limited Overlay) District. APN 085-270-018.

**Item 3: Evola Brothers Freestanding Sign Exception. AP-05-194 (SR)**

Application by Michael Evola requesting approval of a sign exception allowing installation on an 85 square foot freestanding sign (25 square foot maximum allowed) on a 2.7 acre multi-tenant parcel located at 570-588 West Tenth Street. The site is zoned CS-O (Service Commercial with a Limited Overlay) District. APN 085-270-108.

Associate Planner Ken Strelo presented the staff report dated April 26, 2005. He recommended that the Planning Commission approve Use Permit Application No. AP-05-197 and deny Variance application No. 05-197, and adopt Resolution No. 9567, with the conditions as shown.

Mr. Strelo also presented the staff report for AP-05-194 (SR). He recommended that the Planning Commission approve Resolution No. 9566, Sign Review Permit Application No. AP-05-194, with the conditions as shown.

Speaking to the use permit application, Mr. Strelo explained that the applicant’s representative, Salvatore Evola, had recently proposed 6.0 percent landscaping and a deferral of the remaining 1.0 percent upon the submittal of plans for another future building, since he understood that the applicant might be interested in constructing another building either on the east or west property line closer to West Tenth Street.

Mr. Strelo advised that he still recommended a denial of the variance with the requirement that the 7.0 percent landscaping must still be met, although staff was in agreement with the applicant’s request to provide 6.0 percent landscaping now and defer the remaining 1.0 percent.

Speaking to Condition No. 9 of Resolution No. 9567, Mr. Strelo asked that the condition be revised to reflect the change requested by the applicant to install 6.0 percent landscaping now with 1.0 percent deferred upon the submittal of future building plans.

When asked, Ms. Ayres explained that the 6.0 percent of landscaping based on the site plan would be 3,797 square feet, while 7.0 percent would be 4,487 square feet, a difference of 690 square feet.
Mr. Strelo added that the site plan had shown a proposal to install a slatted chain link fence for extra storage of impounded cars and/or cars for service. Staff had met with the applicant to determine whether or not the applicant would be willing to install a precast concrete wall. The applicant had stated a preference for a slatted chain link fence. He stated that staff was not supportive of that fence material and had recommended that the Planning Commission approve the resolution with a condition that the slatted chain link fence not be part of the plan.

Mr. Strelo added that correspondence had been received this date, addressed to the Planning Commission and dated April 26, 2005, from Executive Director Marc Grisham of the Pittsburg Redevelopment Agency in support of the staff recommendation.

In response to Commissioner Williams, Ms. Ayres explained that Mr. Grisham’s letter had spoken to the auto storage area in the front of the building with the slatted chain link fence and the required landscaping. Mr. Grisham’s concern had been with the amount of recent investment in the neighborhood and the need to hold the applicant to the same standards as other auto body businesses, such as American Auto Body. Mr. Grisham did not want to see auto storage in the front area. The resolution, as written and as modified by staff, would meet Mr. Grisham’s satisfaction. If adopted by the Planning Commission, it would not permit the storage area in the front of the building with the slatted chain link fence.

Commissioner Gordon understood that if the landscaping was revised per the revision to Condition No 9, a variance would no longer be necessary.

Mr. Strelo advised that denial of the variance was still recommended since it had asked for a reduction of the required landscaping, where 7.0 percent was required. He commented that he had only interpreted the developed portion of the site to be subject to the landscaping requirement and had cut approximately 40 percent of what would have been required if the entire 2.7 acres had been considered to meet that landscaping requirement. If the Commission were to adopt the resolution, as modified by staff, it would still deny the variance request.

Commissioner Ohlson noted that the site had no bicycle parking although it could be placed at an area in the front.

Mr. Strelo suggested that a condition could be imposed for bicycle parking based on the standard equation used for bicycle parking.

Ms. Ayres commented that bicycle parking could take one of the parking spaces at the front of the building.

Commissioner Gordon inquired of the setback along Tenth Street, to which Mr. Strelo explained that the CS-O zoning district had limited uses, where vehicle storage must be a
minimum of 50 feet back from West Tenth Street due to a limited use for vehicle storage in that overlay district. While staff had no concerns with the vehicles being stored so close to the property line, staff was not in agreement with how those vehicles would be screened.

