MINUTES

OF THE REGULAR MEETING
OF THE

PITTSBURG PLANNING COMMISSION

July 10, 2001

A regular meeting of the Pittsburg Planning Commission was called to order by Acting Chairperson Kelley at 7:37 P.M. on Tuesday, July 10, 2001, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

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

Absent: None

Staff: Community Development Director Nasser Shirazi; Planning Manager Randy Jerome; Associate Planner Chris Bekiaris; Assistant Planner Ken Strelo; Planning Technician Dana Hoggatt; Planning Intern Christopher Barton; Civil Engineer II Alfredo Hurtado; and Executive Assistant to the City Manager, Alice Evenson.

POSTING OF AGENDA:

Acting Chairperson Kelley advised that the agenda had been posted at City Hall on Friday, July 6, 2001.

PLEDGE OF ALLEGIANCE:

Commissioner Holmes led the Pledge of Allegiance.

REORGANIZATION:

1. Oath and Seating of Newly Appointed Commissioners

Executive Assistant to the City Manager Alive Evenson presented the Oath of Office to newly appointed Commissioners George Harris and Jack Garcia. Both were welcomed back as members of the Planning Commission.
2. **Election of Chair, Vice Chair, and Committee Assignments**

Commissioner Garcia nominated Thaddeus Holmes as the Chairperson of the Planning Commission. Commissioner Harris seconded the nomination. There were no other nominations. The nominations were closed. *Thaddeus Holmes* was elected as the Chairperson of the Planning Commission by the following vote:

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

Commissioner Harris nominated Allen Valentine as the Vice-Chairperson of the Planning Commission. Commissioner Glynn seconded the nomination. There were no other nominations. The nominations were closed. *Allen Valentine* was elected as the Vice-Chairperson of the Planning Commission by the following vote:

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

Chairperson Holmes advised of the following Committee Assignments:

- **Council/Commission Development Projects Subcommittee** *(formerly Chevron Annexation Ad Hoc Subcommittee)*:
  - George Harris, Allen Valentine
  - Alternate: Jack Garcia

- **TRANSPLAN Committee**:
  - Bill Glynn
  - Alternate: Jack Garcia

- **School District Liaison Committee**:
  - Doris Kelley, Allen Valentine
  - Alternate: Jack Garcia

- **Historical Resources Commission**:
  - Mark Leonard
  - Alternate: George Harris

- **Industrial Zone Advisory Committee**:
  - Bill Glynn
  - Alternate: Thaddeus Holmes

- **BART Pittsburg/Bay Point Specific Plan Policy Advisory Committee**:
  - Jack Garcia
  - Alternate: Allen Valentine

2 July 10, 2001
MINUTES:

MOTION: June 5, 2001 Special Meeting

Motion by Commissioner Kelley to approve the minutes of the June 5, 2001 special meeting, as submitted. The motion was seconded by Commissioner Glynn and carried by the following vote:

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

MOTION: June 26, 2001 Regular Meeting

Motion by Commissioner Glynn to approve the minutes of the June 26, 2001 regular meeting, as submitted. The motion was seconded by Commissioner Valentine and carried by the following vote:

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

DELETIONS/WITHDRAWALS:

There were no deletions or withdrawals.

COMMENTS FROM AUDIENCE:

FRANK QUESADA, Pittsburg, speaking as a long-time member of the TRANSPLAN Committee, requested that former and newly appointed Planning Commissioner Jack Garcia be re-appointed as the primary member to represent the Pittsburg Planning Commission on the TRANSPLAN Committee. He emphasized Commissioner Garcia's experience and background on the TRANSPLAN Committee from its inception and emphasized the importance of that experience, particularly with the soon to be redistributed supervisorial districts.

On the request, Commissioner Glynn commented that if it were the direction of the City Council that he relinquish his seat on the TRANSPLAN Committee in favor of Commissioner Garcia, he would willingly do so.

Commissioner Valentine supported new people and fresh opinions on committees and characterized
Commissioner Glynn's tenure as an excellent addition to the TRANSPLAN Committee. He supported the appointments to the committees, as presented.

On the discussion, Commissioner Leonard expressed the willingness to relinquish his appointment as the Alternate member to the TRANSPLAN Committee in favor of Commissioner Garcia.

Commissioner Garcia agreed with Commissioner Valentine's comments and expressed the willingness to serve as the Alternate to the TRANSPLAN Committee.

Chairperson Holmes recognized Commissioner Leonard's willingness to step down as the Alternate member on the TRANSPLAN Committee, and appointed Commissioner Garcia as the Alternate member.

PRESENTATIONS:

There were no presentations.

