A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Glynn at 7:30 P.M. on Tuesday, September 10, 2002, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

Present: Commissioners Dolojan, Garcia, Harris, Kelley, Leonard, Ramirez, Chairperson Glynn

Absent: None

Staff: Director of Planning and Building Randy Jerome; Planning Manager Melissa Ayres; Assistant Planner Dana Hoggatt; Planning Intern Gary Hsueh; and City Engineer II Alfredo Hurtado

PLEDGE OF ALLEGIANCE:

Pete Carpino led the Pledge of Allegiance

POSTING OF AGENDA:

Chairperson Glynn advised that the agenda had been posted at City Hall on Friday, September 6, 2002.

MINUTES: August 27, 2002

Commissioner Garcia requested an amendment to the first sentence of the third paragraph on Page 5, as follows:

City Attorney Daube reported that Commissioner Garcia had brought to her attention the fact that the staff report and resolutions had identified Seeno Financial and Construction Company as the originator of the project, but that Discovery Builders was apparently owner of the project.
MOTION:

Motion by Commissioner Garcia to approve the minutes of the August 27, 2002 meeting, as amended. The motion was seconded by Commissioner Leonard and carried by the following vote:

Ayes: Commissioners Garcia, Harris, Leonard, Ramirez, Glynn
Noes: None
Abstain: Commissioners Dolojan, Kelley
Absent: None

DELETIONS/WITHDRAWALS:

There were no deletions or withdrawals.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

PRESENTATIONS:

There were no presentations.

PUBLIC HEARING:

Item 1: Taj Mahal. UP-02-15.

Application by Rejendra J.S. Cheema requesting a use permit to allow a grocery store in an existing 1,768 square foot space located at 3831 Railroad Avenue, (Railroad Square commercial center), CC (Community Commercial) zone; APN 088-072-055.

Staff recommended that the Planning Commission adopt Resolution No. 9365, approving UP-02-15, with the conditions as shown.

PUBLIC HEARING OPENED

PROPONENT:

RAJEENDRA J.S. CHEEMA, 116 Marks Boulevard, Pittsburg, explained in response to Commissioner Garcia that he had received a copy of the staff report and the conditions of approval. He clarified that his store would sell produce, fresh fruit, Indian groceries and consist of 1,800 square feet of store space. He also clarified that as part of his lease agreement with the property owner beer and wine would be stored in the rear of the store and would not be advertised for sale.
Commissioner Garcia pointed out that as stipulated in the staff recommended conditions of approval and in the resolution of approval for the use permit, the applicant would be prohibited from selling alcohol on the premises. He advised that the Police Department had submitted correspondence in response to the application and had also recommended that no alcohol be sold at the facility. He requested assurance that the applicant was aware that no alcohol would be permitted to be sold on the premises.

Mr. Cheema stated he was aware of that requirement and would agree to that condition.

MANUEL TRETO, 135 Loma Vista, Vallejo, representing Plaza de las Americas, LLC, 3827 Railroad Avenue, Pittsburg, the property owner, assured the Planning Commission and the public at large that the proposed business would be a great asset to the Railroad Square shopping center and to the surrounding community.

Mr. Treto explained that the applicant was a resident of the City and owned a home a few blocks from the site. He advised that the landlord had executed strong lease restrictions which included the prohibition of the acquisition of a license for hard liquor, the sale of pornographic material and the advertisement of alcoholic beverages on storefront windows, while also severely limiting the square footage that the applicant could use for the sale of beer and wine to 75 square feet in the rear of the store.

Due to their commitment to the community, Mr. Treto advised that the landlord intended to rigorously enforce the lease restrictions. He recognized that staff had recommended a total prohibition of the sale of alcohol. While the applicant had expressed agreement with that condition, he commented that he had spoken to the applicant just prior to the meeting at which time the applicant had not agreed to that condition since the sale of beer and wine would already be limited by the existing lease agreement.

