MINUTES
OF THE REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION
March 23, 2004

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Mark Leonard at 7:00 P.M. on Tuesday, March 23, 2004, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

Present: Commissioners Dolojan, Garcia, Harris, Kelley, Ramirez, Chairperson Leonard

Absent: Commissioner Tumbaga

Staff: Director of Planning and Building Randy Jerome; Planning Manager Melissa Ayres; Assistant Planner Dana Hoggatt; Assistant Planner Christopher Barton; Senior Civil Engineer Alfredo Hurtado; Senior Civil Engineer Paul Reinders; and Administrative Assistant to Director Fara Bowman.

POSTING OF AGENDA:

The agenda was posted at City Hall on March 19, 2004.

PLEDGE OF ALLEGIANCE:

Commissioner Ramirez led the Pledge of Allegiance.

DELETIONS/WITHDRAWALS/CONTINUANCES:

There were no deletions, withdrawals or continuances.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

PRESENTATIONS:
Senior Civil Engineer Paul Reinders reported that the East County jurisdictions, which included the City of Pittsburg, were preparing a Nexus Study of developer fees. The City Engineers of those jurisdictions had been in the process of discussing the study and would be meeting again on April 2, 2004. The TRANSPLAN Committee was scheduled to approve the Nexus Study on April 15, 2004, although that scheduled date would likely be delayed.

Mr. Reinders also reported on the status of the Speed Hump Traffic Calming Policy and noted that the City’s current policy was under revision. The Community Advisory Committee (CAC) was scheduled to review the policy on April 7 with City Council review scheduled for May 3. The policy would be updated to add several traffic calming measures in addition to speed humps in order to reduce the speed of traffic and to reduce cut through traffic on residential streets. The policy would require a petition with signatures from 10 percent of a neighborhood in order to initiate a staff investigation of a City street in terms of speed and volume. The intent of the policy was to reduce the amount of work that City staff would have to expend for every request for speed humps.

Other changes to the policy would include prioritization of the speed hump locations based on the number of accidents and miles per hour over the critical speed on a specific street.

Speaking to the Ventura Drive and Gladstone Drive speed humps, Mr. Reinders advised that the update had been presented to the CAC on November 5, 2003. At that time, the CAC had been informed that staff would monitor those streets after the State Route 4 Widening project in order to determine whether or not the traffic patterns had changed and to identify the street volumes upon completion of the project. There were discussions of the need for an annual budget for traffic calming measures such as mid-median, speed bumps, flashing beacons and other traffic calming measures in the new policy.

Mr. Reinders reported that staff was considering prioritizing projects for this budget cycle including the Linscheid Drive median and the Yosemite Drive flashing beacons at the school crossing. In addition, the City’s Traffic Signal Controller and Interconnect System Replacement manufacturer was now out of business and the City could no longer find replacement parts or service for that system. As a result, the City was undergoing a replacement project and decisions had not yet been made in that regard. The City was considering a possible grant to select a vendor and system and potentially phase in a project over the next two to three years that would replace the controllers and interconnect systems for all of the City’s traffic signals.

Mr. Reinders advised that the Harbor/Yosemite traffic signal was a priority. A Capital Improvement Program (CIP) workshop had been scheduled before the City Council on May 17, 2004 and before the Planning Commission on June 8, 2004. In addition, the Council
would be considering the Harbor Lights California Vehicle Code (CVC) Enforcement on April 5, 2004 since there had been a number of violations on the private streets in that development. The City had requested CVC enforcement on private streets, which if adopted, would allow the Police Department to enforce the CVC on those streets.

Mr. Reinders reported that the City Council had recently adopted a prima fascia speed limit in the City, with changes having been made to California Avenue and Loveridge Road to the east end of California Avenue with speeds raised from 25 to 35 MPH. Frontage Road from Dover to Chelsea had been lowered from 35 to 30 MPH, Palo Verde Drive from Jensen to the south end had been raised from 25 to 30 MPH, Willow Pass Road from the end of Tenth Street to Range Road had also been lowered from 50 to 45 MPH, and Willow Pass Road to Range Road from Balclutha had been raised from 35 to 40 MPH. Those revisions had been made in accordance in the CVC, which required the City to set the speed limit at the 85th percentile speed of traffic.

The City was also seeking proposals from consultants for a downtown parking study from Cumberland to Black Diamond and Eighth Street to Third Street.

Mr. Reinders noted that the Metropolitan Transportation Commission (MTC) 2005 Update to the Regional Transportation Plan (RTP) would identify the Bay Area transportation investments planned for 2005 to 2030. Several City projects had been listed in that plan. The Contra Costa Transportation Authority (CCTA) 2004 Update included the Contra Costa Countywide Transportation Plan, which identified a 25-year investment in the County and included the reauthorization of Measure C projects.

