MINUTES
OF THE REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION
January 27, 2004

A regular meeting of the Pittsburg Planning Commission was called to order by Vice Chairperson George Harris at 7:00 P.M. on Tuesday, January 27, 2004, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

Present: Commissioners Dolojan, Garcia, Kelley, Ramirez, Tumbaga, Harris
(Commissioner Kelley arrived after roll call)

Absent: Chairperson Leonard

Staff: Director of Planning and Building Randy Jerome; Planning Manager Melissa Ayres; Associate Planner Ken Strelo; Assistant Planner Dana Hoggatt; Civil Engineer II Alfredo Hurtado; and City Attorney Linda Daube.

PLEDGE OF ALLEGIANCE:

Commissioner Tumbaga led the Pledge of Allegiance.

DELETIONS/WITHDRAWALS/CONTINUANCES:

Planning Manager Melissa Ayres reported that Item No. 3, Moore Auto Repair, UP-02-26 and DR-02-34, would be continued to the meeting of February 10, 2004 since the applicant had submitted revised plans that had yet to be analyzed by staff.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

PRESENTATIONS:

There were no presentations.

CONSENT:
A. PC Minutes of December 23, 2003

MOTION:

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

Ayes: Commissioners Dolojan, Garcia, Ramirez, Tumbaga, Harris
Noes: None
Abstain: Commissioner Kelley
Absent: Chairperson Leonard

Vice Chairperson Harris recused himself from the next item, Bailey Estates Project, due to a potential conflict of interest. He stepped down from the dais at this time.

Commissioner Garcia served as the Chair Pro Tem at this time.

PUBLIC HEARINGS:


An application by John Stremel, Bailey Estates LLC, requesting that the City certify the Environmental Impact Report for the project and prezone to RS (Single-Family Residential) District a 122-acre property located on the west side of Bailey Road at the southern edge of the City, in order to annex the property to the City’s municipal boundary, sphere of influence and water and sewer service provider districts, and to allow a 319-unit single-family residential development with public roads and private open space; APN 097-230-005.

Planning Manager Melissa Ayres advised that staff had received four pieces of correspondence on this item that were not in the Planning Commission’s packet, but which were being forwarded to each Commissioner this evening. She identified each, including: 1) letter in response to the Final EIR from Miller, Brown & Dannis representing the Mt. Diablo Unified School District (MDUSD) dated Received January 13, 2004; 2) letter from Assistant Superintendent of the MDUSD Richard Nicoll dated Received January 27, 2004; 3) an e-mail from Brian Anderson a resident of the City of Pittsburg dated January 27, 2004; and 4) letter from Edward Shaffer of Archer Norris representing Seecon Financial and Construction Co., Inc, also dated January 27, 2004. She then deferred the rest of the staff presentation to Assistant Planner, Dana Hoggatt who provided background information about the project and noted that the consultant who had prepared the Environmental Impact Report (EIR) was present to respond to questions.

Commissioner Garcia advised for the benefit of the audience that the item had been continued from the meeting of December 23, 2003 to allow the Commission further review.
of the EIR. Testimony from the public had also been received from that public hearing. He requested clarification from staff as to the applicant/owner of the project.

Ms. Hoggatt explained that the applicant was John Stremel who was also the property owner acting as the developer, Bailey Estates, LLC.

Commissioner Garcia spoke to paragraph B of Page 1 of 17 of Resolution No. 9463 where the project was proposed to be rezoned to Single Family Residential and Page 13 of 17 where the property was shown to be zoned Hillside Low Density Residential with a maximum density of five units per acre. He requested clarification from staff.

Ms. Hoggatt advised that the primary General Plan land use designation of the site establishing a density range was Hillside Low Density Residential and that RS-Single Family Residential District was the zoning classification being recommended to regulate the specific development proposal. She noted that the two were consistent with each other.
She affirmed that the project had been analyzed in the EIR for conformance with General Plan Hillside Policies.