COMMISSION CONSIDERATION:

Item 1: Nextel Communications Tower at Ultramar Shamrock Site. DR-01-17.
Application by Kristin Hulsey of Nextel of California, Inc., requesting design review approval of architectural and site development plans to construct a wireless communication facility consisting of a 50 foot high monopole with three sectors of panel antennas (four antennas per sector) and a 12 foot by 20 foot equipment building located at 595 East Third Street, IG (General Industrial) zone; APN 073-010-012.

Assistant Planner Ken Strelo presented the request from Nextel of California, Inc., requesting design review approval of architectural and site development plans to construct a wireless communication facility consisting of a 50 foot high monopole with three sectors of panel antennas, along with a 12 foot by 20 foot equipment building at 595 East Third Street. Of the 12 antennas, 9 antennas would be 4 feet in height by 2 feet in width, and 8 inches deep. The remaining three antennas would be twice the height, but the same width and depth. The pole structure would be painted a neutral color to blend in with the surrounding structures. The equipment building would be used to store the equipment and would be 10 feet in height, with two GPS antennas. The GPS antennas would be located on the roof of the buildings.

Mr. Strelo advised that the applicant had provided photo simulations to depict before, after and existing photographs of the subject site, including photographs taken from the Bay Harbor Park subdivision and the eastern side of the Bay Harbor Park fence. The photographs had been taken to depict any visual impacts to those residents as a result of the facility. Any impacts would be minimal. In addition, trees depicted in the photographs had been planted last summer by the City of Pittsburg and the Lindsay Wildlife Museum and were expected to grow quickly.

The project was located in a General Industrial zoning district with a 50-foot maximum height.
allowed. The monopole would be 50 feet in height, although structures such as monopoles were allowed an additional 20 feet in height. The proposal would therefore fall well below the maximum height allowed for the subject structure.

Mr. Strelo reported that the project was exempt from the provisions of the California Environmental Quality Act (CEQA), per the requirements for New Construction or Conversion of Small Structures.

Mr. Strelo recommended that the Planning Commission adopt Resolution No. 9230, approving DR-01-17, with the conditions as shown.

PROPOSER:

KRISTIN HULSEY, Nextel of California Inc., 1255 Treat Boulevard, Suite 800, Walnut Creek, advised that the subject site had been historically used as a petroleum refinery and petroleum coke terminal. The proposal would be situated amongst other industrial type structures and uses. There were also multiple overlaid utility easements that paralleled East Third Street. The project would primarily consist of the equipment building, as earlier described, and the pole structure at 50 feet in height, with the antennas attached.

Ms. Hulsey stated that Nextel was in agreement to paint both the equipment building and the pole structure a color to match the existing structures on the site. In addition, Nextel was in agreement with the staff recommended conditions of approval.

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9230, approval DR-01-07 design review approval of architectural and site development plans for a telecommunications facility located at 595 East Third Street (Ultramar Shamrock), "Nextel Communications Tower at Ultramar Shamrock Site," with the conditions as shown. The motion was seconded by Commissioner Valentine and carried by the following vote:

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

Item 2: Fort Knox Sign Exception, DR-01-18
Application by Paul Dixon, Arrow Sign Company, for Fort Knox Storage, requesting design review approval of sign plans for a sign exception to install an approximately 155 square foot business identification wall sign for Fort Knox Storage located at 3865 Railroad Avenue, CO-O (Office Commercial with a Limited Overlay) zone; APN 088-072-065.

Associate Planner Chris Bekiaris presented the request from Arrow Sign Company for a sign exception to install an approximately 155 square foot business identification wall sign for Fort Knox Storage at 3865 Railroad Avenue. He explained that the Planning Commission in 1997 had
approved the Fort Knox Self-Storage facility. The first phase was nearly complete and the second phase was expected to commence soon. City code would allow a 100-foot sign, although the applicant had proposed a 155 square foot sign to be placed on the building facing the parking lot. The sign would consist of illuminated channel letters.

The sign copy reading *FORT KNOX* would be dark emerald green in color and would be two and one half feet in height. The copy reading *STORAGE* would be red and would measure four feet in height. The trim caps would be white with the overall length of the sign at 47 feet, 3 inches.

Mr. Bekiaris noted that the subject property was located well back from Railroad Avenue with a sight visibility problem. Staff was in agreement that a sign exception could be granted for more than 100 square feet, although staff recommended that the sign be reduced in size from 155 square feet, by one foot for each letter, for a total of 111 square feet. The applicant/property owner had expressed agreement with the staff recommendation.

Mr. Bekiaris advised that a temporary banner currently located on the site was the exact dimension of the proposed sign at 155 square feet. It was apparent if that signage was reduced in half, that the sign would remain visible from Railroad Avenue. He noted at the time that the project had been approved by both the Planning Commission and the City Council, staff had recommended the use of the property as a self-storage facility since it was a low intensive use, and since it would be located adjacent to residential uses to the side and rear. Staff did not support a traffic-intense use for the site, which was another reason why staff had not supported a sign 155 square feet in size.

