A regular meeting of the Pittsburg Planning Commission was called to order by Chairman Kee at 7:33 P.M. on Tuesday, February 27, 2001, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

**ROLL CALL:**

Present: Commissioners Glynn, Holmes, Kelley, Tumbaga, Chairman Kee

Absent: Commissioners Leonard, Valentine

Staff: Community Development Director Nasser Shirazi; Associate Planner Chris Bekiaris; Assistant Planner Ken Strelo; Planning Technician Dana Hoggatt; Civil Engineer II Alfredo Hurtado

**POSTING OF AGENDA:**

Chairman Kee advised that the agenda had been posted at City Hall on Friday, February 23, 2001.

**PLEDGE OF ALLEGIANCE:**

Commissioner Kelley led the Pledge of Allegiance.

**MINUTES:** February 13, 2001

MOTION:

Motion by Commissioner Kelley to approve the minutes of the February 13, 2001 meeting as submitted. The motion was seconded by Commissioner Tumbaga and carried by the following vote:

Ayes: Commissioners Glynn, Holmes, Kelley, Tumbaga, Kee

Noes: None

Abstain: None

Absent: Commissioners Leonard, Valentine

February 27, 2001
DELETIONS/WITHDRAWALS:

There were no deletions or withdrawals.

COMMENTS FROM AUDIENCE:

There were no comments from the audience.

PRESENTATIONS:

There were no presentations.

COMMISSION CONSIDERATION:

ITEM 1: Sprint PCS Cellular Antennas at Bailey Road, DR-01-03.
Application by Dan Burke of Sprint PCS requesting design review approval of architectural plans and elevations for the construction of a wireless communications facility including two antennas on a 40 foot pole and a 312 square foot utility cabinet area at 1100 Bailey Road, OS (Open Space).

Assistant Planner Ken Strelo presented the request for design review approval of architectural plans and elevations for the construction of a wireless communications facility, including two antennas on a 40-foot pole and a 312 square foot utility cabinet area at 1100 Bailey Road. He advised that the equipment cabinet would be roofless with masonry walls enclosing utilities needed for the antennas. The cabinet and 40-foot wooden pole would be located west of Bailey Road. Two sectors of antennas each housing up to four antennas would be utilized, although at present two antennas would be located on each sector. In the future, the applicant intended to install two additional antennas on each sector resulting in the maximum number allowed for the pole.

The utility cabinet area would be located 100 feet east of the wooden pole. The 312 square foot concrete pad area would house seven radio equipment battery and utility interconnect cabinets with a 10-foot tall concrete block masonry wall on the east elevation, partially submerged underground from the west, north and south elevations. The wall would screen the equipment from public view and would be painted light brown to further obscure its visibility.

Mr. Strelo described two possibilities for access at the time the staff report had been prepared.

Mr. Strelo otherwise commented that the site was located in an Open Space zoning district where a Minor Utility use would be permitted without a conditional use permit. He reiterated that the visual impacts created by the facility would be minor due to the lack of visibility of the project from any developed areas of the City, with the exception of Bailey Road, south of existing residential and commercial areas. The project was also exempt from environmental review under the California Environmental Quality Act (CEQA) Class 3, New Construction and Conversion of Small Structures. Mr. Strelo recommended the adoption of Resolution No. 9189, approving DR-01-03, with the conditions as shown.
Commissioner Tumbaga requested a clarification of the number of antennas proposed for the facility.

Mr. Strelo understood that the applicant had requested approval for a maximum of four antennas. He reiterated that the aesthetic impacts would be minimal. The antennas would be approximately five feet in height. If the applicant desired additional antennas beyond the maximum number allowed, the applicant would have to return to the Commission for design review approval. The applicant had indicated to staff that four antennas would be the maximum number on the pole and there was no intention to request additional antennas beyond the maximum allowed.

PROPOSER:

DAN BURKE, Sprint PCS, 929 Spring Water Street, Danville, advised that he had read the staff report and was in agreement with the recommended conditions of approval. He clarified with respect to the access to the facility that Option One had been selected, although it was a longer route along the property line. Sprint PCS had been unable to secure a shorter route from an adjacent property owner. The route chosen would show access off of Bailey Road and an access road along the property line to the facility.

As to the number of antennas, Mr. Burke identified the current need for one antenna per sector, facing each direction on Bailey Road. If the traffic volume were significant enough to require another sector, it would be installed at that time. He added that the chances were minimal that would be required in the near future.

MOTION:

Motion by Commissioner Glynn to adopt Resolution No. 9189, approving DR-01-03, Design Review approval of architectural plans for a wireless communications antenna site located at 1100 Bailey Road for Sprint PCS, with the conditions as shown. The motion was seconded by Commissioner Holmes and carried by the following vote:

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

ITEM 2: Pittsburg Pre-School & Community Council Modular Classroom, DR-01-05.

