A regular meeting of the Pittsburg Planning Commission was called to order by Vice Chairperson Valentine at 7:33 P.M. on Tuesday, August 14, 2001, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

Present: Commissioners Garcia, Glynn, Harris, Kelley, Leonard, Vice Chair Valentine

Absent: Chairperson Holmes

Staff: Planning Manager Randy Jerome; Associate Planner Chris Bekiaris; Assistant Planner Ken Strelo, Planning Intern Christopher Barton, Civil Engineer II Alfredo Hurtado; Assistant City Engineer Wally Girard; and Chief Building Inspector John Little.

POSTING OF AGENDA:

Vice Chairperson Valentine advised that the agenda had been posted at City Hall on Friday, August 10, 2001.

PLEDGE OF ALLEGIANCE:

Commissioner Leonard led the Pledge of Allegiance.

MINUTES: July 24, 2001

MOTION:

Motion by Commissioner Garcia to approve the minutes of the July 24, 2001 meeting, as submitted.
The motion was seconded by Commissioner Glynn and carried by the following vote:

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

**DELETIONS/WITHDRAWALS:**

There were no deletions or withdrawals.

**COMMENTS FROM AUDIENCE:**

There were no comments from the audience.

**PRESENTATIONS:**

1. **New Bethel Baptist Church - Frances Green**

Mr. Jerome explained that the item had been placed on the agenda in response to previously expressed Commission concerns regarding projects under construction along Central Avenue, specifically the Bethel Baptist Church, a project at the former Vogue Theater and the St. Vincent de Paul properties. Staff had been directed to contact the project sponsors to identify a willingness to appear before the Commission to offer a status report on their respective projects.

Mr. Jerome advised that he had contacted Frances Green with the New Bethel Baptist Church who had expressed the willingness to provide a status report on that project. Staff had also been contacted by the church developing a project at the former Vogue Theater and had been advised that a representative would attend the next Planning Commission meeting to offer a status report.

FRANCES GREEN, New Bethel Baptist Church, reported that the roof of the church was almost complete and it was hoped that in the next week and a half the stucco would be placed on the building itself. The project would then proceed forward with the improvements. She emphasized the intent to complete the project.

Commissioner Harris explained that the reason he had requested a status report was that progress on the project had been very slow and he had been concerned with the appearance of the area. He inquired when the windows and stucco would be installed on the building.

Ms. Green commented that one of the reasons the project had been delayed was that the church desired to use a longer lasting tile roof material. The City had objected to the use of that material,
which had already been delivered to the site. The material had to be returned to the location purchased and replaced with material acceptable to the City.

As to the electrical wiring and plumbing, Ms. Green acknowledged that a portion of the project had yet to be completed, although she understood that the project would meet the Building Department permitting requirements. She also clarified that when the landscaping portion of the project would be commenced, a pile of dirt currently sitting on the site would be removed.

Ms. Green further clarified, when asked, that she was unaware of the owner of a truck that had been parked near the site. She explained that clothes and items, which had routinely been dumped on the lot, had been removed from the property on a daily basis.

Chief Building Official John Little also acknowledged that the project had been moving slowly, although he emphasized that the church was meeting the City's requirements. He pointed out that the City provided a bit more leniency with church projects since those types of projects tended to take longer to complete than the typical commercial project.

Commissioner Harris requested that the Building Department monitor the project to ensure that the electrical, plumbing and stucco materials were properly installed.

Mr. Little stated that there would probably be discussions between the applicants and the Building Department prior to the installation of the stucco since the drywall should not be installed after the stucco had been installed. He assured the Commission that the Building Department would remain in discussions with Ms. Green and the Project Contractor.

2. **Code Enforcement - Commander Hendricks**

Commander Bill Hendricks presented the Planning Commission with copies of statistical monthly data from the Code Enforcement Bureau from July 2000-2001, which data included a list of complaints received, with responses. The list of complaints included concerns with weed and rubbish, public nuisances, non-domestic animals, mandatory garbage service, and interdepartmental referrals primarily related to the Building and Planning Departments. Other complaints included non-operative vehicle complaints, including those on streets and private properties and those that were towed from the street and from private properties. Additionally, zoning complaints were identified which would fall into a larger category and included trailers, trucks, commercial vehicles, boats, recreational vehicles and campers stored on properties.

Another report presented to the Commission was identified as a reinspection report, which report identified an average of 350 cases per day. The report identified the street address, the complaint number, the type of complaint, the reinspection date, what the bureau was doing in terms of the case.