DARWIN MYERS, Planning Consultant, explained that Hillside policies were discussed on Pages 4.2-7 and 4.2-9 of the Final EIR. He noted that a number of the policies would be implemented during the construction design and grading phases of the project. As mitigated, he believed the project was in substantial conformance with the hillside policies.

Commissioner Garcia understood that it would not be known whether or not the project was consistent until the Tentative Map had been prepared, which would not occur until after the annexation of the property.

Mr. Myers noted that the item for Commission consideration this evening was only a prezoning request and it would not entitle the applicant to any particular number of lots, layout of the subdivision or commitment to any particular road configuration.

In response to Commissioner Tumbaga, Mr. Myers acknowledged that he had read Mr. Shaffer’s correspondence which had been received this date. He stated that it was up to the Planning Commission to give whatever weight it chose to the document. He noted that while Mr. Shaffer was a very good attorney, he was not a biologist, civil engineer, or geologist, and many of the statements in Mr. Shaffer’s correspondence that the Final EIR did not have enough information or drawing conclusions on technical data suggesting it was inadequate, were the opinions of Mr. Shaffer who was representing Seecon Financial & Construction.

Mr. Myers added in further response to Commissioner Tumbaga that after reading Mr. Shaffer’s correspondence he saw no reason to make any changes to the Final EIR. He commented that the EIR had been prepared not only by him but also by professional engineers and biologists, and was not just a technical document. City staff had reviewed the EIR to ensure that there was agreement with some of the conclusions and approaches that had been taken. He emphasized that a great deal of information and research had
gone into the EIR.

Mr. Myers also added that if the Planning Commission were to follow the staff’s recommended action on the Final EIR, the letters referenced by staff would be forwarded along with any testimony received at this time to the City Council. In his opinion, the information contained in the letters was not new information. Some of the issues involved legal information as to the owner of the property.

Commissioner Dolojan requested clarification of the staff recommendation.

Ms. Ayres explained that staff was asking the Planning Commission to make a recommendation to the City Council that the EIR was adequate in order to prezone the property and to consider the other entitlements related to development of the site. Staff was of the opinion that the EIR was adequate to cover the project, as proposed, and that it had identified the impacts and feasible mitigation measures that would be incorporated into future approvals for design review or subdivision approval in order to ensure that the project would mitigate significant negative impacts on the environment (when feasible).

Ms. Ayres commented that the City Council, not the Planning Commission, would have the responsibility of certifying the Final EIR. Staff had reviewed the letter submitted by Mr. Shaffer, as earlier referenced, and had opined that it did not represent new information and that the questions raised in the correspondence had been adequately answered previously.

PUBLIC HEARING OPENED

PROPOSENT:

JOHN STREMEL, Bailey Estates, 2762 Hutchinson Court, Walnut Creek, stated that he had nothing further to add to the testimony although he would like the opportunity to respond to any comments that might be offered.

INTERESTED SPEAKERS:

DONALD J. TRUE SR., 2266 Willow Avenue, Pittsburg, understood that his property had been included in the Bailey Estates project. He noted that he had appeared before the Planning Commission in 2003 when the Commission had considered the rezoning of the property from High Density Apartments to Single Family Residential.

Commissioner Garcia clarified that the subject property had never been considered for High Density development and had always been designated for Low Density development. He clarified that Mr. True was speaking to the Lawlor Estates project which had previously been approved by the Planning Commission.

Mr. True inquired whether or not the EIR was available to the public and whether it had ever been made available to the public.
Ms. Ayres advised that the EIR had been made available to the public for over a month and was available in the Planning Department on the first floor of City Hall during normal business hours. It was also available at the Public Library. She further noted that this public hearing had been noticed in the newspaper and that it identified the name and number of the project planner who could be contacted for more information about the project.

