MINUTES

OF THE REGULAR MEETING

OF THE

PITTSBURG PLANNING COMMISSION

July 24, 2001

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Holmes at 7:36 P.M. on Tuesday, July 24, 2001, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

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

Absent: Commissioner Valentine

Staff: Planning Manager Randy Jerome; Associate Planner Chris Bekiaris; Planning Technician Dana Hoggatt; Planning Intern Christopher Barton; and Civil Engineer II Alfredo Hurtado.

POSTING OF AGENDA:

Chairperson Holmes advised that the agenda had been posted at City Hall on Friday, July 20, 2001.

PLEDGE OF ALLEGIANCE:

Commissioner Leonard led the Pledge of Allegiance.

MINUTES: July 10, 2001

MOTION:

Motion by Commissioner Garcia to approve the minutes of the July 10, 2001 meeting, as submitted. The motion was seconded by Commissioner Kelley and carried by the following vote:

Ayes: Commissioners Garcia, Glynn, Harris, Kelley, Leonard, Holmes

Noes: None

Abstain: None

Absent: Commissioner Valentine
DELETIONS/WITHDRAWALS:

There were no deletions or withdrawals.

COMMENTS FROM AUDIENCE:

There were no comments from the audience.

PRESENTATIONS:

There were no presentations.

PUBLIC HEARING:


Application by Chuck Shaw, Krispy Kreme Doughnuts, requesting a use permit for a Drive-Through Service for a food shop and design review approval of architectural; and sign, and site development plans for the construction of a 4,000 square foot food shop located at 4444 Century Boulevard, CC (Community Commercial), zone; APN 074-460-017.

Associate Planner Chris Bekiaris presented the request from Chuck Shaw, Krispy Kreme Doughnuts requesting a use permit for a Drive-Through Service for a food shop and design review approval of architectural, sign, and site development plans for the construction of a 4,000 square foot food shop located at 4444 Century Boulevard.

Mr. Bekiaris advised that the applicant would build an approximate 3,900 square foot building in the Delta Gateway shopping center, formally known as Century Plaza II subdivision. The business would be a doughnut shop with the doughnuts prepared on site, similar to a retail bakery, and doughnuts would be sold on site. The business would involve walk-in, sit down, take home and a drive through service window for vehicles. The building would accommodate approximately 42 seats in the dining area. He noted that the staff report had included a Tentative Map that had been approved a year ago, which had been slightly reconfigured as a result of the Caltrans right-of-way purchase and a Sales Representative Map that identified the lot numbers, which did not correspond to the Tentative Tract Map.

Mr. Bekiaris explained that staff had met with representatives from Seecon Financial Corporation to discuss the landscaping along Century Boulevard where everyone had agreed that a consistent landscaping strip of ten feet along Century Boulevard should be provided. As a result the applicant, along with the others that would front Century Boulevard, would be required to provide a ten-foot landscaping strip. He added that the Final Map would include an eight-foot commercial sidewalk along Century Boulevard. The applicant had also agreed that along the interior road a 48-inch wide sidewalk, handicap accessible, would be provided along the south side of the interior street. That requirement would be consistent with future applications.
Mr. Bekiaris referenced colored elevations and renderings displayed to the Commission. He noted that the architecture would consist of a modern design used by many fast food and other similar businesses consisting of rectangular shapes, columns on all sides and glass materials. A colors and materials sample was displayed to the Commission.

Mr. Bekiaris advised that Krispy Kreme had also offered to construct more parking spaces than were needed for a food shop. The project had been categorized in the zoning code as a Food Shop where a minimum of 16 parking spaces were required for every 250 square feet of space. The project would involve a total of 25 parking spaces, particularly since the site was located near freeway access where it was anticipated the business would capture passing recreational traffic and due to the amount of trade it was expected that the business would involve.

The proposed signage would be consistent with the City's sign code for the proposed monument sign, wall signage on each elevation and window signage. The applicant had proposed one wall mounted sign, illuminated signage on each of the four elevations, and neon signs in the windows. A monument sign and directional signs were also being proposed, although directional signage would be exempt from Commission review.

Krispy Kreme would employ approximately 100 employees and would be open from 5:30 A.M. to 12:30 A.M., with the drive through service window open 24-hours and with the business itself to be open seven days a week.

Mr. Bekiaris also referenced the proposed conditions of project approval. He explained that National Pollutants Discharge Elimination System (NPDES) requirements would be consistent with similar conditions imposed on the application for the Del Taco restaurant. He clarified that the landscaping plan included in the Commission packet and dated July 18, 2001, would be the plan to be installed, although some changes had been made to the landscaping and parking that had been reflected in that site plan.

