A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Holmes at 7:30 P.M. on Tuesday, September 25, 2001, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

Present: Commissioners Garcia, Glynn, Harris, Kelley, Leonard, Chairperson Holmes

Excused: Commissioner Valentine

Absent: None

Staff: Planning & Building Acting Director Randy Jerome; Assistant Planner Ken Strelo; Planning Intern Christopher Barton; and Assistant Civil Engineer Alfredo Hurtado.

POSTING OF AGENDA:

Chairperson Holmes advised that the agenda had been posted at City Hall on Friday, September 21, 2001.

PLEDGE OF ALLEGIANCE:

Commissioner Glynn led the Pledge of Allegiance.

MINUTES: September 11, 2001

MOTION:

Motion by Commissioner Kelley to approve the minutes of the September 11, 2001 meeting, as submitted.

The motion was seconded by Commissioner Garcia and carried by the following vote:
Ayes: Commissioners Garcia, Glynn, Harris, Kelley, Leonard, Holmes
Noes: None
Abstain: None
Absent: Commissioner Valentine

DELETIONS/WITHDRAWALS:

Mr. Jerome reported that the presentation regarding modification to a Redevelopment Agency project, as shown on the agenda, would be rescheduled to a future meeting.

COMMENTS FROM AUDIENCE:

There were no comments from the audience.

PRESENTATIONS:

1. Redevelopment Agency Plan Amendment to Modify Project Area - Evans

As reported, the presentation was to be scheduled.

PUBLIC HEARINGS:

Item 1: Montreux Draft Environmental Impact Report - Public Comment.

This is a public meeting to receive comments on the Montreux Subdivision Draft Environmental Impact Report.

Mr. Jerome explained that the Montreux Subdivision would be located at the southern portion of the City and was not located within the Pittsburg City limits, although the application had been in process for some time. He reported that the Draft Environmental Impact Report (DEIR) for the subdivision had been submitted for public comment. The public hearing during the comment period would allow the general public or any other persons to provide verbal testimony on the DEIR and allow the Planning Commission the opportunity to ask questions of staff, the applicant and the consultant.

Mr. Jerome added that the applicant would be allowed to introduce the project to the Planning Commission, although no action would be required of the Commission at this time. Any comments to the DEIR would be responded to by the consultant and would become part of the final EIR.

Mr. Jerome advised that the consultant would normally be present to provide a synopsis of the findings and impacts of the mitigation measures included in the DEIR, however, the consultant was on vacation and unable to be present at this time. As a result, staff would provide a brief description of the project and the applicant would be allowed to offer a brief summary and description of the project.
Assistant Planner Ken Strelo identified the Montreux Subdivision as a 158-acre site where 152-units had been planned for development. The applicant had already filed for a prezoning application and General Plan Amendment. The General Plan designation would cover approximately 84.6 acres, of which 51.4 acres would be subdivided for the 152 proposed lots. The remaining 33.4 acres of the residential estate planned land would be held in reserve for a possible future subdivision of single family homes.

The purpose of the meeting was to solicit public comment on the DEIR, which had been circulated to the various agencies. The public comment period would expire on October 10, 2001.

Mr. Strelo advised that the Planning Commission had been provided with a summary and statutes for the Williamson Act prior to the meeting.

Mr. Strelo recommended that the Planning Commission ask questions and accept public comments on the DEIR, then continue the public comment period through October 10, 2001.

GARY GALINDO, West Coast Home Builders, Inc. and Seecon Financial & Construction, P.O. Box 4113 and 4021 Port Chicago Highway, Concord, described the subdivision as an executive homes project located on larger lots, ranging from 10,000 to 16,000 square feet in size with the homes proposed to be approximately 4,000 square feet in size. He stated that the lots were large enough that semi-custom homes could be constructed, if needed.

Mr. Galindo identified the project location off of Kirker Pass Road adjacent to the southern boundary of the City limits. A rendering of the proposed subdivision had been presented to the Commission to identify the entrance off of Kirker Pass Road, which would be signalized with a two-way entrance and two lanes in both directions. The entry would also include a water feature and entry monument. The subdivision would preserve the natural setting of the valley and retain the natural land features.

Mr. Galindo anticipated the submittal of a formal presentation of the development in the next few weeks.

Commissioner Garcia commented that one of the mitigation measures recommended in the DEIR was that a long cul-de-sac include some bibs to allow an adequate turnaround before traffic reached the end of the cul-de-sac. He inquired of the applicant whether or not that would be feasible.

