A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Holmes 7:30 P.M. on Tuesday, October 23, 2001, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

**ROLL CALL:**

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

Absent: None

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

**POSTING OF AGENDA:**

Chairperson Holmes advised that the agenda had been posted at City Hall on Friday, October 19, 2001.

**PLEDGE OF ALLEGIANCE:**

Commissioner Kelley led the Pledge of Allegiance.

**MINUTES: October 2, 2001 (Special Meeting)**

Motion by Commissioner Garcia to adopt the minutes of the October 2, 2001 special meeting, as submitted. Commissioner Kelly seconded the motion.

Referencing Page 12 of the October 2, 2001, Special Meeting minutes, Commissioner Glynn stated that the comments made by Commissioner Valentine after the motion on that page were not reflective of the comments made and he would therefore not vote on the approval of the minutes, as written.
Commissioner Leonard concurred with Commissioner Glynn's comments.
Commissioner Harris requested that the minutes of October 2 be transcribed verbatim and then be returned to the Commission for review.

Commissioner Garcia withdrew his motion and supported a motion for staff to return with a verbatim transcription of the statements made by Commissioner Valentine on Page 12, as discussed.

Acting Director, Planning & Building Randy Jerome reported that a member of the City Council had requested that the meeting minutes of October 2 be transcribed verbatim. He suggested that the approval of the minutes be postponed to the next meeting pending the distribution of the verbatim transcription.

By consensus, the minutes of the special meeting of October 2, 2001 were postponed to the meeting of November 13, 2001 pending the preparation of a verbatim copy of the minutes of that meeting.

MOTION: **October 9, 2001**

Motion by Commissioner Garcia to approve the minutes of the October 9, 2001 meeting, as submitted. The motion was seconded by Commissioner Harris and carried by the following vote:

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

**DELETIONS/WITHDRAWALS:**

There were no deletions or withdrawals.

**COMMENTS FROM AUDIENCE:**

There were no comments from the audience.

**PRESENTATIONS:**

There was no presentations.

**PUBLIC HEARING:**

**Item 1: Popeye's Chicken & Biscuits. UP-01-25 and DR-01-37.**

Application by Rick Mason of Alameda Food Service Enterprises, Inc., requesting Planning Commission approval for a use permit for a self-service restaurant, with a drive-through window, and approval of architectural and site development plans to construct a 2,138 square foot restaurant and eight foot high freestanding sign located at 1283 East Leland Road, CC (Community...
Mr. Jerome explained that the pad was located within the Wal-Mart shopping center. He noted that the Commission had been presented with correspondence dated October 18, 2001, from Archer Norris, Attorney for Wendy's restaurant and correspondence dated October 23, 2001, from David Larsen, Attorney for Ellen Hui the President and CEO of Alameda Food Services, Inc., dba as Popeye's Chicken & Biscuits. Both letters spoke to the covenants contained in the lease agreements for the two businesses.

Mr. Jerome stated that the City Attorney had advised that the issues were a private matter between the property owner and the tenants and were not under the purview of the Planning Commission, since the issue before the Commission was the appropriateness of the land use only.

Assistant Planner Ken Strelo presented the application by Rick Mason of Alameda Food Service Enterprises, Inc., requesting Planning Commission approval for a use permit for a self-service restaurant with a drive-through window, and approval of architectural and site development plans to construct a 2,138 square foot restaurant and eight foot high freestanding sign located at 1283 East Leland Road in a Community Commercial zoning district.

The applicant's plans included a 2,138 square foot main building, trash enclosure and other site developments such as striping, landscaping and accessory signage. A freestanding sign had also been proposed for the southeast corner of the site, not the southwest corner, as indicated in the staff report.

The building elevations would include maize colored walls with red trim, with the south and north elevations to incorporate evergreen false shutters and the south elevation to have an evergreen false balcony and railings. The west side would contain a roof ladder and metering equipment and would also be the side adjacent to the trash enclosure. The east side would contain the main storefront and entrance, consisting of an aluminum storefront with an exterior illuminated wall sign mounted on the projected frontage. Dark green awnings would line across the storefront and along portions of the north and south elevations. Both the north and south elevations would be externally illuminated, with a 16 foot by 8 foot wall art decals with anti-graffiti coating.

The freestanding sign would be located in a landscaping strip in the southeast corner and would be eight feet in height. The lower three feet would be solid red continuing around the edge of the sign. The copy area would be a maize background with red, blue, and green copy. The proposed freestanding sign was consistent with the Pittsburg Municipal Code.