Mr. Reinders went on to update the Commission on the Transportation Development Act (TDA) Grant funding for bicycle and pedestrian projects and reported that the City had been successful in obtaining grant monies for the following projects: Buchanan Road Class Two Bike Lanes; Harbor Street Class Two Bike Lanes; Eighth Street Class Two Bike Lanes; and handicap ramps. In 2004 the City received $250,000 for the Stoneman Avenue Class Two Bike Lanes and handicap ramps. Also BART and Seecon Construction Company, which owned land between Safeway and the BART Parking lot, had settled their negotiations to allow the expansion of that parking lot. Grant funding for that project had been received three years ago. The project was now ready to commence.

In addition, the City had a Traffic Management Plan that was being implemented for the State Route 4 Widening project with monthly meetings on traffic circulation and impacts of the widening. A consultant would take periodic counts during the project to observe traffic pattern shifts in the City and to adjust signal timings and markings accordingly. Further, the overnight truck parking area on the south side of Power Avenue between Davi and Railroad Avenues, which had been designated by City ordinance, would no longer be permitted. The City would rescind the ordinance, which had allowed the overnight truck parking. City staff was also in the process of updating the street width standards for development.
In response to Commissioner Ramirez, Mr. Reinders clarified that the south side of Power Avenue between Davi and Railroad Avenues had been designated for overnight truck parking, although as part of the State Route 4 Widening project the contractor had requested and had been granted the elimination of the parking in that area during the project itself. Staff had been directed to eliminate the overnight parking area permanently by rescinding an existing City ordinance. There was no identified replacement parking for the trucks at this time. No parking signs had been installed in that area and staff understood that the trucks have been removed and were no longer parking in that area.

Commissioner Dolojan inquired of the rationale for the installation of speed bumps. He questioned the posting of signage for No Thru Traffic on Gladstone Drive given that speed bumps had been installed in that area.

Mr. Reinders reiterated that the intent was to reduce the critical speed of traffic through a neighborhood. The No Thru Traffic signs had been implemented on Gladstone Drive as a first attempt to address the traffic concerns of the residents. It had been found that the signs had reduced the volume of traffic although the signs had not significantly reduced the speed of traffic. The City Council had later directed that staff install speed bumps, which had significantly reduced the speed of traffic. An update of that situation had been provided to the CAC. It had been decided that the signs would be kept in place pending another study after the widening of State Route 4, which would then identify the volume of traffic on Gladstone Drive at that point in time.

Commissioner Dolojan expressed concern that local drivers were being penalized by not being allowed to drive through Gladstone Drive.

Mr. Reinders explained that Gladstone Drive had not been designed as a through street. It was a residential local road. The current volume of traffic on the street was appropriate for a residential street. If the signs were removed the neighborhood would request the installation of a mid-block closure. He understood that if drivers were trying to access the medical offices on Gladstone Drive they would not be cited for a no through traffic violation.

Commissioner Garcia disagreed that the street had not been designated as a no through street.

Mr. Reinders clarified that the street had not been designated in the General Plan as a collector or arterial street, but he acknowledged that the street was a through street.

Commissioner Garcia commented that the street had been designed in width as a collector street. He added that the residents who lived on Gladstone Drive wanted to close the street, install speed humps or prohibit through traffic. The majority of the residents who lived off of that street wanted the street to go through and not be closed. It was therefore unfair for the residents of the community to not be allowed to use a street paid for by the taxpayers. He noted that Ventura Drive had a greater volume and speed of traffic than Gladstone Drive and that he would likely support the closure of Ventura Drive in front of his
own home to prevent traffic from going down Buchanan Road to bypass the freeway. He suggested that the CAC consider revising the signage for No Thru Traffic on Gladstone Drive to be posted with hours of restriction where no thru traffic would be permitted during commute periods. He suggested that would prevent the local residents trying to reach the medical offices on Gladstone Drive from being ticketed.

Mr. Reinders stated that he would raise the concern with the Traffic Safety Committee to see what could be done.

Commissioner Harris inquired whether or not the City had any funds for traffic signals or stop signs.

Mr. Reinders advised that there were traffic mitigation fees paid by developers but which could only fund signals warranted in 1990. The project list for developer funds included West Leland at Oak Hills, Woodland Hills and San Marco. There were also traffic signals warranted prior to 1990 that did not have funds identified at this time. The traffic signal at Harbor and Yosemite Drive was a priority after the signal for Power and Railroad Avenues. That project had already been funded.

Commissioner Harris noted the need for a traffic signal or a three way stop sign at Piedmont Way and Leland Road.

Mr. Reinders explained that there was a development off of Piedmont Way, which would require the preparation of a traffic study. If the intersection at Piedmont Way and Leland Road was warranted for a traffic signal, it would be identified at that time.

Commissioner Harris also noted that the roadway at Piedmont Way with the canal at the right hand side did not have enough room for two vehicles, particularly if a vehicle desired to make a left or right turn movement.

Mr. Reinders reiterated that would be analyzed with the development project on Piedmont Way.

CONSENT:

A. Planning Commission Minutes of March 9, 2004

MOTION:

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

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

Item 1: Gomez Brothers Auto Center South. AP-03-37 (UP, VA, DR).