Mr. Treto requested that the Commission not restrict the applicant from applying for a beer and wine license from Alcoholic Beverage Control (ABC) and allow that agency to make the final determination. He also requested that the use permit be approved based on its logical, legal and commercial grounds and not on emotional appeals in that the use was fully consistent with the policies of the General Plan and the development regulations of the City's Municipal Code.

Chairperson Glynn emphasized that Condition No. 7 would prohibit the sale of any alcoholic beverages on the premises. He also requested clarification of the hours of operation of the business.

Mr. Treto noted that the lease agreement was not content specific. He explained that they had requested that the business remain open a minimum of 40 hours a week since the center had been vacant for so long that the property owners were desirous to create some activity at the center. He also stated that he would have to accept the condition related to the prohibition of the sale of alcohol.
Commissioner Dolojan was supportive of the City's regulations and recommendations to prohibit the sale of alcohol.

Mr. Treto noted that while not necessarily supportive of the sale of beer and wine given their desire to see the best for the shopping center, the tenant had expressed the desire to sell alcohol to complement the grocery store business. He accepted the City's prohibition, as recommended.

INDERJEET RANDMAWA, 116 Marks Boulevard, Pittsburg, explained that the business would be family operated by the applicant's daughters and wife. She too accepted the prohibition of the sale of alcohol to allow the operation to proceed.

PETE CARPINO, a resident of Pittsburg, also requested clarification of the proposed hours of operation.

Planning Intern Gary Hsueh understood from the applicant that the business would operate from 7:00 A.M. to 9:00 P.M., seven days a week.

Commissioner Harris inquired whether or not 7-Eleven and similar chains were allowed to remain open for a 24-hour period, and if so, he questioned why the business was being restricted on the hours of operation.

Mr. Hsueh explained that the hours of operation had been proposed by the applicant and were not being restricted by the City.

Commissioner Leonard recognized the concerns with the sale of alcohol, although he noted that most grocery stores sold beer and wine. He expressed concern that prohibiting the sale of alcohol could set a precedent, particularly given that other businesses in the area, including a large grocery store like Safeway, were allowed to sell alcohol. He urged the City to be consistent with its prohibition to the sale of alcohol.

Commissioner Leonard recommended that the operation be monitored. If the business turned out to be a good neighbor he would prefer not to place a restriction on the business while other nearby businesses were being allowed to sell alcohol. He cautioned that the restriction might chase off some of the same people the City was trying to attract.

OPPONENTS:

ARCHIE McFAUL, a resident of Pittsburg, identified himself as one of the owners of the Railroad Square Shopping Center, specifically of 3837 Railroad Avenue where the Shiloh Christian Center was located adjacent to the proposed grocery store. He objected to the use permit based on the fact that beer and wine could be sold at the premises. He commented that as one of the original owners of the shopping center there had been a number of problems over the years with drifters loitering on the property.
Oftentimes those individuals were intoxicated and under the influence of drugs. Mr. McFaul noted that those individuals appeared to loiter around businesses that sold beer and wine.

In the event that no beer and wine would be sold on the premises, Mr. McFaul stated that he would have no basis for objecting to the business, although he would have preferred that a different type of business occupy the site. He recognized that under the existing General Plan and pursuant to City code, the business would be permitted. If the business was not allowed to sell beer or wine, he would withdraw his objection to the application.

SANDY BLOODWITH, 2913 Roosevelt Lane, Antioch, representing the Well Pet Vet Clinic located at 3827 Railroad Avenue, advised that the hospital staff was concerned with the application and the possible sale of alcohol since it could attract unwanted individuals to the area. She emphasized that the vet clinic utilized controlled drugs in the facility, one of which was Ketamin (Special K), a drug that had been stolen in many locations and had been considered a date rape drug, and which would be more available during the day since it was not under lock and key. She added that the clinic utilized hypodermic needles, which also raised concerns. Further, clinic employees came in early and left late, and were concerned with who the sale of alcohol might attract to the area.