Mr. Bekiaris further commented that staff had requested that the illumination of the sign be reduced. In speaking to the sign representative, the initial illumination would be reduced and energy saving measures would be considered.

Additionally, Mr. Bekiaris acknowledged that the applicant/property owner had installed a portable A-frame sign and had painted a sign on the mansard roof of the office. Although staff had requested that both signs be removed, to date they had not been removed from the property. A temporary banner sign would have been allowed with the approval of a Temporary Sign Permit, although the temporary banner had been installed without the proper permits.

Mr. Bekiaris stated that if the code violations were removed, which removal would be a condition of approval for the sign exception, the sign permits could be issued based on a 111 square foot sign. He also noted that it was possible in the future that the applicant/property owner might request an off-site freestanding sign. If so, such signage would require Planning Commission approval.

Mr. Bekiaris identified the staff recommended conditions of approval, which would address the size of the sign, the energy efficient measures and the requirement for all unapproved and prohibited signage to be removed prior to the issuance of sign permits from the Building Division. Mr. Bekiaris recommended that the Planning Commission adopt Resolution No. 9226, approving DR-01-18, with the conditions as shown.
Commissioner Valentine requested that Condition No. 6 be amended as follows:

6. Building permits will not be issued until all prohibited or non-approved signs have been removed or proper application is made for legally permitted signs.

Mr. Bekiaris suggested that Condition No. 6 remain as reflected in the resolution with the word "shall" since that term would offer stronger legal enforcement language.

PROPONENT:

DAN SCHOENFELD, Applicant/Property Owner, Fort Bragg, advised that they were in compliance with everything and were in agreement with all of the conditions of approval as requested by staff. He apologized that some of the issues had yet to be addressed on the site and he assured the Commission that he would ensure the correction of the code violations on the site.

Commissioner Valentine stated that he would be willing to support the sign with the sign copy reading FORT KNOX in red and the copy reading STORAGE in a green color. He stated that he would be inclined to support the sign exception request if the colors were changed, as being more appropriate along a main street.

Mr. Schoenfeld expressed the willingness to revise the colors of the sign if so directed.

Commissioner Harris disagreed with a modification to the colors of the sign. He suggested that the signage, as proposed, was acceptable in that the red color would grab the attention of the customers the business was trying to reach. He preferred that the sign colors remain as proposed.

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9226, approving DR-01-18, a sign exception for a wall sign for Fort Knox Storage, with the conditions as shown. The motion was seconded by Commissioner Harris and carried by the following vote:

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

Commissioner Harris stepped down from the dais due to a potential conflict of interest with respect to Item No. 3.

Item 3: Highlands Ranch Unit #3 Entry Sign Exception, DR-01-19.
Application by Richard Sestero of SEECON 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 southeast corner of Buchanan Road and Meadows Avenue, RS (Single-Family Residential) zone; APN 089-050-064.

Planning Intern Dana Hoggatt presented the request for design review approval and a sign exception for size, height and external illumination for a freestanding neighborhood identification sign to be located at the southeast corner of Buchanan Road and Meadows Avenue. The sign was proposed to identify Unit #3 of the Highlands Ranch subdivision, and would be located south of the intersection of Buchanan Road and Meadows Avenue. The sign would be part of the landscaped City right-of-way at the intersection and would be similar to the entry feature already constructed at the intersection of Buchanan Road and Ventura Drive.

The sign would be larger than the entry feature sign at Ventura Drive and would feature black tile with bronze lettering identifying the name of the subdivision. The letters would be 10 inches in height and 26 feet in length. The sign structure would consist of a concrete wall seven feet in height, with a gray flagstone veneer and a brown brick cap to be externally illuminated by angled lighting installed at the base of the structure.

Pursuant to the City's Municipal Code, Ms. Hoggatt stated that a freestanding sign required approval of the Planning Commission. Although the Municipal Code prohibited neighborhood signage that was illuminated, greater than 15 square feet in area and taller than five feet in height, it was staff's opinion that the proposed externally illuminated sign face at 39 square feet and a sign structure over seven feet in height would be acceptable given the size of the subdivision and the age of the City's current sign standards. Additionally, the sign as proposed would not impede traffic visibility or negatively impact vehicle access into and out of the subdivision since the sign structure would be set back over 30 feet from the sidewalk adjacent to Buchanan Road.

Ms. Hoggatt added that the project was exempt from CEQA, per Class 11, Accessory Structures. She recommended that the Planning Commission adopt Resolution No. 9231, approving DR-01-19, with the conditions as shown.