BRUCE OHLSON, Pittsburg, representing the East Bay Bicycle Coalition, referenced mitigation measure 4.4-4b regarding West Leland and Bailey Road. He commented that the current General Plan called for bicycle lanes on West Leland Road to the east and west. It was his hope that the bicycle lanes would continue through the intersection as called for in the General Plan, although he commented that a 300-foot right turn lane in the mitigation measure would eliminate the space on the roadway for the bike lanes. The mitigation measure would also eliminate a fire hydrant and relocate a traffic sign post, sound wall, curb, drainage, and sidewalk. He requested that be mentioned in the plans for the Final EIR since it had been overlooked. He emphasized that the bicycle community wanted to ensure that bicycle facilities would be provided as shown in the General Plan.

Mr. Ohlson also spoke to the State Route 4 eastbound off-ramp to southbound Bailey Road, as indicated in mitigation measure 4.4-4a, which called for a one lane off-ramp to two lanes. He stated that was not part of the General Plan.

Mr. Ohlson suggested that more traffic would result with less safety for pedestrians and bicyclists. With the Delta DeAnza Trail crossing Bailey Road at that off-ramp and crossing the off-ramp and the entrance/exit to the Pittsburg/Bay Point BART Station, he stated that the many pedestrians and bicyclists who lived in the Bay Point and Pittsburg communities would be at risk. He suggested therefore that the mitigation measure would make that intersection even more dangerous.

Mr. Ohlson requested that the City apprise the Caltrans District 4 Bicycle Advisory Committee of any plans the City might have to adjust the roadway to a two lane off-ramp since the committee could have some input on that change. He also requested that the East Bay Regional Park District (EBRPD) be involved in those discussions. (Note: EIR deemed mitigation measure infeasible).

Mr. Ohlson also spoke to Bailey Road which was listed on the Countywide Bicycle Plan as a bicycle facility. He expected bicycle lanes to be on new construction of roads and streets in the County that were on the Countywide Plan. Having reviewed the EIR, he stated that it had not mentioned bicycle lanes. He explained that the project frontage must include space for bicycle lanes. While a 100-foot right-of-way was normal, the Final EIR had not mentioned the width of the right-of-way. He expected that Chapter 1000 of the Highway Design Manual for Caltrans would be followed when the street in the project was improved and that the bicycle facilities would be included.

Also speaking to mitigation measure 4.4-4d, Mr. Ohlson referred to Bailey Road at Myrtle Road in the City of Concord. While he was not opposed to improving the intersection as a mitigation measure, he stated that it was also on the Countywide Bicycle Plan although the
Final EIR had not indicated that bicycle lanes would be constructed through the intersection which he expected to be done.

Finally speaking to internal streets, Mr. Ohlson commented that the map in the Final EIR had not designated major/minor arterial and collector streets, although the General Plan had indicated that bicycles would be accommodated on those streets. He fully expected that adequate width would be included on those streets inside the project to allow bicyclists to safely operate.

ED SHAFFER, Archer Norris Law Firm, 2033 North Main Street, Walnut Creek, representing Seecon Financial and Construction, spoke to his correspondence dated January 27, 2004. In response to some of the questions asked by the Commission and the answers provided by staff, he noted that the Commission had been informed that the prezoning would not commit to an actual number of lots or alignment of roads, although the draft resolution had stated that the prezoning was designed to accommodate a 249-lot alternative. The prezoning map had also identified fingers of RS zoning with areas of Open Space.

Mr. Shaffer suggested that once the prezoning had been adopted and if they were to find a road could not be placed where shown since that might violate requirements, it was his contention that the plan was not compliant with the hillside policies in the General Plan. He suggested that the Commission review a plan that was consistent with the regulations and policies that had recently been set by the City Council.

In response to the comments made by Mr. Myers, Mr. Shaffer stated that his comments did not imply that the analysis in the EIR was inaccurate. He was saying that an analysis was missing completely on several topics.

Mr. Shaffer requested that the Planning Commission review the comments and questions he had raised to determine whether or not it was satisfied with the Final EIR, or if it needed more information on those details. Further, he noted that staff had informed the Commission that it would not certify the Final EIR since that was the City Council's role. He requested that prior to a Commission recommendation to the City Council to support the prezoning, it should be comfortable that the EIR was adequate and sufficient.

