A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Holmes at 7:30 P.M. on Tuesday, May 28, 2002, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

Present: Commissioners Garcia, Glynn, Harris, Kelley, Leonard, Chairperson Holmes
(Commissioner Kelley arrived at 8:04 P.M.)

Absent: Commissioner Ramirez

Staff: Director of Planning and Building Randy Jerome; Associate Planner Chris Bekiaris; Assistant Planner Dana Hoggatt; Planning Technician Christopher Barton; Planning Intern Gary Hsueh; City Engineer Joe Sbranti; Civil Engineer II, Alfredo Hurtado; and Administrative Assistant II Fara Bowman.

POSTING OF AGENDA:

Chairperson Holmes advised that the agenda had been posted at City Hall on Friday, May 24, 2002.

PLEDGE OF ALLEGIANCE:

Commissioner Glynn led the Pledge of Allegiance.

MINUTES: May 14, 2002

MOTION:

Motion by Commissioner Glynn to approve the minutes of the May 14, 2002 meeting, as submitted. The motion was seconded by Commissioner Garcia and carried by the following vote:
Ayes: Commissioners Garcia, Glynn, Harris, Leonard, Holmes
Noes: None
Abstain: None
Absent: Commissioners Kelley, Ramirez

DELETIONS/WITHDRAWALS:

Mr. Jerome reported that Item No. 1, Loveridge Center (Mill Creek) Pylon Sign, DR-02-05 would be continued to the Planning Commission meeting of June 11, 2002 at the request of the applicant. In addition, staff had received correspondence regarding Item 8 from Lonell Nolen, the applicant for the Palace Lounge, UP-02-08 and RZ-02-06, who had also requested a continuance to the Commission meeting of June 11, 2002.

Commissioner Glynn recommended that Item No. 8 be moved to Item No. 1 on the agenda to allow those in the audience to speak if they wished.

MOTION:

Motion by Commissioner Garcia to move Item No. 8, UP-02-08 and RZ-02-06, Palace Lounge to agenda Item No. 1. The motion was seconded by Commissioner Leonard and carried by the following vote:

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

COMMENTS FROM AUDIENCE:

There were no comments from the audience.

PRESENTATIONS:

There were no presentations.

PUBLIC HEARING:

Item 8: Palace Lounge. UP-02-08 and RZ-02-06.
Application by Lonell Nolen requesting approval of a rezoning of 0.4 acres to CC-O (Community Commercial with a Limited Overlay) and a use permit to allow a tavern including full alcohol service with appetizers and live entertainment in a 3,500 square foot space in an existing building located at 985 Railroad Avenue; APN 85-195-007.
Mr. Jerome reiterated that the applicant had requested a continuance to the June 11, 2002 meeting. He recommended that the public hearing be opened, that the item be continued to that date, and that any comments be deferred until that time.

PUBLIC HEARING OPENED

PROPONNENTS: None

OPPONENTS: None

MOTION:

Motion by Commissioner Garcia to continue UP-02-08 and RZ-02-06, the Palace Lounge, to the Planning Commission meeting of June 11, 2002. The motion was seconded by Commissioner Glynn and carried by the following vote:

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

Speaking from the audience and after the motion had been taken, WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), explained that he had presented a speaker card to speak to the item. He requested the right to speak on the item at this time consistent with the Brown Act.

Commissioner Garcia withdrew his motion [although a vote had been taken] to allow the public hearing to be opened if the second to the motion agreed.

Mr. Jerome explained that Mr. Mims' right to speak was not being denied in that the item had been continued at the request of the applicant with the public hearing to be continued to the meeting of June 11, 2002.

Mr. Mims explained that he was just trying to ensure the accuracy of the record.

COMMISSION CONSIDERATIONS:

Item 1: Loveridge Center (Mill Creek) Pylon Sign. DR-02-05.
Application by John Tomasello of Mill Creek Development, LLC, requesting design review approval and a sign exception for height, sign area, and off-site location for a freestanding pylon sign identifying a six-lot commercial subdivision located north of California Avenue and west of Loveridge Road, CS-O (Service Commercial with a Limited Overlay) zone; APN 073-190-017.
Mr. Jerome advised that the item did not involve a public hearing, although it had been continued from the Planning Commission meeting of May 14. The applicant had again requested that the item be continued since all the participants who wanted to be in attendance had not been able to attend the meeting.

Commissioner Glynn reminded staff of a prior recommendation he had made that staff contact Susan Miller of the Contra Costa Transportation Authority (CCTA) with respect to the issue of potential problems as a result of the State Route 4 widening project, which could have a serious impact on the design of the sign. He noted that during TRANSPLAN meetings it had been mentioned that the site could be a possible location for connecting eBART to the Pittsburg/Bay Point BART Station, directly impacting the design or visibility of the sign as proposed.

Commissioner Leonard noted that the Commission had not addressed whether or not there were any Comments from the Audience on any items not on the agenda, which he suggested be done.

MOTION:

Motion by Commissioner Garcia to continue DR-02-05, Loveridge Center (Mill Creek) Pylon Sign to the Planning Commission meeting of June 11, 2002. The motion was seconded by Commissioner Harris and carried by the following vote:

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

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Item 2: East Street Estates Extension of Approval of Subd. 8409.

