MINUTES
OF THE REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION
May 11, 2004

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Mark Leonard at 7:00 P.M. on Tuesday, May 11, 2004, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

Present: Commissioners Dolojan, Garcia, Kelley, Tumbaga, Chairperson Leonard

Absent: Commissioner Ramirez

Staff: Director of Planning and Building Randy Jerome; Planning Manager Melissa Ayres; Associate Planner Ken Strelo; Assistant Planner Dana Hoggatt; Assistant Planner Christopher Barton; and Senior Civil Engineer Alfredo Hurtado.

For the record, Planning Manager Melissa Ayres reported that George Harris had tendered his resignation from the Planning Commission, in writing, and was no longer a member of the Commission.

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, May 7, 2004.

PLEDGE OF ALLEGIANCE:

Commissioner Garcia led the Pledge of Allegiance.

DELETIONS/WITHDRAWALS/CONTINUANCES:

There were no deletions, withdrawals or continuances.

With the resignation of Commission Harris who was the Vice Chair, Chairperson Leonard recommended that Commissioner Garcia be appointed to serve as the Vice Chair of the Planning Commission through June 30, 2004.
Director of Planning and Building Randy Jerome noted that a vote should be taken on the recommendation.

**MOTION:**

Motion by Commissioner Tumbaga to appoint Jack Garcia as the Vice-Chairperson of the Planning Commission through June 30, 2004. The motion was seconded by Commissioner Dolojan and carried by the following vote:

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

**COMMENTS FROM THE AUDIENCE:**

There were no comments from the audience.

**PRESENTATIONS:**

There were no presentations.

**CONSENT:**

**A. Planning Commission Minutes of April 13, 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, Kelley, Leonard
- **Noes:** None
- **Abstain:** Commissioner Tumbaga
- **Absent:** Commissioner Ramirez

**PUBLIC HEARINGS:**

**Item 1: Loveridge Center Minor Subdivision. AP-03-50 (MS)**

Public hearing on a request for approval of a tentative map to subdivide a 6.24-acre parcel into two commercial lots located at 1211-1251 California Avenue for the purpose of converting an existing multi-tenant building into eight commercial condominium spaces; CS-O (Service Commercial with a Limited Overlay) District; APN 073-190-032.

Assistant Planner Dana Hoggatt presented the staff report dated May 11, 2004. She recommended that the Planning Commission adopt Resolution No. 9485, approving
Tentative Subdivision Map AP-03-50 (MS), with the conditions as shown.

Ms. Hoggatt recommended an additional condition to the staff recommended conditions of approval as reflected in the staff report in order to specify the term of the approval pursuant to the Subdivision Map Act, where tentative maps were valid for a two-year period.

PUBLIC HEARING OPENED

PROPOINENT:

JOHN TOMASELLO, 516 Neely Court, Alamo, representing the applicant, concurred with the staff recommendations and agreed with the staff conditions, as amended.

INTERESTED SPEAKER:

TOM LEWIS, 50 Hawthorne Lane, Pittsburg, commented that the project had been in the local newspaper about two weeks ago. He stated that the project, as originally presented to the City Council and to the Planning Commission, was to have included a hotel component. He explained that the site was a prime location for a hotel, which was sorely needed in the community, which had no hotel. He suggested that the Planning Commission grant no other modifications to the parcel or favors to the developer until the hotel had been constructed.

OPPONENTS: None

PUBLIC HEARING CLOSED

Commissioner Garcia explained that the hotel site had nothing to do with the application under consideration by the Planning Commission at this time. The site of the proposed hotel was a totally separate parcel. He suggested that the Commission would not support any development other than a hotel on that separate parcel.

MOTION: AP-03-50 (MS)

Motion by Commissioner Garcia to adopt Resolution No. 9485, approving AP-03-50, a Tentative Map for a two-parcel Minor Subdivision for "Loveridge Commercial Center," with the conditions as shown and with an additional condition as follows:

Pursuant to the Subdivision Map Act the Tentative Map is valid for a two-year period.

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

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

Item 2: Destiny Christian Center. AP-04-100 (UP)

Public hearing on a request for a use permit to establish a religious assembly use in an existing multi-tenant building located at 520 Garcia Avenue, Suite D in the IP-O (Industrial Park with a Limited Overlay) District; APN 088-183-053.

