A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Mark Leonard at 7:03 P.M. on Tuesday, April 13, 2004, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

Present: Commissioners Dolojan, Garcia, Kelley, Ramirez, Chairperson Leonard
(Commissioner Kelley arrived after roll call)

Absent: Commissioners Harris, Tumbaga

Staff: Director of Planning and Building Randy Jerome; Planning Manager Melissa Ayres; Senior Civil Engineer Alfredo Hurtado; and City Attorney Linda Daube.

POSTING OF AGENDA:

The agenda was posted at City Hall on April 9, 2004.

PLEDGE OF ALLEGIANCE:

Commissioner Dolojan 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:

1. Business License Ordinance
City Attorney Linda Daube presented a copy of the proposed amendments to the Business License Ordinance and a letter from the Pittsburg Chamber of Commerce, which had indicated its willingness to participate in the enforcement of the ordinance.

Ms. Daube advised that the ordinance would be considered by the City Council on April 19 for a first reading. She explained that the project had involved a two year effort, primarily as a result of changes in code enforcement, the Finance Department and since the City had been trying to address the issue of how to fit the Business License Ordinance into other kinds of code enforcement efforts being pursued by the City.

Ms. Daube explained that the initiation of the Business License Ordinance had come from Commissioners Garcia and Harris and their concern that the City ensure that businesses in the City were meeting required conditions.

Ms. Daube added that the Business License Ordinance was a revenue-generating ordinance. If it was made regulatory the only types of fees that could be collected would be those that were actually expended in the enforcement of the ordinance. As a result, some modifications had been recommended and were primarily geared towards putting more enforcement into the revenue generating function of the ordinance. Changes including bringing the ordinance up to date since the ordinance had been adopted in 1989. Provisions in the ordinance in terms of collecting administrative and processing fees had also been clarified.

As an example, a provision had been included that the City could collect administrative fees for filing an application, issuing a business license, and for renewing a license and other types of permits. The City’s Municipal Code in some cases had set those fees at approximately $25 in 1989, which was not appropriate for 2004.

Ms. Daube stated that the City was currently undergoing a User Fee Study which would be adopted by resolution of the City Council and which would establish all of the fees for the various activities in the City. The Planning Department, as an example, was expected to generate monies to defray the cost of actually processing applications. The ordinance would indicate the fees to be determined.

The ordinance would also allow the Finance Director more authority to audit, revoke or suspend licenses when such things as false information was provided, a business was not compliant with the rules and regulations under the ordinance, and there was an obligation to display the license certificate. The Finance Director would also have more authority to enforce the provisions of the ordinance.

Ms. Daube explained that the City could strengthen its administrative process of renewing business licenses with a notification to the various City Departments charged with enforcing conditions. It was being contemplated that when a business license was renewed the Finance Department would contact the Building, Planning, and Code Enforcement Departments to review the applications. At that point the other Departments would have the responsibility to review any required conditions, which would be a separate process from the issuance of the business license. The ordinance would have the ability to
build such implementation plans to create a stronger enforcement component to the entire effort.

Ms. Daube referred to a letter dated August 3, 2003, which had been submitted to the Commission from the Pittsburg Chamber of Commerce. The letter had advised that the City’s Economic Development Director had met with the Chamber’s Marketing and Image Committee. As a result of that meeting, the Chamber had committed, in writing and as part of its contract with the Business Improvement District, to assist the City in monitoring businesses to ensure the appropriate licenses. Those businesses would then be referred to the City. The City would provide the Chamber a list of the businesses that were up for renewal and the Chamber had agreed to approach those businesses. She stated that would offer a prime opportunity to create a friendly non-regulatory process to notify a business of any issues.

Another implementation procedure that had been proposed was the creation of a decorative decal for placement in the front of the business, which would make it easy to display the business license for a particular year. The Economic Development Director was working with the Chamber’s Marketing and Image Committee on that issue as well.