Mr. Bekiaris further reported that a typical queue line for vehicles would accommodate five vehicles. In this instance, the drive through queue would be able to accommodate approximately eleven vehicles in response to the amount of trade the business typically experienced.

Mr. Bekiaris recommended that the Planning Commission adopt Resolution No. 9234 approving UP-01-14, and Resolution No. 9225 approving DR-01-26, with the conditions as shown.

Commissioner Garcia expressed his appreciation to staff for the inclusion of the Subdivision Map to clearly locate the proposed building.

Commissioner Glynn understood that the business would employ approximately 100 people. If the employees worked in three shifts, eight hours apiece, that would roughly equate to 33 employees on site at a given time. He noted that if the employees were to all drive vehicles they would have to have a place to park, since the 25 parking spaces available for customers would be insufficient to accommodate employee and customer parking. He therefore questioned the arrangements that had
been made for employee parking. Commissioner Glynn also referenced the Conditions of Approval, particularly Condition Nos. 13 and 19, as shown in Resolution No. 9234. He recommended that the two conditions be combined into a single statement with the following additional statement:

The Applicant shall hire only certified mobile surface cleaners, as defined by the City of Pittsburg, for cleaning of the parking and paved areas. The site shall be kept clean and free of all litter, debris, and refuse at all times.

Mr. Bekiaris agreed that Condition Nos. 13 and 19 could be combined. He otherwise suggested that the applicant clarify the parking situation for the employees.

PUBLIC HEARING OPENED

PROONENT:

CHUCK SHAW, Golden Gate Doughnuts, Krispy Kreme Doughnuts, 1215-19th Street, Suite 210, Sacramento, expressed his appreciation to City staff for their assistance in bringing the project before the Commission. He advised that his management had given approval to move forward with the opening of the business this year, which was expected to open by mid-October.

Mr. Shaw clarified that the facility would initially hire 100 people, which would involve three shifts, although not all employees would work eight-hour shifts. Many employees would work split shifts or weekends only. He explained that Krispy Kreme typically utilized five to eight parking stalls for employees. The business would also employ minors through legal work permits on a frequent basis. Typically those persons were dropped off for work or found other forms of transportation. The business would also hire locally with a hiring trailer placed on the premises, and with an average starting wage in the vicinity of $7.50 to $8.00 per hour.

Mr. Shaw also clarified that consistent with water quality requirements, the business would utilize a fossil filter cleaning system in its storm drains consistent with many Bay Area municipality requirements. As a result, they normally had an independent company maintain the media filter, consistent with the City's cleaning requirements.

Mr. Shaw further explained that Krispy Kreme was a retail bakery and not a restaurant. The product was made on the premises, with a hot glazed product, their signature item and one of the trademarks of Krispy Kreme doughnuts. He walked the Commission through the plans to describe the interior of the building, identifying the entrance and exits, as well as a production kitchen, which would be visible to the public allowing customers to see how the doughnuts were prepared. He described that as one of the benefits of fronting Century Boulevard.

In response to Commissioner Garcia, Mr. Shaw affirmed that he had read the conditions of approval and was in agreement with those conditions, as amended, with the combination of Condition Nos. 13 and 19, as proposed.
MOTION: **UP-01-14**

Motion by Commissioner Kelley to adopt Resolution No. 9234, approving UP-01-14, a Use Permit for a Food Shop with Drive-Through Service located at 4444 Century Boulevard (Delta Gateway) for "Krispy Kreme Doughnuts," subject to the conditions as shown, and with Condition Nos. 13 and 19 combined and amended, as shown. The motion was seconded by Commissioner Glynn and carried by the following vote:

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<th>Ayes:</th>
<th>Commissioners Garcia, Glynn, Harris, Kelley, Leonard, Holmes</th>
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<td>Noes:</td>
<td>None</td>
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<td>Abstain:</td>
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<td>Absent:</td>
<td>Commissioner Valentine</td>
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MOTION: **DR-01-26**

Motion by Commissioner Kelley to adopt Resolution No. 9235, approving DR-01-26, Design Review approval of architectural and site development plans to construct a 3,975 square foot Food Shop and a freestanding sign at 4444 Century Boulevard (Delta Gateway) for Krispy Kreme Doughnuts, subject to the conditions as shown. The motion was seconded by Commissioner Leonard and carried by the following vote:

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<th>Ayes:</th>
<th>Commissioners Garcia, Glynn, Harris, Kelley, Leonard, Holmes</th>
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<tr>
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<td>None</td>
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<tr>
<td>Abstain:</td>
<td>None</td>
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<td>Absent:</td>
<td>Commissioner Valentine</td>
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**COMMISSION CONSIDERATION:**

**Item 2: San Marco Subdivision Entry Sign. DR-01-16.**

Application by Richard Sestero of West Coast Home Builders requesting design review approval and a sign exception for size, height, and external illumination for a freestanding neighborhood identification sign to be located at the southwest corner of San Marco Boulevard and the West Leland Road extension, PD (Planned Development) zone; APN 097-150-007.