Commissioner Gordon spoke to the amount of vehicle storage on Tenth Street to the east and west which had been screened from public view. He commented that his issue was the potential future development of the property. While staff had recommended that a block wall be built, he questioned whether or not that was intended for all four sides, or only for the southern elevation of the site.

Mr. Strelo stated that the intent was that the site be screened from all points of public view, including the neighbors. He pointed out that David Bustos and Sons located on East Tenth Street had a similar wall along the sides. Another example was American Auto Body on Markstein Drive where there was a wall on all four sides.

Commissioner Gordon pointed out a business located at the end of East Tenth Street where an individual had been allowed a use permit to store vehicles. After the landscaping and fencing had been completed in that case vehicles were still being stored along Harbor and East Tenth Street.

Ms. Ayres noted that business was currently under Code Enforcement action.

Chairperson Garcia explained that when a garage had been placed on the site a slatted chain link fence had been allowed in that case. He suggested the issue of the fence should not have been included in the resolution under consideration since the fence had been included in the prior resolution when the garage, landscaping and blacktop had also been approved. He was disappointed that the landscaping had not been installed, but acknowledged that the appearance of the property had improved.

In addition, the Chair noted that the fence had traveled along the side where a woodworking business was located and where boats and a trailer were being stored. He emphasized that the fence was already allowed under the original resolution. The applicant at that time had the option to remove the fence or leave it up. He understood that it had been removed when paving had been done and believed that the applicant should be allowed to reinstall the slatted chain link fence, if he so wished. He questioned the inclusion of the fence in the resolution and disagreed that the fence should even be an issue of discussion since it was addressed as part of the previous use permit approval.

PUBLIC HEARING OPENED

SALVATORE EVOLA, 4333 Inverness Drive, Pittsburg, speaking on behalf of his father and uncle Michael Evola, [the applicants], advised that the property had been in the family for almost 50 years and had been a wrecking yard which license had been surrendered and where the site had been improved to what it was today. He commented that it had
been difficult having the site shut down during the improvement work with no income while the applicants worked to secure new tenants.

Mr. Evola referred to a statement in the staff report that some work had been done without permits. He apologized for that situation and stated that the proper permits had been secured and that the site had been inspected.

Mr. Evola explained that technically no new construction had occurred on the site other than a tremendous amount of clean up, paving, new roll-up doors, and painting. At the time of the original use permit in 2004, his uncle and father thought that the 7.0 percent of required landscaping would be triggered upon new construction of a proposed building. They also thought that the 7.0 percent landscaping requirement would only apply to the frontage of the property. After further discussions with staff, he now realized that the landscaping applied to the entire developed portion of the site. He had later met with staff and proposed a compromise to bring the landscaping up to 6.0 percent.

Mr. Evola noted the footprint of two planter boxes being proposed, one shy of 2,000 square feet and the other over 2,000 square feet in size which was the average size of a home. He was in agreement with the staff recommendation to deny the variance if staff allowed the 1.0 percent landscaping deferral and as long as it did not include a time frame when a new building had to be constructed.

Mr. Evola noted that the applicants did not build spec commercial. The applicants preferred a user other than vehicle storage since half of the site was currently used for storage. When better users had been secured, he stated that the applicants had future plans to build one or possibly two buildings. If not allowed to defer the landscaping requirement, as proposed, he requested that the variance be modified to include a caveat that the additional 1.0 percent of landscaping be added to whatever percentage was required for the new building.

Mr. Evola otherwise disagreed with the staff recommendation to build a block wall around the front storage area. He reiterated that the site was zoned CS-O, Service Commercial with a Limited Overlay. The City had six different zones for commercial, regional, service commercial, community commercial, downtown business, marine and service commercial. Pursuant to the General Plan, he stated that the intent for Service Commercial was to “provide sites for commercial business not appropriate in other commercial areas … due to the fact of high volumes of vehicle traffic and adverse impact on other uses…these uses shall include auto sales, auto service, equipment rental, wholesaling, storage, building materials, nurseries, contractor yards and warehousing,” such as Community Commercial where the Outback Steakhouse was located.

Mr. Evola pointed out that the City as of its last General Plan had 91 acres of Service Commercial. The subject area had been identified in the West Central Planning Sub Area.
containing 26 acres of Service Commercial. He noted that only 20 percent of the site was being used.