DAVE ISSACSON, Project Engineer, emphasized that the project would involve a lot of room where they could adequately comply with a required turnout on the cul-de-sac, if so required.

Commissioner Glynn inquired whether or not the community would be gated, to which Mr. Galindo advised that it was not anticipated at this time that the community would be gated.

BRUCE OHLSON, East Bay Bicycle Coalition, and a Pittsburg resident stated that the bicycle community sought assurance that the collector streets in the subdivision would include bicycle lanes.
Mr. Galindo commented that an analysis would have to be conducted on the project to determine whether or not bicycle lanes could be provided in the project. He explained that such details would be addressed at the time of the formal presentation to the Planning Commission.

Commissioner Garcia pointed out that most of the homes would face the street and it would be almost impossible to provide bicycle lanes and on street parking in front of the residences. Since all the homes would face the street, he also understood that the project would not involve collector streets.

Mr. Ohlson requested that the streets be wide enough to provide bicycle access and to ensure that parking on the street would not be restricted.

Mr. Strelo encouraged Mr. Ohlson to provide his comments in writing, which comments would be forwarded to the consultant to be addressed in the Final EIR for the project. He otherwise commented that he had seen bicycle lanes provided where there was a traffic lane and a four foot strip for the bicycle lane, with parking located between the bicycle lane and the sidewalk.

ELLEN KOLB, Pittsburg, inquired whether or not the subject property was included in the Keller Canyon Landfill buffer zone.

Mr. Jerome clarified that the Keller Canyon buffer zone was located west of the subject property, which was located west of Kirker Pass Road and adjacent to the southern boundary of the City limits on the former Ellworthy property. The buffer zone for the landfill was owned by the Keller Canyon Landfill.

Ms. Kolb disagreed that the property was not part of the Keller Canyon Landfill buffer zone and she sought a clarification from someone else.

Mr. Jerome advised that all of the verbal and written comments would be responded to in detail by the consultant, which comments would be incorporated into the Final EIR.

MOTION:

On motion by Commissioner Garcia to continue the public comment period through October 10, 2001 for the Montreux Draft Environmental Impact Report. The motion was seconded by Commissioner Harris and carried by the following vote:

Ayes: Commissioners Garcia, Glynn, Harris, Kelley, Leonard, Holmes
Noes: None
Abstain: None
Absent: Commissioner Valentine

Application by Don Lemings of D.R. Lemings Construction requesting a use permit to operate a
Planning Intern Christopher Barton presented the request from Don Lemings of D.R. Lemings Construction for a use permit to operate a construction yard for a general contractor's business located at 740 Garcia Avenue in an Industrial Park zoning district. He advised that the applicant was a general contractor who provided underground and grading services requiring heavy construction equipment to be stored on-site. Some of the equipment to be stored could include two bulldozers, two excavators, two scrapers, two compactors, three backhoes, one water truck and equipment trailers for the mobilization and retention of equipment on-site, when needed.

The contractor would conduct jobs around the local area and abroad where most of the equipment would be stored on the job site. The subject location would be used primarily as a storage area when the equipment was not needed on the job. The site also had an 8-foot high fence, which screened the area. Four 8-foot high storage containers would also be situated on the property.

Mr. Barton advised that when the applicant was mobilizing the equipment, the trucks would not be stored on site. The contractor's yard would not involve any set hours of operation, with hours varying from 6:00 A.M. to 7:00 P.M.

Mr. Barton reported that the applicant had begun to use the property for the proposed use, although staff had notified the applicant on August 22, 2001 that the equipment must not be stored on the property until an application had been made and the use permit had been approved by the Planning Commission. The applicant had complied with the staff request and had moved the equipment off of the property to the adjacent property at Hospital Systems, which also required the approval of a use permit for outdoor storage or for a contractor's yard.

Pursuant to Pittsburg Municipal Code Section 18.84.440, Mr. Barton explained that the height of the equipment and materials being stored on site must not exceed the height of the screening, fence or wall. Some of the equipment that had been stored on the site was higher than the existing 8 foot fence, as observed by staff when the applicant had already begun to use the contractor's yard. He noted that the fence was already at the maximum allowable height for an industrial zone adjacent to a residential zone.

Mr. Barton advised that of the required findings that must be made to approve a use permit, staff was unable to make two of those findings. As to whether or not the use was appropriate to the specific location, staff was unable to make that finding since neighboring businesses in the immediate vicinity did not have outdoor storage and the vacant parcel located to the south was zoned Medium Density Residential, which would be sensitive to the types of activities that could be associated with the contractor's yard. There could also be loud equipment and the hours of operation might not be compatible with a Medium Density Residential Zoning District.