PROPONENT:

RICHARD SESTERO, West Coast Home Builders, 4021 Port Chicago Highway, Concord, advised that the applicant was West Coast Home Builders and not Seecon Financial and Construction Company (SEECON), as shown on the meeting agenda.

Mr. Sestero described the proposed materials and colors of the sign, as proposed, and noted that the sign would consist of high quality construction, which should require little maintenance. A colored rendering of the sign was displayed to the Commission for review. He otherwise advised that he was in agreement with the staff recommended conditions of approval.

MOTION:

Motion by Commissioner Valentine to adopt Resolution No. 9231, approving DR-01-19, design
review approval and a sign exception for size, height, and illumination for a freestanding neighborhood identification sign for the third unit of the Highlands Ranch Residential Subdivision, with the conditions as shown. The motion was seconded by Commissioner Kelley and carried by the following vote:

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

Commissioner Harris returned to the dais at this time.

**Item 4: Church of Latter Day Saints Building Addition, DR-01-21.**

Application by Maury Maher of Nichols Melburg & Rosetto Architects requesting design review approval of architectural plans to construct an 840 square foot building addition at the Church of Latter Day Saints located at 2201 Golf Club Road, RM (Medium-Density Residential) zone; APN 095-150-025.

Planning Technician Hoggatt presented the request from Nichols Melburg & Rosetto Architects for design review approval of architectural plans to construct an 840 square foot building addition at the Church of Latter Day Saints located at 2201 Golf Club Road. The project would add two 16 x 25 foot additions to the church to extend two existing classrooms within the church building and would add a total of 840 square feet of building area to the site. The proposed use would be consistent with the zoning and the church's current use permit, U-82-64. As such, the church would be allowed to expand to accommodate the additional classroom space.

Since the site was located in a Medium Density Residential zoning district as opposed to a Single Family Residential zoning district, the applicant was required to obtain Planning Commission approval for any construction plans.

The expansion would not encroach into any setbacks nor cause the maximum 50 percent lot coverage to be exceeded. It would also not take away from any of the existing parking on site and would be located in an existing landscaped area. Any trees or landscaping lost would be replaced elsewhere on the site. The colors and materials for the addition, including roof materials and exterior veneers and paint, would be the same as the existing building. The proposed expansion would be less than 2,500 square feet and would therefore be exempt from the provisions of CEQA.

Ms. Hoggatt recommended that the Planning Commission adopt Resolution No. 9227, approving DR-01-21, with the conditions as shown.

**PROPOSENT:**

BRIAN EVERETT, Nichols, Melburg & Rosetto Architects, 5330 Primrose Drive, Suite 248, Fair Oaks, advised that the church was in agreement with the staff report and with the staff recommended
conditions of approval.

MOTION:

Motion by Commissioner Glynn to adopt Resolution No. 9227, approving DR-01-21, design review approval of architectural plans for construction of an addition to an existing church, "Church of Latter Day Saints," with the conditions as shown. The motion was seconded by Commissioner Valentine and carried by the following vote:

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

Item 5: Metro PCS Communications Antennas at Century Boulevard. DR-01-22.
Application by Clarence Chavis of Metro PCS requesting design review approval of architectural plans for the installation of six wireless communication antenna panels on the top of an existing PG&E transmission tower and the placement of five related equipment cabinets on the ground below at a site located west of Century Boulevard and north of State Route 4, IP (Industrial Park) zone; APN 074-090-004.
Planning Technician Hoggatt presented the request for design review approval of architectural plans for the installation of six wireless communication antenna panels on the top of an existing PG&E transmission tower and the placement of five related equipment cabinets on the ground below at a site located west of Century Boulevard and north of State Route 4.

Ms. Hoggatt recommended that the Planning Commission adopt Resolution No. 9232, approving DR-01-22, with the conditions as shown.

In response to Commissioner Garcia, Ms. Hoggatt commented on her understanding that the existing PG&E transmission tower would not be relocated since it would be situated outside of the proposed expansion to State Route 4.

PROPONENT:

CLARENCE CHAVIS, Metro PCS, 7950 Dublin Boulevard, Suite 106, Dublin, advised that Metro PCS was a new telecommunication firm in the Bay Area desirous to work and build in the local area from the City of Vallejo as far south as Monterey, and to the east as far as Pittsburg and Antioch. The goal was to provide local and affordable service through the co-location of facilities with PG&E towers or with existing telecommunication sites.
Mr. Chavis noted that he had read the staff report and was in agreement with the staff recommended conditions of approval, with the exception of Condition No. 10. He advised that PG&E had indicated that the requirement for a chain link fence around the equipment pad within the footprint of the PG&E tower would not be desirous since it could pose a safety hazard. As an alternative, PG&E had recommended the installation of a redwood fence.
Mr. Chavis presented a photograph of an existing facility located within a half mile of the existing site where a wood fence had been installed around a configuration similar to what had been proposed.

