A regular meeting of the Pittsburg Planning Commission was called to order by Chairman Kee at 7:30 P.M. on Tuesday, June 12, 2001, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

Present: Commissioners Glynn, Holmes, Kelley, Leonard, Valentine, Chairman Kee

Absent: Commissioner Tumbaga

Staff: Community Development Director Nasser Shirazi; Planning Manager Randy Jerome; Associate Planner Chris Bekiaris; Associate Planner Avan Gangapuram; Assistant Planner Ken Strelo; Planning Technician Dana Hoggatt; Civil Engineer II Alfredo Hurtado; and Director of Economic Development Garret Evans

POSTING OF AGENDA:

Chairman Kee advised that the agenda had been posted at City Hall on Friday, June 8, 2001.

PLEDGE OF ALLEGIANCE:

Commissioner Valentine led the Pledge of Allegiance.

MINUTES: May 22, 2001

MOTION:

Motion by Commissioner Glynn to approve the minutes of the May 22, 2001 meeting, as submitted.
The motion was seconded by Commissioner Holmes and carried by the following vote:

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

DELETIONS/WITHDRAWALS:

Mr. Jerome reported that Item No. 2, Albino Auction Co., had been withdrawn by the applicant in writing. Copies of the letter requesting the withdrawal of the item had been provided to the Commission.

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" 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. This hearing to focus on receiving public comments on the Draft General Plan. (Continued from June 5, 2001).

Mr. Jerome reported that during the special meeting of June 5, staff had brought forward other changes and had discussed some of the issues in a workshop format. The Commission had been provided with strikeout corrections as a result of that last discussion. Since that time, staff had met with the General Plan consultant to review further changes and to finalize the Environmental Impact Report (EIR).

Associate Planner Avan Gangapuram reiterated that after the June 5 meeting, he and Mr. Jerome had met with the General Plan consultant to make all of the required changes requested by the Commission and to review all of the changes for all of the chapters that had been evaluated to date. Additional changes had been proposed by the General Plan consultant and although not substantial, they had been related to language and other legal issues. Those changes could be made available in the next Commission package.
Mr. Gangapuram also affirmed that the changes that had been requested by Bruce Ohlson with respect to the City's bicycle facilities and policies had been reviewed with the City's traffic engineers and consultants for inclusion. Those changes would also be made available at the June 19 meeting.

Mr. Gangapuram further advised that during the meeting of June 5, staff had reported that correspondence had been received from Miller, Star and Regalia, representing A. D. Seeeno Construction Company, who had indicated that the closure of the public hearing process on the EIR had not been in compliance with the regulations of the California Environmental Quality Act (CEQA).

In response, staff had consulted with outside counsel who had reviewed the correspondence received and who had informed staff that the closure of the public hearing process for the EIR had been in compliance with CEQA regulations, specifically, in compliance with CEQA Section 15082, Notice of Preparation for the EIR, which had been circulated on July 21, 1999. After the EIR had been prepared on January 23, 2001, a Notice of Completion had been sent to the Planning and Research Office, at which time a 45-day public hearing process had commenced. The 45-day public hearing process ended on March 12, 2001.

On March 8, 2001, the Planning Commission decided to extend the public hearing process until such time as the Commission was ready to close the public hearing on the EIR. On March 15, 2001, the Planning Commission had made an announcement during the public hearing that on May 22, 2001, the public hearing process for the Draft EIR would be closed. On May 22, 2001, the Planning Commission had made a motion to close the public hearing on the Draft EIR. In response to that decision, a representative from Seecon Corporation requested that the public hearing remain open for a couple of weeks.

The Planning Commission had directed staff that comments could be accepted until Friday, May 25, 2001, at 5:00 P.M. At that time, staff had received comments from Seecon Corporation and those comments had been reviewed by staff and would be available for Planning Commission review and recommendation to the City Council for the adoption of the General Plan and the Draft EIR.

Mr. Gangapuram reiterated that the City's independent counsel had indicated that the City was in compliance with CEQA regulations, with no legal issues raised by the closure of the public hearing on the EIR. Staff and the General Plan consultant had reviewed the General Plan Map and all of the requested policy changes, with no substantial changes. Henceforth, there was no need for recirculation of the EIR.

Mr. Gangapuram suggested that during the Special Meeting of June 19, staff would work to provide all of the corrected versions to the Commission for review. If the information was not provided by that time, the entire package would be ready for Commission review on June 26, where it was intended that the Commission deliberate on the adoption of the General Plan and recommendation of the EIR to the City Council for certification.

Mr. Jerome reiterated that the strikeout version now presented to the Commission had reflected changes made during the previous meeting, although some of those changes had been modified since
staff's meeting with the General Plan consultant in consultation with their attorney who had been reviewing the document. Additional changes had been made due to legal or technical ramifications. When those changes were available, staff would advise on the specific changes.

PUBLIC HEARING RE-OPENED

There was no comment from the public.

Speaking to the Urban Design chapter, Commissioner Valentine requested that Policy 4-P-40 be revised to add the language "Tri-Delta", whereby efforts would be made to work with BART and "Tri-Delta" to develop a pedestrian oriented mixed use district.

Referencing the Resource Conservation chapter, Policy 9-P-1, Commissioner Valentine requested that policy be amended with the word "local," whereby it would read in part "as required by State and Federal agencies and any local requirements," so that it would coincide and not contradict State and Federal agencies.

MOTION:

Motion by Commissioner Glynn 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 June 19, 2001. The motion was seconded by Commissioner Kelley and carried by the following vote:

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

Item 2: Albino Auction Co. UP-01-07 and DR-01-11.
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.

As earlier reported, UP-01-0 and DR-01-11 for Albino Auction Co. had been withdrawn, in writing, by the applicant.

Chairman Kee advised that he would step down from the dais with respect to the Creekside Village Senior Apartments due to a potential conflict of interest. While he had no financial interest in the project, he had conducted some work for the development company for another project.

PUBLIC HEARINGS:

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Item 3: Creekside Village Senior Apartments. RZ-00-04 and DR-00-19.
Application by Christopher Valeriote of Terra Nova Development requesting that the current PD (Planned Development) zoning, (PD-1020) which allows a 180 unit congregate care facility and 27,000 square foot office space be amended to allow construction of an 88 unit senior apartment project and for design review approval of architectural plans for the apartments, accessory structures and landscaping on the 6.22 acre lot at 5375 Railroad Avenue, APN 089-060-008.

Mr. Jerome explained that the application had been ongoing for approximately a year and had involved a number of environmental and access issues that had to be resolved prior to bringing the project before the Commission. He clarified that the application involved a rezoning application and an amendment to an existing Planned Development (PD) Zoning District. The Commission was being asked to make a recommendation on the rezoning of the site and to approve the design review application.

The rezoning request would involve a recommendation to the City Council for future action to rezone the property.

Assistant Planner Ken Strelo presented the request from Christopher Valeriote of Terra Nova Development requesting that the current Planned Development zoning (PD-1020), which allowed a 180 unit congregate care facility and 27,000 square foot office space be amended to allow construction of an 88 unit senior apartment project and design review approval of architectural plans for the apartments, accessory structures and landscaping on the 6.22 acre lot at 5375 Railroad Avenue.

The Planned Development had been adopted by Ordinance No. 91-1020 of the City Council in 1991 for a 180-unit congregate care facility with a 27,000 square foot office space. The application was now being amended since it involved a different density with an 88-unit senior apartment complex. No office space would be associated with the project. The application had been in process since May 26, 2000, and had been delayed due to required environmental studies. Staff had distributed two Request for Proposals (RFP). After the receipt of the first RFP, staff had been dissatisfied with the proposal since it was far too detailed. In addition, the access on Castlewood Drive needed to be resolved which the City Attorney had now assured staff had been resolved.