Assistant Planner Christopher Barton presented the staff report dated May 11, 2004. He recommended that the Planning Commission adopt Resolution No. 9483, approving Use Permit application AP-04-100 (UP), with the conditions as shown.

Commissioner Dolojan understood that the property owner had agreed to a restriction on the hours of operation for the church in order to ensure that the parking for the use would not pose a problem given that there were other businesses in the area. He inquired whether or not a variance could be granted for a reduction in the parking to ensure that there would be no problems in the future.

Ms. Ayres clarified that the application before the Planning Commission was not a request for a variance but a request for a use permit. The Municipal Code was not written in such a way that would grant a variance for parking for such a use. The code would allow a reduction in the amount of parking where every use should have its own parking. There were times where the required parking could be required. She cited as an example the fact that the church would be operating at different hours than the surrounding uses. That finding could be made and could be reflected in the resolution of approval for historical references if a problem with parking were to arise in the future.

Mr. Barton also clarified that for the religious assembly use that had been proposed, the church would use seats that would be stackable. The parking requirements had been based on the number of seats by square footage where one parking space per 50 square feet of assembly area would be required.

Commissioner Tumbaga inquired whether or not there were any other businesses that would be open on Saturdays where there could be a conflict with the proposed hours of operation on Saturdays from 11:00 A.M. to 1:00 P.M.

Commissioner Garcia noted that the carpet business located across the street from the subject site took up much of the parking on one side of the street. That business was not open on Saturdays. Even if there was one business open on Saturdays, he was confident there would still be sufficient parking in the area.

In response to Commissioner Tumbaga’s concern, Chairperson Leonard suggested that the applicant could clarify that information, although he noted that since the item was a public hearing everyone within 300 square feet of the site had been noticed of the meeting. If there were a concern, the operators of those businesses would have an opportunity to speak to that concern.
Ms. Ayres added that the property owner where the church proposed to locate owned six of the tenant spaces out of the eight tenant spaces in the building. The property owner had indicated that he would restrict the hours of operation for the tenants who would lease from him to ensure that there would be no parking conflicts.

PUBLIC HEARING OPENED

PROPOSEMENT:

LAVERNE MINOR, Destiny Christian Center, 3600 Justin Place, Antioch, clarified that the hours of operation which had been indicated from 11:00 A.M. to 1:00 P.M., would not occur every Saturday in that those services would occur only once a month. She noted that she had been to the site on one Sunday and the site had been deserted with no surrounding businesses open. She was confident that the hours of operation would not pose a parking problem.

As to the businesses around the subject site, Ms. Minor understood that the tenants included a pet groomer and a bingo equipment business. Loaves and Fishes was located across the street and there was a plumbing business. She was uncertain whether or not any of those businesses were open on Saturdays.

OPPONENTS:  None

PUBLIC HEARING CLOSED

MOTION:  AP-04-100 (UP)

Motion by Commissioner Kelley to adopt Resolution No. 9483, approving AP-04-100 (UP), a Use Permit to allow a Religious Assembly at 520 Garcia Avenue, Suite D, for “Destiny Christian Center,” with the conditions as shown. The motion was seconded by Commissioner Dolojan and carried by the following vote:

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

COMMISSION CONSIDERATIONS:

Item 3:  Modern Cabinets.  AP-04-94 (DR)

Application requesting design review approval of architectural plans, elevations, and site development plans to construct a 12,000 square foot building and add landscaping and parking to an undeveloped 1.03-acre lot located at 1416 Bobo Court. The property is zoned CS (Service Commercial) District; APN 088-570-009.
Associate Planner Ken Strelo presented the staff report dated May 11, 2004. He recommended that the Planning Commission adopt Resolution No. 9482, approving AP-04-94 (DR), with the conditions as shown.

PROPONENT:

JOE TEDESCO, 1780 Alvarado Avenue, Walnut Creek, stated that he had read and was in agreement with the staff recommended conditions of approval.