Mr. Strelo explained that the proposed hours of operation would be Sunday to Thursday, from 10:00 A.M. to 11:00 P.M., and Friday and Saturday from 10:00 A.M. to midnight. The use would be consistent with the General Plan and the Pittsburg Municipal Code. The parking for the use would also be consistent with the requirements of the Pittsburg Municipal Code, Section 18.78.040. In addition, the project was exempt from the requirements of the California Environmental Quality Act (CEQA), per Class 32, In-Fill Development Projects.
Mr. Strelo recommended that the Planning Commission adopt Resolution No. 9257, approving UP-01-25 and Resolution No. 9258 approving DR-01-37, with the conditions as shown.

PUBLIC HEARING OPENED

PROPOENEENT:

RICK MASON, Collaborative Design Architects, Inc., 165 10th Street, San Francisco, took the opportunity to introduce the project design team and the owners of the business. He presented the Commission with information that had not been contained in the staff report, including an exterior color board, information on the interior finishes of the building, and color drawings depicting a perspective of the building. In addition, he presented the Commission with information to identify the monument sign, directional signage and the art wall decals that had been proposed for the north and south elevations of the building.

Mr. Mason explained that he had read the staff report, suggested the report was accurate and stated that he was in agreement with the staff recommended conditions of approval. He also clarified that the applicants had obtained approval from Wal-Mart with respect to the number of parking stalls on-site and with respect to the site design. Correspondence from Wal-Mart had been provided to staff and should have been included in the staff report.

Mr. Mason further clarified that the applicant fully intended to provide a quality menu and would provide local employment opportunities for management level, teens and seniors. He suggested that the business would be an asset to the community and the Wal-Mart shopping center, while also being compatible with the other uses in the center.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: **UP-01-25**

Motion by Commissioner Garcia to adopt Resolution No. 9257, approving UP-01-25, a use permit for a self service restaurant with drive-through service located at 1283 East Leland Road for Popeye's Chicken & Biscuits, 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, Valentine, Holmes
Noes: None
Abstain: None
Absent: None
Motion by Commissioner Garcia to adopt Resolution No. 9258, approving DR-01-37, Design Review approval of architectural and site development plans to construct a 2,138 square foot restaurant and freestanding sign located at 1283 East Leland Road for Popeye's Chicken & Biscuits, 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, Valentine, Holmes
Noes: None
Abstain: None
Absent: None

COMMISSION CONSIDERATIONS:

Item 2: Rocha's Auto Service Freestanding Sign. DR-01-36.

Application by Frank Kuhn requesting design review approval of sign plans for the installation of a freestanding sign to identify an existing auto repair business located at 2665 Pittsburg/Antioch Highway, CS (Service Commercial) zone; APN 074-100-021.

Planning Technician Dana Hoggatt presented the request for design review approval of sign plans for the installation of a freestanding sign to identify an existing auto repair business located at 2665 Pittsburg/Antioch Highway, in a Service Commercial zoning district.

The sign would be utilized to identify Rocha's Auto Service, an existing automotive repair business located on the Pittsburg/Antioch Highway, west of the Pittsburg City limits. The sign would be six and a half feet in length by six feet in height from grade, with the base a gray aluminum. The face of the sign would be an aluminum cabinet, painted with a darker gray featuring red and blue letters identifying the name of the business.

The sign would be internally illuminated, placed at the northeast corner of the site, 20 feet behind the edge of the roadbed of the Pittsburg/Antioch Highway, in a landscaping island to be installed surrounding the base of the sign. The sign would not interfere with the future roadway improvements along the highway and would be located on private property to be placed three feet inside of the property line separating the parcel from the public right-of-way.

Ms. Hoggatt recommended that the sign include a five foot setback from the property line in anticipation of any long term future right-of-way expansion and to further improve vehicle sight distance.

The proposed freestanding sign would be in conformance with Section 19.16.020 of the Pittsburg Municipal Code which limited the size and information displayed on signs for service oriented uses, such as auto repair, in that the proposed sign structure would be six feet in height with the sign face...
Ms. Hoggatt reported that the signage, as proposed, was exempt from CEQA, per Class 11, Accessory Structures.

Ms. Hoggatt recommended that the Planning Commission adopt Resolution No. 9225, approving DR-01-36, with the conditions as shown and for a five foot setback.