Mr. Evola went on to note that the General Plan policies for the West Central Planning Sub Area, particularly Policy 4-P-51, stated in part “encourage landscaped screening.” The proposed fence on the southwestern side of the property would be set back 70 feet from the street where it was only required to be 50 feet back. There would be an approximate 2,000 square foot planter box, the size of a footprint of a home, in front of the fence. He suggested that the project complied with that General Plan policy. Further, the fenced in area was only 20 feet wide from east to west while the original plan had a chain link fence 50 feet off of West Tenth Street the entire span of the property at 175 feet.

Mr. Evola added that the original Resolution No. 9472, specifically Condition No. 17 stated “All fences and gates shall be maintained in good condition and fences and gates fronting West Tenth Street shall be slatted.” The project complied with that condition with a reduction of the exposure to West Tenth Street from 175 feet to 20 feet, set back an additional 30 feet with a 2,000 square foot planter box in front.

Mr. Evola understood the intent of the Executive Director’s letter to the Commission, although he pointed out that the area had been designated Service Commercial for some time and that the City had approved recent housing developments in the area through General Plan Amendments.

Mr. Evola suggested that those who now resided in the area had done so in the knowledge of the adjacent industrial and service commercial uses. He added that there were few such uses in the City and few communities had zoning that would allow industrial and service commercial activities. He reiterated that the use was permitted under the zoning, would be screened as required by the General Plan and would be set back as required.

Commissioner Ramirez stated that he had recently driven down West Tenth Street, was familiar with the area, and was pleased to see that the property had been cleaned up. He suggested that the site had the potential to be a showplace for West Tenth Street.

Commissioner Ramirez reported that when he had driven past the site, Michael Evola had shown him some of the improvements that had been made to the property. He had concerns with the auto repair storage area and the unpaved storage area across from it adjacent to the 4,000 square foot building. Mr. Evola had informed him that those tenants had given 30 days notice to vacate since they were not complying with the conditions for the use of the property. Once those tenants had vacated, he suggested that the property would look even better.

Commissioner Ramirez noted that none of the other properties had landscaping other than a small hotel which had a small strip of landscaping. The proposal with the landscaping would be a showplace and a start for the remainder of West Tenth Street. As to the
proposed fenced auto storage area, he understood at one time that area had been fenced in and would now be pushed back 30 feet. He did not see that a concrete wall was necessary if at one time a slatted chain link fence had been permitted. He disagreed with staff on the fence issue and suggested that the applicant should be allowed to have a slatted chain link fence pushed back 30 feet.

Commissioner Williams inquired whether or not there was other fence material that could be compatible and still meet the staff requirements.

Mr. Evola stated that he had worked with staff as much as possible in terms of the proposed landscaping and the fencing. As to the staff recommendation for a concrete wall, he emphasized his preference for a slatted chain link fence. He noted that if another building was added in the future, a CMU type of wall would have to be removed to allow for that future construction. He emphasized that the setback had been increased to 30 feet and that the slatted chain link fence would only be exposed on West Tenth Street at 20 feet, as opposed to the original 175 feet. He reiterated that the fence had been taken down to allow the pavement to occur and that the fence would be reinstalled. He suggested that was a compromise on the applicant’s part to reinstall the fence with an increased setback.

Mr. Evola added that if a concrete wall was required, it could be damaged by a vehicle backing into it.

Mr. Evola questioned the need to build a full CMU wall around a temporary storage yard, 70 feet back from the site and 20 feet wide. He reiterated his argument not to be required to install such a structure. He also questioned the comparison of the site to American Auto Body located at Century Plaza.

Commissioner Ohlson suggested that a stucco wall could be installed with a two foot high concrete planter which would stop a vehicle from backing into the wall. Fast growing vines could be placed on top with a trellis reaching 10 feet which could address the Executive Director’s concerns. He supported the Executive Director’s recommendations.

Mr. Evola stated that while he understood Commissioner Ohlson’s intent to support the Executive Director’s position, he noted that the 1.0 percent of landscaping they were asking to defer would ideally be suited and placed in front of a permanent structure, such as a building. He reiterated that the storage area was temporary. The asphalt had already been laid. To now build a planter box and to cut into the asphalt to bring in irrigation after monies had been spent to pave half of the site was not realistic.

Commissioner Ohlson corrected Mr. Evola and noted that the plans showed an existing 20-foot gate with additional fencing facing E. 10th Street for a total 60 feet width. Mr. Strelo clarified further that while prior approval may allow the replacement of the original slatted chain link fence. The approval for the prior use permit did not permit any
vehicle storage on the paved area. The vehicles would still be visible behind the chain link fence, contrary to the City’s efforts to improve the area.