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9365, approving UP-02-15, a Use Permit to allow a grocery store at 3831 Railroad Avenue for "Taj Mahal Super Store," with the conditions as shown. The motion was seconded by Commissioner Harris and carried by the following vote:

Ayes: Commissioners Dolojan, Garcia, Harris, Kelley, Leonard, Ramirez, Glynn
Noes: None
Abstain: None
Absent: None

COMMISSION CONSIDERATION:

Application by Albert Seeno III, of Discovery Builders requesting design review approval of the architectural plans and elevations for the construction of 292 single family homes in San Marco Subdivision, Units 3, 4, 5 and 6 located south of Rio Verde Circle and east of San Marco Boulevard, PD (Planned Development No. 1057), zone: APN 097-055-045.

Assistant Planner Dana Hoggatt presented the request from Albert Seeno III, of Discovery Builders requesting design review approval of the architectural plans and elevations for the
construction of 292 single family homes in the San Marco Subdivision, Units 3, 4, 5 and 6 located south of Rio Verde Circle and east of San Marco Boulevard, in Planned Development No. 1057.

Ms. Hoggatt explained that Units 1 and 2 were nearing construction having been previously reviewed and approved by the Planning Commission. The plans for the first unit would be used for the first 40 homes in Unit 3. The developer now proposed the addition of four additional floor plans to be used in the Valencia phase of the subdivision.

The homes would be slightly larger than those built in Units 1 and 2, which ranged from 2,100 to 3,500 square feet in size. The subject homes would range from 2,300 to 3,700 square feet. Each floor plan would have three exterior variations in terms of colors, materials and details. The floor plans would also include one single story floor plan with the others being two story homes. Each home would have a two-car garage and optional three and four car garages or rooms.

Ms. Hoggatt advised that the plans that had been submitted to staff were consistent with the General Plan and the conditions of approval for the Planned Development Plan. The home colors would be subdued with the garages oriented parallel to the street to minimize their appearance. The design materials would include concrete tile roofs and other fire resistant materials.

Ms. Hoggatt also noted that the project would involve two options for fencing including board on board redwood or wire fencing. The resolution of approval for the design review had been written to be consistent with what had been approved for Unit 1, where the interior lot lines would have board on board fencing, and subject to staff approval lots that had views of the waterfront or which viewed onto open spaces could opt to have wire fencing.

Ms. Hoggatt recommended that the Planning Commission adopt Resolution No. 9366, approving DR-02-24, with the conditions as shown.

PROPOSER:

ALBERT SEENO III, Discovery Builders, 4061 Port Chicago Highway, Suite H, Concord, explained that they had been working with City staff and an architect on the new floor plans. He introduced Rob Williams with KTGY Group to present the conceptual elevations.

ROB WILLIAMS, KTGY Group, Irvine, advised that he had been hired by the developer to prepare four new house plans, which would range from one story at 2,300 square feet to over 4,000 square feet in size with three other two story plans. The architecture would involve larger homes than the other phases with a variety of styles, including Santa Barbara, French and Monterey styles. Street scenes were displayed to the Commission for review.
Mr. Williams recognized that the colors of the homes would be subdued although they would be complementary to the architecture. He also identified the use of the building stucco and the use of stone and design materials, which would also be in keeping with a true architectural style for the homes with more of an upgrade than the other homes in the area. Mr. Williams also identified a courtyard design that would include a walkway through a gate offering a different environment for outdoor use.

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

Commissioner Dolojan referenced Condition No. 13, and the fact that range wire fencing shall be used in the open space areas. He requested a clarification of the wire material that could be used.

Mr. Seeno explained that they typically used 2 x 4 square wire mesh for those homes that backed up to open space areas to be able to take advantage of viewsheds. He clarified that they had not had too much trouble with the use of such material. The maintenance of the fences would be the responsibility of the property owners and was usually used on yards that went up slope easements or could be adjacent to grazing areas.

Chairperson Glynn referenced Condition No. 16 where no more than two of the same model home shall be located adjacent to one another and no two same adjacent models shall have the same elevation or color scheme. He questioned whether or not that had been resolved with the project architect.

Mr. Seeno advised that requirement would be addressed in house and efforts would be made to ensure that the models would not be repetitious.