The current application was comprised of five main buildings, four of which were two stories in height and contained the living units within each building housing between 8 to 32 units each. The remaining building was a single story recreational building that would house the offices, restroom, recreational amenities and community room for social interaction. The total floor area for all five buildings would be approximately 67,000 square feet.

The living units would incorporate five different floor plans and would range between 680 and 899 square feet. Of the 88 total units, 76 would be one bedroom, one bath units, and the remaining 12 units would be two bedroom, one bathroom. All units would have a living room, kitchen, patio/balcony or an outdoor storage closet and a walk-in closet in the master bedroom.
The architecture would be consistent with surrounding residential uses with the exterior walls to have a stucco finish with an asphalt shingle roof and painted wood trim. The main roof pitch would be 5:12 with a monolithic hip design and would run across the entire length of the building. Due to the massive unbroken layout of the main roof, staff had imposed a condition for Resolution No. 9217 for the design review, identified as Condition No. 26, which would require the use of either an architectural grade composition or concrete tile roof.

Mr. Strelo advised that the surrounding uses included the Acorn Self-Storage facility located to the west, residential to the north along Buchanan Road, the Church of the Nazarene located directly to the west and Kirker Creek Apartments to the south and east of the subject site. The north and east property lines were adjacent to existing drainage channels, which would be physically modified to meet California Department of Fish and Game requirements. No construction within the creekbed would occur other than modifications for bank stabilization purposes.

Mr. Strelo stated that he had spoken with a representative of the Department of Fish and Game, who was somewhat pleased with what the applicant had proposed at this time. He further noted that there was approximately 2.5 acres between the property line adjacent to the creek and the actual construction that would remain undeveloped.

The project would involve 97 off-street parking spaces, 50 of which would be covered parking. The project would be dedicated to senior housing and since it was located in a PD zoning district, the parking would meet the City's Municipal Code requirements for senior housing. The project would be conditioned to rent to only those persons 55 years and older.

Mr. Strelo explained that staff had conducted the majority of the Initial Study and had sent out an RFP to address the biological resources due to the drainage channel and Kirker Creek. A traffic study had also been conducted by a professional consultant. Studies had been distributed to the State Clearinghouse Office of Planning and Research and then distributed to 15 State agencies.

Staff had received one letter of comment from the Contra Costa Water District (CCWD). Comments reflected in that correspondence had been addressed and the CCWD had stated that it was satisfied that its concerns had been addressed.

Mr. Strelo advised that an additional condition would be added to Resolution No. 9217, Condition No. 29, which would require a grading plan as part of the engineering phase of the project. That condition would read as follows:

29. *The Applicant shall have a Phase One Soils Report conducted for the site prior to the issuance of a grading permit.*

Mr. Strelo recommended that the Planning Commission adopt Resolution No. 9216 approving RZ-00-04, and Resolution No. 9217 approving DR-00-19, which would become effective upon the
effective date of the rezoning application by the City Council.

Commissioner Glynn inquired whether or not Condition No. 29 was intended to deal with erosion control due to the slope down into Kirker Creek.

Mr. Strelo explained that the soils study would be conducted to address possible contamination of the site. The soil stabilization for the side of the slope of Kirker Creek was being handled by the Department of Fish and Game.

PUBLIC HEARING OPENED

PROPOENTS:

CHRIS VALERIOTE, Terra Nova Development, 2455 Whitemarsh Drive, Fairfield, advised when asked, that he had not yet been presented with or apprised of the staff-recommended conditions of approval for the project.

Mr. Strelo presented Mr. Valeriote with copies of the conditions for review. Upon review, Mr. Valeriote stated that he had no problems with the conditions, as recommended.

Mr. Strelo presented the Commission with a sample colors and materials board that had been presented as part of the application, which sample Mr. Valeriote had reportedly been unaware in that he suggested it was likely presented by another member of the development team. Full sized plans were also available for the Commission to illustrate the project.

Mr. Valeriote described in response to the staff concerns how the architecture would be stepped and articulated to break up the long line of the buildings.

Commissioner Glynn commented that he had recently walked the site and according to the plans, noted that the buildings would step down in two directions in all cases minimizing the amount of grading required on the property, with less disturbance of the soil.

Commissioner Valentine opposed the use of neutral colors and suggested that a more appropriate color for the buildings be considered.

VIRGINIA ANTROBUS, 120 Buchanan Road, Pittsburg, spoke for both herself and her neighbor, Joan Davi, the owner of 130 Buchanan Road. She advised that the size of her parcel was 120 feet wide and extended to the middle of Quercus Creek, as did the Davi property. While she did not object to the proposed senior apartment project, she expressed disappointment that every property owner along Buchanan Road had been unaware of the proposal in that no notification had been provided.

Ms. Antrobus expressed concern with the lack of details provided on the project. As a resident of Buchanan Road for the past 57 years, she noted that the residents had never been affected by a
project of the extent being proposed. She requested additional information on the project, including the exact location of the residential buildings being proposed, to ensure the privacy of the adjoining residents. She also requested a clarification of the roof color in that the roofs of the Kirker Creek Apartment buildings and the Acorn Self-Storage facility were unobtrusive. She also inquired whether or not modifications might be allowed in the future to permit such things as sunrooms, which were often associated with senior facilities.

Ms. Antrobus also inquired whether or not a wall would be part of the proposal to screen the project from the existing residences and whether or not the windows for the two story units would view onto the rear yards of the nearby residences. She inquired of the details for the landscaping and questioned whether or not fast growing trees would be planted. She further inquired of the type of lighting that would be installed and expressed her hope that it would be discreet so as not to impact the surrounding residents.

Ms. Antrobus commented that she had planted an oleander plant barrier in her rear yard to provide privacy from the motorists and pedestrians along Railroad Avenue. She emphasized that she spent most of her time in her rear yard and she hoped she would be able to continue to enjoy her rear yard with no negative impacts as a result of the project. She reiterated that her comments were not intended as criticism of the senior facility, which she supported, although she wanted to ensure the preservation of the quality of life of adjacent residents.

After a review of the project file, Mr. Strelo reported that public notification had been mailed to all residents within 300 feet of the proposed site on June 1, 2001. He clarified that the City had mailed notices to the property owners at 120, 130 and 160 Buchanan Road. Those notices had not been returned by the Post Office and it was assumed that they had been received by those parties.

ROBERT GOLDSMITH, 170 Buchanan Road, Pittsburg, stated that he had received the June 1 notification, although that had been the first time that he had been made aware of the project. He expressed concern that the drawings for the project were difficult to read. He also expressed concern that it appeared as if the buildings would back up to his lot. He inquired how far off the creek the buildings would be located.

Mr. Strelo explained that the project had been designed to be as far away from the creek as possible. The majority of the project would be located at the southern end of the property and would involve a further setback than what the City and the Department of Fish and Game would require away from the top of the banks.

Referencing the location of the creek channel, Mr. Strelo commented that it appeared as if the distance from the buildings to the creek channel was approximately 70 feet. The distance from the top of the bank was approximately 40 feet in one location and two to three times that distance from the actual creek channel.

Mr. Goldsmith also expressed concern with the possible visual impacts from the neighbors' rear yards. He was further concerned with the proposed building colors and questioned whether or not
any of the environmental reports had identified a fox hollow which he understood was located on the subject property.

Mr. Jerome understood from his review of the plans that the project would not be close to the homes on Buchanan Road. The subject property would abut those properties, although the buildings themselves would be set back from the end of the creek, which basically surrounded the entire property. The buildings would also be set back significantly from the residences.