Public hearing on an application for 1) a use permit to allow automotive repair and to allow development of a substandard lot; 2) variances to reduce the minimum required front yard landscaping from 25 feet to 0 feet, to reduce minimum site landscaping from 10 percent to six percent, to reduce the minimum side and rear yards from 10 feet to 0 feet, and to increase the maximum lot coverage from 40 percent to 48 percent; and 3) design review approval of freestanding sign plans, and architectural and site development plans to construct two new buildings (3,502 square feet and 3,304 square feet in size) for automotive repair use on an undeveloped 0.32 acre property located at 2171 Piedmont Way, IP (Industrial Park) District; APN 088-240-064.

Assistant Planner Dana Hoggatt presented the staff report dated March 23, 2004. She recommended that the Planning Commission adopt Resolution No. 9479, Denying AP-03-37, without prejudice.

Ms. Hoggatt added that staff had received a letter on this applications from the Boilermakers Union located immediately south of the property at 2191 Piedmont Way which was provided to the Commission.

Chairperson Leonard inquired whether or not staff had met with the applicant to attempt to resolve the issues raised in the staff report, to which Ms. Hoggatt affirmed that she had spoken over the telephone and had met over the counter several times with the applicant, without resolution.

Commissioner Garcia noted that there was no landscaping in front of Taylor Rentals or Piedmont Lumber. The landscaping on the side of Taylor Rentals was not being maintained. The City also owned land near the canal, which was neither landscaped nor maintained. He agreed that the property was unusual. Having viewed the property, he suggested that the findings could be made to approve the project, as submitted. Commissioner Garcia otherwise agreed that the frontage should be broken up similar to the offices between the second and third door. He suggested that it was a good thing the building would be on the property line since it would block views of the adjacent business to the east where a fence was in disrepair and the other side of the lot required weed abatement. It would also block the driveway and the Boilermaker Hall which was unattractive from that side of the building. He noted that the landscaping in that area ran anywhere from 18 inches at the Boilermakers Hall to 10-feet at other places, with none elsewhere. He noted that the property was unusual and the square footage being proposed was not unusual given the fees that would have to be paid before commencing the project, which could impose a hardship on the business operator.

Commissioner Ramirez commented that he had driven past the site and there was a
landscape strip to the right where the apartments were located of approximately five feet all the way around until it hit the Boilermakers Hall. The Boilermakers Hall had a three-foot strip with the adjacent subject lot. If the applicant were to provide a five foot strip of landscaping that would comply with the existing situation, he suggested it made no sense to have the applicant go back 10 to 15 feet when the other businesses were not in compliance.

Commissioner Ramirez also noted that Building B would be situated right up to the Boilermakers Hall and an adjacent empty parking lot. Building A would be adjacent to Vitale and Sons Landscaping, which was another parking lot. He too had no problem with the placement of the buildings right up at the property line.

PUBLIC HEARING OPENED

PROPOONENT:

ROBERT GOMEZ, 40 Lake Street, Pittsburg, agreed with Commissioner Garcia’s comments and suggested that he had a good project with sufficient landscaping to comply with necessary requirements.

OPPONENTS: None

PUBLIC HEARING CLOSED

In response to Commissioner Dolojan, Ms. Hoggatt explained that the five feet of landscaping being proposed was in the Piedmont Way right-of-way, was not considered to be on-site landscaping and would not be counted toward the landscaping frontage. As a result, while the plans had shown five feet of landscaping the actual exception the applicant had requested was zero feet.

Commissioner Garcia understood that the project met the parking requirements and that the building was set back far enough from the street. He understood that the landscaping for the Boilermakers Hall was also located within the public right-of-way. If the applicant were to landscape only the first five feet within the project site, a weed patch would be created since the City would not landscape or maintain the public right-of-way.

Ms. Hoggatt explained that the applicant would not be required to maintain or be responsible for the landscaping in the Piedmont Way right-of-way unless the Commission so conditioned that be done.

Commissioner Garcia questioned the imposition of a condition on the applicant for something that the City should be doing.

Ms. Hoggatt clarified that as part of any development proposal the developer would have to install a sidewalk and conduct frontage improvements. The five feet had not been included
in the required minimum site landscaping of six percent since it was again not in the public right-of-way and not on site. The on-site landscaping and the landscaping in the public right-of-way represented approximately 1,500 square feet, an estimated 11 percent of the site area. The actual landscaping on the site represented only six percent of the site area.

Commissioner Garcia suggested the applicant modify the front elevation of Building B to add architectural relief between the second and third doors. Commissioner Garcia recommended the Commission vote no on the staff recommendation for denial of the project. He then made a motion directing staff to prepare a resolution of approval to be returned at the next Planning Commission meeting for approval of the project and the variances requested.