Mr. Seeno also affirmed, when asked, that other than the wire mesh fencing in the open space areas, the remaining homes would have redwood fencing with solid board fencing in between as a good neighbor fence. In some instances, such as in courts, sideyard fencing would abut an open fence and could involve a view fence, dependent upon the decision of the developer and the homeowner. He emphasized that the fencing material used would be appropriate in the open space areas and the remaining areas of the project.

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9366, approving DR-02-24, Design Review approval of architectural plans for 292 single family residential houses in Units 3, 4, 5 and 6 of San Marco Subdivision for "Valencia at San Marco," with the conditions as shown. The motion was seconded by Commissioner Kelley and carried by the following vote:
Ayes: Commissioners Dolojan, Garcia, Harris, Kelley, Leonard, Ramirez, Glynn
Noes: None
Abstain: None
Absent: None

Item 3: San Marco Unit 3 Entry Monument Sign. DR-02-23.
Application by Albert D. Seeno of SEECON Financial and Construction requesting design review approval and a sign exception for size, height, sign area, and exterior illumination for a freestanding neighborhood identification sign to be located on the southeast corner of San Marco Boulevard and Rio Verde Circle, PD (Planned Development No. 1057) zone, APN 097-055-045.

Mr. Jerome identified correspondence received by the City on September 10, 2002 from Discovery Builders, dated September 9, 2002, advising that Discovery Builders was the actual applicant as opposed to Albert D. Seeno, SEECON Financial and Construction as indicated on the agenda.

Assistant Planner Dana Hoggatt presented the request for design review approval and a sign exception for size, height, sign area, and exterior illumination for a freestanding neighborhood identification sign to be located on the southeast corner of San Marco Boulevard and Rio Verde Circle. She advised that the sign was the third sign that had been presented to the Planning Commission as part of the San Marco Subdivision.

The first sign had identified "Serrano" Units 1 and 2, and the second entry sign had been approved for the main subdivision entry sign located near West Leland Road. The subject sign would identify Units 3, 4, 5 and 6.

The subject sign would be slightly different from the entry sign for Serrano in that the sign had been built with a separate retaining wall. The subject entry sign would be integrated into the subdivision perimeter wall and would back up into the homes of Unit 3. The style, color scheme and materials for the sign would be similar to what had been approved for the Serrano and main San Marco entry signs. The subject sign face would consist of a Royal Blue ceramic tile with an accent border of red and yellow tiles.

Ms. Hoggatt reported that the developer had requested an exception to the size, height and illumination of the sign. Staff was of the opinion that the height was justified in that the sign would be incorporated into the subdivision wall, which was approximately 7 feet in height. The sign, as proposed, would be 9 feet in height. The height would also allow for an arch detail above the sign itself. The exterior illumination was consistent with previous approvals and with the sign regulations that permitted exterior illumination for higher density apartments and other residential types of uses.
Noting staff concerns with the size of the proposed sign face, Ms. Hoggatt identified the 19 feet in length by 5-foot tall sign face, totaling 95 square feet in size. The sign face would be substantially larger than what had been approved for Units 1 and 2 with a sign face approximately 48 square feet in size. The San Marco main entry sign was 88 square feet in size.

Ms. Hoggatt recommended that the sign face be reduced in size to 4 feet in height by 14 feet in length, totaling 56 square feet, which would allow the Valencia sign to be slightly larger than the Serrano sign, consistent with the larger floor plans for the homes, while also reducing the size of the sign face to be smaller than the main entry sign for San Marco allowing that sign to remain as the prominent entry feature to the subdivision.

Ms. Hoggatt recommended that the Planning Commission adopt Resolution No. 9367, approving DR-02-23, with the conditions as shown.

Commissioner Dolojan understood that once the project was completed the sign would be dedicated to the City. He questioned who would be responsible for the maintenance of the sign, whether the City or the developer.

Ms. Hoggatt affirmed that the sign would be dedicated to the City upon the completion of the subdivision.

Commissioner Dolojan questioned the fact that the sign would be dedicated to the City in that it could cost the City funds. Since the sign benefited the subdivision, he suggested that it should remain the responsibility of the developer.