Mr. Evola commented that staff had earlier noted that the minimum required setback for vehicle storage in the Service Commercial Zoning District was 50 feet and the proposed storage area met that standard.

Mr. Strelo affirmed that was the case.

Commissioner Tumbaga spoke to the proposed uses on the site with no office on site for K & S Towing. She inquired whether or not the tenant needed all of the area for vehicle storage. She suggested that the vehicle storage could be placed at the rear rather than at the front.

Mr. Evola clarified that the storage in the front was not necessarily for K & S Towing. It could be for another user who might want to locate at the site. He again reiterated that they were receiving calls from those that wanted to store operational vehicles for impound use, as opposed to the previous wrecking yard which had occupied the site. He again reiterated that based on the zoning, auto storage was allowed up to 50 feet back from the frontage. In this instance, it would be setback an additional 30 feet. Further, an area only 130 by 60 feet in size would allow the flexibility for more businesses and better users to occupy the site than had previously been allowed in the past.

Commissioner Tumbaga noted the number of new homes in the area. She otherwise understood that the applicant was under contract with the Pittsburg Police Department to impound vehicles, to which Mr. Evola affirmed although he was uncertain whether or not the vehicles would come only from Pittsburg or also from surrounding communities.

Commissioner Dolojan understood the applicant’s intent for future income from the property and the proposal at this time which would allow flexibility for future users. He also recognized why the applicant did not want to invest in a concrete wall given that it could be temporary. As to the applicant’s proposal to screen the frontage, he did not have a concern since the applicant was attempting to alleviate a possible eyesore and the fence would have a greater setback than its previous placement. He expressed his hope that the applicant’s compromise would be acceptable to staff.

Commissioner Gordon emphasized the need to treat each developer equally. He suggested that they were arguing about 40 feet and he could not justify having four sides of the one parcel be a complete block wall. If only speaking to the southern elevation with a 20 foot fence on a 60 foot wide section, that would leave 40 feet with landscaping. He questioned the impositions on the current applicant when allowances had been allowed other applicants, including those for City projects. He emphasized that the applicant was not asking for City or Agency assistance.
Mr. Evola added that he intended to use the services of the Landscape Architect from the firm where he was employed and would give that individual’s name to staff. He again reiterated that the planter boxes would provide plenty of landscaping to screen the area over time, the slatted chain link fence would be properly maintained and be set back farther than required, and the project would meet the policies of the General Plan and the conditions of the previous use permit.

Commissioner Ohlson suggested that if future development on the property did not occur within five years he would like to see a requirement to trigger the installation of a wall or serious landscaping in front of the fence.

Mr. Evola reiterated the General Plan policies he had earlier identified, the zoning designation where the property was located, the background and history of the site, the landscaping being proposed, the compromises he was willing to make and his respectful decline of such a condition.

Speaking to Page 3 of 7, Section 2. Findings, C(2), of Resolution No. 9567, Mr. Evola requested that the language in that section referring to the placement of the vehicles 350 feet away from West Tenth Street and screened from public view by the buildings, be eliminated. The same language had been included in Section 2. Findings C (4) and (6). He asked that the language be removed from all the identified sections. He emphasized that based on City Code; the applicant would be allowed to have vehicle storage 50 feet from the frontage.

As to Section 3. Approval, A, Mr. Evola requested that the description for the denial of the variance be modified to reflect the 1.0 percent of landscaping being deferred. If that was too cumbersome, he asked that the variance be amended for a request for a 1.0 percent variance to the landscaping requirement.

Speaking to Section 3. Approval, Condition No. 4, Mr. Evola requested that the condition be modified to eliminate the language prohibiting the installation of the six foot high chain link fence proposed around the perimeter. Further, that Condition No. 7 be amended to reflect that the City Manager had submitted a letter to his uncle granting a 60-day temporary use of signs.