Mr. Jerome explained that the San Marco subdivision had commenced with construction. The first two subdivision units were underway with the models near completion. A Grand Opening had been planned for this week. Construction had already started on the entry sign and there were issues relative to an easement where the sign was located.

Planning Technician Dana Hoggatt presented the request from West Coast Home Builders requesting design review approval and a sign exception for size, height, and external illumination for
a freestanding neighborhood identification sign to be located at the southwest corner of San Marco Boulevard and the West Leland Road extension.
The application was for the second of two signs submitted for the San Marco subdivision, the first for Unit 1, Serrano, which had been approved in April 2001. The second sign would be an identification sign for the entire San Marco Subdivision.

Ms. Hoggatt advised that staff had initially postponed the application for the sign that had been proposed due to some concerns with an easement in the area, as well as other location approvals that had been given relative to the project. The sign was located at the southwest corner of West Leland Road and San Marco Boulevard, at the foot of the open creek mitigation area located to the west of San Marco Boulevard. The sign would expand an existing storm drain pipe and utility easement and would extend from the creek underground to the northeastern corner of the drainage basin.

The applicant had requested that the sign be placed on the southwestern corner on top of the easement since it would offer the greatest amount of visibility for the sign. Staff had also been informed that the sign had been designed to displace weight away from the pipe.

The design of the sign would be similar to the previously approved signage for the Serrano development, although larger in size. The color scheme would be similar with a stucco exterior and other similar materials. The sign would include a blue tile face and gold lettering, with mustard and rust colored accent tiles.

Construction had commenced on the sign without City approval, although the developer had commenced construction at his own risk in order to fall in line with the opening of the first phase of the model homes scheduled for the end of the month. The developer had expressed the intent to modify the sign, as necessary, based on any Commission recommendations that might be made at the current hearing.

Ms. Hoggatt reported that as a freestanding sign, the signage must comply with Title 19 of the Pittsburg Municipal Code, with Planning Commission approval of the design. The application included a request for a sign exception, where neighborhood identification signs could be no more than 5 feet tall, no more than 15 square feet in area and could not be externally illuminated. In this instance, a sign exception could be warranted based on the fact that the proposed sign was identification for the entire San Marco subdivision, to involve approximately 3,000 single and multi-family homes and a commercial element.

The proposed sign would be 80 square feet of sign face with a maximum height at the highest point at 12 feet, with external illumination. Staff did not anticipate that the proposed sign would have any visible impacts for traffic since it would be set back ten feet from the back of the sidewalk on West Leland Road and San Marco Boulevard. The intersection would also be signalized, which would assist in controlling traffic movements into and out of the subdivision.

The sign was considered an On-Site Accessory Structure and as such was exempt from the regulations of the California Environmental Quality Act (CEQA), per Class 11.
Ms. Hoggatt recommended that the Planning Commission adopt Resolution No. 9237, approving DR-01-19, with the conditions as shown.

PROPONENT:

ALBERT SEENO Jr., Seeno Construction Company, presented the Commission with copies of a color rendering of the signage and a colors and materials board. He advised that he had read the conditions of approval and was in agreement with those conditions. He acknowledged that the construction of the sign had already commenced in anticipation of a Grand Opening this weekend.

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9237, approving DR-01-19, Design Review approval and a Sign Exception for size, height and illumination for a freestanding neighborhood identification sign for the San Marco subdivision, subject to the conditions as shown. The motion was seconded by Commissioner Glynn and carried by the following vote:

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

Item 3: Metro PCS Avila Road. DR-01-25.

Application by Clarence Chavis, Metro PCS requesting design review approval of architectural plans for the installation of four wireless communication panel antennas and one GPS antenna below existing panels on an existing 45 foot tall monopole and the placement of accessory equipment cabinet on the ground below located at 101 Avila Road, OS-O (Open Space with a Limited Overlay); APN 097-130-008.