Commander Hendricks stated that the Bureau worked Citywide to cover every area possible to address every type of complaint.
Commander Hendricks explained that the Strategic Operations Bureau, which had previously been entitled the Code Enforcement Bureau, had experienced changes throughout the year. The Code Enforcement Bureau had been designed to be a component of the Community Policing Program and as a resource for the Police Department, citizens and other City departments. The Bureau consisted of Code Enforcement Officers, with both sworn and non-sworn officers. Two sworn Police Officers were funded under a federal grant.

Commander Hendricks reported that the Strategic Enforcement Team was responsible for street crime and conducted a number of enforcement activities that were selective or strategic in terms of identifying specific neighborhood problems and trying to resolve them. Part of the Bureau was also the Narcotics Team, Gang Team, Crime Prevention Community Relations Unit and the Tobacco Enforcement Program. The Bureau had also been authorized to hire another sworn Police Officer and would be working on tobacco enforcement throughout the City with every retail outfit.

Additionally, a new component had been formed with the new Harbormaster, where the Bureau would also be conducting enforcement at the City Marina.

The statistics related to the Code Enforcement Bureau from July 1, 2000 to June 30, 2001 were identified. The Bureau had initiated or had investigated a total of 12,235 complaints. Of the total cases, approximately 84 percent were abated without the necessity for a warrant. All other cases had achieved compliance through warrants and abatement of the property. For those who choose not to pay the abatement costs and fees, including City Administrator fees, a 30-day compliance was required. If compliance was not reached within those 30 days, the Bureau filed an assessment lien on the property. In that case if the liens were not paid after five years or more, the property could be auctioned and sold by the County, with the City reimbursed for the City's costs.

Commander Hendricks advised that the Bureau would soon approach the City Council and the Planning Commission to request support to revise City ordinances that would limit private dumping and private hauling.

Commander Hendricks presented an extensive slide presentation to identify the condition of a number of properties and issues reviewed by the Bureau involving public nuisances, extensive debris, non-operative or stored vehicles on private properties, substandard properties with multiple occupants, weed abatement and rubbish complaints, non-operative vehicles, stolen vehicles, illegal auto dismantlers, hazardous materials, vandalism or gang activities, non-domestic animals and the like. He identified those properties that had either been demolished or rehabilitated through code enforcement efforts. He emphasized that the Bureau worked closely with the Redevelopment Agency to rehabilitate properties through potential housing grants in an effort to retain affordable housing in the community.

Commissioner Glynn inquired of the status of code enforcement at the City Marina, to which Commander Hendricks advised that the Bureau had been working with the City Attorney to possibly revise berthers' lease agreements in an effort to improve enforcement activities while preparing for
required dredging at the Marina. He also understood that there might be several design solutions for the docking area, which should be brought to the Planning Commission for consideration some time in the future.

Commander Hendricks added that the Bureau was also working to update the existing Marina rules and regulations, through discussions with the City Attorney, and would be reviewing required registration and insurance for any boat to ensure that the vessels were seaworthy and in an operable condition. Notices would be sent to all berthers to identify that requirement.

Commissioner Harris reported on a piece of property located in the Central Addition across the street from a former gas station where the property was in poor condition. He questioned whether or not that property could be demolished. He also advised of a piece of property located on Solari Street and Central Avenue where a former gas station had been fenced, although weeds and debris had been accumulating on the property.

Commander Hendricks advised that he was aware of the Central Addition parcel and noted that the Bureau had a pending public nuisance complaint with the Fire Protection District. They were also in discussions with Redevelopment Agency legal counsel as to whether or not it would be feasible or in the best interests of the City to purchase the property at market value and possibly use federal funding to remove the existing gas tanks on the site.

As to the former gas station property located at Solari Street and Central Avenue, Commander Hendricks explained that a public nuisance complaint had been filed against the property owner, although the City's existing ordinances had made it impossible to address those concerns. He stated that the property owner did have the right to fence the property. He understood that initially the property owner had planned to construct an automotive business, although due to prior convictions the property owner would not be permitted to have an automotive, tow or dismantlers license. The property owner had also envisioned a condominium development like those located adjacent to the property, although those plans had also not come to fruition due to the lack of required funding. He was uncertain of the current status of that property.