OPPONENTS:  None

MOTION: AP-04-94 (DR)

Motion by Commissioner Garcia to adopt Resolution No. 9482, approving AP-04-94 (DR) Design Review approval of architectural plans, elevations and site development plans to construct a 12,000 square foot building and related site improvements on property located at 1416 Bobo Court for Modern Cabinets, with the conditions as shown. The motion was seconded by Commissioner Dolojan and carried by the following vote:

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

Item 4: Aquamatic Fire Protection II. AP-04-119 (DR)

Application requesting design review approval of architectural, site development and landscaping plans for the construction of a 23,600 square foot building on a 1.28-acre undeveloped parcel located at 540 Garcia Avenue, IP-O (Industrial Park with a Limited Overlay) zone; APN 088-183-058.

Assistant Planner Christopher Barton presented the staff report dated May 11, 2004. He recommended that the Planning Commission adopt Resolution No. 9484, approving Design Review application AP-04-119 (DR), with the conditions as shown.

Mr. Barton clarified that the property address was 540 Garcia Avenue, not 530 Garcia Avenue as shown on the meeting agenda.

PROPONENT:

TIM MASON, 175 West Buchanan Road, #306, Pittsburg, again noted the correct address of the property as 540 Garcia Avenue. He acknowledged that he had read and was in agreement with the staff recommended conditions of approval. He had nothing further to add to the discussion.

OPPONENTS: None
MOTION: AP-04-119 (DR)

Motion by Commissioner Kelley to adopt Resolution No. 9484, approving AP-04-119 (DR), Design Review approval of architectural and site development plans to construct a 23,600 square foot Office/Warehouse Building at 540 Garcia Avenue for Aquamatic Fire Protection, with the conditions as shown. The motion was seconded by Commissioner Tumbaga and carried by the following vote:

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

STAFF COMMUNICATIONS:

1. Notice of Intent (to review/approve projects at staff level):
   a. Olive Garden Exterior Modification – AP-04-113 (DR)

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

Ms. Ayres reported that the City was still accepting applications for positions on the City’s Commissions/Committees. She announced that the Commission had been invited by the League of Women Voters to an Affordable Housing Breakfast meeting to be held on June 9 or 10, 2004. Those interested in attending were asked to R.S.V.P. to the name on the bottom of the invitation.

Ms. Ayres added that the Planning Commission would be involved in a significant amount of work from July through October when staff would submit to the Commission revisions to the Housing Element as required by the State Department of Housing and Community Development (HCD). The Commission would also be invited to attend several workshops and hearings on the Inclusionary Housing Ordinance as part of the City Council’s direction to hire a consultant to assist staff in the preparation of a feasibility study and a draft ordinance.

Ms. Ayres reported that staff would also submit to the Commission the General Plan cleanup, which the Commission had started in 2003 when the Commission had identified some discrepancies and inconsistencies in the General Plan. A consultant was making those changes, which would be returned to the Commission in the next few months for review and action.

Ms. Ayres further reported that staff had set up a tentative schedule to ensure that the Commission would not receive any more than two of the items at one time. It was likely that the items would be scheduled a month apart. Such a schedule would allow staff to make the necessary changes in a timely manner.
Chairperson Leonard recognized that the City had been involved in some litigation involving the Housing Element, although he understood that the Commission had already covered much of the document.

Ms. Ayres advised that HCD had requested that the City make additional changes based on several letters it had received, primarily on the use of vacant/underutilized land inventory. HCD wanted changes that would be more user friendly. As a result, staff would be adding numbers to the text and the maps with information in the appendix. Additional tables would also be prepared to show how many of the units in each of the properties would be affordable at the different income categories. HCD had also asked the City to update the 2003 income and affordability information with 2004 data.

Commissioner Garcia inquired whether or not there was a study that could be reviewed by the Commission in terms of how many people in the Low and Middle Income categories required affordable housing and actually worked out of town since the cities they were working in did not provide the required affordable housing.

Ms. Ayres advised that there was no cross reference study with such information although the General Plan had shown that approximately 92 percent of the Pittsburg community worked outside the City limits. She noted that was more a relationship to the number of jobs in the community.

Commissioner Garcia expressed concern that the City of Pittsburg appeared to be the only community building affordable housing. He suggested it would be helpful to have that information.

