A regular meeting of the Pittsburg Planning Commission was called to order by Chairman Kee at 7:30 P.M. on Tuesday, May 22, 2001, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

Present: Commissioners Glynn, Holmes, Kelley, Leonard, Tumbaga, Valentine, Chairman Kee
(Commissioner Valentine arrived after roll call)

Absent: None

Staff: Planning Manager Randy Jerome; Associate Planner Chris Bekiaris; Associate Planner Avan Gangapuram; Assistant Planner Ken Strelo; Planning Technician Dana Hoggatt; and Civil Engineer II Alfredo Hurtado.

POSTING OF AGENDA:

Chairman Kee advised that the agenda had been posted at City Hall on Friday, May 18, 2001.

PLEDGE OF ALLEGIANCE:

Commissioner Holmes led the Pledge of Allegiance.

MINUTES: May 8, 2001

MOTION:

Motion by Commissioner Tumbaga to approve the minutes of the May 8, 2001 meeting, as submitted.
The motion was seconded by Commissioner Holmes and carried by the following vote:

Ayes: Commissioners Glynn, Holmes, Leonard, Tumbaga, Kee
Noes: None
Abstain: Commissioners Kelley, Valentine
Absent: None

DELETIONS/WITHDRAWALS:

There were no deletions or withdrawals.

COMMENTS FROM AUDIENCE:

There were no comments from the audience.

PRESENTATIONS:

There were no presentations.

CONTINUED PUBLIC HEARING:


Public hearing on the proposed Draft General Plan and proposed General Plan land uses and policies for the comprehensive update of the City's General Plan, "Pittsburg 2020: A Vision for the 21st Century" (General Plan Update). The General Plan designates land uses and appropriate policies to guide future growth throughout the City of Pittsburg and the City's identified Planning Area. (Continued from May 15, 2001).

Mr. Jerome reported that during the May 15 workshop, the Commission had specifically reviewed the hillsides and ridgeline analyses and other components of the General Plan that had been prepared by the General Plan consultant. The intention at that time had been to continue the public hearing to this date and then to continue it to another Special Workshop scheduled for May 29, at which time the Commission would review additional strikeout versions of the General Plan document. A new strikeout version was presented to the Commission at this time.

Mr. Jerome suggested that any public testimony be received at this time with the public hearing continued to the Special Workshop on May 29. He otherwise reported that staff had received a fax from Ron Rives, representing Seeno Construction, requesting that the public comment period on the Draft Environmental Impact Report (EIR) be continued.

Mr. Jerome advised that at the last discussion of the Draft EIR on May 15, staff had recommended that the public comment period be formally closed on May 22 to allow comments received to date to
be reviewed by the General Plan consultant. Mr. Jerome emphasized that process was required to allow the Final EIR to be completed and on track to be able to proceed with the adoption of the General Plan itself at the end of June.

Associate Planner Avan Gangapuram explained that the Commission had conducted nine public hearings and workshops to evaluate the different policies and land use designations of the proposed General Plan. To date, the Commission had been provided with three different strikeout versions of the General Plan policies, which had been triggered upon the receipt of comments on the General Plan from various interest groups, citizens, and stakeholders. As a result, some of the policies had been revised and anything proposed to be deleted or revised had been identified in the strikeout version of the document. Additional material or language had been identified in a bold format.

Mr. Gangapuram advised that the Commission was currently soliciting public comments for both the General Plan and the Draft EIR. The public review period for the Draft EIR had commenced on January 23, 2001. Initially the public comment period had been opened and had been recommended for closure at 5:00 P.M. on Tuesday, March 12, 2001. Recognizing the importance of the project, the Commission and staff had extended that date to allow for further comment.

Mr. Gangapuram characterized the comments received on the General Plan and the EIR to date as non-substantial, with no extensive changes proposed to the land use portion of the General Plan Map, to the circulation pattern, the wetlands or any significant issues that would result in extensive changes to the Draft EIR.

As a result, Mr. Gangapuram suggested that it was appropriate to close the public hearing portion of the EIR at this time, enabling staff and the General Plan consultant to work on the comments received to date and to allow a preparation of the Responses to Comments, which would be returned to the Commission so that a formal recommendation could be made to the City Council for the certification of the EIR.

PUBLIC HEARING RE-OPENED

RON RIVES, representing Seeno Construction Company, advised that Seeno Construction Company had been participating heavily in the discussions and public hearings regarding the General Plan, with a focus on the drafting of a viable General Plan for the future. He advised that Seeno Construction Company had been waiting for the General Plan to take an acceptable form and shape prior to directing its attention to the Draft EIR.

Mr. Rives stated that he had comments from various Seeno staff. He requested that the public comment period on the Draft EIR not be closed at this time to enable Seeno to have the opportunity to submit comments. He expressed hope that those comments would be available this week, or no later than May 29. He reiterated his request to be allowed the opportunity to submit those comments and allow the Commission the benefit of reviewing those comments.
MRS. K. D. THOMAS, Nortonville, questioned who would own the open space areas. She expressed concern that according to the literature that had been provided at the May 15 workshop, it had appeared as if the areas would become an open playground.

Chairman Kee advised that the open space areas were and would continue to be owned by the current property owners.

Commissioner Valentine made a motion to close the public comment period on the Draft EIR, as recommended by staff.

Commissioner Tumbaga inquired whether or not there would be any problem in closing the public comment period for the Draft EIR at the Special Workshop scheduled for May 29.

Mr. Jerome reiterated the staff concern that the General Plan consultant have the opportunity to adequately receive and review the comments. He suggested that the Commission could close the public comment period now and ask that Seeno Construction Company submit its written comments as soon as possible. He also noted that some EIRs had identified comments that had been received within the defined comment period, with responses to those comments, as well as identified comments that had been received after the close of the public comment period, with responses to those comments as well.

Mr. Jerome advised that the public comment period on the Draft EIR could be closed this date with direction to Seeno Construction Company to provide written comments as soon as possible, but no later than a specific date, or the Commission could indicate that it would accept no further comments on the Draft EIR after this date.

Mr. Jerome explained that the timelines for the public comment periods had been intended to allow projects to be reviewed and addressed in a timely manner. It was up to the Commission to decide what option to take since the Commission had the responsibility to adopt the project and move it forward as soon as possible.

Commissioner Tumbaga stated that she would second the motion, as stated, subject to an amendment allowing Seeno Construction Company the ability to provide written comments to staff no later than May 29, 2001.

Commissioner Valentine requested clarification if comments were received after the public comment period was closed whether or not the General Plan consultants would respond to those comments.

Mr. Jerome clarified that it would be noted in the Final EIR that certain comments had been received either within the specific comment period or after the close of the specific comment period. The General Plan consultants would respond to all comments.
Commissioner Valentine expressed concern that the public comment period could drag on and on. He withdrew his motion rather than allow the public comment period to be extended to May 29. Commissioner Glynn commented that the Draft EIR and Draft General Plan went hand in hand. He noted that the Draft EIR had been extended a number of times already, with another workshop scheduled for May 29. Unless there were significant comments from anyone in the audience that could result in any substantive changes to the Draft EIR, he saw no harm in leaving the public comment period open on the Draft EIR until May 29, with the public comment to be closed at that time.