Ms. Daube noted that there had been a recent article in the Antioch Ledger which had referenced the City of Antioch’s Business License staff person and that City’s efforts to generate revenue by ensuring that businesses in that City were supplying the proper business record information.

Commissioner Garcia expressed his appreciation to Ms. Daube for her efforts to update the Business License Ordinance. He commented that he and Commissioner Harris’ intent was to keep businesses as viable as possible, ensure that trash did not collect around businesses and to make businesses as attractive as possible to the local community so that residents would not have to go elsewhere to shop.

Commissioner Dolojan inquired whether the City had a one-stop process for permits, licenses and the like to better serve the public.

Ms. Daube explained that part of the entire process to update the Business License Ordinance and to streamline the City’s process. The Economic Development Department had collected a series of booklets from other agencies and a series of flow charts.

Ms. Daube expected that some sort of booklet or guide sheet would be provided to prospective business operators to better explain and define the City’s process. She explained that the update would also make it clear that while a business was issued a business license it did not necessarily mean that the business operator had the right to operate the business without going through other required entitlements, if required. Those cities with effective business license programs had made that type of information available to the public.

Director of Building and Planning Randy Jerome stated that he had worked with Ms. Daube on the Business License Ordinance procedures in an effort to improve code
enforcement. One of the efforts involved working with the Finance Department which would notify the Planning Department of business license renewals, at least for the first year, given that there was a policy that staff review use permits and design review approvals the first year after Planning Commission approval to ensure compliance with required conditions. Due to the existing workload, staff had been unable to follow through on that process, particularly since staff was not always aware of the status of the business. With the information from the Finance Department, Planners could then pursue a better follow up process.

Mr. Jerome also commented that the City had created a Development Review Process Team to review the City’s development review processes. Those efforts had recently been initiated. The team was comprised of members from the Engineering, Planning, Building, Economic Development and Redevelopment Departments, and would be reviewing how the City processed development applications and building permits. The team would also review other community processes.

2. Neighborhood Preservation Team

Mr. Jerome advised that the Neighborhood Preservation Team project had commenced earlier in the year in response to concerns with residents of the Willow Landing area, near Balclutha Way and concerns with street lights, the quality of the streets and speeding through the neighborhood. The problems had resulted in issues requiring review by a number of City Departments.

As a result, Mr. Jerome explained that the City Manager had directed staff to form a Neighborhood Preservation Interdepartmental Team, which had been meeting on a weekly basis and which had held evening meetings with some of the neighborhoods. He noted that the meetings had been attended by more staff than residents had with little response from the neighborhoods. Efforts were now being made to work through the Neighborhood Watch programs.

Mr. Jerome described the focus of that process on traffic, Public Works in terms of parks, trees, maintenance and the like.

In addition, the Police Department, Recreation Department, Redevelopment Agency and the Community Development Block Grant (CDBG) program might have funding that could be used to upgrade the community.

Mr. Jerome explained that the Neighborhood Preservation Team was chaired by Public Works Director John Fuller, with Recreation Director Paul Flores in charge of coordinating the neighborhood meetings. One of the first neighborhood meetings had been with the West Boulevard neighborhood as a result of a shooting that had occurred in that neighborhood last year. There was a desire in that neighborhood to build a clubhouse or neighborhood facility on an empty lot that was owned by the City. Discussions were continuing on those efforts.

Mr. Jerome advised that the Willow Landing and West Tenth Street neighborhoods had
held meetings. The area of Carpino Avenue was another neighborhood where meetings
were anticipated, and meetings had also been planned for the Los Medanos Heights/
Goff/Burton Avenue neighborhoods, which had issues with traffic control and the like. The
process was ongoing with the intent to encourage more neighborhood interest and
participation.

CONSENT:

a. Planning Commission Minutes of March 23, 2004
b. Gomez Brothers Auto Center South. AP-03-37.

