MINUTES

OF THE REGULAR MEETING

OF THE

PITTSBURG PLANNING COMMISSION

October 9, 2001

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Holmes at 7:30 P.M. on Tuesday, October 9, 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

Absent: Commissioner Valentine

Staff: Acting Director, Building & Planning Randy Jerome; Associate Planner Chris Bekiaris; Assistant Planner Ken Strelo, Planning Technician Dana Hoggatt; Planning Intern Christopher Barton; and Assistant Civil Engineer Alfredo Hurtado.

POSTING OF AGENDA:

The agenda had been posted at City Hall on Friday, October 5, 2001.

PLEDGE OF ALLEGIANCE:

Commissioner Harris led the Pledge of Allegiance.

MINUTES: September 25, 2001

MOTION:

Motion by Commissioner Glynn to approve the minutes of the September 25, 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:

There were no deletions or withdrawals.

COMMENTS FROM AUDIENCE:

JOHN GARCIA, 33 Barrie Drive, Pittsburg, requested information on the status of the connector road between Century Plaza and Loveridge Road.

Assistant Civil Engineer II Alfredo Hurtado reported that the City Manager and the developer were scheduled to meet this week to discuss the actual cost of the land. Once determined, the construction of the connector road could proceed to the bid process.

PRESENTATIONS:

1. Redevelopment Agency Plan Amendment to Modify Project Area - Garrett Evans, Economic Development Director

Economic Development Director Garrett Evans reported that in 1993 the City of Pittsburg Redevelopment Agency had grown to approximately 80 percent of the City with added amendments to the Los Medanos Project Area. Four areas that had been added to the project area were located in the northeast industrial area, as well as the Highlands Ranch and the San Marco areas. At that time, the redevelopment tax increment had been calculated at $851 million. With respect to four parcels in the Los Medanos III Project Area, reassessments over the past eight years had decreased in value by approximately $110 million.

The Redevelopment Agency and the City Council was scheduled to consider modifying the project area on November 19, 2001, and would notify all citizens and businesses in the City of the planned deletion of the $110 million worth of lost assessed value.

Mr. Evans explained that the loss of $110 million worth of assessed value meant that Highlands Ranch and San Marco would have to increase in assessed value by $110 million before the City's Redevelopment Agency could receive $1 of tax increment from that area.

As a result and rather than waiting until that time and losing that growth, the Redevelopment Agency would propose to the City Council the removal of the four parcels identified as properties owned by USS POSCO, Dow Chemical, Praxair, and GWF.
Mr. Evans advised that the City would be distributing a booklet entitled, Redevelopment Agency Information Booklet and Public Hearing Notice, copies of which were presented to the Commission and which should be ready for distribution within the next week. The booklet would detail the purpose of the amendment. It would also detail some of the other redevelopment accomplishments and projects the Agency had entered into since 1993 and prior to that time.

Mr. Evans clarified that Agency staff had spoken to the four property owners affected by the proposed Agency action who had agreed with the removal of those properties from the project area. Those properties would remain in the City. By eliminating those properties from the project area, the Agency could effect improvements around those sites without having to wait for an increase in assessed value.

Mr. Evans reported that the next bond issue should occur in the next year and the proposed action would make a substantial benefit to bring at least $1 million in tax increment back to the Redevelopment Agency.

Commissioner Harris suggested prior to the distribution of the booklet that more detailed information in terms of the assessed value of monies that would be lost as a result of the four properties be provided.

Chairperson Holmes thanked Mr. Evans for the presentation.

PUBLIC HEARINGS:

Item 1: Warren Smith Minor Subdivision. MS-678-01.

Application by Warren Smith requesting approval of a tentative tract map to create two parcels located on approximately 98.7-acres on the west side of Bailey Road, south of West Leland Road/State Route 4, for purposes of creating a 20-acre parcel and a 78.7-acre parcel. No development is being proposed, OS (Open Space), zone; APNs 097-220-003, 097-210-005, 094-360-005.

Mr. Jerome explained that the request involved a Minor Subdivision under five parcels. Regardless of the size, the Minor Subdivision was governed by the California State Map Act requiring a public hearing before the Planning Commission.

Associate Planner Chris Bekiaris presented the request for the approval of a tentative tract map to create two parcels located on approximately 98.7-acres on the west side of Bailey Road, south of West Leland Road/State Route 4, for purposes of creating a 20-acre parcel and a 78.7-acre parcel. No development was being proposed at this time. The property was located in an Open Space zoning district.