Ms. Hoggatt explained that the site was part of a landscaping parcel to be dedicated to the City for the City to maintain. She commented that there was an assessment district that would cover the fees for the maintenance of signage and landscaping. Part of what was before the Commission was the approval of the location of the sign in the landscaping parcel. She also clarified that the other entry signs in the development followed the same policy and had also been dedicated to the City.

Commissioner Leonard suggested that a bigger sign was better. Commissioner Leonard cited, as an example, subdivisions located in Orlando, Florida, which he had recently visited. As one moved up farther in the subdivision and reached more expensive homes, the monuments became larger to make a statement, which was part of the marketing for the subdivisions. He requested that the staff recommendation to reduce the size of the sign face be eliminated from the resolution of approval.

Chairperson Glynn inquired of the assessment district as to whether or not it would be applicable to all phases of the San Marco development. He questioned whether or not the assessment district had already been applied to homes that had been sold in the current
San Marco subdivisions.

Ms. Hoggatt affirmed that had already occurred. She reiterated the staff recommendations for the reduction in the sign face, as previously stated, to provide a slightly larger sign than the Serrano subdivision sign, but one that is smaller than the main entry sign for the San Marco development, which was 88 square feet in size.

PROONENT:

ALBERT D. SEENO, III, Discovery Builders, 4061 Port Chicago Highway, Suite H, Concord, explained that they had been working with staff on the sign. While he preferred a larger sign, he acknowledged that the sign should not be overbearing for the subdivision. He stated that the staff recommendation to reduce the size of the sign face was acceptable. He added that he would comply with the Commission's will.

Commissioner Kelley inquired whether or not the applicant would be willing to meet with staff on the recommendation to reduce the size of the sign face to prepare something that would be acceptable to both parties.

Mr. Seeno advised that he would be willing to meet with staff to address the situation.

Commissioner Garcia understood that the applicant had been working with staff and that the applicant was satisfied with the conditions of approval. As long as the applicant and staff were satisfied, he suggested that the sign should be accepted as conditioned and that the applicant not be required to revise the sign plans and return to the Commission at a future date.

Mr. Seeno acknowledged Commissioner Garcia's understanding and advised that they would do whatever was right. He also acknowledged in response to the Chair, that the illumination of the sign would involve energy efficient low voltage quartz lights.

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9367, approving DR-02-23, Design Review approval and approval of a sign exception for a freestanding neighborhood identification sign for Units 3, 4, 5 and 6 (Valencia) of the San Marco Residential Subdivision located on San Marco Boulevard, south and west of San Marco Units 1 and 2, for "Valencia at San Marco Entry Sign," with the conditions as shown. The motion was seconded by Commissioner Kelley and carried by the following vote:

Ayes: Commissioners Dolojan, Garcia, Harris, Kelley, Leonard, Ramirez, Glynn
Noes: None
Abstain: None
Absent: None

STAFF COMMUNICATIONS:

Mr. Jerome reported that longtime Associate Planner Chris Bekiaris would be retiring on September 13. On behalf of Planning staff, he expressed his appreciation to Mr. Bekiaris for his efforts and wished him well in his retirement. In addition, he reported that it was likely that the Planning Commission meeting of September 24 would be canceled since the scheduled items might not be ready for consideration at that time.

GENERAL PLAN IMPLEMENTATION:

Mr. Jerome advised that staff was working with the Consultant to finalize the General Plan and to complete the Housing Element.

ZONING ADMINISTRATOR REPORT:

There was no Zoning Administrator Report.

COMMITTEE REPORTS:

There were no Committee reports.

COMMISSION COMMENTS:

Commissioner Garcia expressed his appreciation and congratulations to Mr. Bekiaris on his hard work over the years in working for the City.

Commissioner Garcia also commented on the City of Antioch's FUA1 project, and the Environmental Impact Report (EIR) prepared for that project. He inquired whether or not City staff had evaluated that document and would make comments on the potential traffic impacts since in his opinion the traffic studies in that EIR had been inadequate.

Commissioner Garcia also questioned whether or not the EIR had included regional traffic mitigation fees or suggestions that project proponents eliminate, contribute towards or construct the Buchanan Road Bypass.