In addition, the inability to adequately screen the equipment being stored on the site had been a concern.
Mr. Barton stated that staff was also unable to make the finding that the project would not create a nuisance or code enforcement problem within the neighborhood.

Mr. Barton therefore recommended that the Planning Commission adopt Resolution No. 9248, denying UP 01-17.

Commissioner Garcia pointed out that the adjacent property had not always been zoned as residential. He commented that the same problems had occurred with the Kaufman and Broad development along Freed Way and Leland Road, where the industrial uses had preceded the residential uses. He inquired of staff what uses would be allowed on the subject property.

Mr. Jerome advised that there were a number of uses in the Industrial Park zoning district that could be established in the area, as identified in the General Plan. In this instance, the issue for staff was how the business was being conducted in terms of how it might impact the adjacent residences. He noted that the use was a conditional use where the City had the ability to control the uses either through strict conditions or through the prohibition of a particular type of incompatible use.

Commissioner Garcia disagreed since the lot had been zoned for industrial use prior to the development of the adjacent residential properties. He suggested that those residential property owners would have to accept the fact that there was an industrial designated area adjacent to the properties.

Commissioner Harris inquired of the number of employees the business would employ.

D.R. LEMMINGS, P.O. Box 2173, Concord, advised that he would have approximately 15 employees, most of whom would be residents of the City.

Commissioner Harris commented on the need to create jobs and revenue for the City. He supported the use, the jobs and the revenue proposed to be generated, which could benefit the City and where the property would be cleaned up if the use was approved. He also favored Light Industry and Commercial designations along Leland Road and opposed any future residential development along that roadway.

Chairperson Holmes commented that he had visited the area. He concurred that the residential properties in the area had been developed after the fact and that the existing adjacent industrial use should be allowed to remain.

PUBLIC HEARING OPENED

PROONENT:

GREG ALLEN, 313 Sycamore Valley Road, Danville, identified himself as the representative for the applicant. Mr. Allen commented that there were existing concrete and traffic barriers along the stream of the property that had recently been removed. He advised that the applicant was prepared to plant a row of trees along the rear of the property, which could mitigate any visual impacts the
equipment might impose from Leland Road. He commented that the applicant did have plans to use the site as a starting point and planned to submit plans in the future for a building that would more than likely be set back from the property allaying many of the staff concerns.

DAVID MILLER, Hospital Systems, Inc., 750 Garcia Avenue, Pittsburg, stated that he had no objection to the neighboring business as a construction yard. He supported the application as proposed.

OPPONENTS: None

PUBLIC HEARING CLOSED

Commissioner Garcia made a motion to direct staff to return with a resolution for approval, with staff to work with the applicant on where the storage containers were to be located, with the equipment to be located closer to the building to potentially allow the building to screen the equipment from view, and with the applicant to consider the planting of a row of trees to also screen the equipment and provide a sound barrier.

MOTION:

Motion by Commissioner Garcia to direct staff to prepare a resolution for the approval of UP-01-17, a Use Permit to operate a Contractor Yard at 740 Garcia Avenue, subject to staff working with the applicant on the location of the storage containers, with the equipment to be located closer to the building where the building would screen the equipment from view, and with the applicant to provide a row of trees to also screen the equipment and to provide a sound barrier. The motion was seconded by Commissioner Harris and carried by the following vote:

Ayes: Commissioners Garcia, Glynn, Harris, Kelley, Leonard, Holmes
Noes: None
Abstain: None
Absent: Commissioner Valentine

Commissioner Garcia commented that although the Planning Commission had not agreed with the staff recommendation for denial of the use permit, that was not reflective of City staff not doing its job.

Chairperson Holmes advised that a decision by the Planning Commission was not final until the appeal period expired 10 days from the meeting. The applicant, City Council, City Manager, or any affected person may appeal either the denial, approval or any conditions of approval of an item within 10 calendar days of the decision.

STAFF COMMUNICATIONS:
Identify Commission Members for SR4 Project Guidelines Subcommittee

Mr. Jerome referenced the memorandum included in the Commission packets regarding the Contra Costa Transportation Authority (CCTA) consideration of providing enhanced and customized design features for some of the structures in the next phase of the State Route 4 Highway Improvement Project, with the next projects to go from Railroad Avenue towards the City of Antioch. With proposed enhancement to the design characteristics of the abutments, overpasses and sound walls, the CCTA had requested that the Cities of Antioch and Pittsburg evaluate some of their plans.