Application by Frances Greene of the Pittsburg Pre-School & Community Council for design review approval of architectural drawings to install a 960 square foot modular classroom at 1760 Chester Drive, PD (Planned Development) zone; APN 073-140-018. CEQA Status: Exempt

Planning Technician Dana Hoggatt presented the request for design review approval of architectural drawings to install a 960 square foot modular classroom at 1760 Chester Drive, to be used as a
combination classroom/kitchen and office space. The structure would be 40 feet in length, 24 feet in width and 12 feet in height from grade. The structure would be painted a color similar to the Columbia Park Manor Apartments located directly to the west of the property. The structure would be located in the northeast corner of the pre-school campus. An existing play structure in that area would be moved farther to the south on the property.

Ms. Hoggatt stated that the pre-school use was consistent with the General Plan and the Zoning District. In 1995, the property had been rezoned to Planned Development, which allowed for the construction of the apartment complex, the senior apartment complex and the pre-school as a permitted use. As a permitted use, the pre-school was allowed to expand to accommodate the extra classroom space.

The structure would not encroach into any setbacks and met the height maximum allowed in the Planned Development zoning district. The structure would also be placed near a corner of the lot so that it would be relatively visible from Chester Drive. The structure would also be visible from El Pueblo Drive, although the color of the structure would be such that it would match the surrounding buildings and the primary pre-school structure on the site. Staff did not anticipate any substantial visual impacts.

The project was also exempt from CEQA, Per Class 3, Conversion and Construction of Small Structures for a facility that was less than 2,500 square feet in size located on a site of a permitted use.

Ms. Hoggatt recommended the adoption of Resolution No. 9188, approving DR-01-05, with the conditions as shown.

Commissioner Glynn pointed out that there was only one entrance/exit into the facility. Since the structure would be used as a classroom, he understood there should be two entrances/exits. He also noted that the plans indicated that the specific classroom area would be about 415 square feet in size, although the standard allocation for children in grades K through 8 was typically 32 square feet per student, which allowed for a capacity of 13 students. Since the plans had indicated that 20 to 25 students would be involved with the classroom, he requested a clarification of that situation.

Commissioner Glynn also noted that the plans had not specified how and where the exterior lighting would be placed on the facility for purposes of security. Since he assumed that the lighting fixtures would be motion activated and therefore only operational when an individual entered the property, he suggested that light fixtures placed on poles could visually impact the surrounding neighbors.

Ms. Hoggatt explained that the site was pre-existing and that the access was already in place.

Commissioner Glynn recommended that staff check with the Fire Marshall to determine that the one entrance/exit was in compliance based on the number of students anticipated and the size of the modular classroom. He also understood that a handicap ramp had been identified on the plans which met Americans with Disabilities Act (ADA) standards.
Ms. Hoggatt explained that there was a condition included in the resolution with respect to the exterior lighting. The plans would also require plan check by the Building Department.

Commissioner Glynn suggested that activation by motion sensors would be appropriate for external security lighting.

Chairman Kee advised that State requirements for educational facilities required approximately 30 square feet per pupil, although private schools were not held to the same standard. In addition, that the entrance/exit would be mandated by the Building Code. He added that where a building was slightly over 1,000 square feet in size, a second exit would be required.

PROPOSENT:

FRANCES GREENE, Pittsburg Pre-School & Community Council, 1760 Chester Drive, Pittsburg, explained that the school expansion was part of a recent Welfare Award Program. The program was twofold, including computer program training for parents and job development placement for employment. Children of the parents were taken care of on site. Additionally, a Childcare Training Program for Welfare to Work clients who allow 17 units of Child Development to be earned.

Ms. Greene emphasized that she planned to abide by all regulations as set forth by the planning staff. She noted that the school was caring and concerned about the community they served, including the surrounding neighbors. She expressed the willingness to abide by whatever standards the Commission imposed with respect to the exterior lighting.

Commissioner Tumbaga requested clarification as to the purpose of the kitchen in the modular unit and to what extent it would be used.

Ms. Greene explained that the main building included a commercial kitchen. The only items in the modular kitchen would be a microwave oven and a small refrigerator. There would be no cooking in the facility.

Commissioner Holmes requested clarification of the number of children to be cared for on the campus, to which Ms. Greene clarified that there would not be 25 students in the facility at any one time. She stated that half of that total number of students would be served in the morning and the other half would be served in the afternoon.