Commissioner Garcia stated that he had seen redwood fences around the power poles and PG&E towers that were aesthetically pleasing. If staff was in agreement, he could agree with the installation of a redwood fence as opposed to a chain link fence.

In response to staff, Mr. Chavis clarified that according to PG&E, a chain link fence would not be grounded where the telecommunication equipment would be grounded and where the chain link fence could create a potential safety hazard, which was why PG&E had recommended the installation of a wood fence.

Commissioner Valentine requested clarification as to whether or not Metro PCS was connected to Verizon Wireless, to which Mr. Chavis clarified that Metro PCS was not connected to Verizon Wireless, although they often had agreements with different carriers to co-locate on existing sites. As to potential future sites in the City, he acknowledged that Metro PCS would be making a request for the approval of equipment to be placed on a site located on Avila Road, which he understood would be considered during the Planning Commission meeting scheduled for July 24.

MOTION:

Motion by Commissioner Kelley to adopt Resolution No. 9232, approving DR-01-22, design review approval of architectural plans for wireless communications antenna panels on an existing utility structure for Metro PCS, with the conditions as shown and with a modification to Condition No. 10, as follows:

10. *The Applicant shall screen the accessory equipment cabinets by constructing a six-foot tall redwood fence around the equipment pad within the footprint of the PG&E tower.*

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

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

**Item 6: Metro PCS Communications Antennas at American Auto Body. DR-01-23.**

Application by Clarence Chavis of Metro PCS requesting design review approval of architectural plans for the installation of six wireless communication antenna panels on an existing 79 foot tall monopole and for the placement of five related equipment cabinets on the ground at 105 Bliss
Planning Technician Hoggatt presented the request for design review approval of architectural plans for the installation of six wireless communication antenna panels on an existing 79 foot tall monopole and for the placement of five related equipment cabinets on the ground at 105 Bliss Avenue. The six panel antennas, each approximately six feet in height, would be located on an existing monopole. The antenna panels would not extend beyond the height of the pole since the antennas would be placed approximately 15 feet below the existing panel antennas.

Ms. Hoggatt reported that the project was exempt from CEQA, per Class 1, Existing Facilities. She recommended that the Planning Commission adopt Resolution No. 9233, approving DR-01-23, with the conditions as shown.

Commissioner Leonard commented that the entire area would be affected by the future widening of State Route 4. He inquired whether or not the applicant was aware that the facility could be impacted and be forced to relocate at that time.

PROONENT:

CLARENCE CHAVIS, Metro PCS, 7950 Dublin Boulevard, Suite 106, Dublin, affirmed that Metro PCS was aware of the plans and possible consequences of the future widening of State Route 4. At this time, he stated that Metro PCS was willing to proceed in order to build out their network within the next year.

Mr. Jerome commented that it might be a few years before the widening of the freeway impacted the subject area.

MOTION:

Motion by Commissioner Leonard to adopt Resolution No. 9233, approving DR-01-23, design review approval of architectural plans for wireless communications antenna panels on an existing monopole for Metro PCS, with the conditions as shown. The motion was seconded by Commissioner Glynn and carried by the following vote:

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

PUBLIC HEARING:

Item 7: Del Taco Drive-Through Restaurant, UP-01-13 and DR-01-24.
Application by Christian Knox of Del Taco, LLC requesting a use permit to operate a fast food restaurant with a drive-through window and design review approval of architectural and site development plans for the construction of a 2,798 square foot restaurant located near the northwest
corner of State Route 4 and Somersville Road (Century Plaza II), CC (Community Commercial) zone; APN 074-460-017.
Mr. Jerome explained that a public hearing was required for a drive through fast-food restaurant that also required a use permit and design review related to the improvements proposed for the property. He advised that this was the second application the Commission had considered for Century Plaza II, the commercial subdivision along Somersville Road between State Route 4 and Century Boulevard south of the existing plaza shopping center. He noted that the Commission would see more applications in the future for other proposals in the Century Plaza II subdivision.

Assistant Planner Strelo presented the request from Del Taco, LLC requesting a use permit to operate a fast food restaurant with a drive-through window and design review approval of architectural and site development plans for the construction of a 2,798 square foot restaurant located near the northwest corner of State Route 4 and Somersville Road. The proposed Mexican style fast food restaurant would serve customers by walk-in, sit down, take home and drive through services.

One freestanding sign would also be proposed as part of the project, although it was not part of the subject application before the Commission at this time. The applicant was aware when the freestanding sign was proposed that it would require Planning Commission review and approval. Building and wall signs would be approved administratively. Menu signs and directional signs on-site were exempt from the City's sign code.