Commander Hendricks commented it was hoped that in the future the Bureau would bring the Phoenix Ordinance to the Planning Commission and the City Council. He stated that the Phoenix Ordinance, which had been successful in Phoenix, Arizona, addressed how long a property could be left undeveloped, which would impact both commercial and residential properties.

Commissioner Harris also reported on a piece of property located off of Garcia Avenue and Freed Way at the corner of Harbor Avenue, which had also been fenced but which had been used as a dumping area with logs placed on the property.

Commander Hendricks understood that the property referenced had a property manager with the property owner in the process of selling equipment used by the prior business and where the property owner planned to sell the property to prospective buyers. He noted that the area was actually located on Clark Street, which was a private non-dedicated street. It was the intent of the
The property owner had also placed a dumpster and bin on the site and it was hoped that debris would at least be placed in the trash bin. The Bureau had sent correspondence to the property owner and the property management firm with a request to explain the status of the property.

Commissioner Leonard referenced the area on Industry Way where U. S. Glass had installed a new facility and where south of that building a small paint shop and auto dismantler had opened for business. He inquired whether or not code enforcement was aware of those businesses.

Commander Hendricks advised that the property referenced had been in violation of Planning Commission directives since 1982. In September, it was likely that the Bureau would urge the Commission, as part of its due process, to request the property owner's appearance before the Commission. Code enforcement had been working with Planning and Building Department staff and with the State Task Force, including the Department of Motor Vehicles and Integrated Waste Management, in attempts to resolve the situation with the property. The Bureau was also awaiting a State Water Board report in response to a sump pump that had been pumping oil over the fence and into the new power plant property, which eventually drained down into the river. He described the matter as a complex situation involving a business that had been on the site for some time. He added that within the next 30 days, the Bureau planned to proceed with a criminal warrant to abate the property.

Vice Chair Valentine inquired how many of the businesses located in the Garcia Avenue area had received proper City approvals, to which Commander Hendricks understood that the majority of the businesses that were part of the original complex had probably received appropriate City approval, although the ownership of those businesses had changed many times over the years. None of the automotive businesses had City approval or were properly licensed through the City or through the Bay Area Air Quality Control Board.

Mr. Jerome explained that the Commission had been provided with forms in the Commission packets where code enforcement complaints or concerns could be provided to staff in writing to better facilitate any required enforcement from the appropriate City department. He encouraged Commissioners to express any concerns or complaints on those forms, which could then be submitted to staff.

**COMMISSION CONSIDERATIONS:**

**Item 1: Grace Lutheran Church Addition. DR-01-27.**

Application by W.E. Appleberry requesting design review approval of architectural and landscape plans for the construction of two additions totaling approximately 946 square feet at 165 Alvarado Avenue, RS (Low Density Residential) zone; APN 087-265-008.
Associate Planner Chris Bekiaris presented the request from W. E. Appleberry for design review approval of architectural and landscape plans for the construction of two additions totaling approximately 946 square feet at 165 Alvarado Avenue.

Mr. Bekiaris reported that one addition would be a youth room consisting of 600 square feet, with the second small addition of 384 feet to consist of a kitchen adjacent to the social hall. The City’s Park Planner would review new walkways and landscaping.

The design of the additions would be exactly the same as the existing church. The building additions would not add any assembly area, therefore no additional parking would be required.

Mr. Bekiaris recommended that the Planning Commission adopt Resolution No. 9239, approving site and architectural plans for DR-01-27, with the conditions as shown.

With respect to Condition No. 1, Commissioner Glynn referenced the statement in part, that "the project shall be constructed substantially in conformity with the drawings stamp dated June 27, 2001...". He questioned the use of the language "substantially" and suggested that such language should be removed. He understood that if there were not substantive corrections made to the plans after approval by the Planning Commission, the condition, as written, would allow staff the ability to grant permission to make modifications to the plans without Planning Commission review and consideration.

Mr. Bekiaris explained that the language had been used for standard City conditions. Oftentimes projects had been approved per the submitted plans and built as such, although on occasion minor changes to approved plans had occurred, which changes had been reviewed and approved by staff. He added that substantial changes would require Planning Commission review and consideration.

PROONENTS:

BOB KENDALL, Architectural Engineer, 936 Dewing Avenue, Lafayette, clarified that there would be one small internal change to the building as indicated in the plans, where the building restrooms would be brought to full compliance with the Americans with Disabilities Act (ADA) standards. He advised that the additions, as proposed, would be architecturally compatible and in scale with the existing buildings and the neighboring community.