Mr. Goldsmith again questioned how the project would appear given the lack of any visual details or renderings of the project presented to the Commission or the audience. He reiterated his concerns with the potential impacts as a result of the proposal and requested assurance that the neighbors' privacy would not be impacted.

Mr. Jerome explained that the nearest unit appeared to be 150 feet from Mr. Goldsmith’s property line due to the creek between the subject property and the Goldsmith property. He clarified, when asked, that if the Planning Commission were to take action on the project design, it would be the final approval, although the action related to the rezoning would be forwarded to the City Council, who would ultimately take the action on the rezoning request. He added that any action of the Planning Commission could be appealed to the City Council.

Mr. Valeriote reiterated that the buildings would be stepped and jogged to break the mass of the buildings and to prevent a sense of repetition. Whatever final color scheme was ultimately chosen, the building colors would be muted so as to be soft, inviting and natural to be able to blend into the surroundings. The project would be a senior project only. He noted that this was one of a number of successful and appealing projects built by the developer.

Mr. Valeriote stated in terms of the landscaping, that it would be designed to grow quickly and to reach maturity since they wanted to have curb appeal and provide an attractive project. He noted that existing dilapidated buildings located behind the church would be demolished. The project had also been designed to stay away from the creek as much as possible. A number of governmental agencies had reviewed the project and had indicated that the project would not endanger any species or place any endangered species at risk.

As to the comments of an existing fox hollow, Mr. Valeriote advised that he could not speak specifically to that issue although the property had been combed at a cost of thousands of dollars to himself and others to get the project to the Planning Commission level. He emphasized that State agencies had ensured that the project would protect the creekbed from erosion with conservative measures taken to keep the project away from the creekbanks.

Mr. Valeriote further explained that the project would involve nighttime lighting that would safely illuminate the property with minimum lighting requirements, while not impacting the surrounding uses.

Mr. Valeriote clarified that no sound wall had been planned around the creek, which was in and of itself a deterrent from trespassing since it was steep and deep. He otherwise affirmed that the project...
would involve a coded gate entry to provide security for the residents. Significant landscaping had also been proposed as part of the project.

Commissioner Valentine questioned the lack of details being presented for the project.

Mr. Valeriote stated that all of the exhibits had been provided to the planning staff. He was also surprised with the lack of detail being provided to the Commission. While he could provide a colored rendering, that rendering was not with him at this time, although he had some information in his car that he could provide to the Commission.

Mr. Jerome advised that staff had provided only that information which had been received from the applicant.

Commissioner Valentine commented that he did not have enough information at this time to approve the project. Since he preferred not to vote against the proposal, he supported a continuance to allow the applicant to adequately illustrate the project.

Mr. Valeriote expressed the willingness to obtain more elaborate details of the elevations for a similar project in the City of Fairfield that would be adapted to the Pittsburg site.

Commissioner Valentine suggested that a recess be taken to allow the applicant to obtain the detailed plans.

Commissioner Leonard concurred that more information should be provided to ensure that resident questions were answered. He suggested that the item be continued until after the next agenda item to allow the applicant to return with more details. He also encouraged the applicant to meet with the residents during that time.

By consensus of the Commission present, Item No. 3 was continued until after the consideration of Item No. 4 to allow the applicant to return with detailed plans, as discussed.

Item 4: Christ Church Assembly (Raley's Shopping Center). UP-01-10.

Application by Pastor Kenneth Edmonson, Sr., of Christ Church Assembly requesting approval of a use permit for Religious Assembly located at 1321-1325 Buchanan Road CC (Community Commercial) zone; APN 088-460-002.

Planning Technician Dana Hoggatt presented the request for approval of a use permit for Religious Assembly located at 1321-1325 Buchanan Road. The applicant had first occupied the space at 1325 Buchanan Road as an office in October 2000. Since that time, the use of the site had expanded to include religious assembly and the church congregation had grown so that the applicant had requested permission to occupy a second adjacent space at 1321 Buchanan Road. In March, the applicant had sought a building permit to remove the wall between the two units.

At that time, Ms. Hoggatt explained that staff had informed the applicant that a use permit would be
required for religious assembly. Prior to that time, no use permit had been issued for either space at 1321 or 1325 Buchanan Road. The church services would occur on Sundays between 10:00 A.M. and 12:00 noon, with bible study classes scheduled for Wednesday evenings at 7:30 P.M. to last approximately one hour.

Ms. Hoggatt also took this opportunity to correct the zoning designation for the site, which should read Neighborhood Commercial (CN) with religious assembly, a conditionally permitted use.

The required parking for the proposed church would be met by the existing parking on-site. In accordance with the Municipal Code, the parking standard for retail sales was used to determine the parking requirement for shopping centers, which required one parking stall for every 250 square feet of commercial floor area. The Highlands Square Shopping Center had approximately 90,000 square feet of commercial floor area, totaling 360 parking spaces. There were 390 parking spaces on-site.

The proposed application would be exempt under the regulations of the California Environmental Quality Act (CEQA) per Class One, Existing Facilities. Public hearing notification for the project had been published, posted and mailed on June 1, 2001.

Ms. Hoggatt recommended that the Planning Commission adopt Resolution No. 9219, approving UP-01-10, with the conditions as shown.

Commissioner Valentine understood that during the review of the General Plan, the General Plan had discouraged religious assembly in retail shopping centers.

Mr. Jerome clarified that such a restriction had been a proposed policy in the proposed General Plan and was not included in the current planning document. He explained that proposed policy would require modification since the City could not discriminate against religious assembly, as advised by the General Plan consultant and the City's legal advisors.

Commissioner Leonard inquired of staff whether or not the property owner had been involved in discussions with staff as to the proposed use, to which Ms. Hoggatt advised that as part of the application, the property owner/manager was required to sign the application. The property owner/manager was noted as being present in the audience.

PUBLIC HEARING OPENED

PROPOUNENTS:

KENNETH EDMONSON, Sr., Pastor Christ Church, 468 Obsidian Way, Clayton, affirmed in response to the Chair, that he had read the conditions of approval and was in agreement with those conditions.

Commissioner Holmes inquired of the size of the congregation, to which Pastor Edmonson
explained that the church had a congregation of 50 persons, which did not include everyone on the membership rolls, which had been the impetus for removing the wall between the two spaces, to accommodate the membership. He did not anticipate any problems with parking for the church since it was located in a center with other uses and since church services would be held on Sunday mornings and completed by noon, when the parking lot was typically empty.

OPPONENTS: None

PUBLIC HEARING CLOSED

Commissioner Valentine expressed his opposition to religious assembly in the City's retail shopping centers. As such, he made a motion to deny the application.

MOTION: Failed

Motion by Commissioner Valentine to direct staff to prepare a resolution denying UP-01-10 for Christ Church Assembly at 1321 and 1325 Buchanan Road. The motion was seconded by Commissioner Leonard and failed to carry by the following tie vote:

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

Chairman Kee stated for the record that the motion for denial had failed due to a tie vote. Although the public hearing had been closed, in recognition of the property owner/manager's request to speak, he reopened the public hearing at this time.

PUBLIC HEARING REOPENED

ERNEST DAVIS, Manager, Century Plaza Development Corporation, 3890 Railroad Avenue, Pittsburg, explained that most of the tenants in the Highland Square Shopping Center did not represent a strong retail base since the center also included the Raley's Shopping Center and the Department of Motor Vehicles. The tenant space leased by the church had been vacant for approximately two years since the previous tenant had vacated the site. The church had started with a small congregation and had later requested permission to expand the space.