Mr. Gangapuram reiterated the options before the Commission. He noted that the comments received thus far on the Draft EIR, from local agencies and some citizens had been received by the initial March 12 deadline. Closing the public comment period on the Draft EIR, as proposed by staff, would allow the process to move forward.

Commissioner Valentine restated his original motion. He noted the time that had passed since the March deadline. He suggested that anyone who had a major interest in the document and even those with a lesser interest should have submitted comments on time. He reiterated his concern for any further delays in the process.

In response to Commissioner Tumbaga, Mr. Gangapuram reiterated that if the public comment period was closed this date, any comments received after that deadline would receive responses from the General Plan consultants with the notation in the Final EIR that the comments had been received after the closure of the public hearing process on the EIR.

Mr. Jerome advised that the deadline for the public comment period had been well noted in the public hearing document. Any public comments after that time would still be acted upon as part of the General Plan update process.

Commissioner Valentine did not accept the amendment to his motion as recommended by Commissioner Tumbaga. He amended his initial motion to close the public hearing on the Draft EIR this date and allow written public comments to be received on the Draft EIR no later than 5:00 P.M. on Friday, May 25, 2001.

Commissioner Tumbaga as the second to the original motion, accepted the amendment to the initial motion, as stated.

Commissioner Glynn requested clarification from staff as to whether or not the questions received on or before 5:00 P.M., May 25 would end up in the Draft EIR as comments received after the close of the public comment period.

Mr. Gangapuram clarified that any comments received by 5:00 P.M. on May 25 would be addressed and would not be placed in any category identified as being received after the close of the public comment period.
Commissioner Valentine suggested that the public comment on the Draft EIR be closed this date to allow the General Plan consultants to evaluate all comments, allow staff to work on the document, and allow the Commission to complete the document by the June 26 deadline earlier identified by the Commission.

On the discussion of the motion, Mr. Jerome expressed his understanding that the motion would close the public hearing on the Draft EIR this date, while accepting written comments from the public on the Draft EIR until Friday, May 25, 2001, at 5:00 P.M.

MOTION:

Motion by Commissioner Valentine to close the public hearing on the Draft EIR for the update of the City's General Plan and to accept written comments on the Draft EIR until Friday, May 25, 2001, at 5:00 P.M. The motion was seconded by Commission Tumbaga and carried by the following vote:

Ayes: Commissioners Glynn, Holmes, Kelley, Leonard, Tumbaga, Valentine, Kee
Noes: None
Abstain: None
Absent: None

MOTION:

Motion by Commissioner Tumbaga to continue GP-97-01, the public hearing on the proposed Draft General Plan and proposed General Plan land uses and policies for the comprehensive update of the City's General Plan, "Pittsburg 2020: A Vision for the 21st Century" (General Plan Update), to a Special Meeting scheduled for May 29, 2001. The motion was seconded by Commissioner Kelley and carried by the following vote:

Ayes: Commissioners Glynn, Holmes, Kelley, Leonard, Tumbaga, Valentine, Kee
Noes: None
Abstain: None
Absent: None

PUBLIC HEARING:

ITEM 2: Ruiz Resumption of Non-Conforming Residential Use. UP-01-06.

Application by Emilio Ruiz for approval of a use permit to resume a non-conforming residential use on a lot with two detached single-family homes located at 1174 and 1174½ Cutter Street, Area II (Downtown Residential) zone; Downtown Specific Plan; APN 085-214-088.

Associate Planner Chris Bekiaris presented the request for a use permit to resume a non-conforming residential use on a lot with two detached single-family homes located at 1174 and 1174½ Cutter
Street, Area II, Downtown Residential zone, Downtown Specific Plan.

Mr. Bekiaris explained that the Downtown Specific Plan allowed a structure that had been demolished or destroyed more than 75 percent to be rebuilt subject to the approval of a use permit. The subject structure had been built in 1947. A fire had occurred in January 1999, which had destroyed more than 75 percent of the value, although not the physical nature of the structure.

The property was of a square footage that would allow two single family homes, or a duplex. As a result, there would be a legal conforming use if the Planning Commission granted a use permit. The use had been a legal conforming use prior to the fire.

The plans indicated that the home would consist of a Cottage style, traditional for the downtown area, consisting of 750 square feet with one bedroom and one garage. The home would include a stucco finish and a composition shingle roof. The structure currently had no roof or interior walls. The exterior walls and foundation were sound and the structure could be rebuilt subject to building permits and the approval of the use permit.

Mr. Bekiaris explained that the project would be inspected by the Building Inspector to ensure compliance with the building code. He added that typically with two homes, more parking would be required than was identified on the lot with the one single family car garage. The Downtown Specific Plan grandfathered in parking to existing conforming structures. Therefore, additional parking would not be required for the approval of the use permit in this case. The property owners/residents could park on a 70 foot tandem driveway and the existing one car garage.

The property was categorized as affordable housing and located in a low-income area. With the approval of the use permit, the City would maintain the housing stock for low-income persons in the downtown area.

Mr. Bekiaris advised that staff had received two telephone calls regarding the public hearing notice. One individual had opposed the use permit since that individual stated that the rear home was too close to his home, although the subject property met the five foot side yard requirements. The structure that was too close was, in fact, the structure located on the caller's property, which had been built almost to the property line.

Mr. Bekiaris stated that since the exterior of the home would be the same as it now existed with a stucco finish, staff was of the opinion that the design review could be handled administratively and would not require Commission review.

Mr. Bekiaris recommended that the Planning Commission adopt Resolution No. 9213, approving UP-01-06, with the conditions as shown.

Commissioner Leonard inquired whether or not staff had spoken with Commander William Hendricks of the Code Enforcement Bureau regarding any problems with the property, to which Mr.
Bekiaris advised that he had not spoken with Commander Hendricks as to the history of the property.

Commissioner Valentine requested clarification that although staff had indicated that the property was a legal conforming use, the agenda indicated that the property was a resumption of a non-conforming residential use.

Mr. Bekiaris explained that when a fire destroyed more than 75 percent of a property, it changed the status of the property to a non-conforming use. Two homes would be allowed on the lot due to the size of the lot and the fact that the property was classified as a Medium Density parcel, which would permit two units subject to an approved use permit.

Mr. Jerome also clarified that to have two homes on a single family lot was not a permitted use, but a conditionally permitted use. In order to rebuild the property since more than 75 percent had been destroyed by fire, it must be made proper through the approval of a use permit.

Commissioner Leonard expressed concern since the area was problematic with many existing illegal units. He suggested that prior to granting approval of a use permit for properties that had been damaged by fire or were vacant, that a record of the property to identify the history of the property be clarified so that the Commission could eliminate any problems when such applications were brought before the Commission for consideration.