Mr. Kendall emphasized that the church was in a financial position to be able to proceed and complete the project at this time and would like to proceed as soon as possible. The project had been scheduled to commence on October 1 and be completed by Christmas.

In response to Commissioner Garcia, Mr. Kendall affirmed that he had read and was in agreement with the staff recommended conditions of approval.

BRUCE OHLSON, a resident of Pittsburg, and a Member of Grace Lutheran Church, supported the
request for design review approval.

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9239, approving DR-01-27, design review approval of architectural and landscape plans for Grace Lutheran Church addition at 195 Alvarado Avenue, subject to 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
Noes: None
Abstain: None
Absent: Chairperson Holmes


Application by Gabriel Albor requesting design review approval of architectural plans and elevations to a 2,122 square foot single family home, including an attached two-car garage on an existing 5,000 square foot vacant lot at 150 West Ninth Street, Downtown Specific Plan (DSP) Area II; APN 085-225-010.

Planning Intern Christopher Barton presented the request from Gabriel Albor requesting design review approval of architectural plans and elevations to a 2,122 square foot single family home, including an attached two-car garage on an existing 5,000 square foot vacant lot at 150 West Ninth Street.

Mr. Barton advised that the DSP zoning district would permit single family homes and the proposal was consistent with Section 3.2 of the Downtown Specific Plan, which encouraged residential rehabilitation in existing neighborhoods. The minimum lot size in the DSP district was 5,000 square feet, with the proposed home on an existing 5,000 square foot lot. The exterior materials for the home would include stucco with wood trim and a 5:12 pitched gabled roof, with composition shingles. The colors for the home would consist of light off-white, gray or tan, with a darker contrasting wooden trim.

Mr. Barton advised that the proposed design was more modern than the neighboring homes, although it shared the appearance of the newer homes in the area. The colors and materials would be consistent with the external appearance of the surrounding homes.

Noting that the location of the garage, as indicated on the plans, was not consistent with the surrounding homes, Mr. Barton recommended that the plans be resubmitted to the Planning Division for review and approval with the garage located to the side of the residence and set back from the

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front wall. In that way, it was suggested that the garage would be better situated to complement the existing homes in the area. He noted that after meeting with the applicant, the applicant was in agreement with a resubmittal of the plans for staff review, as directed.

Mr. Barton added that the project was exempt from the California Environmental Quality Act (CEQA), per Class 3, New Construction or Conversion of Small Structures. Mr. Barton recommended that the Planning Commission adopt Resolution No. 9238, approving DR-01-28, with the conditions as shown.

Commissioner Garcia requested that the conditions of approval including a condition that the applicant install a roll-up garage door with an automatic door opener. He noted that such a condition had been attached to most single family homes previously approved by the Planning Commission.

Vice Chair Valentine inquired of staff whether or not the Commission had, in fact, required the installation of a roll-up garage door with an automatic door opener, to which Mr. Jerome explained that such a requirement had been required for planned development zones, new subdivisions, or townhomes with less than five feet for a significant driveway. In this instance, he commented that it might not be necessary to require a roll-up garage door, although he suggested it be left up to the applicant.

PROPOONENT:

GABRIEL ALBOR, 1404 Mosswood Avenue, Escalon, stated in response to the Vice Chair, that he had read and was in agreement with the conditions of approval. As to the recommendation for a roll-up garage door and automatic door opener, he expressed the willingness to install a roll-up garage door, as directed.

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9238, approving DR-01-28, design review approval for architectural plans to construct a single family residence at 150 West Ninth Street for Gabriel Albor, subject to the conditions as shown, with the additional condition that the applicant install a roll-up garage door with an automatic garage door opener and with the garage to be relocated to the side of the residence and be set back from the front wall. The motion was seconded by Commissioner Harris and carried by the following vote:

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

**Item 3: Circuit City Store Design Review and Site Improvements. DR-01-29.**

Application by Joe Bricio of Leidenfrost/Horowitz & Associates requesting design review approval of site development and architectural plans for a 32,900 square foot electronics retail store on a 3.52
Acre lot located in Century Plaza II between State Route 4 and Century Boulevard, and west of Somersville Road, CC (Community Commercial) zone; APN 074-460-017.

Associates requesting design review approval of site development and architectural plans. The plans were for a 32,900 square foot electronics retail store on a 3.52-acre lot located in Century Plaza II between State Route 4 and Century Boulevard, and west of Somersville Road.