Mr. Davis noted that the church had dealt with the Building Department, which had no objection to the church application since it was not a big user. He also commented that the church industry had evolved, with churches locating in smaller shopping centers, as had occurred elsewhere in the City. He added that he had been to the site and had found no negative impacts to the center as a result of the church use. He suggested that the church use was actually a benefit since the congregation patronized the surrounding businesses. He requested a reconsideration of the applicant's request.
Pastor Edmonson referenced a recent armed robbery at a nearby store and suggested that the presence of the church would make the overall center a safer place to be. He also commented that the church did not plan to occupy the space long term since it hoped to develop a site in the next eighteen months. He requested that the Commission allow the church the opportunity to address the needs of its congregation.

Chairman Kee explained that as part of the Commission deliberations in considering requests for use permits, it was not only the current use the Commission must consider but the fact that a use permit went with the property affecting future use.

JUANITA OLEJO, 429 Hawthorne Street, Pittsburg, requested that the Commission reconsider the application to allow the church the opportunity to do good work.

CHRIS PATTERSON, 3146 Oak Road, Walnut Creek, a member of Christ Church Assembly, also supported the use permit for the church and requested that the Commission reconsider its earlier intent to deny the application.

PUBLIC HEARING CLOSED

Commissioner Valentine inquired of staff whether or not a temporary use permit could be approved and then revoked at such time as the church vacated the space.

Mr. Jerome explained that once established, use permits went with the land, although they could be called up for revocation with just cause.

Commissioner Leonard inquired whether or not a condition could be imposed in the use permit to allow the use while the church proceeded with the development of another site. He otherwise expressed concern with religious assembly in a Neighborhood Commercial Zoning District.

Mr. Jerome advised that such a condition would have to be brought forward by the applicant and the property owner. Once the use was established, if approved, it would be established unless there was some other agreement. Beyond that, it would become difficult for the City to vacate a viable use with other than a revocation process.

In response to Commissioner Holmes, Mr. Jerome commented that as previously mentioned, the City's General Plan did not include any policies or zoning restrictions for religious assembly, which were presently permitted with a conditional use permit and permitted in commercial zones including the Neighborhood Commercial Zoning District. Staff had been concerned with the conversion of otherwise commercial types of uses to religious uses.

Mr. Jerome clarified that the City was not opposed to religious uses or churches, as much as the City was concerned with the design of something that had been built as a commercial tax paying retail use, contradictory to the goals and plans of the City. That had been the reason why the City was desirous to limit such uses in retail shopping centers.

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Mr. Jerome otherwise acknowledged that the Commission had recently approved a Christian church/private high school for the former Los Medanos Lanes property. That project had almost been appealed by a pizza parlor and convenience store, which sold beer in the same shopping center and which was concerned that such a use might object to the existing uses at some point in the future. After discussions, that appeal had not gone forward and that church's plans were moving forward.

Commissioner Holmes also recognized that there was a religious group on East Tenth Street that occupied a commercial building in the downtown area and which had been there for some time.

Speaking to the possibility of a temporary use permit, Commissioner Leonard questioned why the City had allowed the use of commercial lots in the downtown area to store large rolls of wire on a temporary basis for a current project. In that regard, he requested why a temporary use permit could not be granted in this situation, particularly if the applicant had indicated that they would not remain in the space long term.

Mr. Jerome explained that such a scenario would not be feasible since the proposal now before the Commission was for a church use. He also clarified that the use of downtown commercial property for the storage of wire had been approved through a Temporary Activity Permit, which had been administratively approved for a limited period of time.

MOTION:

Motion by Commissioner Kelley to adopt Resolution No. 9219, approving UP-01-10, a use permit to allow religious assembly in an existing building for "Christ Church Assembly," with the conditions as shown. The motion was seconded by Commissioner Holmes and carried by the following vote:

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

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 could appeal either the denial, approval or any condition of approval of an item within 10 calendar days of the decision.

Chairman Kee declared a recess at 9:15 P.M. The meeting reconvened at 9:20 P.M. with all Commissioners initially shown as present and absent.

The Commission reopened the discussion of Item No. 3, with Chairman Kee again stepping down from the dais, as earlier indicated, and with Commissioner Holmes chairing the meeting.
**Item 3: Creekside Village Senior Apartments, RZ-00-04 and DR-00-19.**
Application by Christopher Valeriote of Terra Nova Development requesting that the current PD (Planned Development) zoning, (PD-1020) which allows a 180 unit congregate care facility and 27,000 square foot office space be amended to allow construction of an 88 unit senior apartment project and for design review approval of architectural plans for the apartments, accessory structures and landscaping on the 6.22 acre lot at 5375 Railroad Avenue, APN 089-060-008.

Mr. Valeriote presented more detailed plans to the Commission and the members of the audience for review, which plans depicted a similar development for the City of Fairfield and which would be adapted for the Pittsburg project. He reiterated that the buildings would be stepped, which would break up the monotony of the buildings.

Commissioner Glynn inquired whether or not the balconies would face inward or outward. He requested clarification as to whether or not the balconies on the second floor buildings would overlook the neighboring properties.

Mr. Valeriote advised that the balconies would go with the direction of the doorways and would face towards the front. Building D would be the only building that would face the adjacent residential properties.

LAWRENCE COOPER, Cooper Design Group, Project Architect, identified the location of Building D on the plans.

OPPONENTS: None

Commissioner Leonard questioned whether or not the residents had an opportunity during the break to meet with the architect and developer and were now comfortable with the project.

Ms. Antrobus expressed a desire that the residents be provided more details as the project progressed since it was difficult to digest the information provided lacking specific details.

Commissioner Leonard reiterated that if the Commission approved the project, as presented, it would be approved with no further public comment or input, although any Commission action could be appealed to the City Council.

Mr. Strelo presented photographs of the subject property to identify views from the north and to identify the properties of some of those in the audience whose properties were located quite a distance from the subject site. The photographs also identified existing vegetation in the tributary that drained to Kirker Creek.

Mr. Strelo further commented that he had formerly resided at Kirker Creek Apartments, across from Kirker Creek and across from the subject property. As such, he was aware that there was quite a bit of vegetation in the actual drainage channels.
The existing vegetation with the additional landscaping being proposed as part of the project should help to screen the property from the adjacent properties.

Commissioner Glynn suggested that since the primary issue was the landscaping plan, it would be useful to fully develop that plan with the residents given the opportunity to be apprised of that plan and have them involved in the process. He also suggested that the applicant consider the preparation of a photo simulation of how the project would appear as one was sitting on the second story balcony of Building D, with views towards the residential properties once the proposed trees had reached maturity based on the applicant's plan. He suggested that would offer the residents an idea of the screening potential of the plant material.

Mr. Valeriote expressed the willingness to determine whether or not a completed comprehensive landscaping plan could be prepared in time for the project's submittal to the City Council. He reiterated that a lush landscaping plan would be provided as part of the project.

Mr. Strelo explained that one of the staff recommended conditions as part of the design review was that the applicant had 30 days to propose a landscaping plan from the date of approval of the design review application, to be presented to the Park Planner. That would occur whenever the second reading of the rezoning portion of the application was considered by the City Council.

PUBLIC HEARING CLOSED

Commissioner Valentine requested an additional condition to Resolution No. 9271 to ensure that the applicant provided the step down design for the buildings.