Mr. Shaffer also noted that during the December 23, 2003 public hearing, City staff had indicated that they were negotiating with the City of Concord regarding some of the road issues. He suggested that there could be some changes in the mitigation measures as a result of those discussions. The new staff report had not mentioned that issue and he requested a status of that process given that the Final EIR appeared to be in a state of flux regarding the City of Concord's road mitigations.

Mr. Shaffer further explained that Seecon had an equitable interest in the 20-acre parcel and there was a recorded contract with restrictions on the use of that parcel. The City could not ignore that agreement. The recorded contract had shown a legal right by Seecon to the property and which forbid such use of the property as what was being proposed.
Mr. Shaffer pointed out that during the meeting of December 23, Commissioner Garcia had inquired of staff whether or not the EIR should address that issue and review alternatives that could be built, such as a water tank on the Smith property with a different alignment of water lines and the like. He stated that staff had not responded to those questions.

Mr. Shaffer expressed the willingness to walk the Commission through each of his points he had raised in his January 27 correspondence if the Commission so desired.

JOHN MODICA, 331 Whispering Oaks Court, Pleasant Hill, representing the Oak Hills Community Group, commented on a flyer in opposition to the project that he had recently received in the mail regarding the project. He emphasized that the flyer was not supported nor endorsed by the Oak Hills Community Group. In order to prevent future erroneous information, he explained that the Community Group had sent out massive flyers under its own name indicating that the initial flyer should not be read, was moot, and whomever had distributed that flyer had distributed fraudulent information.

A.J. FARDELLA, Pittsburg, also spoke to the recent flyer on the project. He noted that after he had reviewed the flyer, he had found that it had identified his own personal web site, which he owned and maintained in the community interest for the past five years. He emphasized that he had nothing to do with the flyer and that he was not opposed to the Bailey Estates project.

As a result of the flyer, Mr. Fardella stated that he had even spoken to many members of the Oak Hills community to ensure that there was no objection among the residents of Oak Hills to the Bailey Estates project at which time he had learned that there were no objections. He supported the project and the mitigation measures that had been proposed. He added that he was in the process of investigating the distribution of the flyer and had filed a police report with the Pittsburg Police Department in an effort to expose whoever had distributed the inaccurate flyer.

Mr. Stremel suggested that staff had responded to all of the issues associated with the project, that the EIR was complete and that City staff had done a good job and had worked hard to ensure that all of the issues had been addressed and included in the document. He suggested that the EIR was the most complete EIR that the City had ever prepared and he commended the work done by staff. While there were new questions raised by the public associated with other issues, he opined they had nothing to do with the EIR in terms of what the Commission was being asked to take action on at this time. He suggested that there was no reason why the Commission could not take action on the EIR.

OPPONENTS: None

PUBLIC HEARING CLOSED

Commissioner Garcia remained concerned that the City could become involved with the side issues between the developer and Seecon. He requested assurance that if there
were any lawsuits that could be involved that the City was not involved in those legal issues and would not have to expend any monies as a result.

City Attorney Linda Daube acknowledged that there was an underlying private land use agreement between the applicant and Seecon. She understood that there was a binding arbitration clause in that agreement and that the parties had opted to begin that process which was expected to be completed within the next couple of months. To the extent that there were decisions that the arbitrator would make, which would be binding and which might or might not impact some of the EIR provisions, she stated that the Commission could consider the applications, pending the outcome of the arbitration.

As an example, Ms. Daube stated that there was a proposed conservation easement that was part of the project. If the arbitrator indicated that provision was not effective in a binding arbitration agreement, the City would subsequently determine that the mitigation measure had become infeasible. She indicated the Commission/Council could take action on the project and EIR, pending outcome of any binding arbitration.