Mr. Strelo referenced colored elevations for the project consisting primarily of white, brown, yellow, red and champagne used as accent colors. The Circuit City logo would be placed on all four elevations of the building and would involve a 14-foot in diameter sign. All of the logo signs would have a red faceplate with white lettering.

The landscaping for the site would be located on the south and west elevations against the building, on the freeway side and towards the City. Heavy planting below the building and to the left would include large trees, although a gap in the trees would allow for visibility of the wall signs on the building itself. The remainder of the site would have to be changed slightly, as required by a condition of project approval as a result of areas of parking that were slightly inadequate in terms of size and length. The project would involve an increase in landscaping width and the center of the lot would include trees that would be spaced out. As a result, there would involve a reduction of parking. The applicant typically would require more parking than the City would require, although the site itself would allow more than adequate parking for the building.

The building facade and site layout would remain substantially the same as proposed, with an increase in landscaping on the north/top side with a minimum of ten feet all the way across, with the exception of the driveways. The bottom-curved area would involve a slight landscaping increase as well.

Mr. Strelo emphasized that the applicants had been cooperative with staff in the preparation of the site plan. He advised that retail sales were permitted in the CC zoning district.

In terms of the traffic and circulation, Mr. Strelo explained that as part of the Century Plaza II subdivision, the traffic and circulation had previously been analyzed at full build out and the occupancy envisioned by the use would not create any more traffic than initially analyzed.

Mr. Strelo further explained that the Circuit City plans had indicated two of the three recently approved pylon signs for Century Plaza I, II and III, although only one pylon sign would be on-site. He stated that the location of the pylon sign was not a part of the current application and the applicant did not, at this time, propose any monument or freestanding sign. Any future proposed freestanding sign would require Planning Commission design review approval.

Mr. Strelo advised that the project was exempt from CEQA, Class 32, In-Fill Development Projects, since the project was less than five acres in size.

Mr. Strelo recommended that the Planning Commission adopt Resolution No. 9240, approving DR-
01-29, with the conditions as shown.

Referencing the conditions of approval, Commissioner Glynn requested that Condition Nos. 9 and 17 be changed, with Condition No. 9 to become No. 17, and Condition No. 17 to become No. 9, since there was an association between the now renumbered conditions.

PROONENTS:

JOSEPH BRICIO, Leidenfrost/Horowitz & Associates, 1833 Victory Boulevard, Glendale, stated that he had received the staff report and was in agreement with the staff recommended conditions of approval, as now revised.

BRUCE OHLSON, a resident of Pittsburg and member of the Board of Directors of the East Bay Bicycle Coalition, Regional Bicycle Advocacy Club, and Advocacy Committee of the Delta Pedalers, stated that the bicycle community would like to see bicycle parking included at the store. He requested that be considered as part of the proposal.

Mr. Bricio expressed the willingness to install bicycle racks on each side of the entrance to the store, which he would accept as a condition of approval. He noted, when asked, that each rack could accommodate up to four bicycles.

WILLIE MIMS, a resident of Pittsburg, questioned the fact that the project was exempt from CEQA guidelines. He requested clarification from staff.

Mr. Strelo explained that under Class 32, In-Fill Development Projects was a fairly new exemption. The section exempted in-fill development projects that involved constructed sites of five acres or less. In addition, a project that had existing infrastructure and which was not located in an environmentally sensitive habitat would be exempt from CEQA. He explained that the one impact that the project might have had was traffic, which had been analyzed through a prior document.

Mr. Strelo stated that staff was of the opinion that the project would not represent a significant level of harm to the environment, creating any habitat, air pollution or other environmental impacts. He pointed out that the project was located in the middle of a completely developed area in the cities of Antioch and Pittsburg and as such, staff was of the opinion that the project complied with Class 32, as defined.

Vice Chair Valentine inquired whether or not the project was exempt from any wildlife habitat corridors in that he had viewed a number of foxes in the area.

Mr. Strelo reiterated that the project was not located in a sensitive habitat area, not located adjacent to open space or adjacent to a habitat corridor and was exempt from CEQA, as described.

Commissioner Leonard requested that in the future the City take into consideration water usage,
with the City possibly considering taking a step back in the landscaping requirements for landscaping since everything that was required to be installed would require water.