The 20-acre parcel would be split for future development, although no development has been planned at this time. The 78.7-acre parcel was currently the home of the property owner and had been used as an animal husbandry use in accordance with the Open Space land use designation.
Parcel 2 was located in a wetlands area and could require environmental analysis and the involvement of the California Department of Fish and Game at the time of any proposed development. Parcel 1 would also require some type of environmental analysis at such time as development plans were submitted. Any future development plans would be submitted to the Planning Commission for consideration.

The property was exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Class 15 for Minor Land Subdivisions. The tentative map, per the Subdivision Map Act, would be valid for a two year period and could be renewed. If the Planning Commission were to approve the tentative map, it would be valid through October 9, 2003.

Mr. Bekiaris recommended that the Planning Commission adopt Resolution No. 9250, approving Minor Subdivision MS 678-01, with the conditions as shown.

PUBLIC HEARING OPENED

PROONENT:

WARREN SMITH, 1100 Bailey Road, Pittsburg, expressed his appreciation to staff for its assistance and cooperation in bringing the project forward.

Commissioner Garcia inquired whether or not Mr. Smith had read and was in agreement with the resolution as written and the conditions contained therein, to which Mr. Smith affirmed that he had read the conditions contained in the resolution and was in agreement with those conditions.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9250, approving MS 678-01, a Tentative Parcel Map for the two lot Warren Smith Minor Subdivision, with the conditions as shown. 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

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.

October 9, 2001
Item 2: Vernon's Trucking. UP-01-01.

Application by Donald Gordon requesting a use permit to allow the exterior storage and incidental maintenance of trucks and equipment for a rock and debris hauling business on a 0.25 acre site located at 311 Harbor Street, CS (Service Commercial), zone; APN 073-041-003.

Mr. Jerome advised that the application had been considered by the Planning Commission earlier in the year and had been continued pending direction from the new General Plan, which had yet to be adopted. The applicant had requested that the application proceed for consideration. Staff was of the opinion that given the long process to adopt the General Plan, the application should be considered by the Commission so that deliberations could be made as to whether or not the business would be an appropriate use for the subject property.

Planning Technician Dana Hoggatt presented the request for a use permit to allow the exterior storage and incidental maintenance of trucks and equipment for a rock and debris hauling business on a 0.25 acre site located at 311 Harbor Street, in a CS zoning district. The application initially considered by the Commission in February 2001 had been continued until after the adoption of the General Plan as a result of the potential conflict between the business the applicant had proposed and the Marine Commercial land use designation staff had proposed for the subject site.

The requested use permit would legally establish a rock, sand, gravel, asphalt and debris hauling business. City records had indicated that a business license had been issued for the business in 1996, although since that time the City had no evidence that the business had existed. The applicant had submitted an application for a new City business license in November 2000 and had later applied for a conditional use permit.

The site would be used to park trucks, tractors and trailers and other equipment used to transport the rock, debris and other materials. There would be limited maintenance on site, such as oil and tire changes. Major vehicle and equipment repair would occur off-site. No storage of rock, debris or other transported materials would occur on-site.

With respect to the current CS zoning for the site, Ms. Hoggatt stated that after an initial review of the permit application, staff was of the opinion that the business could fall under four different categories: Contractor, which could allow services at off-site locations; Contractor Yard, a contractor with outdoor storage; Commercial and Personal Transport Services, which included businesses such as limousines, bus moving and taxi services and allowed for incidental maintenance and outdoor storage of vehicles; and a Truck Terminal.

The Contractor and Commercial and Personal Transport Services were allowed in the CS zoning district with the approval of a conditional use permit. A Contractor Yard and Truck Terminal were not permitted uses in the CS district.

Ms. Hoggatt advised that staff had prepared a resolution of approval based on the Commercial and Personal Transport Service category.
Ms. Hoggatt noted that in order for the Commission to take action, the Commission must make a determination of the use classification if the recommended classification was determined to be appropriate for the type of business being proposed. She also requested that the Commission consider that the approval of the use permit under the current zoning and General Plan could legally establish a business as a non-conforming use if the proposed land use designation of Marine Commercial was ultimately adopted with the Draft General Plan, which would not allow for outdoor storage.

As a non-conforming use, Ms. Hoggatt reported that the business could not expand within or beyond the approved site, but would otherwise be allowed to legally continue. A use permit would only become invalid if the use ceased to exist for more than six months.

Ms. Hoggatt recommended that the Planning Commission adopt Resolution No. 9251 approving UP-01-01, with the conditions as shown.