MOTION: **RZ-00-04**

Motion by Commissioner Valentine to adopt Resolution No. 9216, recommending that the City Council amend an existing PD (Planned Development) for an 88-unit senior apartment complex for Creekside Village Senior Apartments, RZ-00-04, with the conditions as shown. The motion was seconded by Commissioner Glynn and carried by the following vote:

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

MOTION: **DR-00-19**

Motion by Commissioner Kelley to adopt Resolution No. 9217, approving DR-00-91, design review approval of site development and architectural plans for Creekside Village Senior Apartments located at 5375 Railroad Avenue, with the conditions as shown, with Condition No. 29 as identified by staff, and with an additional condition that the applicant ensure the step down design element for the buildings.

16 June 12, 2001
The motion was seconded by Commissioner Leonard and carried by the following vote:

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

Chairman Kee returned to the dais at this time.

**Item 5: East Street Estates Subdivision Variance-Amendment of Approval of VA-00-03.**

Request by Norm Dyer of Loving & Campos Architects Inc., requesting extension of Resolution No. 9166, which approved a variance to allow subdivision of a 0.63 acre parcel into eight substandard single-family residential lots, each smaller than the minimum required 5,000 square feet. The site had been occupied by the recently demolished Veterans Building located between East Eighth and East Ninth Streets on the east side of East Street within Area II (Downtown Residential) of the Downtown Specific Plan; APN 085-186-016.

Planning Technician Dana Hoggatt presented the request for extension of Resolution No. 9166, located between East Eighth and East Ninth Streets on the east side of East Street, within Area II Downtown Residential of the Downtown Specific Plan.

Ms. Hoggatt provided the background to a series of applications involving a Use Permit, Variance and Design Review in March 28, 2000 and the Vesting Tentative Map application and a second Variance in May 2000. All five applications had been approved by the Planning Commission. Pursuant to the City's Municipal Code, unless otherwise stated in the resolution of approval, a variance was valid for only one year or until a building permit had been issued. Variance 00-03 to allow the creation of substandard lots had expired on May 23, 2001. The applicant had filed a request for an extension on April 10, 2001. The time limits for the first Variance, the Use Permit and Design Review had been conditioned to parallel the time limits of the Vesting Tentative Map.

Ms. Hoggatt recommended that the two conditions giving those time limits in the first three resolutions be added to the second variance to allow all of the applications to be consistent in terms of time limits. She otherwise reported that a Negative Declaration had been posted for the project on March 8, 2000, and a public hearing notice for the amendment to the approval had been posted, mailed and published on June 1, 2001.

Ms. Hoggatt recommended that the Planning Commission adopt Resolution No. 9218 to provide consistent time limits for all permits for the East Street Estates residential project.

PUBLIC HEARING OPENED

PROPOONENTS:

NORM DYER, Loving and Campos Architects, Inc., 245 Ygnacio Valley Road, Suite 200, Walnut
Creek, affirmed that the request before the Commission had been essentially to bring one of their approvals from the previous year in conformance with the other four approvals for the project. He described the project as a subdivision into eight lots for the former Veterans Hall site at the corner of East Eighth, East Ninth and East Streets. The property had been purchased from the County at auction in 2000 with the idea of developing it into very similar project type, lot size, and building size to what currently existed in the area.

Mr. Dyer explained that Loving and Campos had been unable to find a partner to work with on the project and more time was needed to keep the approvals active to allow the developer to continue to work towards that goal. He suggested that the project was the right product for the location, was a good design layout and was consistent with the neighborhood. He described it as a viable project. He otherwise affirmed in response to the Chair, that he had read the conditions of approval and was in agreement with those conditions.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Valentine to adopt Resolution No. 9218, to amend the approval of a Variance to allow the subdivision of a 0.63 acre undeveloped parcel into eight substandard residential lots at 855 East Street for "East Street Estates," VA-00-03, with the conditions as shown. The motion was seconded by Commissioner Holmes and carried by the following vote:

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

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 could appeal either the denial, approval or any condition of approval of an item within 10 calendar days of the decision.

COMMISSION CONSIDERATIONS:

Application by Ernest Davis of Century Plaza Corporation requesting design review approval and a sign exception for height, sign area, and off-site location for two freestanding pylon signs identifying Century Plaza I and the Century Plaza II commercial subdivision. Both signs will be located south of Century Boulevard and adjacent to State Route 4, CC (Community Commercial) zone; APN 074-460-017.

18 June 12, 2001
Item 7: Century Plaza III Auto Mall Pylon Sign. DR-01-14.
Application by Ernest Davis of Century Plaza Corporation requesting design review approval and a sign exception for height, sign area for an 80 foot high pylon sign identifying the Century Plaza Auto Mall located south of Century Boulevard and adjacent to State Route 4, CC (Community Commercial) zone; APN 074-090-010.

Mr. Jerome explained that the City had attempted to amend its sign regulations in 1992, with the prime intent of the sign regulation amendment to revise regulations regarding temporary signs. As part of that process, other requirements in need of revision became apparent, such as the need to make the criteria more flexible as the City became more urban from its rural and suburban roots, as well as to address shopping center complexes that were more regional in nature.

In working with tenants to expand the Century Plaza Shopping Center, the property owner had come forward with concepts for improved larger signage to market to the expanding region as well as to take advantage of the location near the freeway.

The applications were being brought before the Commission for consideration, as well as guidance from the Commission, to determine how the City might best change its Sign Ordinance to provide for different types and larger signage for the larger regional centers, which would now be identified in the updated General Plan.

Associate Planner Chris Bekiaris presented the request from Ernest Davis of Century Plaza Corporation requesting design review approval and a sign exception for height, sign area for an 80 foot high pylon sign identifying the Century Plaza Auto Mall located south of Century Boulevard and adjacent to State Route 4 (SR4), in a Community Commercial zone. He noted that there were three shopping centers on the eastern side of the City which were quite sizable.

Century Plaza I Shopping Center consisted of the Brendan Theater and the Target Store. Century Plaza II consisted of the recently approved restaurant site located closest to Somersville Road. Century Plaza III was the Auto Mall site closest to Los Medanos College. Three 80-foot pylon signs were being proposed for each of the regional shopping centers.

The Auto Mall signage would be 80 feet in height and would be located approximately 10 feet from the current right-of-way for SR4. SR4 would be widened with a preliminary proposal on the Auto Mall site to take approximately 50 to 75 feet along the SR4 frontage of Century Plaza III. The sign would be placed within the future widening.

At this time, the widening of SR4 was preliminary with no project budget and determination of widening yet to be identified. As a result, there was no reason to place the proposed sign outside of the expansion. The City could also not impose such a condition since the widening project had not yet been budgeted.

The three pylons signs would be approximately 400 feet apart along SR4, and would be staggered so as to be visible from the freeway by passing motorists, west and eastbound.
The Century Plaza Auto Mall signage would be divided into four different portions with the top of the sign involving an arch element stretching over approximately 48 inch letters, reading CENTURY over sign copy reading AUTO MALL. Below that sign copy would be an electronic reader board that would have moving copy and graphics and which was commonly used for auto mall sites along freeway corridors throughout the State.

Below the reader board would be an area of approximately 500 square feet where the logos or heralds of the various automobile dealerships occupying the Century Plaza III site would be placed. The heralds depicted in the plans were for display purposes only and were not necessarily the dealerships that would occupy the site.

Mr. Bekiaris advised that staff was in support of the 80-foot pylon sign in recognition of the economic importance of such regional centers to the City. The applicant had conducted studies of travel patterns along the freeway and had shown that the height of the sign was necessary for the readability of the signs, particularly for westbound traffic that would utilize the Somersville Road off-ramp.

Mr. Bekiaris further acknowledged that staff had initially preferred the sign at a lower height, although that would not work for the site.

Speaking to the conditions of approval, Mr. Bekiaris advised that a condition would be imposed in response to past Commission concerns with energy efficient measures. The applicant and the sign contractor had assured staff that those measures would be pursued as part of the sign proposal. Additional conditions would be imposed with respect to the potential relocation of the sign due to the future widening of SR4.