Commissioner Garcia noted that when the final subdivision plans were brought before the Commission he would expect that the project would meet all hillside ordinance regulations regarding street and lot sizes. If not, staff would need to explain why that was occurring. Since there were alternatives to the project layout in the EIR and since staff preferred the 249-lot Alternative, he suggested that some details could change, as the other issues were resolved. He expressed his hope that the project would meet all of the hillside ordinance regulations in response to recent action taken by the City Council.

Commissioner Dolojan supported the staff recommendation.

Commissioner Ramirez commented on the time involved on the project which had been ongoing for over a year with changes made during that time. He suggested that the applicant had been very patient and had worked cooperatively with City staff and that the initial EIR and plans had been revised over the past year as a result of those discussions. He supported the staff recommendation to forward the EIR to the City Council for certification.

MOTION: (EIR)

Motion by Commissioner Dolojan to adopt Resolution No. 9463, recommending that the City Council Certify the Environmental Impact Report for the “Bailey Estates Project”. The motion was seconded by Commissioner Ramirez and carried by the following vote:

Ayes: Commissioners Dolojan, Kelley, Ramirez, Tumbaga, Garcia
Noes: None
Abstain: None
Absent: Vice Chairperson Harris [recused], Chairperson Leonard

Planning Commission Minutes
January 27, 2004
MOTION: RZ-01-04

Motion by Commissioner Ramirez to adopt Resolution No. 9464, recommending that the City Council approve RZ-01-04 and prezone 122 Acres to RS (Single-Family Residential), OS (Open Space) and GQ (Governmental/Quasi Public), and initiate proceedings to annex the property to the City, for the "Bailey Estates Project", with the conditions as shown. The motion was seconded by Commissioner Tumbaga and carried by the following vote:

Ayes: Commissioners Dolojan, Kelley, Ramirez, Tumbaga, Garcia
Noes: None
Abstain: None
Absent: Vice Chairperson Harris [recused], Chairperson Leonard

Commissioner Garcia commented that at the time of Tentative Map submittal to the Commission it was his hope that a number of the issues would have been resolved, such as the fact that the EIR had indicated that the Police Department’s range of radios would not work in the valley. He said it should not be installed at the City’s cost. He expressed his hope that issues regarding the water tank, the maintenance of the J-ditches in the open spaces and the widening of Bailey Road to four lanes would also be resolved.

Vice Chairperson Harris returned to the dais at this time.

Commissioner Ramirez recused himself and stepped down from the dais as a result of a potential conflict of interest with respect to Item No. 2 since he owned property within 100 feet of the subject property.

ITEM 2: First Baptist Church. UP-02-33 and DR-02-45.

Application by Wendi Sue of Sue Associates requesting 1) a use permit to operate a church with an ancillary social hall, meeting rooms, and choir room and other church related activities, and 2) design review approval of architectural and site development plans to construct a 26,400 square foot building on a vacant (approximately 4.00 acre) lot located at 550 West Tenth Street. The zone is CS-O (Service Commercial with a Limited Overlay); APN 085-270-026.

Associate Planner Ken Strelo presented the staff report dated January 27, 2004. He recommended that the Planning Commission approve UP-02-22 and DR-02-45, subject to the staff recommended conditions of approval.

Commissioner Tumbaga inquired of the completion time for the project, particularly given the number of church projects in the City that had yet to be completed even after a long period of time.

PUBLIC HEARING OPENED

PROONENTS:
ED SUE, Sue Associates, 550 East Eighth Street, Oakland, advised that the actual construction period had not yet to be determined and would be known once the contract had been placed out to bid and the bid results had been identified. It was anticipated that the project would take a year, or longer, to construct. Building plans would be submitted to the City as soon as possible. Once the approval process with the City was complete, the project would be put out to bid.

In response to the Vice Chair, Mr. Sue affirmed that he had reviewed and was in agreement with the staff recommended conditions of approval.

Commissioner Dolojan inquired whether or not the applicant had considered placing bicycle parking in the parking lot area, and Mr. Sue stated that bicycle parking could be accommodated in the design.