Application by Norm Dyer, Loving & Campos Architects, Inc., for an extension of Resolution No. 9167, which approved a subdivision of a 0.63-acre parcel into eight single-family residential lots ranging in size from 3,377 to 3,680 square feet. The requested extension will provide that the vesting tentative map for the project remain valid for up to an additional five years. The site had been occupied by the recently demolished Veterans Building located between East Eighth Street and East Ninth Street on the east side of East Leland.

Mr. Jerome advised that the applicant had requested an extension of the tentative map that
had initially been approved in May 2000.

Assistant Planner Dana Hoggatt also explained that the site was located between East Eighth and East Ninth Streets on East Street where the Veterans Memorial Hall had been located. The project would involve an 8-lot residential subdivision. She explained that a tentative map was normally valid for a two-year period, although the applicant had requested a five-year extension allowable under the State Subdivision Map Act. She added that under Title 17 of the City's Municipal Code for Subdivisions, a map was allowed to be extended for up to three years only.

Ms. Hoggatt recommended that the Planning Commission extend the tentative map for an additional three years so that the map would be valid from now until May 2005.

Commissioner Glynn inquired of the reasons for the delay in the progress of the project.

PROPONENT:

NORM DYER, Loving & Campos Architects, Inc., 245 Ygnacio Valley Road, Suite 200, Walnut Creek, explained that the delay in the project had been a matter of finding the right builder, market and timing. To date, they had not been able to find the right combination, although it was expected that a builder would be on board in the next few weeks.

Chairperson Holmes commented on his understanding that the applicant had submitted a check in the amount of $180 for the extension. He requested clarification from the applicant whether or not that was for a five-year extension.

Mr. Dyer advised that the $180 represented the application fee imposed by the City for any extension. He also commented, when asked, that he was comfortable with the staff recommendation for a three-year extension. If after three years the property had still not been sold, he stated that he would return to the Commission again at that time.

OPPONENTS: None

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9329, extending Resolution No. 9167 approving a Vesting Tentative Map for an eight-lot residential subdivision at 855 East Street for "East Street Estates," Subdivision 8409, with the conditions as shown. The motion was seconded by Commissioner Glynn and carried by the following vote:

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

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Request by Ernie Davis, Century Plaza Development Corporation, to extend the approval of DR-01-14 for an 80-foot high pylon sign for the Century Plaza Auto Mall located south of Century Boulevard adjacent to State Route 4, CC (Community Commercial) zone; APN 074-090-010.

Mr. Bekiaris recommended that the Planning Commission adopt Resolution No. 9326 to extend DR-01-14.

PROPOONENT: None

OPPONENT:

WILLIE MIMS, Pittsburg, representing the BPA, referenced the staff report and background on the project and the adoption of Resolution No. 9214 on June 12, 2001. He expressed concern why it had taken an entire year to design the sign. He commented that he had seen a photo of the sign and although it appeared okay he expressed concern that the work had not yet commenced on the project and that the applicant was now requesting an extension.

Mr. Mims suggested that the Commission do the taxpayers of the City a favor and save them the $650,000 the sign could cost and deny the request for an extension.

Commissioner Garcia explained that the reason the sign had not been constructed had been that the Auto Mall had yet to be built. He understood that there were some businesses that desired to go into the Auto Mall, although those negotiations had yet to be finalized. Until such time as the Auto Mall was constructed, the sign would not be installed.

Mr. Mims advised that he had opposed the sign when the same resolution had been brought before the City Council for approval. At that time, he had understood that the sign would be built prior to the Auto Mall itself, which he suggested had been the argument when the applicants had appeared before the Council.

Commissioner Garcia emphasized that the applicant had to have the dealers in the Auto Mall prior to the construction of the sign. He noted that the sign would not serve any purpose with no dealers in the project.

Mr. Mims reiterated the argument the applicants had used before the Council for the sign when the discussion had been that the applicants needed the sign prior to the start of
construction of the Auto Mall. He reiterated his opposition.

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9326 extending Resolution No. 9214 approving a sign exception for a freestanding pylon sign for Century Plaza 3 (DR-01-14), with the conditions as shown. The motion was seconded by Commissioner Leonard and carried by the following vote:

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

Chairperson Holmes advised that a decision by the Planning Commission was not final until the appeal period expired ten days from the meeting. The applicant, City Council, City Manager, or any affected person may appeal either the denial, approval or any condition of approval of an item within 10 calendar days of the decision.

PUBLIC HEARINGS:

Item 4: Willow Heights Residential Subdivision. (Stanley Works). RZ-01-03, DR-01-42 and Subdivision 8605.

Applications by Vince Fletcher of Schuler Homes of California, Inc., to amend the Zoning Map for approximately 17.18 acres from RS (Single-Family Residential) to PD (Planned Development) and request approval of PD Plan and a tentative map for a 120-lot single-family residential subdivision and for design review approval of architectural plans for house plans and landscaping on the portion of the Stanley Works site located between North Parkside Drive on the north, West Seventeenth Street on the south and between Andrew Avenue on the east and the River Run residential subdivision on the west; APN 086-020-012.