MOTION:

Motion by Commissioner Tumbaga to adopt Resolution No. 9188, approving DR-01-05, Design Review approval of architectural plans for placement of a modular classroom on the site of an existing day care facility for the Pittsburg Pre-School & Community Council, with the conditions as shown.
The motion was seconded by Commissioner Kelley and carried by the following vote:

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

PUBLIC HEARING:

ITEM 3: Vernon's Trucking. UP-01-01.
Application by Donald Gordon of Vernon's Trucking requesting a use permit to allow the exterior storage and incidental maintenance of trucks and equipment for a rock and debris hauling business on a 0.25 acre site located at 311 Harbor Street, CS (Service Commercial), zone; APN 073-041-003.
CEQA Status: Exempt

Associate Planner Chris Bekiaris explained that the application for a use permit to allow the exterior storage and incidental maintenance of trucks and equipment for a rock and debris hauling business on a 0.25 acre site would be affected by the new General Plan where uses could change. He commented that as indicated in the staff report, the use could be defined under four different categories, two of which were not permitted in the Service Commercial zoning district.

Mr. Bekiaris advised that staff was of the opinion that the application be continued until the new General Plan had been adopted by the City Council with new uses defined prior to any action on the use permit request. If the Planning Commission desired to move forward and approve the use permit, staff would be instructed to return with a resolution of approval. The use would also have to be defined under the category of Contractor, which would require some interpretation.

Planning Technician Hoggatt presented the request from Vernon's Trucking for the approval of a use permit on a site that had been used to store the types of trucks and trailers that were used in material transport. The site would also be used for limited maintenance, such as oil and tire changes. No major vehicle repair would be conducted on site. Such maintenance would be conducted off-site at a repair facility. The site would also not be used to store any rock or gravel that would be transported. The site was currently fenced with an existing building on site used for office and storage space.

Ms. Hoggatt explained that the use could be defined under four different categories, Contractor, Contractor's Yard, Commercial Transport Service and Truck Terminal. A Commercial Transport Service and Contractor would be conditionally permitted uses. A Contractor's Yard and Truck Terminal uses were not permitted in the Service Commercial zoning district.

In order for the Commission to take action on the use permit request, Ms. Hoggatt emphasized that the Commission must make the determination as to what type of use category the business would be
assigned, keeping in mind that if the application were approved it was possible that the use could be established as a legal non-conforming use since staff had recommended that the land use designation in the General Plan change from Service Commercial to Marine Commercial.

Ms. Hoggatt advised that the Marine Commercial Land Use Designation would not allow exterior storage.

Ms. Hoggatt recommended that the Planning Commission continue the public hearing on the application until such time as the new General Plan had been adopted by the City Council, to allow the land use designation and the permitted uses to be better defined.

Commissioner Holmes questioned whether or not the applicant would have to reapply if the item were continued.

Ms. Hoggatt clarified that if the public hearing were continued the applicant would not be required to reapply.

Commissioner Tumbaga questioned whether or not the business was already operating out of the present location. If so, she questioned how long the business had been in operation. Having been advised that the business had been in operation at the subject location since 1996, and given the fact that the General Plan could be adopted within the month, she suggested there was no urgency to approve the application at this time.

Mr. Bekiaris clarified that there was the possibility that if the Council were to approve the staff recommendation to change the zoning for the property to a Marine Commercial zoning designation, it was possible that the use would not be allowed and the use permit would not be accepted. If approved under the old General Plan, the use would be a legal non-conforming use and could continue.

Mr. Bekiaris noted that staff had conducted a thorough research of the log for use permits and had found no approved use permit for the site. There had been a use permit application submitted in 1982 for an auto parts business, although that application had been deemed incomplete. The matter had been brought to staff's attention since the applicant desired to purchase the property. Additionally, a business license had been approved for the site in 1996.

Commissioner Glynn suggested that it would be in the best interest of the applicant and the City to allow the applicant to continue to operate and to support the staff recommendation that no formal action be taken on the item until such time as the land use specifications were set forth in the final approval of the General Plan.

PUBLIC HEARING OPENED

PROPRIETORS:
DONALD GORDON, Vernon's Trucking, 311 Harbor Street, Pittsburg, affirmed that he had been in business since August 1996. He expressed concern for the use permit requirement given the fact that all he did on the site was park his trailers and use the office. No storage of rocks or debris was conducted on site. If the land use designation were changed to Marine Commercial, he questioned how that would affect his operation and the City's future plans.

Mr. Gordon reiterated that no repairs were done on site in that heavy maintenance was conducted off site. At times he changed tires on site, although he no longer conducted oil changes since he had received a report from the City that oil was prohibited in that it contaminated the soil.

Chairman Kee advised that every business required a use permit for operation, which was the reason staff had directed the applicant to obtain the approval of a use permit from the Planning Commission. In this instance, he recognized that the use could be affected by changes to the General Plan.