Mr. Strelo advised that the restaurant would create approximately 20 employment opportunities, with the hours of operation to fall between 6:00 A.M. to 1:00 A.M., seven days a week. Since the property was located in a Community Commercial zoning district, a use permit was required. The project was classified as a Self-Service Restaurant with drive through service. The project would be a combination of a self-service restaurant with drive through service, both of which would fall under the category of eating and drinking establishments, both of which would require a use permit.

In terms of the traffic circulation, traffic studies had been prepared at the time of the Century Plaza II subdivision project, which had analyzed the subdivision from a state of buildout. The project would not create a more significant level of traffic as analyzed in the prior approved study. The project would also meet the City's parking requirements set forth in the City code for related types of uses.

Mr. Strelo reported that the project was exempt from CEQA, as an Infill Development project.

The public hearing had been published in the newspaper on June 29, 2001, and notices had been mailed to adjacent property owners.

Mr. Strelo recommended that the Planning Commission adopt Resolution No. 9228 approving UP-01-13 and Resolution No. 9229 approving DR-01-24, with the conditions as shown.

Commissioner Garcia requested that the exact locations of subsequent applications be identified on the subdivision map to provide the Commission a better idea of approximate locations.
Mr. Strelo clarified that the project would be located on the second parcel located on the southeast corner of the Century Plaza II subdivision.

PUBLIC HEARING OPENED

PROPONENT:

DAVE KNOX, Del Taco, LLC, 633 E. Victor Road, Lodi, stated that Del Taco was excited to locate in the City. He advised that he had read the staff report and had no issues with the staff recommendations and conditions.

Commissioner Kelley requested clarification from staff as to the intent of Condition No. 14, to which Mr. Strelo explained that would address a potential spill, whether indoors or outdoors, requiring clean up through the use of a dry cleanup method.

Mr. Knox explained that in the event of a spill, they normally used a liquid cleanup method and possibly the use of a degreaser, dependent upon the type of spill.

Mr. Strelo clarified that if there were any spills on the site that would require cleanup, that would have to be done through a dry cleanup method in accordance with best management practices where the spill would not be allowed to be hosed off into the City's storm drain system.

Commissioner Valentine commented that through his experience in the restaurant business, in the event of a spill employees dumped the bucket with the spill out onto the sidewalk where it would go into the sewer system. He noted that there was nothing in the resolution that would prohibit employees from releasing such spills into the City's storm drain system. He questioned how the applicant could control that regulation.

Mr. Knox advised that the City's regulation could be included in their employee handbook and be stressed to the restaurant manager.

Commissioner Valentine was inclined to eliminate Condition No. 14 since the spill might have to be cleaned up with a degreaser. He suggested that a new condition be imposed on any cleanup method involving a liquid cleaner, to be disposed of inside the kitchen drains. He further suggested that a dry cleanup method would be virtually impossible inside a restaurant operation.

Mr. Strelo commented that Condition No. 15 would address those concerns.

Commissioner Garcia pointed out that there were many dry cleanup products that could be used to absorb the moisture of a spill that could thereafter be swept up and disposed in a trash container. He supported the retention of Condition No. 14.

In response to Commissioner Harris, Mr. Strelo explained that through the City's National Pollutants Discharge Elimination System (NPDES) Municipal Permit, the City would be required...
to inspect such facilities once a year. The City also spent quite a bit of monies on brochures, handouts and educational materials to better inform the public of NPDES requirements. Additionally, the Delta Diablo Sanitation District also conducted inspection of such facilities and used educational tools as well.

In order to address the concerns expressed, Mr. Strelo suggested that Condition Nos. 14 and 15 could be amended as follows:

14. The Applicant shall ensure the employees use dry cleanup methods when applicable.

15. The Applicant shall ensure that employees clean equipment, collect water, and dispose of water to the sanitary sewer and not into the storm drain inlets.

Commissioner Valentine noted that the dry storage method would not release the restaurant from legal liability if the dry cleanup method caused a safety hazard. If the spill was mopped up and cleaned up with a sign identifying a wet floor, liability would be released. He emphasized that through his restaurant experience, dry cleanup methods in restaurants did not work.

Mr. Strelo suggested that Condition No. 14 could be further modified as follows:

14. The Applicant shall ensure the employees do not hose spills or dump water into the storm drain system and shall ensure the employees use dry cleanup methods when applicable.

Commissioner Valentine requested consideration of a condition that would ensure that any spill was not dumped into the storm drain system but dumped into the interior kitchen through the use of wet cleanup methods, when possible. He requested a condition that would ensure that any cleaning with liquids be disposed of inside the restaurant's drainage system.

Mr. Strelo suggested an additional condition identified as Condition No. 19, as follows:

19. The Applicant shall ensure all liquid waste be disposed of within the interior sanitary sewer system or inside of the building.