In response to the Chair, Mr. Jerome explained that the Planning Commission had recently met on October 2 to consider revisions to the Draft General Plan, at which time the Commission had decided to add Contractor as a conditional use in the Marine Commercial land use designation. The application was valid under the existing General Plan and zoning. Given the delay in the adoption of the Draft General Plan, staff was of the opinion that it was appropriate to move forward on the application.

Commissioner Glynn noted the Commission's discussion at the October 2 meeting to establish the area as a Marine Commercial use, which had been established throughout the general planning process for the current General Plan and the expansion of Marine Commercial uses downtown. He commented that if the use was permitted and if it continued for a given period of time, it would preempt the ability to designate the property as a Marine Commercial use. In addition, the definition of Marine Commercial in terms of usage had yet to be clearly established in the Draft General Plan.

Commissioner Glynn stated that given the fact that the use would include the storage of open materials, it was clearly not the intent of the Marine Commercial designation in the new General Plan. As such, he could not support the approval of the application at this time since the City had yet to make a decision on the new General Plan and since the clear intent was to include more Marine Commercial designations within the confines of the new plan.

Commissioner Garcia understood that no outdoor storage would be conducted on-site other than equipment.

PUBLIC HEARING OPENED

PROPOSENENT:

DONALD GORDON, Vernon's Trucking, 311 Harbor Street, Pittsburg, stated that there would be
nothing stored in the yard other than tractors or trailers. No materials would be stored on-site. He would travel to job sites all over the Bay Area to haul material for contractors. He also clarified that any major work conducted on any company equipment would be conducted off-site. Commissioner Harris inquired whether or not Mr. Gordon would be leasing or purchasing the property. He also inquired of the number of employees who would work at the site.

Mr. Gordon advised that he currently had a five-year lease with an option to purchase the property. The lease would expire this year. If the property was not purchased, it was likely that he would again lease the property, although he was uncertain whether or not he would lease it for another five year period given the current economy. He reported that he was the only employee of the business. He also affirmed, when asked, that he had read and was in agreement with the staff recommended conditions of approval.

Commissioner Glynn requested clarification from staff as to the intent of a statement in the staff report that "The Marine Commercial designation would allow marine and visitor-oriented businesses, but would not permit businesses with exterior storage, as requested in this application."

Mr. Jerome explained that Marine Commercial had been set up for businesses that were oriented for waterfront operations. The intent was not to allow storage facilities, such as Pittsburg Marine Terminal, a heavy industrial use which was clearly a wharf operation with the ability to transfer bulk materials and the like.

Commissioner Glynn referenced Condition No. 9 and inquired whether or not Mr. Gordon understood the intent of that condition.

Mr. Gordon acknowledged the conditions of approval and affirmed the intent of those conditions.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9251, approving UP-01-01, a use permit for Commercial/Personal Transport Services for a rock and debris hauling business for "Vernon's Trucking," with the conditions as shown. The motion was seconded by Commissioner Kelley and carried by the following vote:

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

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.


Application by Michael Guasch of Stonetech Professional, Inc. requesting a use permit to operate an indoor chemical mixing processor in an existing 21,000 square foot building on a 4.11 acre site located at 554 and 740 Clark Avenue, IP (Industrial Park) zone; APN 088-250-050.

Assistant Planner Ken Strelo presented the request for a use permit to operate an indoor chemical mixing processor in an existing 21,000 square foot building on a 4.11 acre site located at 554 and 740 Clark Avenue in an Industrial Park zoning district. He advised that as requested by staff, a color booklet had been provided by the applicant to inform the Commission of the proposed business.

Mr. Strelo explained that Stonetech Professional Inc., was a chemical mixing processor engaged in a line of sealers, cleaner refinishers and specialty products for the care, maintenance and restoration of natural stone, ceramic and porcelain tile, grout and masonry. The applicant would occupy an existing 21,000 square foot building for the purposes of material storage, manufacturing processing and office room. A 10,000 square foot section would be used for warehousing of business related items with separate rooms for flammable, corrosive and mixing vessels. Other areas and rooms necessary for the safe operation of the proposed business had been identified on the floor plan.

A building located on the north end of the property had not been proposed for any use at this time. The property had two buildings on-site, one at 21,000 square feet, and another wooden building on the north side of Clark Avenue which would not be proposed for any use at this time.