Mr. Bekiaris advised that Commander Hendricks was provided with Commission agendas and the tentative schedule. In the past, if there had been a concern, Commander Hendricks had always contacted staff. He recognized that the entire area where the subject property was located involved a number of violations.

Commissioner Tumbaga also recognized that there were many problems with properties in the subject neighborhood, although not from the fact that there were too many units in the area, but by tenants and property owners not maintaining those units to an acceptable City standard. She suggested that preventing the subject property owner from repairing his property and bringing it up to code so that it would not be a blight in the neighborhood would be an injustice.

Mr. Bekiaris clarified that staff had been working with the Code Enforcement Bureau on a similar issue regarding property on West Tenth Street where a rear home had a fire in the garage, which had destroyed some of the flooring. In that instance, the home had not been more than 75 percent destroyed. Staff had conducted multiple inspections with Code Enforcement and that property was being handled administratively through the City. He otherwise agreed that staff could double check in the future to determine whether or not such properties had any violations when such applications were brought before the Commission.

PUBLIC HEARING OPENED

PROPONETENT:

8 May 22, 2001
ENRIQUE RUIZ advised that his father, Emilio Ruiz, was the owner of the property and he was speaking on his behalf. Mr. Ruiz reported that his family owned several properties in the Ninth and Tenth Street neighborhood and took pride in maintaining their properties as best as possible.

In response to the Chair, Mr. Ruiz advised that he had read the conditions of approval and was in agreement with those conditions.

Commissioner Valentine inquired of the length of time Mr. Ruiz had owned his rental properties. He also inquired whether or not Mr. Ruiz' properties had ever been cited by the Code Enforcement Bureau.

Mr. Ruiz stated that the family had owned the properties over the last ten years. He noted that he had never been cited by the Code Enforcement Bureau, although, he acknowledged that he had recently received a letter from Commander Hendricks regarding one of his rentals where a refrigerator and washing machine had been left on the front lawn of the property. In that instance, the tenants were trying to sell the appliances. In that case, the tenants were good tenants who had maintained the property as best as possible.

JOHN FLORES, a resident of Pittsburg, advised that he had known the Ruiz family for the past twenty years, that the Ruiz family was a well-respected family and an asset to the community. He expressed his hope that the Commission would accept their efforts to restore the structure.

OPPONENTS: None

PUBLIC HEARING CLOSED

Commissioner Valentine expressed concern approving something that was not permitted unless the property owner had permission to use the land. While he desired to have good affordable housing stock, he emphasized that the City needed to eliminate non-conforming uses. If the property was truly a non-conforming use, ultimately that was the desire for the entire area.

Mr. Jerome clarified that single family homes were permitted uses through the issuance of a building permit and administrative design review. Two units or a higher density would require the approval of a use permit. The non-conformance issue had only been raised since the existing structure had been more than 75 percent damaged by fire. The Commission had the right to review the application as if it were a brand new proposal for a new home.

MOTION:

Motion by Commissioner Glynn to adopt Resolution No. 9213 to approve UP-01-06, a use permit for the resumption of a Medium Density Residential use to allow repair of a non-conforming single family residence for the "Ruiz House," with the conditions as shown.
The motion was seconded by Commissioner Tumbaga and carried by the following vote:

Ayes: Commissioners Glynn, Holmes, Kelley, Leonard, Tumbaga, Kee
Noes: Commissioner Valentine
Abstain: None
Absent: None

Chairman Kee 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 condition of approval of an item within 10 calendar days of the decision, in writing.

Application by Michael Albino of Albino Auction Company requesting approval of a use permit for the auctioning of vehicles, heavy equipment and other goods and approval of architectural drawings for a modular office and display tent located at 1501 Loveridge Road, IG (General Industrial) zone; APN 073-230-033.

Assistant Planner Ken Strelo presented the request for approval of a use permit for the auctioning of vehicles, heavy equipment and other goods, and approval of architectural drawings for a modular office and display tent located at 1501 Loveridge Road. The auction business would be operated within the existing Contra Costa County Public Auto Auction (CCCPAA). The CCCPAA had been approved on May 26, 1998 for outdoor vehicle storage, which required the approval of a use permit. Design review for a modular unit had also been approved at that time.

The proposed use would be similar to that of the CCCPAA in that it would also auction items, although the applicant proposed to auction and store heavy equipment and other goods, as well as automobiles. The business would operate within a 40,000 square foot fenced area located at the southeast corner of 1501A Loveridge Road. A 4,000 square foot tent and a 24 x 60 commercial coach would also be located on the property.

A similar sized cargo container would be located on-site to store some of the goods that would be auctioned. The tent would be used for the storage of larger products and the commercial coach to be used for office space. The remaining area would be used for the parking of vehicles to be auctioned off. An existing chain link fence sectioned the property off from the other auction business. The fence would have slats all the way to screen the site from public view outside of the property.

The business would be a sister company of the CCCPAA, with the auctions to be held simultaneously, twice a month on Saturdays from 11:00 A.M. to 4:00 P.M., where approximately a
hundred visitors were expected, per auction. The business would not be open to the public on any other day and approximately eight people would be employed at the site.

The site was located in the General Industrial (IG) zoning district. Two uses were being proposed as part of the application, one for vehicle storage which would require the approval of a use permit and the other use would be wholesale and storage, a permitted use in the subject zoning district. The auction of the vehicles would be classified as an accessory use, as set by precedent with the approval of the CCCPAA in 1998, permitted in the IG zoning district.

Mr. Strelo advised that vehicle storage would require one parking space per 500 square feet of gross floor area. Wholesale and storage required one parking space per 1,500 square feet of gross floor area, for a total of seven required parking spaces. Staff recommended that 20 parking spaces and one Americans with Disabilities Act (ADA) compliant parking space be located closest to the foot of the ramp leading into the commercial coach trailer due to the volume of customers expected during business days.

Mr. Strelo added that the project was exempt from the provisions of the California Environmental Quality Act (CEQA), under Class 1 "Existing Facilities."

Mr. Strelo recommended approval of Resolution No. 9206 approving UP-01-07 and Resolution No. 9207 approving DR-01-11, with the conditions as shown.

Commissioner Glynn inquired of staff what type of heavy equipment would be stored on the site and what parking accommodations would be required for the storage of the heavy equipment. He questioned whether or not the heavy equipment to be stored would be operable or towed to the site in a non-serviceable condition. He further noted that he was aware that the auction business was applying advertising signage to other properties, such as the property located across the street at the corner of Loveridge Road, which was not restricted by the staff recommended conditions.

Mr. Strelo advised that the applicant would have to clarify the type of equipment that would be stored, as well as the "other goods." Due to the apparent absence of the applicant, he did not have that information at this time. As to the storage of the heavy equipment, the permit would be conditioned that equipment be stored inside the tent and not outside with the vehicles to be sold at auction. The parking to be provided was for customers only and was not intended for the storage of equipment.