WENDI SUE, Project Architect, Sue Associates, 550 East Eighth Street, Oakland, again acknowledged that they would consider the bicycle parking which would be easy to include on the plans. In an effort to promote pedestrian access to the church, they would also be providing a connection to the existing trailhead at the north end of the site.

Speaking to a model prepared to display the project; Ms. Sue clarified that the building would be set back 138 feet from West Tenth Street whereby the height of the tower element would not have such an impact on the surrounding buildings.

Ms. Sue identified the existing surrounding uses including an old warehouse and residential buildings. She noted that there was not much along the frontage to make the street special and she suggested that the project would serve as a positive contribution to the street frontage. She noted that one of the functions the church had proposed was a Head Start Program which would serve the community. A number of other community serving functions had also been proposed.

Commissioner Garcia understood that the building itself exceeded the allowed height including the tower element. He requested clarification from the applicant.

Ms. Sue clarified that the building was 3.5 feet above what was allowed at the sanctuary portion of the building. The tower element was 5 feet above the allowable height.

Commissioner Garcia inquired whether or not a variance would be sought by the application. Given what he described as a small amount in excess of the allowable height and given the different buildings around the subject site, he saw no reason not to allow a variance for excess height in this case.

Ms. Ayres explained that the applicant had not submitted a variance application. If the applicant desired a height variance an application would have to be submitted, which would involve a separate public hearing notification process.

Commissioner Garcia inquired of the Commission whether or not there was a consensus to allow the exception in the allowable height.
Ms. Ayres cautioned that the Commission could not discuss or take any action on the height beyond what was allowed since that was not before the Commission at this time.

In response to a question by Commissioner Dolojan as to whether or not there was special glass material proposed for the building, Mr. Sue advised that there would be stained glass windows on the side of the sanctuary unless there were budgetary restrictions. The front glass would be amber or colored and would involve solar material. An overhang was also identified on each side of the sanctuary which would provide shading. An extensive overhang had also been proposed where the sun would directly impinge on those sitting in the pews. She added that there would be louvers on the main façade of the building which would also help to cut the light through the windows.

Speaking to the excess height of the building and tower, Mr. Sue explained that they had considered cutting the height in the front of the building. He noted that as one viewed the building from the street it would be set back the length of the building. The height had been proposed to offer a building of symbolic significance and presence, one which would be well lit in the evening and during the daytime with a prominent roof to provide verticality. He would welcome a height exemption and commented that the issue of the variance would be discussed with the Pastor of the church.

PASTOR HENRY PERKINS, 4485 St. John Lane, Pittsburg, referenced the number of social programs offered by the church, and explained that the church had purchased the property from the City. He explained how the church was working with the City to better the Tenth Street Corridor. He thanked the Commission for its consideration and commented that he would return to the Commission as part of the process of building the First Baptist Church.

BRUCE OHLSON, Pittsburg, suggested that bicyclists in the City would support the project which would offer a positive contribution to the community. He spoke to the bus turnout on Tenth Street and while he recognized that an analysis of the project had determined that the turnout was not needed and was therefore recommended by staff to be eliminated from the plans, he suggested that if the church wanted to build that turnout, it should be built. He would like to see the City be transit friendly.

Speaking to the pedestrian entry from the Eighth Street Linear Park, Mr. Ohlson noted his assumption that entry would meet the Americans with Disabilities Act (ADA) requirements for width, pavement and the like, and would, in effect, accommodate bicycles.

Mr. Ohlson also expressed his hope that with the applicant’s willingness to provide a reasonable amount of bicycle parking, possibly in the vicinity of the Eighth Street bicycle/pedestrian entrance, that the applicant would consider www.bikeparking.com as a good introduction to bike parking design. He particularly supported the design for square wave tubing standing.

Referencing Tenth Street and since the curb would have to be recast, Mr. Ohlson recommended the inclusion of sufficient width of setback for that curb so that bicycle lanes...
could be included as part of future improvements.