MOTION:

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

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

CONTINUED PUBLIC HEARING:

ITEM 1: Fort Knox AP-98-10. (Revocation Hearing).
Continued public hearing to determine whether to revoke Use Permit 98-10 allowing a self-
storage facility at 3865 Railroad Avenue (formerly 3807 and 3833 Shopping Heights Lane)
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 April 13, 2004.

Ms. Ayres recommended that the Planning Commission continue the public hearing until
June 22, 2004, not May 25, 2004 as indicated in the staff report. She noted that the
applicant had pulled permits this date for the fence and tenant improvements for the
buildings to bring the existing buildings into compliance.

Commissioner Garcia inquired whether or not the permits included the operation of the U-
Haul business and the need for building permits for the resurfacing of the parking lot.

Mr. Ayres advised that the applicant did not require a building permit for site
improvements, although she was uncertain if that work would trigger a site development
permit from the Engineering Division. The use permit for the U-Haul portion of the
operation would not become effective until the wall was under construction. The applicant
was still required to comply with the conditions of approval placed on that use permit to
make the U-Haul a legally effective use.
PUBLIC HEARING OPENED

PROPONERENT:

JOHN COMPAGNA, 3865 Railroad Avenue, Pittsburg, had nothing further to add to the staff report. He advised that the builder had indicated that he could start by the end of the month and essentially would have the work completed soon as possible. The landscaper would start after that time.

INTERESTED SPEAKERS:

PETE CARPINO, Pittsburg, pointed out that the applicants had not complied with the original conditions of approval for the hours of operation for the self storage facility, which stipulated that the hours be restricted from 7:00 A.M. to 7:00 P.M., Monday through Friday, 8:00 A.M. to 6:00 P.M. on Saturday and 9:00 A.M. to 6:00 P.M. on Sundays. He had raised his concerns with the applicant who had expressed the willingness to look into that issue. He understood that the business was currently open seven days a week from 7:00 A.M. to 7:00 P.M. He urged the Planning Commission to ensure that the applicant complied with the original conditions of approval.

FRANK AIELLO, Pittsburg, identified himself as a Real Estate Broker with Better Homes/Los Medanos Realty, which was located in the Railroad Square Shopping Center. He described the problems in their parking lot with commute traffic cutting through the parking lot, at times at great speed, and with a blind intersection at the entry to the subject business and from Railroad Avenue. He emphasized that safety concern and suggested that the installation of speed bumps would not solve that problem. He recommended that there be an ingress/egress for Fort Knox from El Dorado Drive only, which would reduce the volume of traffic through the intersection.

Mr. Aiello also recommended that the curbs be painted red and that the Police Department police the commute short cuts through the parking lot.

Commissioner Garcia commented that he had made a recommendation that the opening to the parking lot off of Railroad Avenue be an exit only so that the Police Department could better enforce the traffic traveling through that area. He understood that would involve an agreement with the other tenants in the Railroad Square Shopping Center.

Mr. Aiello advised that of the four tenants in the Railroad Square Shopping Center, three were in agreement with an option to have the entrance to the parking lot from Railroad Avenue, to be posted as an exit only.

WAYNE METZ, the property owner of Better Homes/Los Medanos Realty, 3823 and 3825 Railroad Avenue, Pittsburg, echoed Mr. Aiello's comments. He noted that one of the tenants had been concerned that if the entrance to the parking lot was designed as an exit only, it could become an issue with people trying to get into the building. He agreed that
something needed to be done before an accident occurred. He commented that he had seen U-Haul trucks entering the parking area at great speeds after running through the traffic light. He had also witnessed a number of near miss accidents.

Mr. Metz suggested that ingress/egress from El Dorado Drive would offer the best solution since it would be a short drive to the self storage facility and would involve traffic traveling on a standard street and not on an alley between buildings.

Mr. Metz added that his insurance agent had also viewed the site and had agreed that there was a concern with potential accidents. His agent had recommended that he increase his insurance substantially as a result. He encouraged the Planning Commission to change the ingress/egress to El Dorado Drive, to install speed bumps if that option was not feasible and to consider a visual barrier from the self-storage facility that he characterized as an eyesore.