Mr. Bekiaris recommended that the Commission adopt Resolution No. 9124, approving DR-01-14, with the conditions as shown.

Planning Technician Dana Hoggatt presented the request from Ernest Davis of Century Plaza Corporation requesting design review approval and a sign exception for height, sign area, and off-site location for two freestanding pylon signs identifying Century Plaza I and the Century Plaza II commercial subdivision. Both signs would be located south of Century Boulevard and adjacent to SR4, in a Community Commercial zone.

The design of the signs would be similar to the sign proposed for Century Plaza III, although they would not include a reader board. The signs would have internally illuminated cabinets with up to eight panels for the Delta Gateway sign. The Century Plaza sign would involve five tenant panels, with the top four panels to be replaced by a single cabinet identifying the Target Store.

All of the other design elements of the signs would be similar to the signage for Century Plaza III, with the same shopping center name, height, materials and colors.
The signs for Century Plaza I and II would also be located out of the proposed right-of-way. Ms. Hoggatt stated that in speaking with the applicant, staff had learned that the Century Plaza II subdivision had already taken into account the proposed future widening of SR4. The setback from the edge of the right-of-way would not encroach on the proposed widening so that some of the conditions in the resolution for DR-01-14 with respect to relocation of the sign had not been included in the resolution for DR-01-13.

Ms. Hoggatt advised that the signage for Century Plaza I and II also involved a request for a sign exception for an increase in height, sign area and off-site location. She noted that the Pittsburg Municipal Code did not allow signage off-site and on a different parcel than the actual business being identified. Century Plaza I signage was located off-site and was located south of Century Boulevard close to the freeway. She suggested that off-site location could be justified based on the fact that Century Plaza I was substantially setback from SR4, and as Century Plaza II developed, visibility of the Century Plaza I Shopping Center would decrease and the existing pylon sign would become more difficult to see.

The signage for Century Plaza II was also located off-site since it would be identifying businesses located on a different parcel. The signage would be located on Lot 14 of the Century Plaza II subdivision, but would identify businesses throughout the subdivision.

Ms. Hoggatt suggested that signage could be justified on the grounds that Century Plaza II could be considered as one retail center, and an off-site sign identifying a retail center could be acceptable.

Ms. Hoggatt affirmed that staff had considered a lower height for the two signs as the signage proposed for Century Plaza III, although due to the importance of the shopping center in terms of contribution to the City's tax base, staff had made a recommendation to support the applicant's request for the 80-foot sign.

Ms. Hoggatt recommended that the Planning Commission adopt Resolution No. 9125, approving DR-01-13, with the conditions as shown.

Commissioner Glynn requested clarification, as mentioned in the staff report, that a fourth 80 foot pylon sign could be requested in the future. He also inquired whether or not the location of a possible fourth sign had been plotted for the area.

Ms. Hoggatt explained that there were only eight cabinets for the Delta Gateway sign. The applicant had not indicated that they intended to install a fourth sign, although since there were only half as many sign cabinets as lots in the subdivision, there was a possibility in the long term that there might need to be additional signage for the other eight lots. The applicant had not identified a possible location or plans to install a fourth sign.

Commissioner Glynn inquired of possible locations of freestanding signs in-lieu of the pylon signs being proposed.
Ms. Hoggatt advised that staff did not have any development proposals for the parcels. Item Nos. 6 and 7 involved three 80-foot pylon signs only.

Commissioner Glynn inquired of the location of the signage for Century Plaza III in light of the future widening of SR4, to which Mr. Bekiaris reiterated that the signage would be located 10 feet away from the current right-of-way.

Commissioner Glynn also understood that the three pylon signs being proposed would be located 400 feet apart. He questioned whether or not they would be placed in a lineal line along SR4.

In response, Mr. Bekiaris expressed his understanding that the signs would be placed in a lineal line along SR4, although the applicant would be required to comply with Caltrans' regulations as to distances between signs.

Commissioner Glynn inquired of the diameter of the signage portion at its greatest elevation. He inquired whether all of the signs were identical at 80 feet in height. If they were all the same and 400 feet apart, he suggested that there could be a possible masking problem where one sign might mask the other.

Mr. Bekiaris affirmed that all three signs would be the same and would be staggered at 400 feet apart.

Speaking to the conditions of approval, Commissioner Glynn requested clarification as to the placement of the signage for Century Plaza III and whether or not, once relocated with the widening of the freeway, the original site would be remediated to its prior condition.

Mr. Bekiaris explained that such a condition had not been included in the document since typically condemnation proceedings were between the property owner and Caltrans, negotiable between those two properties. Otherwise the first foundation would probably end up being the roadway at such time as the roadway was widened.

Commissioner Glynn also referenced negotiations between the City, the applicant and the Chamber of Commerce for joint potential usage of the signage for Century Plaza III for various messages, either germane to the use of the facility itself and or for other City purposes. He questioned whether or not those terms would apply to the signage for Century Plaza I and II. He noted that there was no condition regarding such use for either of the applications.

Mr. Bekiaris advised that the negotiations between the City, the applicant and the Chamber of Commerce were preliminary. The use of the signage for Century Plaza III applied only to the reader board, which was not included for the signs for Century Plaza I and II. A condition had not been included since that involved a private matter between the City and the property owner.

Mr. Bekiaris suggested that it would not be appropriate to place such a condition on the application.
Commissioner Glynn disagreed with staff’s opinion to not condition the applications, as discussed. He otherwise inquired whether or not the signage would be placed prior to the development of the project itself.

Mr. Bekiaris suggested that the applicant provide clarification, although he understood in speaking with the applicant, that the signs would be built first. The Commission had previously approved an application for Citgo/7-11 and the City did receive an application for Del Taco, and would be receiving an application for In-N-Out Burger within the next couple of weeks. He added that negotiations were apparently going well for the Auto Mall site.

Commissioner Valentine inquired who made the determination that 80-foot high signs were appropriate and not 75 feet tall or lower signs. He also noted that with the placement of the signs, passing traffic would pass every exit before the signs were visible. He inquired who the signage was trying to attract.

Mr. Bekiaris explained that the applicant had conducted studies for the signage and had determined the height as a result of those studies. One of the purposes for the height of the sign was that the Somersville Road exit westbound was visible. If one desired to go to the Auto Mall or the restaurant sites, they would take the Somersville Road exit. Otherwise motorists would be required to take Loveridge Road and would have passed the sites.

Commissioner Valentine suggested that if the sign was placed closer to the east side of Somersville Road and not 80 feet in height, an 80 foot structure would not be necessary.

Mr. Bekiaris noted that the signage was intended for both west and eastbound travel. Eastbound traffic would have no difficulty seeing the signs. Staff had participated in a tour with the sign company and the applicant, had gone back and forth on SR4 in that the sign company had set up a boom truck with the heights of the sign. At that time, it was apparent that the height of the signs were necessary for visibility.

Commissioner Valentine commented that motorists traveling from the City of Antioch would see the sign although motorists from Pittsburg would not necessarily see the signs without missing the exits. He expressed concern that the Commission was considering an 8-story structure surrounded by other structures that were no more than 20 feet in height. He inquired what other cities had signage of similar heights.