**MOTION:** AP-03-37

Motion by Commissioner Garcia to direct staff to prepare a resolution to approve AP-03-37 (UP, VA, DR) for Gomez Brothers Auto Center South located at 2171 Piedmont Way. The motion was seconded by Commissioner Ramirez and carried by the following vote:

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

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**Item 2: Fort Knox. AP-04-93 (UP).**

Public hearing on an application for a use permit to operate a U-Haul truck rental business in conjunction with a self storage facility at 3865 Railroad Avenue in the C-O-O (Commercial Office w/Overlay) District; APN 088-072-062 and 088-072-065.

Planning Manager Melissa Ayres presented the staff report dated March 23, 2004. She took this opportunity to identify typographical errors in Findings B, D, and F and in conditions 1 and 11. She recommended that the Planning Commission approve a use permit to operate the proposed U-Haul business by adopting Resolution No. 9478 with the staff recommended conditions of approval and with the corrections as noted. The only substantive change related to the setback, conditions and findings related to a 30 foot setback from the east property line, which should be revised to reflect the north and east property lines.

Ms. Ayres added, in response to a Commissioner inquiry, that the applicant had presented photos at the previous meeting depicting a more decorative wall than shown on the submitted plans and that the conditions of approval for the new wall had been written to reflect the Commission was approving the more decorative wall depicted in the photograph.

Ms. Ayres stated that the applicant must resubmit construction plans to the Building Department which match the more decorative wall approved by the Commission. The
applicant had been working on the plans and staff understood that those plans were to be submitted to staff at the meeting. If that was, in fact done, she stated that those plans would then be forwarded to the Building Division for plan check.

Further, Ms. Ayres advised that staff had received two comment letters on the application including a letter from Ben Bruno dated March 19, 2004, and a memorandum from Associate Planner Noel Ibalio indicating that he had received a telephone call from Pete Carpino, a Pittsburg resident who was unable to attend the hearing and who had expressed his concerns with the recommended conditions of approval.

Ms. Ayres clarified that the continued public hearing on the possible revocation of the use permit for the self-storage facility had been scheduled for the April 13, 2004 Planning Commission meeting.

PUBLIC HEARING OPENED

PROONENT:

JOHN COMPAGNA, 3865 Railroad Avenue, Pittsburg, spoke to the staff recommended conditions of approval, specifically to Condition No. 8. Mr. Compagna noted that staff was unaware that the site had a trash enclosure area. Referring to the concerns with debris being left on the property and around the surrounding businesses, he stated that debris was not associated with the business and was being left by those outside of the property from Railroad Avenue who were leaving trash around the corner.

RONALD NEWMAN, 150 Druin Drive, Rio Vista, commented that he had viewed vehicles dumping items behind the stores in the front of the self storage business. He explained that when the U-Haul customers dropped off his/her garbage it was typically left in the U-Haul trucks and he was responsible for the disposal of that garbage at the dump. The cleaning or disposal fees in that case would be charged to the customer. It was the responsibility of the party renting the truck to return the truck in the condition it had been dispatched.

Mr. Compagna also spoke to Condition No. 4, and noted again that he had spoken to the Associate Planner regarding the recommended pavement and striping of the main parking area in the northwesterly quarter of the site. He suggested it would make more sense to slurry seal and patch that area rather than to tear up the roadway and repave.

Commissioner Garcia questioned whether or not the two buildings that were part of the original proposal for the self-storage facility would ever be built. He also expressed concern approving the U-Haul truck request given that the applicant did not have building permits for the wall and landscaping. Given the numbers of problems with the site and the conditions that had yet to be fulfilled, he supported a continuance of the request until the applicant had drawn the building permits, or that the use permit not be viable until the applicant had drawn permits for the wall. He would only support the approval of the use permit with a condition requiring that the applicant install the required wall and landscaping.
Ms. Ayres explained that if the use was not already in existence the Commission could condition its approval that the use could not be established until the fence was in place. However, the applicant had started the business before the permits were issued and the City would not be stopping the applicant from doing something until the fence was in place.

Commissioner Garcia pointed out that the U-Haul business was operating illegally as it was and the City could conduct code enforcement to cease all business operations until the applicant had conducted the required conditions of the original use permit. He suggested it would otherwise be more difficult to terminate the use.

Ms. Ayres suggested that the use permit could be conditioned to state that the use could not be legally established until the fence was under construction.

Commissioner Harris questioned allowing the business, which had opened, for operations without a legal use permit and without Planning Commission consideration and approval. He did not support the use permit request at this time. He also questioned the fact that if the use was allowed it could set a precedent for other businesses.

Mr. Newman explained that he was unaware at the time he established the use, that there was a City ordinance for a use permit to open a U-Haul dealership. He also clarified that the U-Haul business involved a relocation of an existing business on Bliss Avenue. The City had taken the lease away from the Bliss Avenue location and had offered no options for a relocation of that business. He had the responsibility to find a new location and had identified the subject site as a prime location since it was offset from Railroad Avenue and since the trucks would not be clearly visible from the street. The site would also meet the needs of the community.

Mr. Compagna added that the U-Haul business offered assistance to the self-storage facility in terms of cash flow and the things that needed to be done with the property.