Chairperson Leonard suggested that Mr. Metz also submit his comments in writing to the City’s Traffic Engineer who would review any recommendations for road improvements or traffic circulation modifications.

JIM MOITA, Owner, Acorn Self Storage, 5205 Railroad Avenue, Pittsburg, explained that he had recently obtained an application from the City to start running Budget trucks from his business. He noted that Fort Knox Self Storage had been a good neighbor to his business with referrals back and forth. He commented that his self-storage facility had experienced some vacancies due to the increased supply on the market. He suggested that the addition of Budget trucks would increase the occupancy of the Acorn facility. It was likely they would have a maximum of two to five trucks. He looked forward to the Commission’s review of that application, when scheduled for consideration.

MOTION:

Motion by Commissioner Garcia to continue the revocation hearing for the Fort Knox Self-Storage Facility, UP-98-10, to the regular meeting of the Planning Commission scheduled for June 22, 2004. The motion was seconded by Commissioner Kelley and carried by the following vote:

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

STAFF COMMUNICATIONS:

1. Notice of Intent (to review/approve projects at staff level):
   a. Monument Sign – Perko’s Café
The Commission acknowledged the receipt of the Notice of Intent for the item as shown.

Ms. Ayres added that she had included a signed resolution from the Zoning Administrator in the Commission packets allowing for an exterior remodeling of Los Medanos Plaza which had also been previously delegated to staff.

Mr. Jerome reported that the recent Planning Commission approval of the Meat Market on Railroad Avenue had been appealed to the City Council by one of the tenants in the building. He understood that the property owner who had appeared before the Planning Commission might actually sell the property.

Ms. Ayres also reported that the City had been involved in a lawsuit filed by ACORN against the City’s Housing Element. The Judge had ruled in the City’s favor and the City had prepared a contract with the General Plan Consultants to work on the additional changes that the State Housing and Community Development Department (HCD) had requested to bring about a certification of the Housing Element. A revised draft would be made available to the public by the end of May. The HCD had required a 30-day comment period on the new revised draft where the public could submit comments directly to the City. Final revisions would be made and the document would be submitted to the Planning Commission in June or July.

**COMMITTEE REPORTS:**

Commissioner Garcia reported that TRANSPLAN had held a special meeting on March 30 to discuss the proposal for the Reauthorization of Measure C.

Commissioner Garcia noted the discussion on the difference of opinion from the various jurisdictions as to how the funds should be spent if Measure C was renewed. While the other jurisdictions would like to improve existing roads, East County would like to widen State Route 4 and Vasco Road. TRANSPLAN had voted to widen State Route 4, to complete the State Route 4 Bypass, and to widen Vasco Road. The list of projects had also included the Buchanan Road Bypass. Another meeting of the TRANSPLAN Committee had been scheduled for April 22.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Garcia inquired if the Meat Market on Railroad Avenue had been operating a cash checking business, to which Mr. Jerome advised that he had contacted the Police Department who had not yet verified whether or not that was occurring.

Commissioner Garcia also noted that the Health Department had a report on the same business. He understood that even if the business was expanded, as the applicant had proposed, the Health Department would not sign off on the restaurant use. Staff had been provided with a copy of that report.
Commissioner Ramirez reported that the recent Planners Institute had been a benefit, with seminars allowing Planning Commissioners throughout the State to meet. He also commented on the ability to meet socially with City staff, which had been a lot of fun.

Commissioner Garcia noted that the Town of Danville had provided many of the presenters and he congratulated that community on its hard work.

Chairperson Leonard reported that he would be out of town and would not be present at the meeting scheduled for April 27.

Commissioner Kelley commented that she had also enjoyed the Planner’s Institute. She otherwise reiterated her previous recommendation for the Police Department to better monitor the area around the Fort Knox Self Storage facility to address the traffic concerns in that area.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 7:58 P.M. to a regular meeting of the Planning Commission on April 27, 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