PROONENT:

ANDY HALPERN, Ability Lighting & Signs, 981-D Garcia Avenue, Pittsburg, expressed agreement with the conditions of approval, as recommended by staff.

MOTION:

Motion by Commissioner Harris to adopt Resolution No. 9225, approving DR-01-36, Design Review approval of plans for a freestanding identification sign for an existing auto repair business at 2665 Pittsburg/Antioch Highway for "Rocha's Auto Service", with the conditions as shown and as noted. The motion was seconded by Commissioner Glynn and carried by the following vote:

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

Item 3: Los Medanos Energy Center Warehouse. DR-01-40.

Application by Jon Hamilton, Carlton Engineering Inc., requesting approval of architectural plans for the construction of a two-story, 4,800 square foot warehouse at the Los Medanos Energy Center, (LMEC) located at 750 East Third Street, IG (General Industry) zone; APN 073-030-013.

Associate Planner Chris Bekiaris presented the request for the approval of architectural plans for the construction of a two-story, 4,800 square foot warehouse at the Los Medanos Energy Center, (LMEC) located at 750 East Third Street, in a General Industry zoning district.

Mr. Bekiaris advised that the LMEC had recently begun its operations, and that the California Energy Commission (CEC) preempted City jurisdiction in the construction of power plants. The LMEC requested approval from the Commission to construct an additional building that had not been a part of the original application to the CEC. The proposed building would be used as a
A warehouse for plant parts and would not be used for the storage of any hazardous or toxic materials.

The design, siding, and roofing materials would be similar to the existing structures on the site, with metal siding and roofing. The warehouse building would be 80 feet by 60 feet wide and would stand 25 feet from grade. The green siding and roof color scheme would also be similar to the other recently completed buildings.

The proposed warehouse would be exempt from CEQA under Class 3, New Construction or Conversion of Small Structures, which exempted buildings under 10,000 square feet in size in urbanized areas not involving the use of significant amounts of hazardous materials. In addition, the structure complied with the existing zoning regulations for height in the General Industrial zoning district, particularly since the building would be lower than two existing approximately 100-foot high stacks located on-site with other industrial components.

Mr. Bekiaris recommended that the Planning Commission adopt Resolution No. 9256, approving DR-01-40, with the conditions as shown.

PROPONENT:

JON HAMILTON, Carlton Engineering Inc., 3932 Ponderosa Road, Suite 200, Shingle Springs, presented conceptual drawings to the Commission for review. He advised that he had read and was in agreement with the staff recommended conditions of approval.

MOTION:

Motion by Commissioner Kelley to adopt Resolution No. 9256, approving DR-01-40, Design Review approval of architectural plans for a storage warehouse at 750 East Third Street for Los Medanos Energy Center, with the conditions as shown. The motion was seconded by Commissioner Garcia and carried by the following vote:

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

STAFF COMMUNICATIONS:

Mr. Jerome explained that although Commissioner Valentine had stated during the October 2 meeting that he had resigned from the Planning Commission, pursuant to State law, any resignation from a City board must be made in writing.

As such, Mr. Jerome explained that Mr. Valentine had been asked to offer his resignation in writing. Ultimately, Mr. Valentine had decided not to resign from the Planning Commission and as a result,
he remained a sitting Commissioner on the Planning Commission.

**GENERAL PLAN UPDATE REPORT:**

Mr. Jerome reported that the Planning Commission had met during a Special Meeting on October 2, at which time the Commission had discussed various issues directed by the Council and had made recommendations to the Council directives. While staff was in the process of reviewing some of the changes, he explained that last week the Mayor had requested that the General Plan be brought before the Council for adoption in November. As a result, a Special Meeting of the City Council had been scheduled for November 14 with a public hearing notice to be mailed to that effect. The City's proposed Water Master Plan would be considered at that time as well.

Commissioner Glynn inquired whether or not the Planning Commission would meet again at any time between now and November 14 regarding the General Plan.

Mr. Jerome advised that the next Planning Commission meeting would be November 13 and the General Plan had not been agendized for that meeting.

Commissioner Glynn requested clarification as to whether or not the General Plan was determined to be complete with the recommendations as proposed by the Planning Commission on October 2.

Mr. Jerome explained that in order for the General Plan to be adopted by the Council in November, the changes that would have to be made to the plan as adopted by the Planning Commission in June would have to be considered minor in nature. The Planning Commission had discussed changes to be made during the October 2 meeting of which some had been minor, although the ridgeline/hillside changes that had been discussed were not minor and may not be able to be adopted at this time. If adopted by the City Council in November, the General Plan may have to be as proposed by the Commission in June.