Commissioner Harris emphasized that the Commission was not to be concerned with the financial matters of the business but to deal with land use issues. He questioned the fact that the applicant’s business had been ever changing with many of the proposed improvements as part of the self storage facility never having been completed and with the applicant not complying with many of the conditions of approval for the self storage facility.

OPPONENTS: None

PUBLIC HEARING CLOSED

Commissioner Garcia commented that there were problems with the trucks turning on Railroad Avenue onto El Dorado Drive, then right behind the gas station traveling through that property at great speed and then turning into the self-storage facility. He questioned how that path of travel could be prevented. He also noted that the businesses on the front
of Railroad Avenue had complained that the trucks traveling north on Railroad Avenue were cutting through the Railroad Square Shopping Center and speeding through the parking lot. He questioned how that would also be addressed.

Mr. Newman understood that it did not matter where the U-Haul business was located, because there was still an issue with other cars traveling through the areas that had been noted. He described it as a traffic problem. He suggested that the way to control that problem would be to use speed bumps and stop signs to control the area.

Mr. Compagna suggested that when the trucks were leased, the customers could be given a map identifying the entrance and exit areas only.

Commissioner Garcia suggested that the applicant might be responsible for speed bumps between the gas station and the parking lot.

Mr. Newman explained that he had spoken with the owner of the other properties and the problem was not just the U-Haul trucks but with other vehicles coming through the property.

Commissioner Garcia noted that the City had no control over the other drivers through the community although it did have control over the U-Haul business.

Mr. Compagna added that he had spoken with the traffic engineer to install speed bumps toward Linscheid Drive and behind the adjacent restaurant along with caution signs. He suggested that the speed bumps would be helpful to address the situation.

Commissioner Garcia requested that City staff review that issue in that he was not confident that the complaints would be resolved. If the applicant could not control those leasing the trucks there could be a problem with the retention of the use permit if approved. Commissioner Garcia made a motion to approve the use permit, subject to an added condition that the use permit for the U-Haul business would not take effect until construction had started on the wall and landscaping.

**MOTION: AP-04-93**

Motion by Commissioner Garcia to adopt Resolution No. 9478, approving a Use Permit to operate a U-Haul Truck Rental Business in conjunction with a self-storage facility at 3865 Railroad Avenue in the C-O-O (Commercial Office w/Overlay) District, with the conditions as shown, with an additional condition that the use permit for the U-Haul operation shall not take effect until construction had started on the wall and landscaping, and with the staff recommended typographical corrections to Findings B, D, and F of Condition Nos. 1 and 11. The motion was seconded by Commissioner Ramirez and carried by the following vote:

- **Ayes:** Commissioners Dolojan, Garcia, Kelley, Ramirez, Leonard
- **Noes:** Commissioner Harris

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Commissioner Kelley requested that staff notify the Police Department of the concerns with respect to the speed of traffic cutting through the property and traveling through and around the neighborhood of the Ford Knox Self-Storage use.

**Item 3: Bashir’s Auto Sales & Storage. AP-04-104 (UP) and DR-02-44.**

Public hearing on an application for a Use Permit to establish an auto storage and ancillary automobile sales use and sales office structure on a substandard lot located at 1000 Harbor Street. The applicant is also requesting Design Review approval of the new structure, new fencing, landscaping, signage, and pavement/striping proposed to the property to facilitate the use. The property is zoned IL (Limited Industrial) District; APN 073-060-007.

Planning Manager Melissa Ayres presented the staff report dated March 23, 2004. She recommended that the Planning Commission support the approval of the project as recommended by staff and adopt Resolution No. 9480, approving AP-04-104 and DR-02-44, subject to the staff recommended conditions of approval.

Chairperson Leonard referenced Section 2, Finding C on Page 2 of 6 of the staff report, where it had been stated that the applicant had proposed to install landscaping and wrought iron fencing. Since wrought iron fencing was not an inexpensive proposition, he recommended a condition where the applicant “will” install landscaping and wrought iron fencing, rather than the language “proposed to install.”

Chairperson Leonard otherwise agreed with the staff recommended conditions of approval.

Ms. Ayres spoke to Condition No. 15 on the actual resolution which would require the applicant to screen the trailer with vines and other plants that would cloak the building, and where the applicant would be required to submit a revised landscaping plan as part of the building permit plan check process. Staff would ensure that plan included all landscaping as part of the original project approval.

Chairperson Leonard explained that his concern was with the fencing. He suggested that the wrought iron fencing would be a major necessity for any project prior to moving forward.

Ms. Ayres noted that Condition No. 17 stipulated that the applicant shall submit details of the proposed wrought iron fence and gate as part of the building permit plan check process.

Chairperson Leonard reiterated his recommendation to require the applicant to submit details of the wrought iron fence.
PUBLIC HEARING OPENED

PROPONENT:

BASHIR RAHIMI, P.O. Box #3, Pittsburg, explained that he would be willing to work with the City on whatever the Planning Commission might decide. He recognized that he would have to live with the recommendations, although he questioned being forced to install a fence if other citizens were not forced to comply with the same regulations.