Commissioner Garcia noted that the project had also been considered under the original Environmental Impact Report (EIR) that had been prepared for the total property at the time the City had approved the subdivision. He suggested that the project could also be exempt from the CEQA requirements even if it involved a ten-acre parcel since the original EIR had been considered at that time. He emphasized that a traffic study had already been prepared and had included a requirement for an additional right turn lane, which had been included in the subdivision.

Mr. Jerome clarified that a complete EIR had been prepared as part of a General Plan Amendment for the entire Century Boulevard area over 15 years ago and included the subject parcel. However, this site was not part of the recent shopping center subdivision.

CHARLES SMITH, a resident of Pittsburg, suggested that the EIR being discussed was outdated in terms of storm water regulations and potential environmental impacts. He disagreed that the project did not require environmental review. As to the suggestion for bicycle racks, he questioned installing any racks in that he could not see that customers would be able to carry their purchases from Circuit City on a bicycle.

MOTION:

Motion by Commissioner Harris to adopt Resolution No. 9240, approving DR-01-29, design review approval of architectural and site development plans to construct a 32,900 square foot retail electronics store located in the Century Plaza II subdivision for Circuit City, subject to the conditions as shown and as amended with an additional condition that bicycle racks be provided at either side of the entrance to the store. The motion was seconded by Commissioner Leonard and carried by the following vote:

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

STAFF COMMUNICATIONS:

1. Dow AN Storage Tank Installation AD-01-17

Mr. Barton reported that Dow Chemical had proposed to install one Acrylonitrile (AN) 40,000-gallon storage tank to modernize the facility's Latex production process. The use of the AN in the latex production process was new to the plant but was already a standard practice at some of Dow Chemical's latex facilities. The AN would be used in place of compounds that had previously been used at the facility for latex production. The tank had been approved administratively due to lack of visibility to the public and since it was a code compliant industrial structure within an existing
STEVE REGATI, Manufacturing Manager Latex Production Facility, Dow Chemical Company, P.O. Box 1398, Pittsburg, explained that the current latex operation made a product that was sold to the paper and carbon market, with the raw material used and implemented as a production modernization project in a dozen existing local Dow Chemical plants. The tank would replace some of the existing raw materials while providing new products for Dow customers. Since it would replace existing materials, he stated the proposal would have no impact to traffic, particularly since it was a low profile operation.

2. **USS/POSCO Entry on Pittsburg/Antioch Highway**

Mr. Jerome noted that correspondence had been included in the Commission packets regarding a Commission request to send a letter to the City Council requesting that USS/POSCO improve the condition of its frontage. In addition, copies of an excerpt from the City's Municipal Code and Zoning Ordinance regarding maximum dwelling unit occupancy had also been included in Commission packets for informational purposes.

Mr. Jerome also reported that he would be absent from the meeting of August 28 since he would be out of town on vacation.

**GENERAL PLAN UPDATE REPORT:**

Mr. Jerome advised that copies of the Draft General Plan had been provided to the Commission. Copies would also be distributed to the City Council. The copies included the changes proposed by the Planning Commission, as approved on June 26, 2001. A public hearing on the Draft General Plan had been scheduled for the City Council meeting set for September 4, 2001.

**ZONING ADMINISTRATOR REPORT:**

There was no Zoning Administrator Report.

**COMMITTEE REPORTS:**

Commissioner Glynn reported that he had attended the recent TRANSPLAN Committee meeting where the Committee had discussed issues regarding the East Contra Costa Regional Fee and Financing Authority (ECCRFFA). The City of Pittsburg had been informed at that time that TRANSPLAN would proceed to investigate ways to either impose the increased developer fees on the City or determine ways to take action to remove the City from the ECCRFFA and TRANSPLAN Committees.
Commissioner Garcia advised that he had also attended the TRANSPLAN Committee meeting as an Alternate. He confirmed the discussions that had been held.

**COMMENTS FROM COMMISSIONERS:**

Speaking to the excerpt from the City's Zoning Ordinance regarding maximum occupancy of persons in dwelling units, Commissioner Harris questioned the assessment that the City's ordinance was unconstitutional. He questioned whether or not the City code had been challenged in court. If not, he suggested that the City should initiate the ordinance and investigate those areas of the community where the ordinance would apply to multiple persons in excess of the number allowed who were living in a single dwelling unit. He also requested a copy of information where it had been determined that such a code had been found to be unconstitutional.

Mr. Jerome acknowledged that the City's code had not been challenged in court, although such a restriction had been challenged in other court cases and had been found to be unconstitutional. He also noted the difficulty the City had in attempting to enforce that section of the ordinance in the past.