The hazardous materials, storage and handling of materials would be subject to the requirements of the Contra Costa County Health Services Hazardous Materials Program, the Central Contra Costa Fire Protection District and the California Department of Health Services. Pursuant to Article 6 of the City Municipal Code, the proposed business would be a new industrial use that would not require a separate use permit due to the use of hazardous materials given the fact that the 50 to 100 tons of hazardous materials associated with the use would be less than the amount required to initiate a separate use permit.

Conditions of approval would require the applicant to submit a summary log to the City, upon request, to identify the amount of hazardous materials managed at the facility each month.

The proposed hours of operation would be from 6:00 A.M. to 9:00 P.M., Monday through Friday, with the processing only occurring between 6:00 A.M. and 5:00 P.M. on those days. No activity would occur on the weekends. The business would employ 15 people at the current location with an expected increase to 18 employees for the proposed site. The site also had over 30 parking spaces provided on-site.

Mr. Strelo reiterated that the General Plan land use designation of the site was Industrial Park, with an IP zoning. The proposed use had been defined as Limited Manufacturing, which required a
conditional use permit in the IP zoning district.

Mr. Strelo further reported that the project was exempt from the requirements of CEQA, pursuant to Section 15061(b)3, in that the project fell under a general rule that CEQA applied only to projects that had a potential for causing a significant affect on the environment. Since there would be no grading, construction, additions or other impacts to the physical environment and since the project consisted only of interior changes to meet occupancy requirements, the project did not have the potential to cause a significant affect on the environment.

Mr. Strelo advised that the agencies that reviewed such uses and the requirements for secondary containment for occupancy ratings for rooms storing certain types of chemicals would speak to any mitigating measures that would occur from an Initial Study.

A notice of the public hearing had been posted at City Hall, had been filed with the local newspaper, and notices to all property owners within 300 feet of the project site had been mailed ten days prior to the hearing date.

Mr. Strelo recommended that the Planning Commission adopt Resolution No. 9254, approving UP-01-24, with the conditions as shown.

Commissioner Garcia commended staff on the detail contained in the staff report and with the conditions that had been proposed.

PUBLIC HEARING OPENED

PROPOONENT:

MICHAEL GUASCH, 29500 Kohoutek Way, Union City, clarified in response to Commissioner Glynn that the project site was fronted by open space that was currently vacant. Merit USA was located adjacent to the property where a new building was being developed over 100 feet away from the subject site.

Given the nature of the chemicals that would be stored in the facility, Commissioner Glynn inquired of the possible danger to others who might be within close proximity to the site if a chemical release were to occur.

Mr. Guasch suggested that such an event would result in a limited danger to others within close proximity since the facility involved hazardous material rooms, which were equipped with fire extinguishing systems and fire closure doors. Every area where hazardous materials would be kept would be contained in hazardous material rooms. If a chemical release were to occur, there would be a secondary containment on the material tanks and a third containment in the sloped floors and drains in the floors of each room.

Commissioner Glynn inquired whether or not the nature of the chemical would be a hazard through
the absorption through the skin or through inhalation, to which Mr. Guasch described the materials as liquid materials. The product lines would be cleaners and sealers for stone, which were typically sold in hardware stores and to contractors, and used on a general basis by everyone. The products were not such where gloves or respirators had to be used. The initial raw materials used to build the products in higher concentrations could have more of an effect on human skin or inhalation through a pure form, although the materials were not volatile, did not evaporate quickly, and did not involve high exposure.

Mr. Guasch also affirmed, when asked, that he had read the conditions of approval and would comply with those conditions.

Chairperson Holmes inquired of the employment opportunities that could be realized through the business.

Mr. Guasch explained that he hoped to maintain the bulk of his staff. He commented that he was purchasing the property, had recently purchased a home in the City of Walnut Creek in the anticipation of the move to find a proper building for the operation and that some other staff members had also moved to central County. The firm would immediately hire three to five local people. As to their long term goals, he planned to expand into the other building on-site in the future, although it was likely that would be leased out for temporary storage. A future expansion of the property was also anticipated within five years where 40 to 50 people could be employed.

Mr. Guasch also acknowledged that the property was located within the redevelopment area where there were incentives for employment opportunities.

CAROL BROMBAUGH identified herself the Controller for Merit USA located downwind from the subject site. She expressed concern that there was already a business in the area that released chemicals twice a day. She noted that in light of the energy crisis, her business kept its doors and windows open and she expressed concern with the potential impacts to employees as a result of any chemical release. She also expressed concern that she had been informed this date, by a contractor, that the large lithography oven would be taken out of the subject building. She understood that the oven was 30 to 40 years old and might contain asbestos.