Mr. Jerome also reported that the City Council Ad Hoc Committee that had discussed the makeup of all of the City Commissions/Committees had made recommended changes to the Council for consideration. Last month, the City Council had adopted an ordinance and resolution that would provide continuity between all of the City’s Commissions/Committees, particularly related to term limits and the like. As a result of the changes, all Commission appointments would occur in odd years, primarily a year following a Council election. The change would affect how the Planning Commission operated since the current expiration dates for Planning Commissioners occurred primarily during even years.

Mr. Jerome commented that the Council resolution provided that the Chair of the Planning Commission, in conjunction with the Commission, craft an implementation plan that could be incorporated into the Planning Commission By-laws to implement the new odd year Council appointments.

Mr. Jerome added that would likely result in every Commissioner being appointed to a five year term. Commissioner Harris’ seat was up in 2005 as was Commissioner Garcia’s. He commented that this year Commissioner Kelley would effectively be termed out. Chairperson Leonard and Commissioner Tumbaga’s terms were up in 2004 although they could be re-appointed to four-year terms.
Mr. Jerome explained that staff had suggested a strategy of giving everyone a five-year appointment, which would extend Commissioner Dolojan’s term, which would have expired in 2006, to 2007. Commissioner Garcia’s term would go from 2005 to 2009. Chairperson Leonard’s position could be reappointed for five years, as could Commissioner Tumbaga’s from 2004 to 2009. Commissioner Ramirez’ term would be up in 2006 and could be extended one year to 2007.

Mr. Jerome suggested that one of the options could be for Commissioner Kelley to remain on the Planning Commission for another year, although she has reached her term limit, or Commissioner Kelley’s replacement could be set for a five-year term to 2009. Another option could be for Commissioner Harris’ seat to be appointed for one year to 2005 and then be reappointed.

Mr. Jerome advised that along with Commissioner Tumbaga’s application to reapply, he had received four other applications to the Planning Commission.

Chairperson Leonard pointed out that the City Council had changed the terms to odd years to make the politics change. He suggested that the Council make the decision since it had made the changes to the City’s Commissions/Committees.

Commissioner Garcia recommended that Commissioner Kelley fill out the remainder of Commissioner Harris’ term since she was termed out in her position, which would require only two appointments to the Planning Commission.

Commissioner Kelley expressed the willingness to fill out Commissioner Harris’ seat.

Mr. Jerome suggested that it would be appropriate for Commissioner Kelley to reapply.

Commissioner Tumbaga recommended that Commissioner Kelley’s seat be extended for one year and that another individual be identified to fill Commissioner Harris’ remaining position, which would also leave two Commission seats to fill.

Ms. Ayres explained that everyone would have a five-year term once, after which the four-year terms could be reinstituted to keep the term periods during odd years.

Commissioner Tumbaga otherwise disagreed with the changes the Council had made which would allow staff persons to serve on City Commissions which she found to be inappropriate. In her opinion, City Commissions should be filled by community members and not by City staffers.

Chairperson Leonard echoed those comments and emphasized that the City’s Commissions/Committees were served by volunteers and it was not appropriate to fill them with City staff members.

**COMMITTEE REPORTS:**

Commissioner Garcia reported that he had attended the April 22 TRANSPLAN meeting at
which time action had been taken on projects proposed by the Contra Costa Transportation Authority (CCTA) and the Metropolitan Transportation Commission (MTC). A presentation had also made to identify Vasco Road safety improvements, with $1.5 million to be borrowed from the City of Brentwood to install rumble strips along that route. A presentation had also been made on the TRANSPLAN staff costs.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Dolojan stated that he would miss Commissioner Harris’ service to the community. He expressed his hope that Commissioner Kelley would apply for the remainder of Commissioner Harris’ term.

Commissioner Kelley inquired whether or not the freeway improvements would include an off-ramp from the freeway onto Railroad Avenue.

Chairperson Leonard understood that would be provided, although there would be no preferred off-ramp exit onto Railroad Avenue northbound, which would result in an incomplete intersection.

Commissioner Tumbaga noted the area of the Railroad Avenue/State Route 4 construction site where she had seen a bicyclist having difficulty getting through that area.

Commissioner Tumbaga emphasized that there could be a potential traffic and safety hazard between traffic and the barricade.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 7:52 P.M. to a regular meeting of the Planning Commission on May 25, 2004 at 7:00 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

MELISSA AYRES, Secretary
Pittsburg Planning Commission