Mr. Jerome added that staff was in the process of reviewing the recommended changes to the ridgelines/hillsides, which could return as an amendment to the General Plan.

Commissioner Glynn pointed out that the General Plan document had been forwarded to the City Council in June and had then been sent back to the Planning Commission from the Council with recommended changes, some deemed significant regarding the ridgelines. The Commission had been given a presentation during the October 2 meeting and indication had been made that some of the issues would have to be addressed, such as roadways to support San Marco Meadows and the like. With this latest information, he questioned why the Council had not just amended and accepted the document.

Mr. Jerome reiterated that the request to bring the General Plan back to the Council for adoption in November had been made by the Mayor.

Commissioner Harris understood that the Commission had taken a vote, which had passed, to revise
the allowable density for ridgelines and hillsides and which was to have been sent back to the Council for consideration.

Mr. Jerome clarified that the Planning Commission had approved specific recommendations on a number of issues for the Council to consider. In order for the changes to be made to the ridgelines/hillsides, additional work may be required of the General Plan, and could involve the recirculation of the Draft Environmental Impact Report (EIR) by the General Plan consultant to address what would be major changes to the plan.

Commissioner Harris expressed concern that the Council had sent the General Plan back to the Commission to reconsider a number of issues and to the Community Advisory Committee (CAC) for comments. The Planning Commission had met and had made recommendations for the Council to consider. He questioned who had scheduled the meeting on November 14 and he questioned why the General Plan was not being brought back for Council consideration during the regular meeting of November 5, at which time he understood that all five Councilmembers would be present.

Mr. Jerome clarified that the recommendations made by the Planning Commission would be sent back to the Council for consideration, although the changes recommended for the ridgelines and hillsides might require additional work to the General Plan and the recirculation of the Draft EIR since that might constitute major changes to the plan. He reiterated that the General Plan was being brought back to the Council for adoption at the request of the Mayor. A special meeting of the Council had been scheduled by staff for November 14 to allow proper public notification and to ensure that all five Councilmembers would be present, since the adoption of the General Plan would require at least three affirmative votes from the Council.

In response to Commissioner Valentine, Mr. Jerome acknowledged that had the Council itself decided to revise the density permitted for ridgelines and hillsides, that could still require further study by the General Plan consultant. He also noted that there were compelling reasons to adopt the General Plan as soon as possible since the City had projects being proposed where no action could be taken at this time by either the Planning Commission or the City Council pending the adoption of the Draft General Plan.

ZONING ADMINISTRATOR REPORT:

There was no Zoning Administrator Report.

COMMITTEE REPORTS:

There were no committee reports.

COMMENTS FROM COMMISSIONERS:

Commissioner Harris reported that an individual had been cutting logs for firewood at Garcia Avenue. He questioned whether or not that was permitted by the City. In addition, a fence on the
same property was located on the wrong side of the easement. He also advised that the car lot located at Mariposa and Railroad Avenue was in violation of a condition where the applicant was permitted to have no more than twenty vehicles on display.

Commissioner Harris further expressed concern with the status of completion of the church project at the Vogue Theater, and the church operated by Frances Green, as well as the lack of maintenance at the St. Vincent de Paul property.

Assistant Civil Engineer Alfredo Hurtado expressed the willingness to review the situation at Garcia Avenue.

Speaking to the Vogue Theater project, Mr. Jerome explained that the applicant's designer had been working with the Building Department since he understood that the construction was not to code with respect to the roof drains and some of the other work on the roof that would have to be redone.

Commissioner Harris noted that the church was meeting in the Vogue Theater building, which was not completed and which use should not be permitted. He suggested that the church should not be allowed to congregate in the building at this time.

Mr. Jerome understood that the church could meet in the building as long as it met safety issues, which he understood had been resolved with the Building Department.

Commissioner Leonard stated for the record that he took any remarks as to his voting record as slanderous and that he would be addressing his remarks to the City Council.

Commissioner Harris understood that a Planning Commissioner must resign from the Planning Commission in writing pursuant to State law. He requested a copy of that ruling in writing.

Mr. Jerome advised that he had a copy of the State law that could be provided to the Commission if so desired.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 8:15 P.M. to a Regular Meeting of the Planning Commission on November 13, 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

10 October 23, 2001