Ms. Brombaugh requested assurance that the proper procedures and precautions would be followed with the removal of that oven.

JOYCE CUNNINGHAM, of BT Commercial, identified herself as the representative for the seller of the subject property. She commented that when the applicant had expressed an interest in purchasing the property, she was aware that there were concerns since the application would involve chemicals. As a result, she had been invited to tour the existing Union City facility, which she had found to be clean and well maintained and where the products were enclosed in containers. She also clarified that there had been no fumes associated with the products during her tour of the Union City facility.

Ms. Cunningham suggested that neighbors would have no problems with either the business product
or the manufacturing process.

OPPONENTS: None

PUBLIC HEARING CLOSED

Commissioner Garcia supported the approval of the application and requested that staff contact the Building Department to ensure that the removal of the oven was done in a safe manner.

Commissioner Glynn pointed out that Condition No. 6 would ensure compliance with all applicable regulations for the removal of any equipment and/or installation.

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9254, approving UP-01-24, a use permit for Limited Manufacturing located at 554 and 740 Clark Avenue for "Stonetech Professional, Inc.,” with the conditions as shown. The motion was seconded by Commissioner Glynn and carried by the following vote:

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

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.

COMMISSION CONSIDERATIONS:


Adoption of a resolution approving an application by Don Lemmings of D. R. Lemmings Construction requesting a use permit to operate a construction yard for a general engineering contractor business located at 740 Garcia Avenue, IP (Industrial Park) zone; southern half of APN 088-250-042.

Planning Intern Christopher Barton presented the resolution approving an application by Don Lemmings of D. R. Lemmings Construction requesting a use permit to operate a construction yard for a general engineering contractor business located at 740 Garcia Avenue, in an IP zoning district. He clarified that the proposed use was essentially the same as described during the previous Commission meeting of September 25 when the Commission had directed staff to prepare a resolution of approval for the business.
Mr. Barton advised that there were changes that would be included in the use to mitigate any impacts of the facility's location adjacent to residential properties, including the storage containers required to be placed along the southern border of the property to screen any views from Leland Road. The applicant had agreed to install vegetation in cooperation with the City Planner in between the existing 8-foot fence and the containers. Additionally, the hours of operation would be limited between the hours of 8:00 A.M. and 5:00 P.M.

Mr. Barton clarified that the condition for the hours of operation had not been included in the first resolution of approval. The condition would read as follows:

The hours of operation shall be limited from 8:00 A.M. to 5:00 P.M. Construction equipment shall not run between the hours of 5:00 P.M. to 8:00 A.M.

PUBLIC HEARING OPENED

PROPOONENT:

DON LEMMINGS, P.O. Box 2173, Concord, acknowledged that he had read the conditions of approval. He expressed concern with the hours of operation that would be imposed on the use.

Commissioner Garcia noted that most businesses that involved construction activities commenced by 7:00 A.M., and Mr. Lemmings affirmed that his business commenced at 7:00 A.M. in the field.

Commissioner Garcia suggested that the hours of operation be amended to allow for the operation of the business from 6:00 A.M. to 6:00 P.M., and Mr. Lemmings supported that proposed amendment.

Mr. Barton clarified that the business would operate Monday through Saturday.

Associate Planner Bekiaris explained that the City's Noise Ordinance stipulated that construction not commence before 7:00 A.M.

Commissioner Garcia pointed out that the average work force commenced work earlier than 7:00 A.M. Since there was no one living adjacent to the subject site at this time, he reiterated his recommended revision to the hours of operation. At such time as any residential use occupied the site adjacent to the subject property, and if any complaints were to arise, he suggested that issue could be addressed at that time.

Mr. Jerome also understood that the City's Noise Ordinance stipulated that no construction occur prior to 7:00 A.M. He clarified for the record that the business was not a construction use and would involve only the movement of equipment out of the site to be used off-site.

OPPONENTS: None

PUBLIC HEARING CLOSED

October 9, 2001
MOTION:

Motion by Commissioner Glynn to adopt Resolution No. 9252, approving UP-01-17, a use permit to operate a Contractor's Yard at 740 Garcia Avenue, the southern half of APN 088-250-042 for D.R. Lemmings Construction, with the conditions as shown and with the amendment to the hours of operation as follows: *The hours of operation shall be limited from 6:00 A.M. to 6:00 P.M. Construction equipment shall not run between the hours of 5:00 P.M. to 8:00 A.M.* 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

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.

Item 5: Kirker Creek Apartments Storage Building. DR-01-34.