Commissioner Garcia questioned whether or not the applicant was in agreement with the staff recommended conditions of approval as contained in the resolution of approval.

Mr. Rahimi commented that there was no law in the City requiring any type of fence to be permitted. If he were forced to have a fence, he questioned why other businesses were not being forced to also install a fence.

Commissioner Garcia explained that if the use permit were approved, it would include a resolution with associated conditions of approval. The applicant would have to follow those conditions or he would not be permitted the use permit. He added that there did not have to be a law that stated what was or was not required in that the law related to whatever conditions the Planning Commission might impose on the use permit and design review.

Ms. Ayres clarified that Mr. Rahimi was speaking to the building permit process. A fence less than six feet would not require a building permit regardless of the type of fence. Under the use permit process, the applicant had originally proposed a chain link fence. In working with the Project Planner, the applicant had worked to upgrade the fence to a wrought iron fence, which had been identified on the applicant’s plans as submitted to the City.

Ms. Ayres understood that the applicant desired a fence to provide security for the vehicles on the site, not that a fence was necessarily required. It was staff’s intent that if there was to be a fence, that fence should be appropriate for a commercial area and not necessarily to be a simple chain link fence.

Mr. Rahimi noted that Winter Chevrolet had sold vehicles and had not installed a fence around its cars. He otherwise recognized that the Commission could impose conditions on the use.

Ms. Ayres reiterated that the only reason the matter had come up was because the applicant desired a fence around the property. If the applicant now did not want a fence around the property, that would be a different issue.

Mr. Rahimi explained that he would have a car dealership with trailers and nice landscaping and paving area. If he later decided to install a fence, he would seek approval of a fence from the Planning Commission.
Chairperson Leonard reiterated that as part of the request before the Planning Commission, the applicant had called for a fence on his plans. If he did not want that fence in the conditions of approval, he advised the applicant that now was the time to remove that condition. He questioned whether or not the applicant was now making such a request.

Mr. Rahimi clarified that he was asking for the fence to be removed from the project. He added that he had applied in 2002 and had been faced with numerous conditions.

Chairperson Leonard also spoke to the condition for the applicant to connect to the sewer line. When he asked the applicant of his willingness to comply with that condition, Mr. Rahimi affirmed that he would comply with that condition.

Mr. Rahimi reiterated that his business would basically involve a dealership, trailer and nice landscaping.

Commissioner Garcia clarified that if the applicant did want a fence that a cyclone fence would not be permitted, so essentially there would be no fence.

Mr. Rahimi stated that he would, in fact, like a fence.

WILLIAM LEE, Pittsburg, offered some clarification on the discussion and his understanding that the applicant desired a fence on the front side of the right-of-way where the City landscaping stopped. He stated that Lot 1001 was the lot that would be paved and Lot 1000 was where the applicant intended to have a zero lot line to the existing building that had recently been constructed. The applicant also desired to place a temporary trailer on the site.

Mr. Lee again clarified that the applicant planned to install a wrought iron fence on the front of the property, but that the existing cyclone fence with barbed wire separating this site from the railroad tracks on the east and the adjacent properties to the north and south would remain. He also understood the applicant intended to purchase cars from the auto auction, bring those cars to the site and place those cars for sale on the lot. He would help the applicant pave the property, prep the building pad, and install the building.

In response to Commissioner Harris, Mr. Lee further clarified that the vehicles were currently repaired off-site but would be brought to the site for sale. There would be no mechanic work performed on site. No junk cars would be brought to the site and everything on the site would be for sale and behind a wrought iron fence.

Commissioner Garcia inquired whether or not the applicant understood that he would have to come again before the Commission if he planned to build a building and conduct other improvements to the property beyond what was now being considered by the Commission, to which Mr. Lee understood that was the case.

Chairperson Leonard also understood that there would be no inoperable vehicles on the
site unless they were in the building to be built some time in the future.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-04-104 and DR-02-44

Motion by Commissioner Garcia to adopt Resolution No. 9480, approving Use Permit AP-04-104 (UP) and Design Review 02-44 to establish an automobile storage and sale, and related site improvements at 1001 Harbor Boulevard, APN 073-060-007, with the conditions as shown and with a revision to Finding C, Section 2 as follows:

C. Will not adversely affect the orderly development of property within the City.

The applicant will install landscaping along the front setback of the property, install wrought iron fencing (*if any*), pave and stripe the site to allow for an organized storage of automobiles, and install a business sign to identify the use. These proposed site improvements will enhance the appearance of the site and provide an orderly development of the property.

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

Ayes: Commissioners Dolojan, Garcia, Harris, Kelley, Ramirez, Leonard

Noes: None

Abstain: None

Absent: Commissioner Tumbaga

COMMISSION CONSIDERATIONS:

Item 4: Meat Market at 3819 Railroad Avenue. AP-03-15 (DR).