OPPONENTS: None

PUBLIC HEARING CLOSED

Commissioner Tumbaga commented that as a member of the Planning Commission for a number of years, she found the project to be one of the most beautiful projects that had been presented in the City. She was also pleased to see the quality of construction that had been planned. She suggested it was time that the church would be out in the front where it could easily be visible to the community. She was pleased to see that the church was undertaking such a large and beautiful project. She also commended the architects for the beautiful model that had been displayed.

Mr. Sue added for the record that they would be using exposed concrete, although not throughout the entire structure. The lower portion of the building would consist of Standard Type 5 concrete, to be finished with cement plaster.

Mr. Strelo reiterated that if the applicant wanted a height variance that would have to be submitted as a separate application. If the Commission were to approve the design review at this time, it would be approved, as conditioned, with the lowering of the building and tower height. If the applicant later filed for a variance, the variance would be processed by staff and returned to the Commission.

In response to comments for the bus turnout, Mr. Strelo pointed out that condition 6a was written at this time to eliminate the bus turnout and if Commission wanted turn out, condition would need to be changed.

Commissioner Dolojan also complimented the efforts of the architects and the church. He expressed his hope that the project would be completed in a timely manner, particularly since he saw the project as a showpiece for the community.

MOTION: UP-02-33

Motion by Commissioner Garcia to adopt Resolution No. 9468, approving UP-02-33, a Use Permit to allow the operation of a church and church related activities located on a 4.0 acre lot at 550 West Tenth Street for “First Baptist Church,” with the conditions as shown.

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

Ayes: Commissioners Dolojan, Garcia, Kelley, Tumbaga, Harris
Noes: None
Abstain: None
Absent: Chairperson Leonard, Commissioner Ramirez [recused]

MOTION: DR-02-45
Motion by Commissioner Garcia to adopt Resolution No. 9469, approving DR-02-45 Design Review Approval of architectural and site development plans to construct a 26,400 square foot church on a vacant 4.0 acre lot located at 550 West Tenth Street for “First Baptist Church,” with the conditions as shown. The motion was seconded by Commissioner Kelley and carried by the following vote:

Ayes: Commissioners Dolojan, Garcia, Kelley, Tumbaga, Harris
Noes: None
Abstain: None
Absent: Chairperson Leonard, Commissioner Ramirez [recused]

Vice Chairperson Harris declared a recess at 8:10 P.M. The meeting reconvened at 8:15 P.M. with all Commissioners initially shown as present or absent.

ITEM 3: Moore Auto Repair. UP-02-26 and DR-02-34.

Application by Patrick Moore requesting 1) a use permit to establish an auto body repair business, and 2) design review approval of architectural and site development plans to construct two 2,090 square foot buildings on two adjacent undeveloped parcels, each with an area of 0.14 acres and 0.13 acres, located at 1230 Solari Street and 395 Central Avenue (respectively), Service Commercial with General Plan land use designation; APNs 086-131-009 and 086-131-010.

Assistant Planner Dana Hoggatt presented the staff report dated January 27, 2004. As earlier reported, she recommended that the Planning Commission continue the public hearing on the item to February 10, 2004.

PUBLIC HEARING OPENED

PROONENT:

STEVE ADAMS, 1338 Shaw Lane, Walnut Creek, representing the applicant Patrick Moore, deferred any comments to the next meeting on February 10, 2004.

Vice Chairperson Harris advised that the item would be continued to the next regular meeting of the Planning Commission scheduled for February 10, 2004.

COMMISSION CONSIDERATIONS:

There were no Commission Considerations.

STAFF COMMUNICATIONS:

Notice of Intent to Exercise Design Review Authority Delegated to Staff
a. Shell Gas Station Remodel at 3737 Railroad Avenue. AP-03-38 (DR).
b. Shell Gas Station Remodel at 2253 Loveridge Road. AP-03-39 (DR).
Ms. Ayres advised that both applications involved a remodel of Shell Gas Stations. Unless the Commission directed the items to be brought back to the Commission at this time, both applications would be reviewed and approved at staff level pursuant to the design review authority delegated to staff.