Planning Intern Christopher Barton presented the application from Metro PCS requesting design review approval of architectural plans for the installation of four wireless communication panel antennas and one GPS antenna below existing panels on an existing 45 foot tall monopole and the placement of an accessory equipment cabinet on the ground below located at 101 Avila Road. He stated that the Planning Commission had previously approved the site. The applicant proposed to add four wireless communication antennas to an existing wireless communication monopole.

The four proposed Metro PCS antennas would be attached to the monopole at a height of 34 feet from grade and would measure 51 inches tall and 5 inches in width. An accessory cabinet would be installed on a 9 x 13-foot concrete pad located at the foot of the monopole. One 12-inch GPS antenna would be mounted on the southeastern side of the equipment cabinet area. Access to the equipment cabinet would be obtained from Avila Road via an existing access road.

The land use designation for the site was Open Space with a Limited Overlay (OS-O). The proposed communication antennas were considered a Minor Utility. Pursuant to Section 18.52.010
of the Pittsburg Municipal Code, Minor Utility Facilities were permitted in a OS-O District.

The addition of the antennas would not create an increase in the existing height of the monopole.

Further, pursuant to Section 18.80.030A of the Pittsburg Municipal Code, Mr. Barton stated that Public Utilities may exceed the maximum height limitation of all zoning districts and were not required to obtain additional permits or variance approvals. The project was exempt from CEQA, per Existing Facilities, Class 1.

Mr. Barton recommended that the Planning Commission adopt Resolution No. 9236 approving DR-01-25, with the conditions as shown.

PROPOSENT:

CLARENCE CHAVIS, Metro PCS, 7950 Dublin Boulevard, Suite 106, Dublin, advised that the project would be as described by staff to attach four antennas to an existing monopole located at 101 Avila Road. The project was similar to another site proposed by Metro PCS, which had been considered by the Planning Commission on July 10. That project involved the co-location of antennas on an existing pole. He clarified that he had read the conditions of approval and was in agreement with those conditions.

MOTION:

Motion by Commissioner Harris to adopt Resolution No. 9236, approving DR-01-25, Design Review approval of architectural plans for wireless communications antennas on an existing monopole for Metro PCS, with the conditions as shown. The motion was seconded by Commissioner Garcia and carried by the following vote:

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

STAFF COMMUNICATIONS:

1. Council Approval of Commissioner Committee Appointment

Mr. Jerome reported that during the last City Council meeting, the Council had approved the Commission/Committee assignment list, with the exception of the appointment to the TRANSPLAN Committee. The majority of the City Council had reversed the Planning Commission's appointment of Committee representative from Commissioner Glynn to Commissioner Garcia, with Commissioner Glynn to serve as the Alternate. He noted that staff had received word that the Council had requested that appointment be reconsidered. Reconsideration of that action had been scheduled for the August 6 City Council meeting.
Mr. Jerome also reported that included in the Commission packets was correspondence that had been sent to Los Medanos Health Center regarding obsolete signage at the corner of Loveridge and Leland Roads, and correspondence to Frances Green regarding the Bethel Baptist Church project construction. Ms. Green had contacted staff and had expressed the willingness to attend the August 14 Planning Commission meeting to advise of the status of the project.

Mr. Jerome further commented that he had been advised that the attorney for St. Vincent de Paul would be contacting the Executive Director of St. Vincent de Paul. Staff anticipated to learn soon of their intentions as to whether or not they would also appear before the Commission to apprise of the plans for that property.

Referencing the concerns with the church project at the former Vogue Theater, Mr. Jerome advised that the Building Department had been in active communication with the contractor and developer of that site. Staff anticipated a separate report would be provided regarding the status of that project.

Mr. Jerome reported that also included in the Commission packets was the construction schedule for the Eighth Street Corridor Landscaping Project and the contract for the Loveridge Road/Ventura Drive traffic signal.

**GENERAL PLAN UPDATE REPORT:**

Mr. Jerome reported that the General Plan Map and the codified General Plan, including all of the changes that had been approved by the Planning Commission on June 26, 2001, should be completed in a couple of weeks. Once completed, copies would be provided to the Planning Commission as well as to the City Council for review prior to the public hearing with the City Council scheduled for September 4, 2001.

**ZONING ADMINISTRATOR REPORT:**

There was no Zoning Administrator Report.

**COMMITTEE REPORTS:**

There were no Committee reports.

**COMMENTS FROM COMMISSIONERS:**

Speaking to the Vogue Theater project, Commissioner Harris recognized that the Building Department had been involved with the project, although he requested that a representative from the church be invited to appear before the Commission to advise of the status of the project. He emphasized the need for the outside walls and windows to be completed as soon as possible since the site was an eyesore to the surrounding neighborhood.