Commissioner Garcia referenced the gas station and property south of the gas station off of Railroad Avenue near the Railroad Square Shopping Center, which was full of potholes in the parking lot and in the new parking lot that the City had built for a new building east of El Dorado Drive and Railroad Avenue. He referenced photographs provided by Fort Knox Storage as part of correspondence in response to the application for the Taj Mahal Super Store, which depicted the deteriorated nature of the area and which had become a disgrace.
Commissioner Leonard expressed disappointment with the quality of the recent improvements to the Eighth Street Corridor. He suggested that the Commission should have had some input in the design of that corridor. He commented that an arch lighting element would have been attractive. He also expressed concern with the fact that Vee Jay Marine Services had been closed during the Seafood Festival and that the Marina was not accessible after 12:00 noon on Saturdays and not accessible on Sundays. He requested that the Commission evaluate all use permits, leases or contracts or to determine what had been permitted at the Marina.

Commissioner Leonard reported that a boat had flipped over during the Seafood Festival and had to be towed to MacAvoy's Harbor in Bay Point since the Pittsburg Marina was closed. He expressed disappointment that the Marina was closed during the event and was not adequately open at other times to serve the residents of the community.

Commissioner Harris inquired of the status of the St. Vincent de Paul property, to which Mr. Jerome reported that staff had met with William Lyon Housing, which had been interested in acquiring the property for development. He noted that staff had no contact with that developer since the initial discussions.

Recognizing that the St. Vincent de Paul facility was no longer in operation, Commissioner Harris stated that as the property owner, St. Vincent de Paul should continue to maintain the outside of the property which was in poor condition. He reiterated previous concerns expressed a number of times during prior meetings, including concerns with the Vogue Theater, an individual cutting lumber and a fence apparently not installed on the property line on vacant property on Garcia Avenue, as well as the issues surrounding Wal-Mart. He questioned whether or not code enforcement was addressing any of those concerns.

Mr. Jerome reported that code enforcement was tracking approximately seventeen issues and that staff met weekly to discuss those issues. He expressed the willingness to clarify the issues with the St. Vincent de Paul property through the Code Enforcement Division.

Chairperson Glynn identified an encampment located at the end of East Tenth Street in a fenced area near the railroad underpass where a number of vehicles had recently been parked and where a number of people were living in those vehicles. He added that a dilapidated fence for a used car lot in the area was becoming more problematic.

Chairperson Glynn also cited the poor condition of the junkyard property located on the Pittsburg/Antioch Highway. He noted that the shell of an abandoned vehicle was currently sitting on the north side of the road.

Speaking to the recent Seafood Festival, Chairperson Glynn reported that the entrances to the City had been full of litter, particularly the area of Third Street near Cardinale Bakery. He also noted that a tree lot across from Johns Manville that was intended to screen Bay
Harbor Park was full of concrete, spoils and dirt. He questioned whether or not the debris had been dumped by people working for the City or by nearby projects. He stated the same problem had occurred on Montezuma Street a few years ago prior to the development of The Olsen subdivision. He emphasized that debris from City projects should be disposed at the City's Corporation Yard and not on City owned property. He also expressed concern with the number of code enforcement issues that had yet to be resolved.

Commissioner Ramirez questioned whether a report from code enforcement would be forthcoming or whether the issues should be raised with the City Council. He too commented on the same issues that had been raised meeting after meeting with no resolution. He urged a report from the Code Enforcement Division.

Mr. Jerome advised that the Code Enforcement Division had made presentations to the Commission once a quarter and were expected to offer their next quarterly report in the near future. He expressed the willingness to meet with Commander Hendricks to see if a presentation could be scheduled.

Commissioner Kelley expressed her appreciation to Mr. Bekiaris and wished him well. She agreed that it was time for the Code Enforcement Division to make a presentation to the Planning Commission.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 8:37 P.M. to a regular meeting of the Planning Commission on September 27, 2002 at 7:30 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

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MELISSA AYRES, Secretary
Pittsburg Planning Commission