This is a request for design review approval of architectural plans for the construction of a 1,540 square foot building addition, exterior building modifications and on-site improvements to convert an existing multi-tenant building into a specialty food market at 3819 Railroad Avenue, CC (Community Commercial) District; APN 088-092-065.

Assistant Planner Christopher Barton presented the staff report dated March 23, 2004. He recommended that the Planning Commission adopt Resolution No. 9477, approving Design Review application AP-03-15 (DR), with the staff recommended conditions.

Mr. Barton identified a typographical error in the staff report noting that the landscaping did not comply with the Community Commercial district standards. The landscaping that had been proposed was at four percent, and the site currently had zero percent. The applicant had proposed to add more landscaping to meet the requirement of ten percent.
landscaping which staff suggested should be added in the parking lot and along the property frontage. Staff had spoken to the applicant on that matter who had agreed that could be a good option to pick up the additional landscaping required.

Ms. Ayres added for the record that an e-mail dated March 23, 2004 had been received from Bertha Stobb and a letter dated March 22, 2004 from an unidentified property owner in response to the proposed application. Copies of the correspondence were provided to the Commission.

Mr. Barton commented that one of the letters had made several references to issues necessitating Pittsburg Police Department involvement. Mr. Barton said that Code Enforcement staff had checked their files and the standard Police Department files, and found only one violation had been recorded for the site. That violation had involved a 55-gallon barrel of oil, which had been located at the rear of the property along with miscellaneous trash items. The applicant had been cited to remove the debris and the violation had been abated within 15 days. Staff found no other violations and could not verify many of the claims listed in the correspondence that had been received.

Commissioner Garcia stated that there had been a number of complaints from businesses in the area that the applicant had a habit of hiring the homeless who congregated around the property. The applicant had also not maintained the parking lot even after the City had installed the parking lot when Railroad Avenue had been widened. He had also been informed of many of the concerns raised in the correspondence that had been provided to the Commission. Commissioner Garcia otherwise inquired whether or not the applicant had a check cashing business or a license to sell alcohol.

Mr. Barton noted that there was nothing in the subject application for a check cashing business. There was also no business license on file for such a use at the property. The applicant would have to clarify that information. Further, he was unaware whether or not the applicant had a license from the ABC to sell liquor.

PROPOUNENTS:

LOUIS MONTAGNO, Interpreter for the applicants Nora and Rafael Cervantes, explained that the applicants had cashed checks for a limited number of regular customers, but that no fee had been charged.

NORA CERVANTES, Oakley, identified herself as the applicant and acknowledged that the business had a license to sell alcohol. She also acknowledged, when asked, that the business had been cited for selling alcohol to minors three or four years ago.

Mr. Montagno understood that there were different policies for the sale of alcohol. He commented that he had spoken to the applicants and agreed that they should have a policy in place for all employees to ensure that the sale of alcohol or cigarettes to minors would not be tolerated or the employees would be fired. He noted that the store was a specialty
store that had been in business for many years. He emphasized that the applicants had
donated and given back to the community.

Commissioner Garcia commented that the applicants had also apparently been selling
margaritas outside of the business. He requested clarification as to whether or not the
applicants had hired the homeless to work in the business.

Mr. Montagno stated that he had spoken to the applicants about the allegation of selling
margaritas outside of the business, which he characterized as a blatant lie. The applicant
had met with the Police Department to address the homeless situation and had received
little cooperation from the Police Department. The Police Department had tried to serve
those people although by the time officers arrived those people were gone. He questioned
who the applicant should contact to address the homeless situation.

Commissioner Garcia explained that the main concern was that the applicants not
encourage the homeless to remain in the area by hiring them to conduct odd jobs. He
inquired whether or not the existing tenants in the building were aware of the applicants'
plans to build the addition.
Mr. Montagno stated that the applicants had informed their tenants of the plans to expand
the business and would allow the tenants time to leave.

As to whether or not the applicants owned the entire piece of property or whether the
property could be blocked off or gated in the rear to prevent through traffic accessing El
Dorado Drive when asked by Commissioner Harris, Mr. Montagno understood that the City
had asked the applicant to leave the property as is. He also understood that such a
scenario would change the landscaping that had been proposed.

Mr. Jerome inquired whether or not Commissioner Harris was suggesting that the entire
north side of the property be fenced, to which Commissioner Garcia clarified that the
discussion related to the north driveway.

Mr. Montagno stated that the applicants would work with staff to implement anything the
Commission might require to make the site safer.

Commissioner Ramirez referred to the fence around the trash enclosure which had fallen
down without being repaired, and which had been a concern of the neighbors.

Mr. Montagno understood that approximately a week ago the doors to the fence had
intentionally been broken. The applicants were uncertain where the complaints had
originated. He stated that the fence was scheduled to be repaired this week.

Commissioner Ramirez also understood that the site had a grease trap that had been
plugged causing raw sewage to come out behind the tenant areas in the shopping center.
He inquired whether or not the applicants could clarify that situation.
Mr. Montagno understood that the applicant had a service company that serviced the grease. The applicants had been at the site for the past 13 years. He was aware of only one occasion when the sewer had backed up. That problem had been corrected.