Application by Larry Fournier requesting approval of architectural plans for the construction of a two-story 2,160 square foot storage building within the Kirker Creek Apartments complex located at 1000 Pheasant Drive, HPD (Hillside Planned Development) zone; APN 089-040-011.

Associate Planner Bekiaris presented the request for the approval of architectural plans for the construction of a two-story, 2,160 square foot storage building within the Kirker Creek Apartments complex located at 1000 Pheasant Drive, in a HPD zoning district. He advised that throughout the apartment complex, there was a series of laundry room storage buildings. The subject building, according to the application, was little used since many of the apartment units contained individual washer/dryer units.

The applicant had proposed to demolish the building and in its place to construct a two-story tenant storage building for the tenants. Each floor would have 12 storage spaces, for a total of 24 storage spaces, with a mix of small and larger storage units. The design of the tenant storage building would be similar to the existing apartment complex and with the same color scheme with brown siding and teal or blue trim. A concrete tile roof would also be utilized.

The proposed building would be 40 feet wide and 27 feet deep, with a height of 25.6 feet to the peak of the roof. The structure would be set back approximately 8 feet from a private sidewalk. The current building had a 10-foot setback. Within the 8-foot setback, the landscaping would be replanted similar to what currently existed on the property.

Mr. Bekiaris advised that staff had recently been provided with plans that had not been included in
the Commission packet. The plans submitted in the packet had identified a gable roof. Staff had proposed and the applicant had agreed to construct a hip roof structure, with dormers at the ends and with false windows, similar to the existing laundry room.

Since the building was smaller than the existing two and three story apartment units, Mr. Bekiaris suggested that the hip roof design would be more appropriate than the gable roof design. He also acknowledged that the proposed building would not be visible from Railroad Avenue.

Mr. Bekiaris recommended that the Planning Commission adopt Resolution No. 9253, approving the site and architectural plans for DR-01-34 that had been submitted this date, with the conditions as shown.

PUBLIC HEARING OPENED

PROONENT:

LARRY FOURNIER, Property Manager, Kirker Creek Apartments, 1000 Pheasant Drive, Pittsburg, affirmed and agreed with the recommended conditions of approval.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Leonard to adopt Resolution No. 9253, approving DR-01-34, design review approval of architectural and site plans for a tenant storage building for the Kirker Creek Apartments, with the conditions as shown. The motion was seconded by Commissioner Kelley and carried by the following vote:

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

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.

**Item 6: Cingular Wireless. 105 Bliss Avenue. DR-01-35.**

Application by Misako Hill, of PlanCom Inc., on behalf of Cingular Wireless Inc. requesting design
review approval of architectural plans for the installation of three wireless communication panel antennas below existing panels of an existing 79 foot monopole and the placement of accessory equipment cabinets on the ground below located at 105 Bliss Avenue, CS (Service Commercial) zone; APN 088-171-029.

Planning Intern Barton presented the request from Misako Hill, of PlanCom Inc. on behalf of Cingular Wireless Inc., requesting design review approval of architectural plans for the installation of three wireless communication panel antennas below existing panels of an existing 79 foot monopole and the placement of accessory equipment cabinets on the ground below located at 105 Bliss Avenue in a CS zoning district. He stated that by co-locating the antennas on an existing pole, the project would have a lesser visual impact than if constructing a new monopole to provide the cellular services. The monopole, as with others located along Bliss Avenue, would be removed with the future widening of State Route 4.

Mr. Barton recommended that the Planning Commission adopt Resolution No. 9249, approving DR-01-35, with the conditions as shown.

PUBLIC HEARING OPENED

PROPOONENT:

MISAKO HILL, PlanCom representing Cingular Wireless, 4420 Rosewood Drive, Building 2, Pleasanton, affirmed and agreed with the conditions of approval.

JOHN GARCIA, 33 Barrie Drive, Pittsburg, inquired whether or not the City would be responsible for the cost of any relocation fees at such time as the facility must relocate as a result of the future widening of State Route 4.

Mr. Jerome stated that the City would not have to pay any relocation costs. He explained that the second phase of the widening of State Route 4 had yet to commence with the design phase and negotiations related to the acquisition of the properties, including the subject property, had commenced.

Commissioner Garcia commented that the monopole currently existed and the project would not involve the installation of another monopole that would have to be relocated. He also expressed his understanding that the antennas were only being allowed with the understanding that the freeway would be widened at a future point, whereby the monopole had been permitted to be built on a 100-foot strip where no building had been permitted. He understood that the wireless telecommunication companies were aware of the future widening of State Route 4 and they would have to relocate at some time in the future at their own expense.