As to Condition No. 9, Mr. Evola requested that it be revised to reflect whatever action was taken by the Planning Commission to either deny the variance or require the 6.0 percent of landscaping with a 1.0 percent deferral or support of a 1.0 percent variance. Regarding Condition No. 17, Mr. Evola requested that the condition be eliminated. He noted that when the project had last been considered by the Commission the same condition had been imposed and removed. He noted that none of the users had a dumpster and would use green cans as would a residential homeowner, which would be rolled inside. At such time as a new building was constructed or a user secured that might require a large dumpster, a trash enclosure could then be constructed.
Further as to Condition No. 18, Mr. Evola asked that the condition be modified to reflect City Code which allowed vehicle storage in Service Commercial Zoning Districts to be 50 feet off of West Tenth Street.

As to the recommended revisions to the findings and conditions, Ms. Ayres explained that most of the changes were in the findings section in support of the decision of the staff recommendation. The findings could be revised by staff to reflect the comments consistent with the decision made by the Planning Commission. Those revisions could be made prior to the Chair’s signature on an approved resolution. Changes to the conditions of approval could also be modified to reflect the Commission’s decision.

As to Condition No. 17, Mr. Strelo advised that he had spoken with Mr. Evola and had agreed to eliminate that condition.

Ms. Ayres clarified that the comments made with respect to vehicle storage being a permitted use if 50 feet from the frontage of West Tenth Street were not accurate. She referred to the prior discussion related to the restaurant earlier in the meeting involving a permitted use, whereby such a use was not detrimental by nature and if occupying an existing building already approved, no one should technically be harmed by such a proposal. The subject use was a conditionally permitted use, and was something that might or might not be appropriate on a site, based on the circumstances of that case as that project was proposed to be designed, supported and screened. In this instance, the Commission was considering an automotive storage use on the property as a conditionally permitted use and the circumstances related to how the use would be screened on the site was important when making a decision as to whether or not to approve the project.

The staff position was that the use was appropriate in the zoning district where located when it was properly screened. By placing the vehicle storage behind the building, it was properly screened from view. It was acknowledged that the Commission could make a different decision and may support the slatted chain link fence which was something the Commission needed to decide.

In response to Commissioner Dolojan, Mr. Evola repeated that a CMU block wall with a footing would not be easily damaged and had been done for other projects and could be a compromise if the circumstances were different. However, given the area, the zoning, the predominant use being proposed, and the previous condition which allowed the slatted chain link fence, he would not recommend such a structure.

Mr. SHAH, K & S Towing at Evola Brothers, in response to Commissioner Tumbaga, explained that his company currently operated a vehicle storage facility in Bay Point which they still intended to use. The intent to move into the City was that his family had a long history in the area and his vision was to have a contract with the Pittsburg Police Department to impound vehicles. A location had been sought and a portion of the Evola
Brothers property had been determined to be acceptable for the business. His intention was to operate a clean business.

Mr. Shah explained that his Bay Point site which consisted of four acres was not at capacity.

Mr. Shah added that the present site could be filled on average 20 to 30 percent and while the back of the property could hold vehicles five to six rows deep, he did not intend to store them that way since it was difficult to get them out. The intent was that the vehicles would be stored two rows deep, with a maximum of three rows.

Mr. Shah did not foresee that the subject property would be at capacity unless they were very busy. The capacity at the subject site also depended on the future business. He clarified that approximately 20 percent of the vehicles would leave within one to two days, the next 30 to 40 percent would leave within 15 to 20 days and the remainder would have to be sent to a dismantler. He had no plans to own and keep the vehicles. The business income would be from the storage of the vehicles and from the selling of the vehicles as junk.

Commissioner Ohlson requested clarification as to whether or not K & S Towing would use only those portions of the site identified on the plans as proposed for K & S Towing for auto storage.

Mr. Strelo explained that the applicant could utilize the entire rear yard with the exception of the right-of-way. The area shown on the bottom left of the plans identified for a proposed auto storage was where the current use permit allowed the vehicles awaiting vehicle service to be stored. That area would remain for that use although if that tenant left, K & S Towing could also occupy that area.

Commissioner Ramirez inquired whether or not K & S Towing would tow vehicles from out of town or only from the City of Pittsburg.

Mr. Shah advised that the vehicles to be towed would be primarily city vehicles, although those vehicles could belong to people outside of the City. He explained that they towed vehicles from State Route 4 from Bay Point south all the way to Sommersville Road in the City of Antioch. He added that he also had a contract with the Contra Costa County Sheriff’s Department. Based on his contract with the County, the vehicles towed for the Sheriff’s Department and the Highway Patrol would be towed to his Bay Point facility. As to the subject site, there would be more than enough space on the site to park his tow trucks at the back of the site to ensure they were secured. He clarified that he had a total of nine tow trucks, not all of which would be parked at the subject site.