Mr. Strelo stated with respect to the heavy equipment and vehicles, that he was uncertain whether they would be brought to the site in an operable or inoperable condition. Staff had imposed no condition restricting whether or not the equipment or vehicles would be operable or inoperable.

Commissioner Glynn further inquired if the heavy equipment or vehicles were not operable whether or not the use would be defined as a salvage yard. If the equipment was not operable, he expressed concern that the site could be used for service or maintenance operations, which could pose other
concerns related to the possible drainage of any liquids from such equipment.

Mr. Strelo otherwise explained that Condition No. 9 of Resolution No. 9206 would address the restrictions regarding signage. If any signs were placed off-site they would constitute illegal signage and be in violation of the conditions of approval.

Referencing Condition No. 11 of Resolution No. 9207, Commissioner Glynn advised that the condition had not listed a requirement that the heavy equipment also be screened from view.

Mr. Strelo clarified that the vehicles would be allowed to be stored outside of the tent, as would normal vehicle storage. Restrictions on the storage of the heavy equipment could be added to that condition if the Commission so directed.

Mr. Strelo recommended that the application be continued due to the absence of the applicant and due to the fact that the Commission had a number of concerns that needed to be clarified or addressed by the applicant.

Commissioner Valentine made a motion to continue the application due to the absence of the applicant.

Commissioner Leonard commented that from his experience, heavy equipment yards stored a number of heavy equipment, many of which were not operable. He agreed that it was important to continue the item to allow the applicant to clarify whether or not the equipment was operable and to allow the other questions from the Commission to be addressed.

Commissioner Tumbaga also suggested that the business was open more than twice a month, as indicated, since such businesses typically had a preview sale that was open to the public. She recommended that a condition of approval be added to address that fact. She otherwise agreed that the application be continued to allow the applicant to address the Commission's concerns.

Commissioner Valentine recommended the following revision to Condition No. 8 of Resolution No. 9206:

8. The site shall be kept free of trash and debris at all times. Debris blown against the fence shall be picked up throughout the business day.

To Condition No. 9 of Resolution No. 9207, Commissioner Valentine recommended:

9. The Applicant shall contact the City Park Planner within 30-days of the approval of this resolution regarding the details to the landscaping and irrigation. Failure to do so will result in revocation of this approval.

PUBLIC HEARING OPENED
MOTION: **UP-01-07**

Motion by Commissioner Tumbaga to continue UP-01-07 for Albino Auction Company to the meeting of June 12, 2001. The motion was seconded by Commissioner Valentine and carried by the following vote:

- **Ayes:** Commissioners Glynn, Holmes, Kelley, Leonard, Tumbaga, Valentine, Kee
- **Noes:** None
- **Abstain:** None
- **Absent:** None

MOTION: **DR-01-11**

Motion by Commissioner Tumbaga to continue DR-01-11 for Albino Auction Company to the meeting of June 12, 2001. The motion was seconded by Commissioner Valentine and carried by the following vote:

- **Ayes:** Commissioners Glynn, Holmes, Kelley, Leonard, Tumbaga, Valentine, Kee
- **Noes:** None
- **Abstain:** None
- **Absent:** None

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**ITEM 4: Habitat for Humanity Herb White Way Homes. UP-01-08, DR 01-12, VAR 01-02 and MS 676-01.**

Application by Charles Huddleston of Mt. Diablo Habitat for Humanity requesting approval of a use permit to construct 13 single-family homes on 13 lots less than the minimum 5,000 square feet, design review approval of architectural plans, variance for street side yard setback minimum of 10 feet and approval of a tentative map to subdivide a 0.46 portion of the 1.15 acre site into four single-family residential lots of 3,562 square feet each. The project is located on Herb White Way (formerly Montezuma Street) between and on West Eighth, West Ninth and West Tenth Streets, Area II (Downtown Residential) of the Downtown Specific Plan (DSP); APN 085-221-001 and 013; APN 085-222-001, 015 and 016; APN 085-231-022, 023, 028 and 029; and APN 085-232-001, 022 and 023.

Associate Planner Chris Bekiaris presented the request from Charles Huddleston of Mt. Diablo Habitat for Humanity requesting approval of a use permit to construct 13 single-family homes on 13 lots less than the minimum 5,000 square feet, design review approval of architectural plans, variance for street side yard setback minimum of 10 feet and approval of a tentative map to subdivide a 0.46
portion of the 1.15 acre site into four single-family residential lots of 3,562 square feet each.

Mr. Bekiaris clarified that there were 12 existing parcels. With the approval of the Minor Subdivision and lot line adjustments, 13 parcels would be created. He also clarified that the application was not a subdivision project, but was an infill project. The homes would be built on existing lots, with the exception of the Minor Subdivision, with a few lots that would require a lot line adjustment.

Mt. Diablo Habitat for Humanity would enter into a Disposition and Development Agreement (DDA) with the City of Pittsburg Redevelopment Agency and the City of Pittsburg, for the purchase of 1.5 acres in the downtown area located on Herb White Way between West Eighth and West Tenth Streets, with homes on Herb White Way and on the numbered streets.

The initial homes that had been located on the subject lots had been built 60 to 70 years ago and had been cleared by the Redevelopment Agency some time ago. The property had been for sale for development and the applicant had proposed the subject project for review.

Since there was no code in the Downtown Specific Plan that would cover such development, the zoning code would take precedence. For the substandard lots, a use permit was required for construction. The minimum lot size for Area II of the Downtown Specific Plan was 5,000 square feet. All of the existing lots in the application, with the exception of four lots located on the east side of Herb White Way, were less than 5,000 square feet and ranged from approximately 2,400 to 4,488 square feet in size. The existing three lots located on the east side of Herb White Way ranged from 5,000 to 6,450 square feet. Due to the existing substandard lot sizes on the west side and due to the fact that the lots of the proposed Minor Subdivision on the east side were less than 5,000 square feet, a use permit was required.

Mr. Bekiaris noted that many of the lots in the downtown area were less than 5,000 square feet in size. The proposed project was therefore consistent with the surrounding areas.

As to the design review application, the project would involve three models. Type A would consist of 1,200 square feet with four bedrooms, Type B would consist of 1,080 square feet with three bedrooms and Type C would offer 825 square feet with one bedroom. The square footage of the homes did not include the garage and constituted living area space. There would also be one elevation per model.

Pursuant to the Downtown Specific Plan, the location of the garage would determine the frontyard setback requirements. In those instances where the garage was located in the front of the home, the setback must be 20 feet. In those instances where the garage was located to the side or to the rear of the home, the frontyard setback could be 15 feet. The project had been designed to ensure compliance with the setback requirements, dependent upon the location of the garages.
The models would include horizontal or vertical wood siding, as indicated in the staff report. The color scheme for the homes would consist of earth tones, browns, grays, and mint green with a white trim. The proposed roof would have a variation of gray tones and composition shingle.