Associate Planner Chris Bekiaris presented the request to amend the Zoning Map for approximately 17.18 acres from Single-Family Residential to Planned Development and the requested approval of a PD Plan and a tentative map for a 120-lot single-family residential subdivision and for design review approval of architectural plans for house plans and landscaping on the portion of the Stanley Works site located between North Parkside Drive on the north, West Seventeenth Street on the south and between Andrew Avenue on the east and the River Run residential subdivision on the west.

Mr. Bekiaris clarified for the record that the project would be for a 120-lot subdivision, not
119 lots as reflected on the agenda. He noted that the applications involved an amendment to the Zoning Map to Planned Development for the project and to approve a Tentative Map for review and approval of the home plans.

Mr. Bekiaris identified the site as being located on an L-shape parcel behind Stanley Works (Acme Steel) to the north on an approximately 17-acre parcel. The project would comply with the density in the General Plan in that it would total 6.9 dwelling units per area, where the General Plan allowed up to 7 units per acre.

The architectural plans would be the same as those constructed at the Harbor Lights residential subdivision and would involve the same elevations. All of the units would involve two stories, with three floor plans and three different elevations. The smallest unit would be 2,144 square feet, a mid-sized unit would be 2,334 square feet and the largest unit would be 2,598 square feet in size. All models would have a 6:12 pitch roof, concrete tiles and stucco siding with trim. The lot sizes ranged from 3,900 to 7,700 square feet, although the majority of the parcels would range from 4,100 to 5,000 square feet in size.

Mr. Bekiaris explained that as a standard condition of approval the front yard setbacks must be 20 feet from the garage door to the rear of the sidewalk or back of curb. He noted that the project would also involve a Homeowner's Association (HOA) with the private streets to be maintained by the HOA. The community would also be gated.

Mr. Bekiaris identified the project exits on North Parkside Drive and on West Seventeenth Street near the Parkside School. He explained that for many years the school had been using portions of the property for a bus turnaround and for teachers and parents to park their vehicles. The applicant had proposed to improve the turnaround for the buses and to add some parking for the teachers and parents, with the land to be dedicated to the City. Those plans had been reviewed and accepted by the Pittsburg Unified School District (PUSD).

Mr. Bekiaris advised that Acme Steel had a chemical leak many years ago. In addition, there was a leach field in the area that had some chlorinated solvents in the ground water. The California Regional Water Quality Board (CRWQB) had cleared the site for residential development and there were no longer traces of the chemical in the ground or in the ground water, although there might be some chlorinates in the ground water. Monitoring wells had been placed on the site years ago. The CRWQB required that ten monitoring wells remain on the site to continue monitoring for any chlorinated solvents.

Mr. Bekiaris recommended the adoption of Resolution No. 9306, recommending the approval of RZ-01-03, Resolution No. 9307 approving DR-01-42, and Resolution No. 9308 approving Tentative Map 8605, with the conditions as shown.

Commissioner Garcia inquired whether or not the traffic east on North Parkside Drive
would include a right turn in/out and whether or not a left turn lane traveling west would be provided, to which Mr. Bekiaris explained that there would be egress/ingress lanes and acceleration/deceleration lanes. In addition, there would be a left turn lane heading west.

Commissioner Glynn inquired whether or not the framing of the homes would consist of steel frames as had been constructed in the Harbor Lights subdivision.

Mr. Bekiaris understood that the homes would be wood frame consistent with the current construction of the newer units at the Harbor Lights subdivision, which had been a result of finances. The home elevations would remain exactly the same.

In response to Commissioner Harris, Mr. Bekiaris affirmed that the Fire Protection District had reviewed the plans.

PUBLIC HEARING OPENED

PROPOUNENTS:

VINCE FLETCHER, Schuler Homes of California, Inc./Western Pacific Housing, 1210 Central Avenue, Brentwood, also affirmed that the Fire Protection District had reviewed and approved the plans to ensure that they met the District's criteria that the streets be no longer than 150 feet from the opening of the intersection to the driveway of the home on the last end of the street. Fire trucks would be able to enter the street and then back out. He noted that the streets would be 28 feet in width.

Commissioner Harris inquired whether or not a sample color and materials board would be presented to the Commission, and Mr. Bekiaris advised that staff had received no sample color and materials board, although he reiterated that the project would be the same as the Harbor Lights subdivision.

Mr. Fletcher explained that Schuler Homes and Western Pacific Housing had recently merged to form one company. He requested that the Commission approve the proposal for 120 single-family homes. He added that the lots would be 20 percent larger than those in the existing Harbor Lights project.

Mr. Fletcher further explained that they had been building in the City for the past five years, had started the Americana project at the Brickyard Landing site and had continued with the Harbor Lights subdivision. That project was over half way sold out. A recent release of 14 homes, which was typically done per phase, had been successful. They planned to release the same this weekend and expected the same successful results.

Mr. Fletcher advised that they had been raising the home prices slightly and were currently marketing the homes at $285,000, $295,000 and $305,000. He suggested that the homes
were reasonably priced homes, that people liked the area and that the area continued to get better and better. He expected to sell out their next release this weekend. As such, he requested that they be allowed to continue the project.

Mr. Fletcher also noted that the original color and materials board had been provided to staff when they had obtained the Harbor Lights product. He affirmed that the project would involve the same tile roofs, roof pitch, and floor plans, with three elevations of each plan to offer nine different home designs.