OPPONENTS: None
PUBLIC HEARING CLOSED

Commissioner Ramirez made a motion to adopt Resolution No. 9567, as conditioned and subject to the following revisions:

- Condition No. 4 to be eliminated;
- Condition No. 9 to be revised as follows:

  *The applicant shall install a minimum of 6.0 percent of the developed site with a 1.0 percent deferral (4,487 sq. ft) with landscaping as described in the staff report and required by Resolution No. 9472 prior to establishment of the proposed vehicle storage use. Landscaping plans are subject to Planning Department review and approval.*

- A new condition to be added to require the applicant to provide bicycle parking per City standards;
- Condition No. 17 to be eliminated;
- Condition No. 18 to be revised to read:

  *There shall be no storage of vehicles allowed on the paved areas located south of and in between the existing occupied buildings, with the exception of the 7,000 square foot area, as labeled on the plans. This area shall be reserved for customer and/or employee parking of the businesses occupying the existing buildings.*

- Section 2. Findings, of Resolution No. 9567, to be modified by staff to reflect the Commission’s decision.

Commissioner Williams seconded the motion.

On the motion, Commissioner Gordon recommended that Section 2. Findings, 2 be revised to reflect the 50 foot setback from West Tenth Street since it met the General Plan.

Mr. Strelo explained that the 50 foot referred to the Service Commercial Overlay Zoning District. As a minimum performance standard for vehicle storage, all vehicles are to be stored and screened from public view and shall not be any closer than 50 feet whether screened or not. Again, staff would modify the findings as necessary, concurrent with the Commission’s decision.

Ms. Ayres added that staff would rewrite the findings consistent with the Commission’s action and statements supporting that action.
As to Condition No. 7 in response to Commissioner Gordon, Mr. Strelo advised that he had no knowledge of a letter from the City Manager referenced by Mr. Evola allowing the temporary signage and he would have to review the letter with Ms. Ayres.

Ms. Ayres suggested that Condition No. 7 be eliminated. To the extent it was a code violation, it could be addressed through other parts of the code that could enforce that issue.

As the maker of the motion, Commissioner Ramirez agreed to the proposed amendments to the motion.

**MOTION: AP-05-197**

Motion by Commissioner Ramirez to adopt Resolution No. 9567, approving AP-05-197 (UP) a Use Permit to allow operation of a vehicle storage business and denying AP-05-197 (VA), a Variance to allow the site to be developed with only 0.5 percent of the site in landscaping when 7.0 percent is required. The site is at 570-588 West Tenth Street, K & S Towing at Evola Brothers, subject to the conditions as shown and as amended, as follows:

- Condition Nos. 4, 7, and 17 to be eliminated;
- Condition No. 9 to be revised as follows:
  
  The applicant shall install a minimum of 6.0 percent of the developed site with a 1.0 percent deferral (4,487 sq. ft) with landscaping as described in the staff report and required by Resolution No. 9472 prior to establishment of the proposed vehicle storage use. Landscaping plans are subject to Planning Department review and approval.
- A new condition shall be added to require the applicant to provide bicycle parking consistent with City standards;
- Condition No. 18 to be revised to read:
  
  There shall be no storage of vehicles allowed on the paved areas located south of and in between the existing occupied buildings, with the exception of the 7,000 square foot area, as labeled on the plans, [date stamped.] This area shall be reserved for customer and/or employee parking of the businesses occupying the existing buildings.
- Section 2. Findings, of Resolution No. 9567, to be modified by staff, as necessary to be consistent with the decision of the Planning Commission.
The motion was seconded by Commissioner Williams and carried by the following vote:

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

MOTION: AP-05-194

Motion by Commissioner Gordon to adopt Resolution No. 9566, approving AP-05-194, approving a Freestanding Sign with an Exception to the Maximum Sign Size Requirements to allow installation of an 85 square foot freestanding sign (25 square foot maximum allowed) on a 2.7 acre multi-tenant parcel located at 570-588 West Tenth Street, for “Evola Brothers Freestanding Sign Exception,” with the conditions as shown. The motion was seconded by Commissioner Tumbaga and carried by the following vote:

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

Chairperson Garcia commented on the fact that the properties located to the east and west of the subject site had corrugated sheet iron fencing 10 to 12 feet high. He understood that the fencing was not permitted or legal.