Mr. Bekiaris expressed staff's preference for the installation of a tile roof but acknowledged that would be more expensive and that most of Habitat for Humanity's construction projects were done voluntarily, with donated material. If a tile roof was not possible, he recommended that a shingle roof be installed. He added that the project would be conditioned where the applicant could use either the shingle or tile roof material, dependent upon the availability of the material.

All of the models would have a covered front porch, with standard width doors and windows which would be trimmed out. The design would be consistent with the surrounding area.

As to the variance request for the street side yard setback along Herb White Way, Mr. Bekiaris reported that the minimum requirement was 10 feet. It was noted that in a few years the City would be widening Herb White Way, which would impact the setback of the properties. As a result, the City had agreed that the applicant could locate the homes with a 5-foot side yard setback to accommodate the future widening of Herb White Way. If the Commission desired a 10-foot setback, the homes would have to be smaller. The homes were already quite small and staff was of the opinion that a 5-foot side yard setback would be sufficient in this instance.

Speaking to the request for the approval of a minor subdivision, Mr. Bekiaris advised that it was located on the northeast corner of West Tenth Street and Herb White Way. Many years ago a gas station and a couple of single family residences were located in that area. The minor subdivision would allow the subdivision of the three lots into four lots, creating equal parcels of 3,444 square feet each.

Mr. Bekiaris recommended that the Planning Commission adopt Resolution No. 9209 approving UP-01-08, Resolution No. 9210 approving DR-01-10, Resolution No. 9211 approving VA-01-02, and Resolution No. 9212 approving the tentative map for MS 676-01.

Commissioner Valentine referenced the creation of the minor subdivision and the fact that part of the property had previously been used as a gas station. He inquired how long ago the gas station had been in use on the site and whether or not the soil had been tested for possible contamination.

Mr. Bekiaris suggested that the gas station had been removed approximately 15 years ago. The gas tanks had been removed, the applicant had informed him that checks had been made for leaks. He added that as part of the development of any new structure, a soils sample would be required. He was unaware of the status or findings of the soils sample.

Commissioner Glynn inquired whether the framing for the homes would consist of wood or steel, to which Mr. Bekiaris expressed his understanding that the homes would consist of wood framing.

Commissioner Glynn referenced the staff report and the statement that the three models would have
horizontal or vertical wood siding. He inquired of the siding for the ten remaining homes, questioned why stucco was not being required, particularly with staff's request for a roof update, and questioned whether or not that was being proposed in response to fire code requirements. He also inquired whether or not the homes were on a fixed budget per unit basis.

Mr. Bekiaris suggested that the applicant clarify the cost of the construction of the homes, although he understood that the construction of the homes would involve a great deal of sweat equity. He noted that Habitat for Humanity had already constructed nine homes in the City.

Mr. Bekiaris advised that all of the homes would have wood siding. He explained that the City always preferred tile roofs for their better quality and appearance. If the applicant ultimately utilized composition shingle, it must be an architectural grade shingle, which usually had a higher shadow line. Such roofing material had been successfully used for the Atlantic Avenue Apartments.

PUBLIC HEARING OPENED

PROPOONENTS:

JOHN SHANLEY, Executive Director, Mt. Diablo Habitat for Humanity, described the organization's goals and mission for the project to create quality, affordable homes to be built in partnership with local volunteers, community donations and required sweat equity from low income families. The completed homes would be sold affordably, financed with no interest loans, to be originated by the organization. He reported that over 310 applications had been received over the past four months for homes that the organization intended to build in 2001.

Mr. Shanley advised that there were many families in the City and surrounding communities who were unable to afford decent housing. The organization attempted to work with the families who were in the most need and who were willing to invest hundreds of hours of sweat equity on the project, as well as those who had the capacity to pay back the cost of the home through a no interest loan.

Mr. Shanley reported that the organization had a commitment from USS POSCO Industries for this fiscal year for steel framing for at least six of the units. He clarified that they did not have a set sales price in mind for the homes, although he estimated that they could range from $145,000 to $160,000.

In response to the Chair, Mr. Shanley affirmed that he had read the conditions of approval. He expressed concern with Condition No. 9, of Resolution No. 9209, which although he understood was part of the Municipal Code was something that the organization would not have the financial resources to complete. He anticipated that would be discussed with the City Council as to possible options to address that requirement.

Commissioner Holmes inquired of the percentage low-income families must pay when they occupied the project.
Mr. Shanley explained that financing was structured to the purchasers so that they would be paying somewhere between 25 and 30 percent of their income to the housing costs. Three hundred fifty hours of sweat equity would also be required from each family.

Commissioner Valentine inquired of the status of the soils samples for the property that had been occupied at one time by a gas station. Since the site could possibly be poisoned with gas, he questioned whether or not the organization could afford to clean up the site. He expressed concern approving the project now when the condition of the soils was unknown and when the ability of the applicant to remediate the condition of the soils was unknown.

Mr. Shanley advised that they were reviewing bids to conduct a Phase Two soils evaluation. Phase One had already been completed on the site. As to whether or not they could bare the costs for soils clean up, he stated that would depend on the costs for remediation. He commented that Habitat for Humanity would not take title to lots with known contamination. The organization would have to determine whether or not they could afford required mitigation dependent upon the costs. If they could not afford the mitigation, they would probably consider a smaller project at that time.

Commissioner Valentine questioned why the applicant would not wait until the soils sample was evaluated before proceeding with the applications before the Commission.

Mr. Shanley understood that Habitat for Humanity could proceed through the entitlement and evaluation processes concurrently and parallel with their negotiations with the City's Redevelopment Agency.

Commissioner Leonard recognized that the requirement to underground utilities would be a cumbersome financial burden for the organization. He inquired whether or not that requirement could be modified to allow the applicant to proceed.

Mr. Bekiaris advised that the condition requiring that all existing overhead utilities along Herb White Way be underground was a requirement of the Municipal Code and could not be modified or waived by the Planning Commission. As with any tentative map and with any subdivision, the utilities must be underground. The applicant would have to negotiate that requirement with the Redevelopment Agency/City Council.

CHARLES HUDDLESTON, Mr. Diablo Habitat for Humanity, Project Development Manager, presented conceptual plans for the project being proposed. He identified the three different models for the 13 units being proposed, the area of the street widening on Herb White Way, and the proposed colors and materials for the homes.

Mr. Huddleston noted that the garages would be attached to the living units in the same manner throughout, with the exception of some instances where the orientation of the homes was situated to the street. As to the recommended use of stucco, he explained that stucco material would be more expensive. He also commented that steel buildings would also require an additional layer of insulation, not only in the walls but under the stucco. As such, the use of wood siding material
would be preferable.

Commissioner Leonard referenced the requirement for the underground of all utilities. He understood that requirement was only coming up due to the split of the three lots for the new minor subdivision. He inquired whether or not the applicant would be willing to reduce the project to 11 lots from the requested 13 as an acceptable condition to allow the project to move forward if the organization was unable to mitigate the underground utility requirement.