Speaking to the site itself, Mr. Fletcher reiterated that the community would be gated and that the streets would be privately owned and maintained by the HOA. A tot lot would also be maintained by the HOA. Front yard landscaping would be installed, also to be maintained by the HOA.

Mr. Fletcher recognized a school site located to the south and commented that he had spoken to Dr. Zamora of the PUSD, who was in favor of the project. He noted that Dr. Zamora had a conversation with the PUSD Superintendent of Schools who had requested that sidewalks be placed on the west side of the turnaround, which he stated would be done.

Mr. Fletcher suggested that the potential homebuyers would add to the economic boost that had been occurring in the downtown in that there were more homebuyers in the downtown area with the development of Americana, Harbor Lights and a future project they would be proposing at Builders Circle on Tenth Street. Homebuyers would need a minimum of $75,000 to $80,000 combined income to qualify for one of the homes. He suggested that the homebuyers would spend their time and money in the downtown and that the growing City would be better because of the developments.

Since he now understood that Schuler Homes had merged with Western Pacific Housing and since he had done business with Western Pacific Housing in the past and might do business with that company in the future, Commissioner Harris reported that he had a potential conflict of interest. He stepped down from the dais at this time.

In response to Commissioner Garcia, Mr. Fletcher advised that he had read and was in agreement with the conditions of approval as contained in the three resolutions presented to the Commission for approval.

BRUCE OHLSON, East Bay Bicycle Coalition, requested that the Commission direct the developer to work with the City's Engineering Department to dedicate space on North Parkside Drive for the construction of a bicycle lane on North Parkside Drive along the north border of the subdivision. He noted that the Engineering Department was applying for funds to build a bicycle route on both sides of North Parkside Drive from the overpass/underpass of the West Tenth Street/Range Road intersection all the way out to...
Mr. Ohlson also noted that the recently adopted General Plan had spoken of access through gated communities, not only for vehicles but for pedestrians and bicyclists through the fences.

Speaking to Exhibit C, Sheet Two, a Map of the project, Mr. Ohlson requested access through the fence on the west side to allow a resident bicyclist to cut through from Power Avenue through the subdivision located to the west without having to bicycle or walk all the way around the subdivision to get into his/her home. He further requested a cut through at the end of A Street in the subdivision adjacent to the Lau property as shown on Exhibit C, Sheet Two.

Mr. Ohlson suggested that neither request would be a financial detriment to the developer, the City or to the development itself.

Commissioner Garcia inquired whether or not the issue of bike lanes had been discussed with the Engineering Department, to which Mr. Bekiaris advised that a condition of approval would be imposed on the project that a dedication be provided for bike lanes. As to the recommendation for an opening near the gate for access, if the developer or Commission was in agreement, he stated that could be added as a condition.

Mr. Fletcher explained that it had been their intent to have a bike lane along Parkside Drive assuming it fit in with the acceleration/deceleration lane on Parkside Drive. They also planned to have a pedestrian gate at the turnaround next to the school for children who lived in the subdivision and who attended the elementary school, which could also be used for bike access.

As to the request to provide access to the west of the subdivision, Mr. Fletcher noted that involved another HOA and he was unaware of any access or bike trail to connect to that subdivision. As such, they would confine their activity to the two entrances; one along Parkside Drive and the other to the south to Seventeenth Street.

WILLIE MIMS, Pittsburg, representing the BPA, referenced those individuals the applicant had spoken to at the PUSD. He noted that Superintendent Wong as well as Dr. Zamora planned to leave the District. He suggested that if the District were to be referenced that the project should be submitted to the PUSD for approval.

Chairperson Holmes pointed out that Dr. Wong was still the Superintendent of the PUSD and until he left that position the Commission should abide by his recommendation to Mr. Fletcher.

Mr. Bekiaris identified Condition No. 5 of Resolution No. 9308, and suggested that it be amended as follows:

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5. The Developer shall comply with all requirements of the Planning and Building Department, City Engineering Department, Contra Costa County Fire Protection District, California Regional Water Quality Control Board, and any other applicable local, state and federal agency.

Mr. Fletcher agreed with the modification to Condition No. 5 of Resolution No. 9308, as recommended.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: RZ-01-03

Motion by Commissioner Garcia to adopt Resolution No. 9306, recommending that the City Council approve RZ-01-03, amending approximately 17.16 acres from RS (Single Family Residential) to PD (Planned Development) with a PD Plan for "Willow Heights Residential Subdivision," as shown. The motion was seconded by Commissioner Glynn and carried by the following vote:

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

MOTION: DR-01-42

Motion by Commissioner Garcia to adopt Resolution No. 9307, approving DR-01-42, Design Review approval of architectural plans and site improvements for Subdivision No. 8605 for "Willow Heights Residential Subdivision," with the conditions as shown. The motion was seconded by Commissioner Glynn and carried by the following vote:

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

MOTION: Subdivision No. 8605

Motion by Commissioner Garcia to adopt Resolution No. 9308, approving a Vesting Tentative Map for a 120-lot subdivision, Subdivision 8605 for "Willow Heights Residential Subdivision," with the conditions as shown and with the modification to Condition No. 5, as shown. The motion was seconded by Commissioner Glynn and carried by the following vote:

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

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

Chairperson Holmes advised that a decision by the Planning Commission was not final until the appeal period expired ten days from the meeting. The applicant, City Council, City Manager, or any affected person may appeal either the denial, approval or any condition of approval of an item within 10 calendar days of the decision.