Mr. Gordon questioned whether or not the General Plan Update would affect the area on Industry Road located behind his business.

Mr. Bekiaris explained that the General Plan Update was Citywide. Parts of the General Plan would remain the same while other sections could change. He noted that Industry Road had a similar zoning designation as the subject site.

Mr. Gordon understood that his business operation might be classified under two of the use categories. If so, he questioned why his business could not remain on the site.

Referencing the staff report, Mr. Bekiaris advised that a Contractor use and Commercial Transport Service use would be permitted subject to a use permit in the Service Commercial zoning district, although a Contractor use required that everything must be stored inside the building, including vehicles. Anytime anything was stored or parked outside, he stated it would be defined as a Contractor's Yard, which use was not permitted in the Service Commercial zoning district.

Mr. Bekiaris emphasized that the Planning Commission had the authority to interpret that section of the Zoning Ordinance.

Mr. Gordon reiterated that he was just parking his vehicles on site overnight to be used the next day.

Commissioner Glynn suggested that the applicant should be permitted to have the use permit in place to be properly licensed for business and should be allowed to continue his business uninterrupted until such time as the General Plan was adopted, which could preclude or otherwise amend the current operation.

Mr. Bekiaris acknowledged that the business would be allowed to continue to operate pending the adoption of the new General Plan, if the Commission were to continue the application as
recommended by staff.

Mr. SHAH, the Manager of K & S Body Shop, located on East Third Street, Pittsburg, expressed concern that if the new General Plan were adopted as presented by the Planning Commission, the land use which would allow the business to continue to operate would not be approved, resulting in the loss of the business. He also suggested that if the application was continued that might cause the applicant not to reapply.

Mr. Shah suggested that it made no sense to change the zoning of the area to Marine Commercial since that could preclude a number of existing businesses in the area. He suggested that the application be approved and that the City not unfairly eliminate legal businesses.

Chairman Kee affirmed that a General Plan Workshop had been scheduled for March 8, 2001 in the Council Chambers, and that comments relating to the General Plan update would be solicited from the public.

Mr. Strelo recommended that if the use was interpreted as a Contractor use that could set a precedent for future businesses to be allowed exterior storage of vehicles under the use of Contractor. He also noted that if the use were interpreted not to have exterior storage, it would also be consistent with the proposed Marine Commercial use, which would not allow exterior storage.

OPPONENTS: None

Commissioner Tumbaga suggested that it was important for the City to continue the public hearing since the City was in the midst of updating its General Plan. She noted that the area had been an eyesore for some time and if the General Plan were to carry any weight, it should not be circumvented prior to approval.

MOTION:

Motion by Commissioner Tumbaga to continue UP-01-01 for Vernon's Trucking at 311 Harbor Street, until such time as the City Council had adopted the land use designations in the updated General Plan. The motion was seconded by Commissioner Glynn and carried by the following vote:

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

COMMITTEE APPOINTMENT:

Foreign Trade Zone Ad Hoc Subcommittee
Mr. Bekiaris advised that Commissioner Valentine had requested appointment as the Alternate to the Foreign Trade Zone Ad Hoc Subcommittee.

Commissioner Glynn volunteered to serve as the Planning Commission representative to the Foreign Trade Zone Ad Hoc Subcommittee.

By consensus, Commissioner Glynn was appointed as the Planning Commission representative to the Foreign Trade Zone Ad Hoc Subcommittee, with Commissioner Valentine to serve as the Alternate.

**STAFF COMMUNICATIONS:**

There were no staff communications.

**GENERAL PLAN UPDATED REPORT:**

Public Hearing for Chapter 2 (Land Use) on Thursday, March 8, 2001

Mr. Bekiaris reported that public workshops for the General Plan Update had been scheduled for March 8, March 13 and March 20 at 7:30 P.M., and that March 27 and 28 were anticipated to be the conclusion of the General Plan Workshops. He noted that the dates were subject to change as the Commission worked through the document.

Commissioner Glynn pointed out that the League of California Cities Planner's Institute had been scheduled for March 21 to 23, which should be taken into consideration in scheduling the workshops for the General Plan since a number of Commissioners would be out of town for the conference.

Mr. Bekiaris advised that he would verify the meeting dates with staff. The General Plan Workshop dates could be clarified during the March 8 Special Meeting.

**ZONING ADMINISTRATOR REPORT:**

There was no Zoning Administrator Report.

**COMMITTEE REPORTS:**

There were no committee reports.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Tumbaga announced that the Winter Arts Festival was ongoing with Sunday, March 4, to include the presentation of the Cultural Mosaic, a multi-cultural dance program. The festival was open to the public and was free of charge.
ADJOURNMENT:

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

RANDY JEROME, Secretary
Pittsburg Planning Commission