Commissioner Garcia inquired whether or not the plans were the same as those that had originally been proposed and approved by the Planning Commission. He also inquired of the status of the station on Loveridge and Buchanan Roads noting that the property had a fence around it and was in poor condition. He requested that staff research what could be done with the site given the poor condition of the property.

Ms. Hoggatt clarified that the original design review approvals for both projects had expired since the applicant had not pulled permits within the allowed time. As a result, the applicant had resubmitted the applications which were the same as what the Commission had previously approved. No changes had been made. She also understood that the Buchanan Road station had been closed.

With respect to the station on Railroad Avenue, Ms. Hoggatt noted that comments from the Vice Chair during the initial public hearing as to the existing gable would be followed. The existing gable would remain. As to the Buchanan Road station, she would contact the architect to obtain some information on the status of that site.

**COMMITTEE REPORTS:**

Commissioner Garcia reported that he had attended the January 15 TRANSPLAN Committee meeting which had included a reorganization of all of the traffic committees. He commented that TRANSPLAN had received an unanticipated $53,798 which would be given to Tri Delta Transit for the purchase of clean diesel fuel. He commented that TRANSPLAN staff would also be meeting with the City Councils of each jurisdiction related to the efforts to extend Measure C.

Commissioner Garcia also noted that funding was available for the widening of State Route 4 to Loveridge Road with enough funds for the improvements to the overpass at Loveridge Road, although funding for any improvements beyond that point were not available. It was likely that the existing improvement projects would be delayed as a result of the current State Budget constraints.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Kelley spoke to the freeway off-ramp from Antioch before traffic reached the Railroad Avenue turnoff where some residential homes had been demolished and where the area was littered with old refrigerators and other items. She questioned who
was responsible for the cleanup of that property.

Commissioner Tumbaga referenced the entrance into the Pittsburg Adult Education facility where the drive entrance was very narrow and not wide enough for in/out traffic at the same time. She stated that the drive entrance was in need of improvement and she questioned who would be responsible for those improvements. She also inquired what project was being built at the foot of Tenth Street and Harbor.

Commissioner Garcia understood that a contractor’s yard was being built on the property at Tenth Street and Harbor.

Vice Chairperson Harris inquired of the status of Fort Knox Self-Storage facility, to which Ms. Ayres advised that the project would be presented to the Planning Commission as a public hearing on February 10 to consider a possible revocation of the existing use permit.

Vice Chairperson Harris also requested that engineering staff consider a stoplight or a three way stop on Piedmont Way and Leland Road since the area was being impacted with traffic congestion throughout the day.

Commissioner Garcia understood that the City Council would be considering a Negative Declaration for the extension of West Leland Road in the near future. He questioned whether or not that document would be considered by the Planning Commission prior to that time.

Ms. Ayres explained that there was no action for the Planning Commission to take on the road extension. The General Plan called for the extension. The City Council had included the extension in the Capital Improvement Plan (CIP) Budget and had authorized staff to commence design work for the road. The City Council would soon be asked to review and approve the design alignment and the environmental review. The roadway would connect to San Marco Boulevard.

Ms. Ayres also clarified, when asked, that the residential homes in the area would not generate more traffic than the four lanes called for in the General Plan, as reflected in the EIR for the General Plan.

Vice Chairperson Harris opined that projects of such importance should be reviewed by the Planning Commission prior to City Council consideration.

Director of Building and Planning Randy Jerome explained that pursuant to State law, the Five-Year CIP must be reviewed by the Planning Commission for consistency with the General Plan. The Leland Road extension was part of the original San Marco residential project that had been reviewed and approved by the City Planning Commission in 1992.

Commissioner Garcia expressed his hope that the City would not build a roadway for a developer in that it would be better if the City were to subsidize the MDUSD to bus
students to school until the residential project had been built.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:39 P.M. to a regular meeting of the Planning Commission on February 10, 2004 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