Mr. Jerome advised that in speaking with the City Manager and the Mayor, it had been determined that the most productive way to deal with the plans was to schedule a subcommittee meeting between the City Council Subcommittee and the Planning Commission, to allow a review of the plans to be submitted by the CCTA and its consultant.

Along with the Council’s existing East Contra Costa Regional Fee and Financing Authority (ECCRFFA), subcommittee, represented by Mayor Quesada and Councilmember Rios, the Planning Commission could select up to three representatives to attend the meeting.

Mr. Jerome suggested that either the existing members of the TRANSPLAN Committee or members of the Traffic and Circulation Advisory Committee, or others, might like to be appointed.

Chairperson Holmes appointed Commissioners Garcia, Glynn and Kelley to serve on the SR4 Project Guidelines Subcommittee.

Mr. Jerome stated that he would contact the CCTA to schedule a meeting sometime in October, which would probably be held at City Hall in the downstairs Conference Room. During that meeting, he stated that a conceptual City identification sign and reader board would also be presented to the subcommittee for consideration.

Commissioner Garcia advised that he would be unable to attend a meeting if scheduled for Friday, October 5, but would be available any other time.

GENERAL PLAN UPDATE REPORT:

General Plan Sent Back to Commission by City Council on September 17, 2001

Mr. Jerome reported that the City Council had held a public hearing on the General Plan on September 17, at which time a motion to adopt the General Plan, as submitted by the Planning Commission, had failed by a 2-3 vote. The Council had then taken action by a vote of 3-2 to send the General Plan back to the Planning Commission to address a number of issues as identified in the memorandum dated September 25, 2001, which had been included in the Commission packets.

Mr. Jerome added that he had spoken with the Community Advisory Commission (CAC) President as to the Council's direction to also submit the General Plan to the CAC for comment. The CAC's
President had expressed the willingness to bring the General Plan back to the CAC or its Executive Committee.

Mr. Jerome requested that the Planning Commission schedule either a special meeting or a regular meeting to address the issues as directed by the City Council, with a report to be submitted to the City Council after that time. He explained that there would be no formal public hearing notice, although notices would be submitted to all those on the General Plan mailing list since a new public hearing was not necessary if new items were not brought up and if the discussion was restricted to the issues identified by the City Council.

Mr. Jerome requested that the Commission determine whether or not to meet jointly with the CAC and to determine the manner of obtaining additional comments from the CAC.

Commissioner Garcia commented that the City Council had also directed a reconsideration of development on the ridgelines. As to the discussion to investigate the possibility of adding additional sites to Marine Commercial land uses in the downtown area, he requested that those property owners that could be affected be notified of the Planning Commission meeting, when scheduled, to encourage their participation in the process.

Commissioner Garcia also requested that the Commission be informed as to what uses would be allowed in Marine Commercial prior to that meeting. He further recommended a reconsideration of the City's current grandfather clause as it related, as an example, to the vacant Pepsi warehouse and other properties along Central Avenue.

Mr. Jerome advised that the allowable uses in Marine Commercial had been identified in the General Plan document. He commented that the direction of the Council was to add more Marine Commercial to the downtown. The issue of grandfathering in land uses was related to the Zoning Ordinance, although that would also be reviewed.

Commissioner Glynn stated that there were some issues missing from the direction of the City Council, including the ridgelines, and the fact that there were several pieces of property that the Commission had discussed in the past regarding zoning changes of specific properties, some of which already had applications submitted to the City. He suggested that this would be the appropriate time to make such changes.

As to the Downtown Specific Plan and Marine Commercial properties, Commissioner Glynn emphasized that the Commission had held several hours of discussions with the property owners in those areas related to the conversion of properties from their current use to a Marine Commercial use.

Commissioner Glynn cited, as an example, Johns Manville where the City had recently received correspondence from that business indicating a number of concerns with the General Plan document. He stated that he would be speaking with the City Attorney with respect to those issues. He also suggested that if the City was going to attempt to create a Foreign Trade Zone through the Foreign Trade Zone Subcommittee of the City Council, there needed to be some location to store materials...
over and above what was currently available.

As to whether or not the Planning Commission should meet jointly with the CAC, Commissioner Glynn suggested that the two bodies should stand alone and the CAC and Planning Commission should meet independently, with their respective comments to be forwarded to the City Council.