Commissioner Harris returned to the dais at this time.

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**Item 5: American Auto Body. UP-02-05.**

Application by Tom Ksenzulak of American Auto Body requesting approval of a use permit to allow auto body repair in an existing 7,680 square foot building located at 120 Bliss Avenue, CS (Service Commercial) zone; APN 080-171-005.

Mr. Jerome explained that the applicant was being affected by the widening of State Route 4 and needed additional space for his business expansion. The business planned to relocate across the street from its current location.

Planning Technician Christopher Barton presented the request for the approval of a use permit to allow auto body repair in an existing 7,680 square foot building located at 120 Bliss Avenue, in a Service Commercial zoning district. The business planned to locate across the street from its present location. The use classification would be considered Vehicle Equipment Repair Major, which required the approval of a use permit in the Service Commercial zoning district.

The business did not plan to have a paint booth in the new building and would primarily conduct work with hand tools and some welding work that would not involve an open flame. The applicants were in the process of working with the City’s Building Department to bring the building up to code to allow the use to occupy the site.

All work would be conducted indoors with the hours of operation to be from 8:00 A.M. to 5:00 P.M., Monday through Friday.

Mr. Barton recommended that the Planning Commission adopt Resolution No. 9325, approving UP-02-05, with the conditions as shown.

PUBLIC HEARING OPENED

PROPONENT:
TOM KSENZULAK, American Auto Body, 105 Bliss Avenue, Pittsburg, advised that he was a resident of the City of Antioch. He explained that he hoped to obtain more space and time to relocate the business. He planned to locate across the street from the current location for temporary space to conduct some auto body repair and then bring the vehicles back across the street to conduct the painting and finish work since the rear portion of the existing site would be affected by the widening of State Route 4. Commissioner Garcia inquired whether or not the applicant had any concerns with the conditions of approval. He otherwise expressed his hope that the applicant's business would remain in town.

Mr. Ksenzulak stated that he had read and had no concerns with the staff recommended conditions of approval. He also hoped that the business would be able to remain in town.

In response to a member of the audience, Mr. Barton explained that the existing business was located across the street from the subject location and the applicant had applied for a use permit to allow the continuation of the business at that new location. The existing facility had a painting booth, although the new site would not include a paint booth and would only be used for the auto body portion of the operation, as earlier described.

OPPONENTS:

MICHAEL BURCH, Owner of California Newsracks, 120 Bliss Avenue, Pittsburg, commented that his lease had been terminated. While he had no problem with the applicant using the new tenant space, he commented that when the applicant had applied for the use permit there was a problem with cleaning up the rear yard of the site.

Mr. Burch stated that Commander William Hendricks of the City's Code Enforcement Bureau had visited the site since November 2001 to ensure that the rear yard had been cleaned. He had been required to remove hundreds of newsracks and vehicles that had been in the rear yard that he was unaware were in violation of the City's zoning codes. The vehicles had been located behind a gated fence and were not visible to the public.

Mr. Burch added that he had to place a 20-foot overseas container inside his building. After all of that work had occurred, he had been notified that his lease would be terminated and that American Auto Body had been in touch with the CCTA to relocate that business. He understood that the applicants had worked out a deal with his landlord to occupy his tenant space. While he was not opposed to the applicants occupying his tenant space, he questioned when the applicants had contacted the Planning Commission and questioned whether or not the CCTA had been involved in helping the applicants gain tenancy to the space. He questioned why he had not been contacted by the CCTA to provide assistance for the relocation of his own business.

Mr. Burch explained that he was now relocating his business to the City of Concord since he had a 30-day notice to vacate the existing tenant space.

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Mr. Jerome reported that the resolution had shown that the application had been filed on April 4, 2002.

Mr. Barton could not recall the exact timeframe when communication had been made, although it could have been approximately a month prior to the time the application had been filed.

Mr. Burch commented that he currently had an open face booth in his tenant space where he could paint and that he had a use permit for the work he conducted. He again questioned whether or not the CCTA had been involved in assisting the applicant's relocation to the proposed site. He reiterated his concerns with the application and suggested that there had been an inequity with respect to his own business.

Mr. Barton stated that he was unaware of any involvement of the CCTA in the applicant's proposal.

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Harris to adopt Resolution No. 9325, approving UP-02-05, a Use Permit to operate an Auto Body Repair Shop in an existing 7,680 square foot building located at 120 Bliss Avenue for "American Auto Body," with the conditions as shown. The motion was seconded by Commissioner Kelley and carried by the following vote:

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

Chairperson Holmes advised that a decision by the Planning Commission was not final until the appeal period expired ten days from the meeting. The applicant, City Council, City Manager, or any affected person may appeal either the denial, approval or any condition of approval of an item within 10 calendar days of the decision.

Item 6: D & T Specialties. UP-02-07.