Commissioner Garcia referenced his previous concerns with what appeared to be more than one family living in homes, particularly along El Dorado Drive, where on both sides of the street and driveways vehicles appeared to outnumber the number of people who could reside in the residential units in the area. He suggested that the license plates of the vehicles should be checked to determine the ownership and residence for the owners of those vehicles, which should identify who was residing in the area.

Mr. Jerome reiterated that such a restriction had been challenged in court, and while there could be health and safety issues that could be reviewed through the Building Department, the number of occupants in a residential unit had proven to be difficult to enforce.

Commissioner Harris also referenced concerns he had raised during the previous meeting regarding all of the valves between Freed Way and Harbor Street East and on Garcia Avenue, which were leaking and which had been a problem for over two years. He requested that staff review the situation. He further requested that two stop signs, which could allow a four-way stop, be installed at Harbor Street and Garcia Avenue north and south, since that site had become dangerous to pedestrians.

Commissioner Harris requested that correspondence be submitted to the Community Development Director or from the Director to the City Council requesting the approval of the four-way stop.

Vice Chair Valentine commented that on the weekend he had viewed a vendor selling cotton candy on Leland Road four to five blocks from Railroad Avenue. He inquired whether or not such vendors and those with pushcarts selling ice on the weekends were required to have a business license.

Mr. Bekiaris explained that the City had confiscated the pushcarts a few years ago. He understood
that those people had now secured the proper licenses. He was unaware of an individual selling cotton candy on the weekends, which he noted might be difficult to enforce.

WILLIE MIMS, Pittsburg, emphasized the need for the City not to violate an individual's rights in terms of the discussion on vendors with push carts and attempts to enforce the maximum limit permitted for the number of occupants in single family dwelling units.

CHARLES SMITH, Pittsburg, referenced the Dow Chemical AN tank discussion and questioned the fact that no action had been taken. He suggested that the statements made by the representative from Dow Chemical had lacked a number of details, such as what raw material would be used in the manufacturing process and whether or not a Bay Area Air Quality Control Board permit was required.

Vice Chair Valentine explained that the item had been brought to the Planning Commission as an informational item only since it had been approved administratively by staff.

Mr. Jerome advised that as far as he was aware, the AN tank would not require permits from the Bay Area Air Quality Control Board since the process would not involve any emissions that would require such permits. He commented that staff did have written information from Dow Chemical, which could be provided to the public.

Commissioner Glynn suggested that the concerns with the condition of the frontage at USS/POSCO could be handled through the letting of the contract to upgrade the Pittsburg/Antioch Highway.

Commissioner Harris reiterated his initial comments that the entrance to USS/POSCO be better maintained. He again reiterated his recommendation that the City contact USS/POSCO to determine whether or not something could be done through the City Council to encouraged USS/POSCO to better maintain its entrance, particularly in light of the beautification efforts that had been made in the area.

Commissioner Garcia inquired of the status of the temporary signage in front of the former Los Medanos Hospital. He inquired whether or not staff had heard from the County whether or not the signage, which was illegal, would be removed.

Mr. Bekiaris advised that he had sent a letter to the property owner who would be going out to bid for a demolition company to remove the concrete sign, base and the temporary sign. A copy of the letter had also been sent to the County. Said correspondence had included a request that the landscaping be maintained as much as possible. He noted that the property owner had requested an extension of 45 days to resolve the signage concerns.

Commissioner Garcia also commented on the height of a pile of base rock at the corner of Loveridge Road and the Antioch/Pittsburg Highway for Antioch Building Materials. Uncertain whether or not the height of the pile was within the City's maximum height limitation, he noted that it could not be hidden behind a screened fence and the corner was beginning to appear unsightly. He further commented on the problems with dust from the same business, which did not appear to be properly
controlled.

Vice Chair Valentine requested that staff contact Keller Canyon Landfill with a request to rework their processing of dumping from their trucks on windy days since during the last two weeks, particularly in his neighborhood, there had been an amazing amount of trash blowing through the neighborhood. Although he had attempted to contact the landfill personally to advise of the concern and to have the debris in the neighborhoods cleaned up, nothing had been done.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 9:30 P.M. to a regular meeting of the Planning Commission on August 28, 2001 at 7:30 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

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RANDY JEROME, Secretary
Pittsburg Planning Commission