Commissioner Garcia disagreed that another condition was necessary in that Condition No. 15 would address the concerns. It was recommended that Condition No. 15 be further modified, as follows:

15. The Applicant shall ensure that employees clean equipment, collect water, cleaning liquids and dispose of water to the sanitary sewer in the building and not into the storm drain inlets.

Mr. Strelo read into the record Condition Nos. 14 and 15, as further amended, as follows:
14. The Applicant shall ensure the employees use dry cleanup methods where applicable.

15. The Applicant shall ensure that employees clean equipment, collect water, and cleaning liquids and dispose of water and cleaning liquids to the sanitary sewer in the building and not into the storm drain inlets.

TOM OWENS, Civil Engineer, Modesto, identified colored renderings on display for the Commission. He advised that the applicant had pride of ownership and cared for his properties.

In response to Commissioner Glynn, Mr. Owens clarified that the architectural features on the building were corporate design elements. He affirmed that the building would have a room for cleaning materials, which room would also contain a mop sink located at the back door that would also run through a grease interceptor. The building would include a locked cleaning cabinet where all detergents and the like would be locked in the evening. He also affirmed, when asked, that employees would be properly instructed on how to dispose of all cleaning materials.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: UP-01-13

Motion by Commissioner Harris to adopt Resolution No. 9228, approving UP-01-13, a use permit for a self service restaurant with drive-through service located in the Century Plaza II subdivision south of Century Boulevard, for Del Taco, with the conditions as shown and with the amendments to Condition Nos. 14 and 15, as identified by staff. The motion was seconded by Commissioner Valentine and carried by the following vote:

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

MOTION: DR-01-24

Motion by Commissioner Harris to adopt Resolution No. 9229, approving DR-01-24, design review approval of architectural and site development plans to construct a 2,798 square foot restaurant located in the Century Plaza II subdivision south of Century Boulevard, for Del Taco, with the conditions as shown. The motion was seconded by Commissioner Leonard and carried by the following vote:

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

Mr. Jerome welcomed back Commissioners Jack Garcia and George Harris. He also congratulated Thaddeus Holmes and Allen Valentine on their selection as Chair and Vice Chair of the Commission.

GENERAL PLAN UPDATE REPORT:

Mr. Jerome reported that the General Plan consultant was in the process of preparing the codified version of the General Plan recommended for approval to the City Council by the Planning Commission. The General Plan would be forwarded to the City Council with the changes agreed upon by the Planning Commission. A public hearing had been scheduled for consideration of the General Plan by the City Council on September 4, 2001.

ZONING ADMINISTRATOR REPORT:

There was no Zoning Administrator Report.

COMMITTEE REPORTS:

There were no Committee reports.

COMMENTS FROM COMMISSIONERS:

Commissioner Leonard inquired of the status of the linear park along Eighth Street, to which Mr. Jerome advised that the landscape plans had been submitted and revised. Staff had approved those plans and the project should soon be moving forward.

Community Development Director Nasser Shirazi advised that he had a schedule for the linear park improvements that could be provided to the Commission.

Commissioner Harris referenced the church on Central Avenue operated by Frances Green. He requested that Ms. Green be invited to appear before the Planning Commission to provide a status report on the church improvements, particularly since it appeared to be taking a great deal of time to complete the project. He also referenced the former Vogue Theater and the St. Vincent de Paul site, and requested that representatives from those organizations be invited to appear before the Commission to also advise of the status of plans for those properties. He otherwise complimented the landscaping for the Calpine project along the public right-of-way, although he expressed concern with the poor condition of the USS POSCO entrance.
With the agreement of the Commission, Commissioner Harris recommended that correspondence be submitted to the City Council requesting a meeting with USS POSCO to determine whether or not the entrance to that facility could be beautified in conformance with a number of the improvements that had occurred in the immediate area.

Mr. Shirazi expressed the willingness to forward such correspondence to the City Council.

Commissioner Glynn welcomed Commissioners Garcia and Harris to the Planning Commission and stated that he looked forward to working with them.

Commissioner Garcia commented that he had recently visited the San Marco project where he understood that a traffic signal had been scheduled along San Marco Boulevard off of the freeway. He noted that traffic was beginning to accumulate in that area and he questioned when a traffic signal would be installed.

Civil Engineer II Alfredo Hurtado reported that the traffic signal design had been delayed. A temporary three way stop sign would be installed at the intersection in cooperation with the SEECON Company.

Commissioner Garcia also commented that it appeared as if the Loew's project would be commencing in the City of Antioch. He suggested that the traffic report that had been prepared for that project was inadequate since the project would generate a significant number of trips per day, with a recommendation to restrripe Mahogany Way. He requested that City staff be attentive to that project since he understood that an in/out entrance would be placed on Somersville Road north, without additional lanes. Further, he suggested that an existing bus stop could be impacted with a lane lost on Somersville Road at a time when the City of Pittsburg would be adding lanes. He suggested that if City staff determined that there were problems with the Loew's project, the City should object to that project.