Application by Tom and Dennis Mashburn requesting a use permit to allow an automobile, boat and furniture upholstery shop in a 1,750 square foot space located at 510 Garcia Avenue, Suite G, IP-O (Industrial Park with a Limited Overlay) zone; APN 088-183-040.
Planning Intern Gary Hsueh presented the request for a use permit to allow an automobile, boat and furniture upholstery shop in a 1,750 square foot space located at 510 Garcia Avenue, Suite G, IP-O (Industrial Park with a Limited Overlay) zone. The use would be primarily for auto upholstery, although the applicants intended to expand to accept furniture and boat upholstery projects.

It was anticipated that most of the projects would involve smaller items, such as individual bench seats or other items that might be brought in by a customer.

The hours of operation would be seven days a week from 8:00 A.M. to 8:00 P.M., although currently the applicant only intended to open the business on the weekends and weekday evenings while starting the business. In the future, the applicant planned to transition to a Monday through Friday schedule.

Mr. Hsueh explained that the Industrial Park with a Limited Overlay zoning district would require a use permit for the Vehicle Equipment Repair Major use classification, with auto upholstery being included. Pursuant to the General Plan, the area had been designated for Business Commercial. He suggested that the use was closest to the Light Manufacturing uses as identified in the Business Commercial zoning district.

Mr. Hsueh recommended that the Planning Commission adopt Resolution No. 9330, approving UP-02-07, with the conditions as shown.

Commissioner Glynn noted the items that could be served by the business, as identified in the staff report, and commented that given the fact that all of the items might need to be stored indoors overnight, he inquired whether or not the terms and conditions in the resolution included all conditions that would be applicable to all of those items.

Mr. Hsueh advised that the primary condition would be that no outdoor storage would be permitted other than customer vehicles that might be left during the day, to be left only in marked parking spaces. The applicant had agreed to those conditions. The only vehicle storage that could occur overnight must be indoors as well.

Commissioner Glynn commented on the nature of the quantity of gasoline onboard a regular vehicle versus the nature of gas stored in boats and the opportunities for tanks to expand in boats versus vehicles, which was a concern and could pose a significant fire hazard given the amount of combustibles present, including whatever else could be stored inside a boat.

Commissioner Glynn expressed his hope that the conditions of approval would encompass all of those items.

Mr. Hsueh pointed out that the applicant would also be required to obtain approval from the
Contra Costa Consolidated Fire Protection District, which would address such concerns.

Commissioner Glynn noted that the way the resolution had been written it would require that boats also be stored indoors overnight as well.

PUBLIC HEARING OPENED

PROPOSED:

TOM and DENNIS MASHBURN, D & T Specialists, 510 Garcia Avenue, Unit G, Pittsburg, introduced themselves to the Planning Commission.

Commissioner Garcia questioned whether or not the applicants were in agreement with the conditions of approval as contained in the resolution.

Messieurs Mashburn agreed with the conditions of approval and noted that concerns with the storage of boats would be addressed in that they did not plan to store any boats in the building. It was noted that boats had removable upholstery, which would be removed from the boat and brought to the business by a customer.

Commissioner Glynn understood that any item brought to the facility for repair or reupholster, if a large object either from a vehicle or boat, would have to be stored indoors.

Messieurs Mashburn recognized that the items would be required to be stored indoors, although the business would not accept a customer leaving a boat on the premises. They reiterated that items to be upholstered from a boat would have to be removed from the boat and brought to the business by the customer.

Commissioner Glynn suggested that the conditions of approval, as written, were not specific and that the terms and conditions indicated that a boat would have to be brought inside the facility, although the applicant had stated that would not be done. He requested that staff make an appropriate modification to the terms and conditions to ensure that no boats would be stored inside the building.

Mr. Mashburn stated that he had no problem with such a condition. He added that there was no room inside the building to even store a boat.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION:
Motion by Commissioner Glynn to adopt Resolution No. 9330, approving UP-02-07, a Use Permit to allow an automobile, boat and furniture upholstery shop located at 510 Garcia Avenue, Unit G, for "D & T Specialists," with the conditions as shown and with a condition that the indoor storage of boats would not be permitted.

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

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

Chairperson Holmes advised that a decision by the Planning Commission was not final until the appeal period expired ten days from the meeting. The applicant, City Council, City Manager, or any affected person may appeal either the denial, approval or any condition of approval of an item within 10 calendar days of the decision.

Item 7: Taco Bell/Pizza Hut. UP-02-10 and DR-02-09.
Application by Sergio Casanova of Vincent Murphy Inc., requesting a use permit to operate a self-service restaurant with drive-through service, and design review approval of architectural and site development plans for the construction of a 2,917 square foot restaurant on an undeveloped 0.73-acre parcel located at 4470 Century Boulevard (Century Plaza II), CC (Community Commercial) zone; APN 074-460-023.

Mr. Jerome explained that the application was for another restaurant facility in the Century Plaza II Shopping Center. The Commission had reviewed prior restaurant applications in the past for the same center. He noted that a use permit was required for the drive-through facility and design review was required for the architectural design.

Planning Technician Christopher Barton presented the request for a use permit to operate a self-service restaurant with drive-through service, and design review approval of architectural and site development plans for the construction of a 2,917 square foot restaurant on an undeveloped 0.73-acre parcel located at 4470 Century Boulevard, in the Century Plaza II Shopping Center, located in a Community Commercial zoning district.