MOTION:

Motion by Commissioner Glynn that the Community Advisory Committee (CAC) and the Planning Commission consider the revisions to the Draft General Plan, separate from one another, and that both deliberations be considered as separate input with respect to a final recommendation to the City Council. The motion was seconded by Commissioner Harris and carried by the following vote:

- **Ayes:** Commissioners Garcia, Glynn, Harris, Kelley, Holmes
- **Noes:** Commissioner Leonard
- **Abstain:** None
- **Absent:** Commissioner Valentine

Chairperson Holmes otherwise commented that during the September 17 City Council meeting, a local developer had suggested that there had been insufficient time to comment on the Draft EIR. He disagreed, stated that the Planning Commission had met from January to July and had held numerous meetings to discuss the Draft EIR and the General Plan. Additionally, Planning staff had met on a separate basis with that developer to discuss their concerns. In his opinion, that developer had been allowed sufficient time to address any concerns.

Commissioner Garcia suggested that the CAC meet first prior to the Planning Commission setting a meeting date to reconsider the General Plan.

Mr. Jerome advised that the regular Planning Commission meeting of October 9 had a full agenda. Given the action just taken that the CAC and the Planning Commission meet independent of one another, he suggested that the Commission need not wait to schedule a meeting. He recommended that a special meeting be scheduled to reconsider the General Plan.

By consensus, the Planning Commission scheduled a special meeting on Tuesday, October 2, 2001 at 7:00 P.M. to review the General Plan as directed by the City Council. Commissioner Leonard recommended that the Planning Commission review the CAC's comments, when available, and submit those comments along with the Commission's comments to the City Council to avoid any conflicts.

As a member of the CAC Board, Commissioner Glynn stated that the CAC had become involved in the General Plan process in the fall of 1997, after which 35 special community meetings had been held during a three-year period. He therefore suggested that sufficient review had already occurred.
and that the item should move forward as quickly as possible.

**ZONING ADMINISTRATOR REPORT:**

There was no Zoning Administrator Report.

**COMMITTEE REPORTS:**

There were no Committee Reports.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Garcia requested clarification from staff as to the school on Leland Road which had occupied the former Prima Donna Bakery and which had purchased the lot to the east. He noted that there was no sidewalk in that area although a fence had been installed between the school and the adjacent Ace Hardware. He expressed his hope that the sidewalk would be installed prior to the completion of the work on Harbor Street.

Commissioner Garcia otherwise inquired of the status of the sidewalks for the Fort Knox Self-Storage facility and suggested that now was the time for those improvements to be installed. He also inquired of the status of the Century Boulevard punch through and improvements to the Pittsburg/Antioch Highway.

Mr. Strelo advised that he would review the status of the Spectrum Center, although the project had been approved for two phases of development on the extra lot and a lot line adjustment to add onto the existing parcel. A sidewalk would be installed at such time as the additional lot was developed as part of the Center's future plans.

Assistant Civil Engineer Alfredo Hurtado advised that he would review the status of improvement plans for the Fort Knox Self-Storage facility, Century Boulevard and the Pittsburg/Antioch Highway and would report back to the Commission.

Commissioner Harris noted that the property from Al's Hot Dog stand to Civic Avenue had no sidewalks although there was heavy pedestrian traffic in that area.

Mr. Strelo understood that Southport Land and Commercial owned the property. He also understood that unless the parcel was developed from Civic Avenue to the driveway into the City Park and unless half of the block was already furnished with improvements, the property owner was not required to install a sidewalk. He referenced the Improvement Act of 1911, which had been imposed for the installation of sidewalks elsewhere in the City, since it spoke to either City blocks or properties that had sidewalk improvements of 50 percent or greater of the frontage.

Commissioner Harris suggested that the law should be changed since it would take some time before
needed sidewalks could be installed, unless development were to occur. He referenced the northeast corner of Freed Way where logs and lumber were being sold on a vacant lot. He advised that he had turned that matter over to the City's Code Enforcement Bureau. He otherwise commented on the number of fences which had been erected on a number of vacant lots throughout the City, which he found to be unsightly. He suggested that an ordinance should be imposed to require that such fences be installed with slats to screen blighted properties from public view.

Mr. Strelo reported that Planning staff had visited the site on Freed Way, had taken photographs of the property and were constructing a case to pursue due process in that matter.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 8:43 P.M. to a Regular Meeting of the Planning Commission on October 9, 2001, at 7:30 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

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RANDY JEROME, Secretary
Pittsburg Planning Commission