Mr. Bekiaris cited examples of similar signage in the City of Dublin at 72 feet in height, in the City of Vacaville at approximately 80 feet in height, in the City of Lodi at the Highway 12 junction with I-5 at approximately 70 feet, where another 70 to 80 foot high sign was located. He explained that open fields surrounded the signage in the City of Lodi. The signage in Vacaville was surrounded by a freeway that was raised 20 feet above grade, and the signage in Dublin was surrounded by a shopping center, also an Auto Mall, with the freeway at grade. Similar signage was located in the City of San Leandro, which signage was comparable to what had been proposed as part of the subject application.
Commissioner Valentine inquired at 80 feet how soon westbound motorists would see the sign before reaching the Somersville Road exit, versus a 60-foot sign or signage in compliance with the City's Municipal Code.

Mr. Bekiaris suggested that the sign contractor address the technicalities for the signage being proposed.

Chairman Kee inquired whether or not there was any precedent for having three signs within an 800 foot proximity to one another.

Ms. Hoggatt advised that there were three signs in the City of Dublin, although she was uncertain of the spacing of those signs, which were slightly shorter in height and with a different design from what had been proposed in Pittsburg. The signage in Dublin involved a 72-foot pole, with pennants/flags hanging off of the sides. The signs did not actually go to the top of the pole. She added that the 80 foot high sign in Dublin was by itself.

PUBLIC HEARING OPENED

PROONENTS:

ERNEST DAVIS, Century Plaza Development Corporation, 3890 Railroad Avenue, Pittsburg, expressed his appreciation to staff for the recommendation for approval for the signs. He also expressed appreciation to the Redevelopment Agency for the assistance with Caltrans. He requested that the Planning Commission approve the three signs proposals based on the staff recommendation, upcoming testimony from the sign expert, and three potential tenants including Krispy Kreme, In-N-Out Burger, and Citgo/7-11.

Mr. Davis affirmed that he had read the conditions of approval. He noted that he did have a couple of comments to make to those conditions and would like to address those concerns after the remainder of the public testimony.

MARK GASTONEAU, Young Electric Sign Company, 4105 South Market Court, Sacramento, explained that his firm had conducted the design and visibility studies. He affirmed that staff had participated in a tour of the site to determine the height of the signs. He noted that the bottom tenant was only 16 feet off the ground on the signs, not counting the topography of the freeway being four to five feet higher than the property in question.

Mr. Gastoneau commented that Somersville Road had an on-ramp that would go by the location where the Delta Gateway sign would be located, which would set the sign back with only the top two panels visible at 80 feet, although that was acceptable since it was their belief that people would recognize the exit and return to that exit. Mr. Gastoneau noted that the top two tenant panels were visible west for the Delta Gateway sign for approximately 9 to 11 seconds at approximately 55 MPH. He suggested that the signs were not
excessive due to the speed of traffic and the nearby off-ramp. He also clarified that the signs would be situated to be staggered and setback to ensure that each sign would not obstruct one another.

Mr. Gastoneau further commented that in relation to concerns with electrical power, an LED system would be used and would be 95 percent more efficient than an incandescent unit. It had not been decided what unit would be used, although the power consumption to that unit would be minimal. Additionally, he noted that Caltrans would control the use of the reader board in that it would be 4 seconds on and one second off. A static graphic could be installed but it could not be moving.

Chairman Kee inquired whether or not Mr. Gastoneau had any situation where he was aware of three signs within close proximity of one another.

Mr. Gastoneau referenced signage for the factory stores at the Nut Tree Plaza that had more than three signs. There were two 60-foot signs in the City of Dixon, with a third property being developed where similar signage would probably be installed. He noted that Caltrans allowed a multi-business center a multi-tenant sign to reduce the proliferation of such signage.

Chairmen Kee suggested that if Century Plaza I and II was considered as a single multi-tenant space, he would prefer to see one sign to identify the multi-tenant spaces as opposed to two signs.

Commissioner Valentine inquired of the candle power for the signage in the evening hours. He expressed concern that the signage could negatively impact residences that were located across the freeway from the subject area.

Mr. Gastoneau explained that they had not discussed the candle power for the signage since it would depend on the operations of the business. It was his understanding that the signs would be extinguished within an hour of the close of business. The LED system was described as light emanating diodes, with a chemical/electrical reaction that would run at 50 percent power during the daytime hours when they had to compete against daylight. During the evening, those lights would be dimmed another 25 percent. He clarified that Caltrans controlled illuminations on the freeway as well, and businesses could be cited if the lights were too bright.

Mr. Gastoneau otherwise guaranteed that there would be no readable candle watt power standing at the residences across the freeway, measurable by a meter at either of the sign sites.

RON VOLLY, Northern California Real Estate Manager In-N-Out Burger, 13502 Hamburger Lane, Baldwin Park, described the background of the family-owned company that had been in business for the past 52 years. He also identified the company's mission statement, menu, employment and wage opportunities. In-N-Out Burger's community and charity efforts were also described in detail. He further advised of the strategy of the company, which was not like other fast food restaurants where there would be no multiple locations in one City.

In-N-Out Burger was described as a regional tenant with only one restaurant placed for every five to six miles minimum distance from each other even in heavily populated areas. As a regional tenant, In-N-Out Burger desired areas where they could advertise to local and surrounding regional
Mr. Volly advised that part of his job was to bring management to the site to approve/disapprove sites. Management had visited the subject site and had noted on the tour that there were several centers in the immediate vicinity that had felt the affects of inferior signage. Management had stipulated the need for regional signage such as that being proposed to ensure the company's success at the subject location.

Commissioner Holmes understood that there was an In-N-Out Burger Restaurant off of Interstate I-80. He inquired what type of signage had been used for that facility.

Mr. Volly affirmed that there was a location in the City of Pinole located on Appian Way, which was located directly on the freeway with large prominent building signage.

Commissioner Valentine stated that he had patronized the Pinole location and noted that the sign did not bring him into the restaurant since a friend had referred him. He inquired if the Commission were to deny the 80 foot sign, and require a reduction in height if In-N-Out Burger would abandon the site.

Mr. Volly explained that would be a management decision, although their position was that they were strong on the 80 foot high sign and they had worked with the sign company and the developer to create the signage. He noted that they would rely on traffic from both directions. Traffic westbound towards the Somersville Road exit had a grade difference where a sign would not be visible at 100 feet until traffic was within five to eight seconds of the exit ramp onto Somersville Road. There were also trees that could impact the visibility of the sign as traffic crested the hill. Once people passed the exit, he stated they rarely turned around and came back.

Commissioner Valentine questioned of all of the In-N-Burger sites, which was most similar to the potential site where they did not have an 80 foot high sign and the business was still successful.

Mr. Volly affirmed that there were some instances. He cited the restaurant located in the City of San Ramon along I-680 as an example, although he noted that City had different demographics than the present site, particularly in the one to two mile ring where the daytime business population due to Bishop Ranch had thousands of daytime workers in that area. Another location in the City of Placerville had trees that obstructed the view of that restaurant. That facility involved a large freeway sign 75 feet in height located on top of a hill. Another location would be going into Union City, which would involve the installation of two, 80 foot plus freeway signs in close proximity to one another.

CHUCK SHAW, Development Department, Northern California, Krispy Kreme Doughnuts, explained that his responsibilities required him to build stores from the Fresno market area to the north, consisting of approximately two thirds of the State, one third of its population. He too
described the background, employment/wage opportunities and charity efforts offered by the company, with products prepared fresh on-site, since 1937. He noted that in building the Northern California market area, he had been instructed to build 24 stores in the 13 million population, one store per 400,000 persons.

Speaking to the population of East County, from Bay Point to Discovery Bay, Mr. Shaw stated that there was approximately 267,000 persons, smaller than what Krispy Kreme normally considered to build, although East County was a dynamic, growing area and the City was located at a key point on SR4, and involved a community which Krispy Kreme had spent approximately two years evaluating for location.