Mr. Barton advised that based on information provided by the applicant, the Taco Bell facility located on Somersville Road in the City of Antioch would be closed when the subject facility was opened so that there would not be two Taco Bell Restaurants within such close proximity to one another. The restaurant would be located north of Del Taco on an empty parcel, which was narrow in size and which would require a parcel map waiver.
Mr. Barton identified a correction to Resolution No. 9328, Section 4, Effective Date:

This resolution shall take effect upon the City Engineer's approval of a Parcel Map Waiver for the subject site.

Mr. Barton otherwise acknowledged that the building would be small in size and be similar in size to the Del Taco Restaurant, although it would have its own architectural character and design. The project was consistent with the General Plan and Zoning Ordinance in that the project would be designed for a self-service restaurant with a drive-through, which was consistent with the General Plan designation of Community Commercial. A use permit would also be required.

Mr. Barton identified another correction to the staff report clarifying that the proposal would involve a total of 8 wall-mounted signs. Since there would be two businesses in the building, Taco Bell and Pizza Hut, there would be two signs located on each frontage.

Mr. Barton explained that findings would need to be made for the approval of the proposed freestanding sign, which would be 12 feet in height. He recommended that the height be reduced to 8 feet, which had been identified in the resolution for approval. Staff was of the opinion that a 12-foot high sign was not necessary since the site was relatively small in size in comparison to some of the other sites. The sites that did have freestanding signage had signage that was approximately 8 feet in height. Additionally, an 80-foot pylon sign would advertise the center and provide visibility for the restaurant from a distance.

Mr. Barton recommended that the Planning Commission adopt Resolution No. 9327 approving UP-02-10, and Resolution No. 9328 approving DR-02-09, with the conditions as shown.

Commissioner Garcia suggested that the applicant had done a good job addressing the blank walls of the building through the use of wainscoting.

Mr. Barton acknowledged that staff had worked with the applicants on the building design and that the applicants had been very cooperative in that process.

PUBLIC HEARING OPENED

PROONENTS:

SERGIO CASANOVA, Vincent Murphy Inc., 637 Fifth Avenue, San Rafael, advised that he was in agreement with the staff recommended conditions of approval as modified including the recommendation to reduce the 12-foot high freestanding sign to 8 feet in height.

WILLIE MIMS, Pittsburg, representing the BPA, referenced the staff report and requested clarification of whether or not two separate structures would be constructed. He commented that he had never seen a Taco Bell/Pizza Hut combination building, to which
Mr. Casanova clarified that there would be only one building that would serve two brands, Taco Bell and Pizza Hut products.

Mr. Jerome understood that the combination was becoming a common marketing approach and had previously been done with the Taco Bell/Pizza Hut products. The Commission had previously approved Subway Sandwich Shop/TCBY Yogurt, and Togo's/Baskin Robbins combinations in the past.

Mr. Mims also spoke to Page 5 of the staff report, Section 1., Background, C, which had indicated that the project was categorically exempt from California Environmental Quality Act (CEQA) requirements. He inquired of the definition of Class 32 under CEQA.

Mr. Jerome explained that Class 32 was a new categorical CEQA exemption that had been added approximately two years ago to exempt infill projects. The State had considered those projects, which might be fairly large in size but located in almost fully developed areas, which had no other real identifiable constraints and were placed in a categorical exemption. CEQA had recognized the necessity of encouraging more infill development rather than sprawl.

Mr. Jerome also clarified that a Negative Declaration had been prepared for the subdivision itself a couple of years ago where a traffic analysis had been prepared which had anticipated all of the uses in the center.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: UP-02-10

Motion by Commissioner Harris to adopt Resolution No. 9327, approving UP-02-10, a Use Permit for a Self Service Restaurant with Drive-Through Service for "Taco Bell/Pizza Hut" at 4470 Century Boulevard, with the conditions as shown. The motion was seconded by Commissioner Kelley and carried by the following vote:

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

MOTION: DR-02-09

Motion by Commissioner Harris to adopt Resolution No. 9328, approving DR-02-09, Design Review approval of a freestanding sign, eight wall signs, and architectural and site development plans to construct a 2,917 square foot self service restaurant with drive-
through service at 4470 Century Boulevard for "Taco Bell/Pizza Hut," with the conditions as shown.

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

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

Chairperson Holmes advised that a decision by the Planning Commission was not final until the appeal period expired ten days from the meeting. The applicant, City Council, City Manager, or any affected person may appeal either the denial, approval or any condition of approval of an item within 10 calendar days of the decision.

Chairperson Holmes recognized a speaker card that had been submitted by Frank Quesada, who was allowed to speak at this time.

FRANK QUESADA, a resident of Pittsburg, referenced the Central Addition neighborhood area and noted the lack of parking for residents in the area comprised primarily of families occupying starter homes. He stated that vehicles were being parked in the Central Addition on what had been lawns and were now cemented areas with parking on City easements due to the lack of available parking and since there were multiple families living in many of the residential units. Familiar with the area as a service employee, he requested that a request be submitted to the Traffic Safety Committee and to the Planning Commission, that the City consider one-way streets in congested areas that were heavily populated and where numerous vehicles were located. He advised that he would also submit his request to the City Council.