Commissioner Garcia also commented that Los Medanos Clinic was now open with temporary signage on the corner of Loveridge and Leland Roads. Said signage was located off-site, was illegal and should be removed. Additionally, the Planning Commission had changed signage at all of the entrances to the site with no review or consideration.

Commissioner Garcia further advised that he had attended a recent City Council meeting when the Council had heard an appeal of the Pittsburg Family Apartments project on the St. Vincent de Paul property. He expressed concern that a few Planning Commissioners had attended that meeting, had identified themselves as Planning Commissioners, and although some of the Commissioners had also identified themselves as private citizens, he suggested they were almost advocates for the project. He recommended that such occurrences not be allowed to occur in the future. If a Planning Commissioner desired to address the Council as a private citizen, he suggested that person should identify himself/herself as a private citizen. He commented that the former Chair of the Planning Commission had identified himself as the Chair and an advocate of the project during the Council
public hearing, which he suggested, should not have occurred.

Commissioner Garcia also suggested that if the majority of the Planning Commission was of the opinion that something needed to be done, a letter should be submitted to the City Council. Conversely, the minority should be allowed to write a letter as well. He suggested that Commissioners should not be advocates on an appeal to the City Council.

Commissioner Kelley clarified that it was the consensus of the Planning Commission at the time of the Pittsburg Family Apartments appeal, that the Chair of the Planning Commission appear before the City Council to represent the action taken by the Planning Commission.

Commissioner Garcia noted that Planning Commissioners were not supposed to advocate for developers. Opinions could be expressed during the initial discussion of projects, which were reflected in meeting minutes that would be forwarded to the City Council along with any staff reports. He reiterated his concern with what had occurred during the City Council public hearing during the appeal of the Pittsburg Family Apartments project.

Commissioner Leonard acknowledged the concerns with the deteriorated condition of the entrance to USS POSCO and agreed with the need for beautification at so prominent an entrance into the City.

Commissioner Valentine requested clarification as to whether or not a cinder block building that was being built on the hillside along Bailey Road on Warren Smith's property had been permitted or was located within the City limits, to which Mr. Strelo explained that the cinder block building was part of an approved Sprint antenna facility.

Commissioner Valentine expressed his strong objections to the inappropriate and negative comments directed to Planning Commissioners at the time of the Pittsburg Family Apartments appeal before the City Council. He clarified that he had attended the City Council meeting at that time and had spoken as a private citizen, which was his right to do. He objected to a lack of professionalism and suggested that a Commission meeting was an inappropriate venue for such a discussion.

Commissioner Garcia reiterated his concerns with the discussions that had occurred during the Council meeting.
Commissioner Kelley took the opportunity to congratulate the appointments of the Chair and Vice-Chair, to welcome back Commissioners Garcia and Harris, and to express her hope for a unified Commission.

Commissioner Valentine stepped down from the dais to speak as a private citizen.

ALLEN VALENTINE, Pittsburg, clarified that he was speaking as a private citizen. As a private citizen, he expressed concern with the moral integrity of some members of the City Council and the Planning Commission and urged the pursuit of professional conduct on the Commission.
Mr. Valentine returned to the dais at this time.

Chairperson Holmes expressed his appreciation to the Commission for his appointment as Chair of the Planning Commission. He looked forward to a year of harmony on the Commission, for respect for one another as Commissioners, and suggested that once the Commission had voted, there was no need to continue to discuss items that had been voted on days and weeks past.

Chairperson Holmes suggested that the City had the best system he had seen anywhere, which system would also allow for an appeal of any Planning Commission decision to the City Council. He also expressed his appreciation to the Planning Secretary and staff for being there for the Commission throughout the years and for keeping the Commission on the right path. He looked forward to their input throughout the year.

Chairperson Holmes requested that the minutes reflect the many meetings and long hours spent by the past Commission on the Draft Environmental Impact Report (EIR) and General Plan Update, and the City's and Commission's sincere appreciation to those Commissioners, particularly former Chair Michael Kee and Vice-Chair Rosemary Tumbaga, who were no longer members of the Commission.

Commissioner Kelley inquired whether or not outgoing Chair Kee or Vice-Chair Tumbaga had received a plaque in recognition of their tenure on the Planning Commission, to which Mr. Jerome advised that staff was working on a plaque in recognition of their efforts.

Commissioner Harris suggested that a dinner also be considered for the outgoing Commissioners.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 9:35 P.M. to a Regular Meeting of the Planning Commission on July 24, 2001 at 7:30 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

RANDY JEROME, Secretary
Pittsburg Planning Commission