Commissioner Leonard suggested that an additional condition be imposed on the application to address the concerns, as follows:
Should the property be taken for eminent domain as a result of the future widening of State Route 4 the applicant would be responsible for the relocation of equipment at no cost to the City.

Commissioner Garcia understood that the applicant did not own the property and leased the property from the property owner.

Mr. Jerome suggested that the additional condition, as recommended, would not be appropriate in this case in that it involved a lease with a private property and the potential impacts with the future widening of State Route 4 were not yet clear.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9249, approving DR-01-35, design review approval of architectural plans for wireless communications antenna panels on an existing monopole for Cingular Wireless, with the conditions as shown. 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

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:

1. Shell Gas Stations, AD-01-21 (Railroad Avenue), AD-01-22 (Buchanan Road), and AD-01-23 (Loveridge Road)

Mr. Jerome reported that staff had received proposals for the repainting of Shell gas stations within the City consistent with what was occurring with all Shell gas stations throughout the country.

Planning Technician Hoggatt advised that staff had reviewed the plans from Shell gas stations to
repaint those stations identified in the staff report using the corporate colors of red and yellow. The stations located on Railroad Avenue and Loveridge Road would involve minor changes to the roof and fascia. Since the colors were substantially brighter to what currently existed on all three stations currently with steel gray industrial colors, and since the proposal would involve the addition of substantially more yellow color, the proposal was being presented to the Commission for concurrence before the applicant was allowed to proceed.

Ms. Hoggatt also clarified that the project was part of a nationwide program to remodel all Shell gas stations. She sought input from the Commission.

In response to Commissioner Garcia, Ms. Hoggatt acknowledged that staff had reviewed the proposal and while acknowledging that the colors were bright, staff was supportive of the color change.

JOHN GARCIA, 33 Barrie Drive, Pittsburg, suggested that the change in colors would be a major change that would not be compatible with the community. He questioned whether or not similar colors had been permitted in other communities. While he understood that the change was part of a nationwide campaign, he questioned the approval of the color changes and suggested that the colors were inappropriate and unacceptable.

Commissioner Garcia stated that he was satisfied with the color change.

The consensus of the Commission was that the color changes that had been proposed by Shell were acceptable.

Subsequent to that consensus, Commissioner Harris disagreed with the color changes being proposed. He recommended that the building colors remain as is.

Mr. Jerome suggested that if the Commission wanted the item to return for review by the Planning Commission, a motion should be made to that effect.

Commissioner Garcia recognized that the colors being proposed were corporate colors. He stood by his position and suggested that staff had reviewed the application fairly and that a consensus had been taken. He did not agree that the item should be returned to the Commission for consideration.

The Commission also acknowledged that the applicant had left the audience after the apparent consensus of the Commission to accept the color and structural changes.

Commissioner Leonard pointed out that two of the gas stations would involve structural modifications, which modifications could be reviewed by the Commission. In an effort to be business friendly, he suggested that the new colors were corporate colors being proposed nationwide as was often done by many corporations. As such, he would not oppose a corporate color change, although he agreed that the structural modifications should be reviewed.
Mr. Garcia stated that if the Commission were to stand by its initial consensus, he would appeal that action to the City Council.

Commissioner Harris suggested that if the item was returned for Commission consideration that plans detailing the proposed color and structural changes be provided, to include before and after photo simulations.

MOTION:

Motion by Commissioner Kelley to direct staff to return AD-01-21 (Railroad Avenue), AD-01-22 (Buchanan Road), and AD-01-23 (Loveridge Road) Shell proposed color changes and structural modifications to the Planning Commission for a formal review and action. The motion was seconded by Commissioner Harris and carried by the following vote:

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

Mr. Jerome explained that staff would contact the applicant to determine whether or not they could be prepared to present the application in time for the meeting scheduled for October 23. If not, the item would be scheduled for a future Commission meeting.

Mr. Jerome otherwise reported that staff had received correspondence this date from Bruce Ohlson regarding the Pittsburg/Bay Point BART Specific Plan, and from Robert Suddeth, Ellen Kolb and Gloria Thomas in opposition to the Montreux proposal. Additionally, staff had received correspondence from Robert Smith, President of USS POSCO regarding a blood drive.

Mr. Jerome also noted that a meeting of the State Route 4 Design Workshop had been tentatively scheduled for Thursday, October 11 at 1:00 P.M. in the First Floor Conference Room.