Mr. Huddleston stated that the critical issue was what was affordable to the organization, although he preferred not to lose two units.

Mr. Bekiaris noted that in speaking with the City's Civil Engineer, even without the minor subdivision, it was expected that the undergrounding of the utilities would still be required since the lots were being developed and would fall under Title 17 of the Subdivision Code.

Commissioner Leonard disagreed in that the lots currently existed and had assessors parcel numbers. He expressed a desire that the process be made as easy as possible for the applicant.

Commissioner Holmes inquired how the deeds would be addressed once occupied and who would be responsible for maintenance and landscaping. He expressed concern with the units that had been built by the organization off of School Street, where one unit was in good condition while the other unit had not been maintained.

Mr. Huddleston advised that the organization would carry the deeds. The maintenance and landscaping would be the responsibility of the homeowners once the organization turned the deed over to the property owner.

Mr. Shanley acknowledged that the unit on School Street referenced by Commissioner Holmes had been brought to his attention. He remained in communication with the property owners of that property to encourage them to maintain the property. He understood that the property owner had been dealing with illnesses that had made maintenance difficult.

Commissioner Leonard suggested that if the applicant did not have to take the existing three parcels and make it into five parcels, the City would be hard pressed to enforce the underground utility requirement. As an alternative, if the lots were kept intact as they were at this time, he suggested that requirement would not be necessary.

Mr. Huddleston clarified that the properties themselves would have underground services, which was a requirement throughout their projects. In those instances, the poles remained while the services were underground. The question in this instance was the requirement to underground the main lines.

Commissioner Valentine requested clarification whether or not there would be other future
development plans near the subject site where the applicant could participate in a fair share agreement for the undergrounding of the utilities.

Mr. Huddleston noted that the underground of the utilities would be mandatory when the street was widened in the future.

Civil Engineer II Alfredo Hurtado advised that the improvements were required in front of the subdivision, regardless of whether or not the project consisted of 13 units.

Mr. Huddleston suggested that there would be a redundancy from the undergrounding and the tearing up of the sidewalks, curbs and gutters which would have to be replaced at the time of the widening of the street.

Commissioner Valentine recognized that the Commission could not modify or waive the underground utility requirement since it was required as part of the Municipal Code. He encouraged the applicant to work with the City Council on that issue.

Commissioner Leonard inquired whether or not the organization had an agreement in the loan documents with the property owners that if the property was not maintained, the organization as a lender could step in and call up the loan.

Mr. Shanley affirmed that the organization had such a stipulation in their agreements. Referencing the concerns with the condition of the unit located on School Street, he advised that the property owners of that unit had been placed on notice of that stipulation if there was no improvement with the condition of the property.

Mr. Bekiaris explained that if the Commission was of the opinion that undergrounding of the utilities should not be done, Condition No. 9 of Resolution No. 9209 could be amended to read:

9. **The Developer shall underground all existing overhead utilities along Herb White Way fronting the project as required by code or as determined by the Redevelopment Agency and the City Council.**

Mr. Jerome emphasized, when asked, that the City code was very clear and the goal of the General Plan was to underground all utilities in the City. As to the applicant's desire to receive some sort of exemption from that requirement to make the project more affordable, he advised that was something that could be taken under consideration by the Redevelopment Agency and the City Council.

Messieurs Shanley and Huddleston advised that the amendment to Condition No. 9 was acceptable to them.

Commissioner Glynn inquired of the estimated buildout period for the 13 units, and whether or not the applicant would be gaining an advantage if the lots were developed in a sequence, leaving those
five units that dealt with the issue of the undergrounding of the utilities to be constructed last.

Mr. Shanley stated that buildout had been estimated at 15 months.

Mr. Huddleston advised that the project would involve three phases: Phase One would involve both sides of Herb White Way between West Eighth and Ninth Streets; Phase Two would involve three units and one lot not located in the subdivision; and Phase Three would complete the subdivision.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: **UP-01-08**

Motion by Commissioner Tumbaga to adopt Resolution No. 9209, approving UP-01-08, a use permit to construct 13 single-family homes on lot sizes less than 5,000 square feet for Herb White Way Homes, with the conditions as shown and with the amendment to Condition No. 9, as shown. The motion was seconded by Commissioner Kelley and carried by the following vote:

- **Ayes:** Commissioners Glynn, Holmes, Kelley, Leonard, Tumbaga, Valentine, Kee
- **Noes:** None
- **Abstain:** None
- **Absent:** None

MOTION: **DR-01-12**

Motion by Commissioner Tumbaga to adopt Resolution No. 9210, approving DR-01-12, design review approval of architectural plans and site improvements for Herb White Way Homes, with the conditions as shown. The motion was seconded by Commissioner Kelley and carried by the following vote:

- **Ayes:** Commissioners Glynn, Holmes, Kelley, Leonard, Tumbaga, Valentine, Kee
- **Noes:** None
- **Abstain:** None
- **Absent:** None

MOTION: **VA-01-02**

Motion by Commissioner Tumbaga to adopt Resolution No. 9211, approving VA-01-02, a variance to reduce the 10-foot street side yard for Herb White Way Homes, with the conditions as shown. The motion was seconded by Commissioner Kelley and carried by the following vote:

- **Ayes:** Commissioners Glynn, Holmes, Kelley, Leonard, Tumbaga, Valentine, Kee
- **Noes:** None
MOTION: **MS 676-01**

Motion by Commissioner Tumbaga to adopt Resolution No. 9212, approving MS 676-01, a four lot minor subdivision for Herb White Way Homes, with the conditions as shown. The motion was seconded by Commissioner Glynn and carried by the following vote:

- **Ayes:** Commissioners Glynn, Holmes, Kelley, Leonard, Tumbaga, Valentine, Kee
- **Noes:** None
- **Abstain:** None
- **Absent:** None

Chairman Kee 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 condition of approval of an item within 10 calendar days of the decision, in writing.

**ITEM 5: Fortress Christian Ministries (Los Medanos Lanes). UP-01-09.**

Application by Reverend Scott G. Brooks of Fortress Christian Ministries requesting approval of a use permit to establish a church with administrative offices, a multi-purpose banquet hall, and a private high school in an existing 28,600 square foot building located at 1411 East Leland Road, CC (Commercial) zone; APN 088-570-014.

Mr. Jerome explained that the site had been vacant for some time and the owners had attempted to find tenants, although none had come forward. Staff had also spoken to potential owners as to the possibility of major changes to make the shopping center more viable, although those efforts had also not been successful. The applicant had proposed a church and a private high school, which would require the approval of a use permit. Little or no exterior changes were being proposed as part of the application.

Planning Technician Dana Hoggatt presented the request from Reverend Scott G. Brooks of Fortress Christian Ministries requesting approval of a use permit to establish a church with adjoining administrative offices, a multi-purpose banquet hall, and a private high school in an existing 28,600 square foot building located at 1411 East Leland Road. Fortress Christian Ministries was currently located in the City of Antioch.