Commissioner Harris suggested that if a representative from the church was unable to appear before
the Commission, the Building Inspector should advise the Commission of the status of the project.

Commissioner Harris otherwise reported that water valves along Garcia Avenue had sunk and as one drove west to east, vehicles dipped into them. He suggested that they be cut out in a larger square, covered with asphalt and leveled off. He also noted that an existing fence surrounding an empty lot at the corner of Freed Way and Garcia Avenue was illegal since it had been placed on top of a City easement. He expressed concern that the property was being used as a dump. He also expressed concern with tumbleweeds on other vacant land in the area. As a result, he requested that the Code Enforcement Division evaluate the entire area.

Mr. Jerome advised that Commander William Hendricks, the City's Code Enforcement Officer, had provided periodic reports to the Planning Commission. Another report was due for the first meeting in August. He expressed the willingness to contact Commander Hendricks to determine whether or not he was prepared to give a report during the first meeting in August.

Commissioner Leonard referenced the fencing and debris along the USS POSCO property along the Pittsburg/Antioch Highway. He inquired of the status of a recommendation that the City Council contact USS POSCO to determine whether or not the entrance to the facility could be better maintained.

Mr. Jerome advised that the City Council had been informed of the concerns with the USS POSCO entry feature along the Pittsburg/Antioch Highway.

Commissioner Glynn understood that the improvement to the fence line and material between the canal and the road had been part of the process of upgrading the Pittsburg/Antioch Highway and was scheduled to commence sometime in the fall. He otherwise reiterated his concerns with the poor condition of the area towards the new DEC plant and around the auto auction yard, also located along the Pittsburg/Antioch Highway.

Mr. Jerome suggested that the Community Development Director, who was currently on vacation, should be able to provide a status report on the Drainage Mitigation project at the next meeting. He commented that the City would be sending out a contract for improvements to the Pittsburg/Antioch Highway that should run from the new road all the way to the City limit line.

Commissioner Garcia referenced the area along Crestview Drive at the East Bay Municipal Utility District (EBMUD) trail where cut outs had been made for handicap access, although the ridge was too high for wheelchair access. He noted that he had a friend who lived in the area who was unable to access the trail at Railroad Avenue without assistance. He requested that the cut outs be reviewed by staff.

Commissioner Garcia also expressed concern with what appeared to be more than one family living in a home, particularly with respect to the area around El Dorado Avenue, where there were a number of vehicles that appeared to outnumber the number of people that could be residing in the residential units in the area. He stated that other City streets had similar problems.
Commissioner Harris referenced a property located at 134 Pueblo where there appeared to be more vehicles around the home than could possibly be utilized by the occupants of the residence.

Mr. Bekiaris explained that similar concerns had come up over the years. He advised that City code allowed for extended families to reside in a single-family residence. The City would have to enter a property and prove that persons residing in the home were not blood related, which was a difficult situation for the City to become involved. There were also constitutional rights involved with such instances. He commented that the City of Berkeley had attempted to enforce a code that limited residents in a home, but that attempt had ultimately been thrown out of the courts.

Commissioner Garcia suggested that the license plates of those vehicles in the area of concern be checked to determine where the owners of the vehicles were registered. If not registered in the immediate area, he suggested that those vehicles should not be allowed in the area. He expressed concern that the problem was creating a blight on El Dorado Avenue.

Mr. Jerome affirmed that the City had a code in the Zoning Ordinance that limited the number of people per household, although he had been informed that it was unconstitutional. As long as a property met housing code requirements, he stated that the number of occupants could not be limited. There was nothing the City could do to restrict the number of persons residing in a single-family unit as long as they were living as a household unit, as opposed to a boarding house situation.

Commissioner Harris requested a copy of the City code related to the discussion, to which Mr. Jerome advised that he could provide a copy of the code to the Commission.

Commissioner Garcia disagreed that nothing could be done. He reiterated his concerns with the condition of some of the City's neighborhoods as a result of the problems that had been expressed.

Commissioner Leonard recognized the concerns expressed. He commented that there were situations, particularly in the older neighborhoods of the City, where there had been problems with single family homes that had been illegally converted. He understood that there were grant monies that might be able to assist Code Enforcement, although he suggested that having a City Planner assist code enforcement staff would be helpful.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 8:30 P.M. to a Regular Meeting of the Planning Commission on August 14, 2001 at 7:30 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

RANDY JEROME, Secretary
Pittsburg Planning Commission

July 24, 2001