Mr. Quesada specifically recommended the consideration of retaining East Twelfth Street as is for two way traffic and Redwood Street to consist of one-way traffic north from East Fourteenth Street [old Pittsburg/Antioch Highway]. He recommended that Central Avenue remain as is for two way traffic and that Pine Street also remain as is. Further, that Birch Street be changed to one way north, Maple Street to remain as is, Acacia Street to be changed one way south, and Columbia Street to remain as is for two way traffic. He reiterated that the recommendation would be forwarded to the Traffic Safety Committee, to the Planning Commission and thereafter to the City Council.

Commissioner Glynn inquired whether or not the City Ordinance required the removal of concrete or other paved areas where front lawns had been previously located if a permit was not obtained to pave over the lawn area.
Mr. Quesada understood that Code Enforcement handled such issues, although there was also the need to service those who lived in the area and make the neighborhood safe for the residents of the Central Addition, which was full of young families with children. He expressed concern with the potential for a safety and traffic hazard due to the existing traffic and parking constraints.

Mr. Quesada emphasized that the neighborhood was heavily congested and had been used by cut through traffic during commute periods.

Commissioner Garcia noted that between Pine and Redwood Street, there was another street that should head south. He understood that there were two other narrow streets between Pine and Birch Streets that should be changed to one way traffic.

Commissioner Glynn referenced where Columbia Street dead-ended up to Harbor Street and past a last street that headed north to south. He questioned whether or not that should be a one way street as well. He noted that vehicles were currently parking on both sides of that street and if it were to remain designated for two-way traffic, the parked vehicles on either side of the street would make through traffic difficult.

Mr. Quesada suggested that the street referenced was wide enough for two way traffic, although that street had no real traffic since it was cut off as a result of the new truck bypass. He suggested that the street was wide enough to accommodate existing two-way traffic even with vehicles parked on both sides of the street.

**STAFF COMMUNICATIONS:**

1. **Empire Business Park (701 Willow Pass Road) AD-02-06**

   Mr. Jerome explained that Economic Development Department staff had been working with the new owner of the Empire Business Park property for the past year. The property owner was in the process of actively marketing the property and intended to expand the facility. The applicant had filed for building permits for cleanup, repair and replacement work, which had been administratively approved by staff. The applicants intended to replace broken and old windows that no longer met code, and replace some windows with siding material in addition to the installation of required handicap ramps.

   The intent had been to bring the building up to code for better marketability to be able to attract tenants. The applicant's long term plans would be to file an application for design review with the Planning Commission, which would be more comprehensive than the current upgrades. Staff was of the opinion that staff could administratively approve the minor changes since the building was set back and was not visible to the general public.
Chairperson Holmes inquired whether or not the property owners had a caretaker that maintained the site, to which Mr. Jerome explained that he was uncertain since the building was essentially vacant.

**GENERAL PLAN UPDATE REPORT:**

Mr. Jerome reported that the City had applied for an award with the American Planning Association for the City's General Plan Update. Mr. Jerome advised that he had received word that the City had received an Award of Merit for the General Plan. Additional information would be provided to the Commission when available. Further, the General Plan consultant was working to finalize the General Plan document, land use maps, charts and figures in the Housing Element.

**ZONING ADMINISTRATOR REPORT:**

There was no Zoning Administrator Report.

**COMMITTEE REPORTS:**

There were no Committee Reports.

**COMMENTS FROM THE AUDIENCE:**

Commissioner Garcia referenced recent articles in the newspapers critical of recent City action on the Alves Ranch property and suggested that the BART Board of Directors did not understand that the City did have a Specific Plan that had been evaluated for many years, had included a number of apartment units some of which have already been built, and which had been finally approved by the County, the Bay Point Municipal Advisory Committee (MAC) and the City of Pittsburg. He suggested that BART Director Joel Keller be sent a copy of that plan which could be made available to all BART Directors.

Commissioner Garcia further recommended that a cover letter be included to explain that Mr. Alves had never become involved with the BART Specific Plan nor had ever requested that he be included in that plan. In addition, he recommended that another copy of the Specific Plan be sent to Assemblymember Joe Canciamilla, also highlighting the same information on apartment units to be built in the area. Further, he recommended that the same information be forwarded to the local newspapers.

Commissioner Garcia requested a consensus from the Commission for staff to be directed to send copies of the BART Specific Plan, as recommended, to those individuals he had identified.

It was the consensus of the Commission that staff proceed as recommended by Commissioner Garcia.
Commissioner Glynn suggested that as a courtesy, a copy of the document should also be sent to Supervisor District V, Federal Glover.

In response to a member of the audience, Mr. Jerome affirmed that any action taken by the Planning Commission must be agendized, and as such should be placed on a future agenda for consideration.

Commissioner Garcia requested that his recommendation be placed on the next agenda for action to which staff affirmed would be done.

Commissioner Kelley apologized for being late to the meeting as a result of traffic from San Francisco.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 9:05 P.M. to a regular meeting of the Planning Commission on June 11, 2002, at 7:30 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

RANDY JEROME, Secretary
Pittsburg Planning Commission