Ms. Hoggatt advised that the subject facility would allow the church to expand in order to accommodate the additional space for church services, events, administrative offices and a high school. No exterior changes had been proposed to the building other than the repainting of the building to match the existing colors.

All changes would be in the interior, including the construction of a sanctuary, nursery classrooms
for church services, six classrooms for the high school, and a 2,900 square foot multi-purpose room to be used after hours for church events and which could be leased out for private events.

The school would operate Monday through Friday, between 8:00 A.M. and 4:00 P.M. The church offices would also be open on the weekdays until 5:00 P.M. The church services would be scheduled for Monday mornings and Wednesday evenings. The multi-purpose hall would be used after hours, after the offices, school and church services were closed.

The proposed project would be consistent with the General Plan and the Community Commercial zoning district, where both private schools and religious assemblies were conditionally permitted uses. The multi-purpose banquet hall as an accessory use to the church was also permitted.

Ms. Hoggatt advised that the adjacent uses to the site included Light Industrial and Retail uses, including the Wal-Mart Shopping Center to the west, and similar Governmental Quasi-Public uses in the general vicinity, including Los Medanos Hospital currently undergoing renovation for an outpatient clinic, Los Medanos Community College, two public schools and one private school within a half mile vicinity of the site.

Ms. Hoggatt reported that the church, school and banquet hall uses would require a total of 182 parking spaces based on the square footage of each use. Staff was of the opinion that the 152 existing parking stalls would be adequate since all three uses would not be occupying the site simultaneously.

The applicant also proposed the use of facilities at the Lighthouse Christian Center, located a half-mile from the subject site, or setting up portable removable equipment in a designated portion of the parking lot to the rear of the building, to be sectioned off for recreational facilities.

Ms. Hoggatt advised that a Negative Declaration had been posted for the project on May 2, 2001, with no significant negative impacts associated with the project.

Ms. Hoggatt recommended that the Planning Commission adopt Resolution No. 9208, approving UP-01-09, with the conditions as shown.

Commissioner Glynn requested clarification with respect to the layout of the classroom spaces. He noted that many of the classrooms did not have two exit/entry points. He also noted the occupancy load for the various classrooms, the requirements for a normal public sized classroom, and the typical maximum load for such facilities for a total of 30 students. He stated that the plans indicated an occupancy load of 48 students, which was not in compliance with normal school loading or with the fire laws.

Commissioner Glynn also pointed out the lack of compliance with Americans with Disabilities Act (ADA) access with respect to restrooms, the size of the passageways and the ability for egress/ingress into the classrooms. He commented that there were only two restrooms in the entire site.
facility for all of the students and adults. While he recognized that all of the uses would not occur at the same time, he questioned whether or not the number of restrooms and student load, as proposed, would comply with current laws.

Ms. Hoggatt stated that she was uncertain how public school requirements applied to a private school facility, although the applicant would be required to comply with ADA requirements and the Project Architect had been in contact with the City's Building Official. Referencing the plan presented to the Commission, she noted that specific plan could be a schematic plan. She was uncertain of its accuracy. In speaking with the Building Official, she had been advised that some of the dimensions on the plans could be changed in terms of widths of hallways and doors.

Commissioner Valentine referenced Condition No. 11, which would restrict the use of the existing kitchen facility where banquet functions could not coincide with the hours of the operation of the high school or the church services. He disagreed with that condition since it would limit the use of the facility for certain events during business hours or during church services. He noted that oftentimes during church services kitchen facilities were in use at the same time.

Ms. Hoggatt advised that the applicant had informed her that the multi-purpose hall would not be used during the school hours since they did not want people on the site unfamiliar with the facility for the safety of the students. The banquet functions would only be used after hours and for evening events. She clarified that she had not intended to restrict the use of the kitchen during church functions.

Mr. Jerome commented that the other issue was the available parking on site. One way to allow less parking that would be required for all three uses would be the assumption that the three uses would not occur simultaneously.

Ms. Hoggatt reiterated that her concern was that the kitchen facility could also be used for catering/banquet functions, and if the church desired to use the kitchen during church services she was not opposed to that use. She expressed concern with the use of the banquet room simultaneously with non-related church events, during church services or high school hours.

Commissioner Tumbaga inquired where the students would have lunches during the day, either in the facility or outside of the campus. She requested that the applicant clarify that issue.

Chairman Kee clarified the requirements for private schools, where 600 square feet per classroom required one exit, and where 960 square feet required two exits. He advised that private schools were not governed by The Department of the State Architect, although the occupancy loads and the building code would determine when a second exit would be required.

PUBLIC HEARING OPENED

PROPOUNENTS:
REVEREND SCOTT G. BROOKS, Senior Pastor, Fortress Christian Ministries, 509 West Second Street, Antioch, described attempts to relocate their facilities into a more promising location since the City of Antioch had plans for the El Campanile Theater where the church was currently situated. Reverend Brooks emphasized that the church was in a very good financial posture at this time and that the church had reviewed the costs for the project before they had determined to build the facility. Buildout was expected to be completed within six to eight months. The goal of the church was that through the various ministries and programs offered, the church would be able to be an added contributor to the well being of the family structure and necessary structures that would come into place in helping the City to be a more desirous place to reside.

In response to the Chair, Reverend Brooks advised that he had read the conditions of approval. He agreed that Condition No. 11 should be clarified to allow the use of the kitchen facility during church services. He noted that adjacent to the kitchen area would be a seating environment with decorated plants and planters where the congregation could meet in a fellowship area. Lunches for the children had been intended to be prepared in that area. He requested an amendment to that condition to allow the church the ability to use the kitchen facility, as noted.

Reverend Brooks also requested that Condition No. 14 be modified. While cognizant of the City's desire that items not to be stored outdoors that could negatively impact the appearance of the site, the church intended to have portable basketball units that could be moved out into the parking lot during school hours, where the parking lot would be chained off and where the basketball hoops would be stored in a corner behind the church, chained and secured.

In response to Commissioner Holmes, Reverend Brooks advised that the current size of the congregation was 350 members who attended Sunday services, although the church had 500 registered members. The sanctuary would accommodate 600 non-fixed seats.

Reverend Brooks also clarified, when asked, that he had spoken with the Pastor of Lighthouse Christian Center several months ago where he had been informed that they would be closing their high school division. At that time, he had met with his Board of Directors and Advisory Team members who had determined to have a Christian high school only division due to the difficulties for private schools to operate both a junior grade level and an upper grade level simultaneously at the same site. He commented that by administering and being able to teach the older grade levels 9-12, the church could focus on the specific needs of the young people coming to their school.

Commissioner Kelley inquired whether or not the church was concerned with the fact that a convenience store was located in the same shopping center.

Reverend Brooks affirmed that a convenience store was located on the other side of the shopping center. The same owner of the former bowling alley owned the building and they did not anticipate any problems with the convenience store.