Mr. Shaw advised that the direction from his management company was similar to In-N-Out Burger. He cited, as an example, that they had built 24 to 30 stores in Northern California where McDonald's operated over 400 stores, which illustrated the differences between a tenant designed to serve regional versus neighborhood needs. In reviewing the market area, he stated that the subject site would allow the opportunity to capture SR4 traffic and serve the residents of the community.

Mr. Shaw explained that the key that sold management for the site had been the fact that it would be readily freeway visible. He commented that ideally for freeway visibility, their management liked to see a 15 second reaction time for motorists to view the sign and make the transition. He recognized that standard could not be applied in this instance.

Mr. Shaw referenced current developments for Krispy Kreme with sites in Union Landing Shopping Center, an 80 acre development a combination of a neighborhood/community/entertainment center, which had two multi-tenant freeway pylon signs approximately 80 feet in height. The Southland Shopping Center in Hayward was building a similar sign, with similar signs proposed for San Leandro, Pinole, Vacaville and the Notomas area of Sacramento.

Mr. Shaw advised that his management had advised him to come back with a freeway sign and he would then be allowed to proceed with the property owner. He urged the Commission to support the applications.

TOM GREELAND 7-11 Inc., 5820 Stoneridge Mall, Pleasanton, advised that the Planning Commission had already approved a use permit for Citgo/7-11 and they committed to go into the site. As previously stated, management had visited the site and had desired visible signage. He clarified that although his business was not as regional as the other businesses, the difference was that Citgo was not a large gasoline retailer in Northern California and the signage would allow the opportunity to advertise gasoline and capture customers from patronizing other gasoline businesses. He too requested that the Commission approve the signage as requested.

Mr. Davis clarified that the conceptual renderings for the Delta Gateway signage were preliminary to visualize some tenants. He otherwise clarified for the purposes of the discussion that the signage at North Park Plaza was located at grade. The Century Plaza signs would actually be a bit lower.
since the grade was down and then rose.

Speaking to Condition No. 11 of Resolution No. 9215, Mr. Davis requested that condition be amended as follows:

11. The Applicant/or Designee shall be responsible for maintenance of the sign, landscaping and irrigation system.

The same modification was requested for Condition No. 12 of Resolution No. 9214.

Referencing Condition No. 14 of Resolution No. 9214, RON RIVES, General Counsel, Seeno Construction Company, explained that the imposition of that condition was inserting the City into a transaction that involved the property owner and the Contra Costa Transportation Agency (CCTA). In the event that SR4 was widened, the City had taken a strong stance that it did not want the CCTA to take a wide swath out of the back of an Auto Mall that would produce tremendous sales tax revenue for the City.

Mr. Rives commented on the amount of time and money the City had expended in bringing the Auto Mall and Century Plaza II to fruition. Part of the process was to have adequate signage and protect the project from unnecessary right-of-way widening. He noted that the south side of the freeway where the roadway would be widened was all publicly owned land by the City of Antioch. If despite everyone's best efforts, there should be a widening that resulted in the take of additional right-of-way to the north that would infringe on the Auto Mall, requiring a relocation of the Auto Mall sign, he suggested that was a transaction between the owner and the CCTA.

Mr. Rives questioned why Condition No. 14 had been added in that it was inappropriate. He suggested that condition would make it easier for the CCTA to take a portion of the Auto Mall site contrary to the City's policy.

Mr. Bekiaris requested assurance from the applicant that the City would pay nothing for the possible relocation of the Auto Mall sign, to which Mr. Rives agreed to a modification of the condition so that the City would not be held responsible for any of the costs of relocation of the sign in the event of widening for right-of-way purposes.

Commissioner Valentine requested that Condition No. 12 of Resolution No. 9214, and Condition No. 11 of Resolution No. 9215, be amended to read as follows:

12. The Applicant/or qualified Designee shall be responsible for maintenance of the sign, landscaping and irrigation system.

Mr. Bekiaris suggested that Condition No. 14 of Resolution No. 9214 could be amended as follows:

14. The City of Pittsburg shall not be responsible for costs for the future relocation of the
Mr. Davis stated that he was in agreement with the conditions, as amended.

Garrett Evans, Director of Economic Development, advised that the Redevelopment Agency and the Economic Development Department had been working closely with the applicant and were encouraged with the idea of having the signs installed. It was hoped that the Commission would support the request.

BRUCE OHLSON, 3829 Los Altos Place, Pittsburg, a resident of Pittsburg, referenced the amendment to the conditions of approval, suggested that although the City might not be responsible for the costs of relocation of the Auto Mall pylon sign for future freeway widening, that citizens as taxpayers, would be responsible for the cost of the relocation of the sign if required.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: DR-01-03

Motion by Commissioner Holmes to adopt Resolution No. 9215, approving DR-01-13, design review approval and a sign exception for two freestanding pylon signs for Century Plazas I and II, with the conditions as shown and with the amendment to Condition No. 11, as recommended by Commissioner Valentine. The motion was seconded by Commissioner Valentine and carried by the following vote:

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

MOTION: DR-01-14

Motion by Commissioner Kelley to adopt Resolution No. 9214, approving DR-01-14, design review approval and a sign exception for a freestanding pylon sign for century Plaza III, with the conditions as shown and with amendments to Condition No. 12, as recommended by Commissioner Valentine, and to Condition No. 14, as shown.

The motion was seconded by Commissioner Glynn and carried by the following vote:

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

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 could appeal either the denial, approval or any condition of approval of an item within 10 calendar days of the decision.

STAFF COMMUNICATIONS:

Mr. Jerome reported that staff had received written correspondence from Bruce Ohlson and Marilyn Torres regarding the General Plan Update.

ZONING ADMINISTRATOR REPORT:

There was no Zoning Administrator Report.

COMMITTEE REPORTS:

Commissioner Holmes advised that the Traffic Circulation Advisory Committee had recently met to discuss the installation of speed bumps off of Kirker Pass and the Buchanan Road area.

COMMENTS FROM COMMISSIONERS:

Commissioner Valentine commented that speed bumps had been attempted in the Oak Hills area, although the Council had vetoed that proposal. He otherwise advised that a meeting would be held on Wednesday, June 13 at 5:30 P.M. at Delta Diablo Sanitation District regarding a proposed increase in fees.

Commissioner Kelley reported that people were selling items along the area of California and Harbor every Sunday. She opposed the cluttered appearance and suggested that sales taxes should be paid to the City by such operations as any other business in the community was required to pay.

Referencing the signage for the Century Plaza Shopping Center, Chairman Kee commented that when the projects for Century Plaza II and III had been initially brought before the Commission, the Commission had been advised that upscale restaurants had been envisioned for the site. He noted that the establishments that had been represented at this time were not the type of establishments the Commission had been advised would be marketed for the property. He suggested that there were enough fast food restaurants in the Cities of Antioch and Pittsburg.

Mr. Bekiaris explained that Century Plaza II was in two phases with the first phase the fast food restaurants. The second phase was still intended to include quality sit down restaurants, which he understood the applicant was in the process of acquiring.
Commissioner Valentine advised of a use car lot at Range and Leland Roads. He requested that staff review the matter to prohibit used cars from being sold at that property.

Mr. Jerome stated the meeting would be continued to June 19, although it was possible that staff might not have the documentation from the General Plan consultant for that meeting. As such, it was possible that the meeting would be continued to the regular meeting of June 26, with Commissioners to be informed of a continuance. He emphasized that the intent was to bring the General Plan Update for adoption by the Commission on June 26.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 10:45 P.M. to a Special Meeting of the Planning Commission on June 19, 2001 at 7:30 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

RANDY JEROME, Secretary
Pittsburg Planning Commission