Commissioner Ramirez also noted that the applicant must have a permit to conduct business outside of the building. He commented that he had seen for himself that the applicant had been conducting business outside of the building. He requested clarification from the applicants to that issue.

Mr. Montagno understood that approximately two years ago in August, the applicants had conducted business outside of the building for approximately one-month and had been unaware that a permit was required. After the concern had come to their attention, no further business had been conducted outside of the building. He understood that a permit would be required to allow that to occur again.

Commissioner Harris inquired whether or not the addition would include a mansard roof, to which Mr. Barton explained that the roof would have a raised parapet although the exact details had yet to be determined since the method for screening the mechanical equipment was currently unknown. The building facing Railroad Avenue would involve a raised parapet wall. The roofline would appear to be flat. The concrete slab would be raised to also be flat. Those details had been called out in the plans presented to the Commission. If the Commission desired some changes, that could be reflected in the conditions.

Commissioner Harris sought such details before the project was approved. He opposed the flat appearance of the roof. He also noted that the details related to the colors and materials had not been called out in the plans.

Commissioner Garcia inquired whether or not those details could be returned to the Commission for approval.

Commissioner Harris sought more details on the roofing plan, the front of the building and the colors and materials for the building.

OPPONENTS: None

Mr. Barton explained that when the building plans were submitted, staff would forward what was being proposed to the Planning Commission as an agendized communication item, prior to the issuance of a Building Permit.

MOTION: AP-03-15 (DR)

Motion by Commissioner Harris to adopt Resolution No. 9477, approving Design Review AP-03-15 (DR) of architectural drawings for the construction of a 1,540 square foot building addition, exterior building modifications and on-site improvements to convert an
existing multi-tenant building into a specialty food market located at 3819 Railroad Avenue, for “Meat Market at 3819 Railroad Avenue, with the conditions as shown and with a condition requiring architectural accents to be added to the building roof line, particularly as it faced Railroad Avenue; the revised roof elevations are to be returned to the Planning Commission as an informational item. The motion was seconded by Commissioner Ramirez and carried by the following vote:

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

Commissioner Garcia asked that the motion be reconsidered so that an additional condition could be imposed.

**MOTION: Reconsideration of Motion**

Motion by Commissioner Garcia to reconsider the adoption of Resolution No. 9477. The motion was seconded by Commissioner Ramirez and carried by the following vote:

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

**MOTION: AP-03-15 (DR)**

Motion by Commissioner Harris to adopt Resolution No. 9477, approving Design Review AP-03-15 (DR) of architectural drawings for the construction of a 1,540 square foot building addition, exterior building modifications and on-site improvements to convert an existing multi-tenant building into a specialty food market located at 3819 Railroad Avenue, for “Meat Market at 3819 Railroad Avenue, with the conditions previously approved and with the following additional condition:

? The applicant shall install a fence along the north property line to stop cut-thru traffic to El Dorado.

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

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

**STAFF COMMUNICATIONS:**
Ms. Ayres advised that the Zoning Administrator had approved two projects under the design review authority delegated to staff by the Planning Commission. They included applications for the co-location of new Cingular Wireless antennas at 2222 Golf Club Road, and new Metro PCS antenna at 2099 Range Road.

The Commission had also been provided with an invitation from Pittsburg Better Together for an Action Forum to be held on Saturday, March 27, 2004 at St. Peter Martyr Church from 1:00 to 3:00 P.M., to allow for public input on housing and other issues in the community, particularly as the Housing Element would be returning to the Planning Commission in the future.

Ms. Ayres explained that she would be attending the forum.

COMMITTEE REPORTS:

There were no Committee Reports.

COMMENTS FROM COMMISSIONERS:

Commissioner Harris noted that the area of the canal near Piedmont Way and Leland Road was full of stagnant water. He inquired whether or not the City would be cleaning up that area particularly with the concerns related to the West Nile Virus.

Civil Engineer II Alfredo Hurtado advised that he would review the site.

Commissioner Garcia referenced Fernandez Auto Repair, which had recently moved in where the U-Haul business had been located on Bliss Avenue. He inquired whether or not that use had been permitted in that there were wrecked cars on the site.

Mr. Jerome explained that the County had permitted the business operator since the County had purchased the property. The property was in escrow at this time and once it had been taken over by the new property owner, the City would commence with code enforcement action against the site. The future property owner had been informed of that issue.

Commissioner Ramirez welcomed back the Chair after his absence.

Mr. Jerome also reported that the City had hired a new City Manager. Marc Grisham, who had been serving as the City Manager of the City of Pinole, would start his new position with the City of Pittsburg on June 1, 2004.

ADJOURNMENT:

There being no further business, the meeting adjourned at 9:12 P.M. to a regular meeting
of the Planning Commission on April 13, 2004 at 7:00 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

MELISSA AYRES, Secretary
Pittsburg Planning Commission