J. DAVID KING clarified the regulations for private schools as opposed to public schools, and as
described by the Chair. He noted the desire to provide the best, safest, and nicest facility that could be provided for the students. He affirmed that the students would be able to have lunches in-house within the facility, where an existing kitchen facility would be utilized to provide daily hot lunches. He also acknowledged that they would be required to file the proper applications for that use. Referencing Condition No. 14, Mr. King further clarified that they would have two portable basketball hoops that would be located in the back of the building that would not be visible from East Leland Road and that would be stored and chained to prevent theft.

Commissioner Valentine recommended that Condition Nos. 11 and 14 be eliminated.

On the discussion, Mr. Jerome recommended that Condition No. 14 be revised as follows:

14. Outdoor placement of athletic equipment shall be located on the north side of the building and outdoor storage of equipment or supplies shall be placed within a secured and unobtrusive location.

Mr. King explained that technically the area was not enclosed, since there was a large fence that was high and extended the length of the boundaries of the two properties, from Wal-Mart to the subject property. By virtue of the nature of the existing land embankment and with the fence on one side and the wall of the building on the other, there was a small walkway in that area that would be out of sight and not visible from the street.

Commissioner Valentine requested that Condition No. 11 be eliminated entirely.

Ms. Hoggatt recommended that Condition No. 14 could be revised to reflect that the scheduling of the multi-purpose room for non-church or non-related school functions shall not coincide with the hours of operation of the school.

Messieurs Brooks and King stated that they were agreeable to the recommended amendments.

Commissioner Valentine reiterated his support that there be no restrictions to the use of the kitchen facility. He again recommended the elimination of Condition No. 11.

Commissioner Glynn reiterated his concern with the lack of detail on the plans in compliance with ADA requirements. He encouraged the applicant to review the distance from the opposing walls as the classrooms faced each other for passageways and pass time in between classes. He also questioned ADA compliance for the restrooms and whether or not the existing restrooms were adequate to serve the entire congregation due to the mixed use. He requested clarification from the applicant as to how those requirements would be brought to compliance.

Mr. King explained that the architect would resolve any of the ADA issues. The drawings presented to the Commission were preliminary drawings only. He emphasized that the organization would comply with whatever the law required regarding ADA compliance. He also clarified that there would be three or four restroom facilities in the entire building so that when the project was...
completed, there would be more restrooms than there had been for the previous bowling alley use. The restrooms would be located at separate ends of the building, with the high school students restricted to one area and the adults to the other.

As to the issue with respect to the hallway dimensions, Mr. King noted that private schools operated differently from public schools in the sense that the students would not be going from classroom to classroom. Students in grades 9-12 would each be in one classroom with the teachers and curriculum to rotate, not the students. He also clarified that locker space was an issue that had yet to be resolved, although locker spaces would be provided for the students.

Chairman Kee encouraged the applicant to work with the Building Department to ensure that the restroom facilities would be adequate for the number of students and the members of the congregation.

Reverend Brooks presented plans to the Commission to identify the details for the restrooms as shown on the plans to be submitted to the Building Department for site plan review and the building permitting process.

ODILI OJUKWU, identified himself as the Chairman/President of a homeowners association (HOA) that consisted of 24 homes. He clarified that he was not present to speak on behalf of the HOA. He supported the project on the basis of his community members who had already expressed an interest in the proposal, which would offer an opportunity to expand existing programs in the City and which would offer a latitude of social, structural, and educational programs that would be provided through the Christian school program.

OPPONENTS: None

PUBLIC HEARING CLOSED

Commissioner Valentine requested a further modification to Condition No. 14, as follows:

14. *Outdoor placement of athletic equipment shall be located on the north side of the building and outdoor storage of equipment or supplies shall be placed within a secured and unobtrusive location screened on the north side between the Wal-Mart truck delivery driveway and the school.*

MOTION:

Motion by Commissioner Valentine to adopt Resolution No. 9208, approving UP-01-09, a use permit to allow religious assembly and a private school within an existing building for Fortress Christian Ministries, with the conditions as shown, with the elimination of Condition No. 11 and with the modification to Condition No. 14, as shown. The motion was seconded by Commissioner Holmes and carried by the following vote:

26 May 22, 2001
Chairman Kee 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 condition of approval of an item within 10 calendar days of the decision, in writing.

**STAFF COMMUNICATIONS:**

1. Calpine Gas Turbine Inlet Fogging Installation
2. Construction Schedule of State Route 4 Widening

Mr. Jerome advised that information on the Calpine Gas Turbine Inlet Fogging Installation had been included in the Commission packets. He described the proposal as a non-visible modification to the USS POSCO site that had been administratively approved.

Mr. Jerome also reported that information on the State Route 4 widening construction schedule had been included as prepared by Assistant City Engineer Wally Girard. He advised that in speaking with the Community Development Director, it had been suggested that sometime in the future Mr. Girard attend a Planning Commission meeting to present exhibits of the widening proposed to occur on State Route 4.

Mr. Jerome also reported that an appeal to the City Council of the Albertsons Shurgard Self-Storage facility had been continued at the request of the applicant to the June 18, 2001 City Council meeting. The Council would also hear an appeal of an application for Koch Carbon on that date. An appeal of the Pittsburg Family Apartments project had been scheduled for Council consideration on June 4, 2001.

**ZONING ADMINISTRATOR REPORT:**

There was no Zoning Administrator Report.

**COMMITTEE REPORTS:**

There were no committee reports.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Valentine commented on his participation in the field trip to the City's hillsides and ridgelines and suggested that if all residents had the same opportunity they would understand the importance of protecting the environment. He otherwise inquired whether or not there was any
mechanism in place to inform residents of the plans to widen State Route 4 to better advise residents of potential road closures or delays.

Mr. Jerome explained that the project involved a number of public agencies.

The City's Engineering staff had been invited to assist in coordinating the work and had been working with some of the peripherals outside of the freeway as to how the street closures would be arranged. Those agencies would be at the forefront of making that information available to the public. The engineering consultant preparing the design work had also held a number of meetings with affected property owners on various components of the design.

Mr. Jerome was uncertain how the entire City would be informed of the construction schedule, although he suggested that the agencies involved would provide that information to the public.

Commissioner Holmes stated that he had also enjoyed the recent field trip to view the City's hillsides and ridgelines.

Commissioner Leonard referenced the Habitat for Humanity project and the need to review the City code relating to infill development so as not to burden developers with City code related to the undergrounding of utilities.

Commissioner Leonard otherwise expressed concern with the storage of large coils of wire on property located at the corner of Sixth Street and another location in the downtown.

Mr. Strelo explained that the storage of the wire had been permitted through the administrative approval of a temporary activity permit.

Commissioner Leonard recognized the temporary nature of the storage but requested assurance that once the project was completed, that the downtown lots needed for parking not be converted into "storage lockers."

**ADJOURNMENT**

There being no further business, the meeting adjourned at 10:30 P.M. to a Special Meeting of the Planning Commission on May 29, 2001 at 7:30 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

____________________________________
RANDY JEROME, Secretary
Pittsburg Planning Commission