GENERAL PLAN UPDATE REPORT:

Mr. Jerome reported that the Commission had reviewed Council directives for revisions to the Draft General Plan on October 2. The recommendations would be forwarded to the City Council. He added that on October 3, he had presented a report of the Draft General Plan to the CAC. The CAC would deliberate the Draft General Plan on October 10 and would present a separate report to the Council.

Mr. Jerome also reported that he had met with Albert Seeno to discuss a meeting of City staff with some of the developer's consultants regarding the Planning Commission's recommended revisions to the General Plan in an effort to better facilitate the developer's proposals where changes could be made to the General Plan as simply as possible in order to facilitate the developer's projects.
Upon the receipt of comments from the CAC and the outcome from the meeting with the developer, a report could be provided to the City Council during the first meeting in November.

Mr. Jerome clarified that he would also meet with the General Plan consultant to learn what the extended discussions would mean in terms of cost and time.

Commissioner Harris understood that the first Council meeting in November might not include a full Council. He preferred that a full Council be in attendance when the General Plan was resubmitted for consideration.

**ZONING ADMINISTRATOR REPORT:**

There was no Zoning Administrator Report.

**COMMITTEE REPORTS:**

Commissioner Garcia reported that he had attended a recent meeting of the Pittsburg/Bay Point BART Specific Plan Committee, which had adopted the Specific Plan and the EIR that would be presented to the Planning Commission and thereafter to the City Council and the County in the near future.

Mr. Jerome acknowledged that the Fiscal Committee that had prepared the Pittsburg/Bay Point BART Specific Plan had approved the plan, which would be forwarded to the City and the County. The process would go separately to the Bay Point MAC and the East County Regional Planning Commission. Both bodies would meet and make a recommendation to the County Planning Commission.

County staff had discussed with City staff a joint meeting between the County Planning Commission and the Pittsburg Planning Commission whereby the two bodies would then make a joint recommendation to the City Council and the Contra Costa County Board of Supervisors.

Mr. Jerome inquired whether or not the Commission would support a joint meeting with the County Planning Commission or prefer a separate meeting of the Pittsburg Planning Commission, with direction to the City Council.

The consensus of the Commission was to meet separately from the County Planning Commission to consider the Pittsburg/Bay Point BART Specific Plan and EIR.

JOHN GARCIA, 33 Barrie Drive, Pittsburg, encouraged the Planning Commission to meet separately from the County Planning Commission, particularly since the City of Pittsburg had no representation on the County Planning Commission.
COMMENTS FROM COMMISSIONERS:

Commissioner Glynn referenced correspondence in the Commission packets from Director of Public Services John Fuller dated June 23, 2000 regarding the responsibility for sewer lateral maintenance. He cited a number of the statements made in the letter, disagreed with those statements, and questioned many of the points that had been made. He also questioned the definitions and a number of City regulations, as contained in the Chapter 13.26, "Sewer Maintenance and Repair," that had been attached to the same letter.

Commissioner Harris concurred with the comments and advised that he had made the request for information in the summer of 2000 after his brother had been severely impacted financially by the City's policy. He recommended that the responsibility for sewer lateral maintenance, which had been in effect since 1991, be rescinded and suggested that the maintenance of the sewer lateral from the curb to the sewer main be the City's responsibility. He reported that the issue was currently being considered by the City Council. He noted that there were many retired persons in the community with fixed incomes who could be severely impacted as a result of the current ordinance.

Further referring to the correspondence from Mr. Fuller, Commissioner Garcia suggested that there were very few cities in the Bay Area where the owner of a home was responsible for the sewer lateral all the way out to the main. He also expressed concern that if the sewer line were to break, a homeowner must pay for an encroachment permit from the City to make any necessary repairs not including any of the associated costs for repairs.

Commissioner Leonard also commented on his personal experience with sewer lateral maintenance problems with a number of properties he owned in the City, which had impacted him financially as a result of the City's policies.

Commissioners requested that staff review the vacant lots located across from the Shell station near the former Los Medanos Hospital at the corner of Leland and Loveridge since those vacant lots had become used car lots, as had the lot at the corner of Diane Street and California Avenue, and in the areas around West Tenth Street and along the Pittsburg/Antioch Highway towards Costco.

ADJOURNMENT:

There being no further business, the meeting adjourned at 9:32 P.M. to a Regular Meeting of the Planning Commission on October 23, 2001, at 7:30 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

____________________________________
RANDY JEROME, Secretary
Pittsburg Planning Commission