Mr. Strelo stated that he would have to refer the matter to the Code Enforcement Division and to the Building Department since anything over six feet from grade would require a building permit.

Commissioner Ramirez clarified for the record that the corrugated steel fencing had been installed by the neighbors and not by the Evola family.

STAFF COMMUNICATIONS:

Ms. Ayres reported that the draft Planning Commission and Historical Resources Commission (HRC) bylaws along with a request to restructure the HRC would be presented to the City Council on May 2. Copies of the bylaws were presented to the Commission. Commissioners were encouraged to offer any comments or suggestions to staff prior to that date.
Ms. Ayres also announced that a Commission Appreciation Dinner would be scheduled in May or June prior to the end of the fiscal year, with a date to be selected dependent upon Commissioners’ schedules.

Commissioner Ohlson reported that he would be out of town from May 27 through June 4.

**COMMITTEE REPORTS:**

Chairperson Garcia reported that the TRANSPLAN Committee had met on April 14, had approved its Consent Calendar and had received status reports on the State Route 4 improvements, approval of $100,000 to the City of Antioch to study an eBART station at Hillcrest Avenue, review of the 2005/2006 budget, consideration of a request to respond from San Joaquin County regarding the Mountain House development project, review of the East Bay Bikeway Plan Update, and had received brief updates on items of interest.

Chairperson Garcia also reported that the ePPAC Committee had also met with several City representatives having been present to address the City’s request for the inclusion of an eBART site near Pittsburg City Hall or at the south side between Bliss and Harbor. The City of Pittsburg had agreed to fund the study and BART had agreed to consider bringing BART out to Pittsburg with a transfer from BART to eBART in Pittsburg. He cautioned, however, that without the necessary ridership from the City of Pittsburg, eBART could not be justified.

Ms. Ayres clarified that the action taken by ePPAC was to agree to include an analysis of the request from the City of Pittsburg in the Environmental Impact Report (EIR). The City of Pittsburg had agreed to pay $20,000 to BART to review studies which had been prepared years ago for a BART station in the area, to bring them up to a level of analysis that could be studied in the EIR.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Williams stated that she had enjoyed the recent Planner’s Conference, had learned a lot and would like to attend the next event in San Francisco on October.25 She added that she had made a request for nametags since other Commissioners who had attended the conference had name badges.

Commissioner Ramirez agreed that the Pasadena Planner’s Conference had been very interesting and that he and other Commissioners had been able to participate on a bus tour of Pasadena’s redevelopment area, which had been informative.

Commissioner Gordon noted that during one of the sessions he had attended during the Planner’s Conference, it had been mentioned that apartments were not recommended in a downtown area with a 1:1 parking ratio. A higher ratio had been recommended. Additionally, Commissioner Gordon suggested that the City of Pittsburg contact the film...
companies so that filming could occur in the Pittsburg community similar to what had been done in Pasadena. Ms. Ayres advised that she would pass the comments on to the Economic Development Department.

Commissioner Ohlson stated that he had attended the recent National Convention which he had enjoyed.

In response to Commissioner Ohlson, Commissioner Gordon clarified that the conference scheduled for October 25 was a League of California Cities Conference which was not typically attended by Commissioners.

Commissioner Tumbaga stated that she had also enjoyed the conference and had attended two different parking workshops where it had been stated that too much land was being wasted on parking lots with not enough land for housing.

Ms. Ayres explained that the Contra Costa County Planning Department had conducted surveys of BART Stations in the area with a focus on the Pleasant Hill BART Station, which had the highest density surrounding it and which had confirmed that a parking ratio unit of 1.3:1.0 worked while 1:0 did not. That information would be kept in mind when future zoning changes were presented to the Commission.

Commissioner Dolojan also expressed his enjoyment of the Planner's Conference.

Commissioner Ramirez reported that a workshop had been scheduled for April 28 at the Marina to discuss the Marina Master Plan/Bed and Breakfast project, sponsored by the Chamber of Commerce.

Ms. Ayres reported that the Urban Limit Line Task Force would also meet on April 28 in its continuing effort to reach resolution.

Chairperson Garcia expressed his confidence that the issues related to the Evola project would be worked out. He recognized that staff always had the best interests of the City whenever making recommendation to the Planning Commission.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 9:45 P.M. to a regular meeting of the Planning Commission on May 10, 2005 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