A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Holmes 7:33 P.M. on Tuesday, February 26, 2002, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

Present: Commissioners Garcia, Glynn, Harris, Kelley, Leonard, Ramirez, Chairperson Holmes
(Commissioner Kelley arrived after roll call)

Absent: None

Staff: Director of Planning and Building Randy Jerome; Associate Planner Chris Bekiaris; Assistant Planner Dana Hoggatt; Planning Technician Christopher Barton; Planning Intern Gary Hsueh; and Assistant Civil Engineer Alfredo Hurtado.

POSTING OF AGENDA:

Chairperson Holmes advised that the agenda had been posted at City Hall on Friday, February 22, 2002.

SEATING OF NEW COMMISSIONER:

The Commission took this opportunity to welcome newly appointed Commissioner Ralph Ramirez to the Planning Commission.

PLEDGE OF ALLEGIANCE:

Chairperson Holmes led the Pledge of Allegiance.
Mr. Jerome requested an amendment to the February 12 meeting minutes based on a meeting with staff, Commissioner Harris and the development team from Mill Creek developers that the Commission had approved during the previous meeting.

Mr. Jerome commented that the Planning Commission had approved a number of design and site planning elements, although they had been deferred for further evaluation and a finalized design in cooperation with staff and Commissioners Harris and Garcia. He noted that only Commissioner Harris had participated during the recent meeting, which had resulted in a fruitful conclusion to the various design components for the project. As a result, he requested an amendment to the February 12 minutes.

Speaking to the motion for DR-01-32 on Page 27 of the minutes, Mr. Jerome noted that one of the conditions the Commission had discussed had been to flip the Extended Stay Hotel project 180 degrees so that it would face east rather than west. Through discussions with the developer, staff and Commissioner Harris, it had been determined to be preferable to keep the hotel in its westerly position, although the entry and the driveway entrance would be moved a bit further to the north to assist the access into the site and to address sight distance concerns.

As such, Mr. Jerome requested amendments to the first bullet under the motion for DR-01-43, as follows:

- To investigate changing the location of the Extended Stay Hotel.

To the sixth paragraph on Page 31:

Mr. Strelo suggested a condition that no surface runoff be permitted directly into Kirker Creek.

To the third bullet under the motion for DR-01-32 on Page 31:

- No surface runoff water shall be permitted directly into Kirker Creek.

Mr. Jerome explained that the resolution for DR-01-32 would also be modified to reflect those revisions.

Commissioner Glynn requested an amendment to the last sentence of the first paragraph on Page 14, as follows:

In his opinion, if the building were to be a true buffer zone, it would not be a good idea to have office space between Praxair and dead storage between them and an occupied facility.
Commissioner Garcia supported the staff recommended revisions and noted that he had discussed the revisions with Commissioner Harris after he had met with staff and the developer. He recognized why the hotel could not be flipped over in that problems could be created with the other uses on the site and the traffic pattern would have been changed.

Commissioner Ramirez stated that although he had been in the audience during a portion of the February 12 meeting, he would abstain from the vote on the approval of the minutes from that meeting.

MOTION:

Motion by Commissioner Garcia to approve the minutes of the February 12, 2002 meeting, as amended. The motion was seconded by Commissioner Harris and carried by the following vote:

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

DELETIONS/WITHDRAWALS:

There were no deletions or withdrawals.

COMMENTS FROM AUDIENCE:

There were no comments from the audience.

PRESENTATIONS:

There were no presentations.

PUBLIC HEARING:

Item 1: Alves Ranch Project Draft Environmental Impact Report - Public Comment Meeting

Public hearing to receive comments on the Alves Ranch Project Draft Environmental Impact Report for a proposed residential and commercial subdivision including 1,182 housing units consisting of 626 single-family lots, clustered houses, and townhouses, and 556 multi-family residential units, plus approximately 670,000 square feet of commercial floor space, a linear park, various landscape buffers, public and private roads and open space on a 294 acre site located south of State Route 4 and west of the current westerly terminus of West Leland Road within the City of Pittsburg.
Mr. Jerome explained that the purpose of the meeting was to receive any public comments as well as any comments or questions from the Planning Commission to either the applicant or to the City's consultant, to be used for documentation in the preparation of the Final Environmental Impact Report (FEIR) consistent with the requirements of the California Environmental Quality Act (CEQA) requiring a public review process.

Mr. Jerome reported that the Draft EIR had been circulated on January 18, 2002 with a 45-day mandatory public review period. The City had traditionally always held a public hearing before the Planning Commission within that 45-day review period as part of the response component to receive any comments from the Commission and the public.

Mr. Jerome affirmed that staff had received comments from various public agencies, which had been forwarded to the consultant for response. After the response period has closed, the consultant would then work on the FEIR, which would consist of those comments received along with the responses to those comments. The FEIR would have to be approved by the Commission and then be forwarded to the City Council for certification.

Mr. Jerome recommended that the Planning Commission ask questions and accept public comments on the DEIR and continue the public comment period through March 4, 2002.

JOHN WAGSTAFF, Wagstaff & Associates, explained that the firm had prepared the DEIR under contract to the City under the supervision of staff and following CEQA guidelines. He advised that the firm had extensive background in the City having prepared the EIRs for the San Marco project, the Southeast Annexation, the San Marco Casino project, and the Los Medanos Redevelopment program.

The DEIR had also been prepared by a team of technical consultant subcontractors including a traffic engineer, a civil engineer, a biologist, noise consultant, air quality management consultant and computer simulation consultant.

Mr. Wagstaff noted that the EIR had been intended to be a comprehensive project EIR. He summarized the thirteen environmental topics contained in the EIR along with the findings for those thirteen topics. He noted that there were a number of key impact and mitigation findings in the EIR, one having to do with land use compatibility and impacts to the project on both adjacent, existing and planned land uses as well as some internal land use compatibility concerns described in the mitigation measures contained in the document.

The EIR had also identified a number of substantial visual impacts in the Southeast Hills area as described in the mitigation measures identified to reduce those impacts. Another concern had been identified with respect to impacts on the local and regional transportation system.

Mr. Wagstaff stated that the EIR included an extensive analysis of those concerns, including a comprehensive roadway impact analysis and project impacts on various
intersections that had been studied. Those included the necessary mitigation to reduce those impacts to acceptable levels including impacts on the freeway segments approaching the project. The EIR also contained an extensive public services assessment with key areas of concerns having to do with the City's need to require assurances of adequate future water support and adequate sewage treatment capacity.

Further, the EIR contained a comprehensive biological resources analysis. The 294 acre site included a number of special status species and special status species habitats as described in the document, with associated mitigations designed to meet the protocols of the State Department of Fish and Game and the U.S. Fish and Wildlife Service. The EIR also described the project storm drainage impacts on local drainage net downstream, described slope stability concerns raised by the project, and the soil compaction soil differential settlement concerns associated with the amount of fill and mass grading proposed for the project.

The DEIR contained mitigations to all of the impacts, which mitigations had been formulated to reduce the impacts to less than significant levels based upon the criteria described in the EIR.

Mr. Wagstaff noted that of the half dozen impacts described in the EIR, the mitigation measures recommended to reduce those impacts would not result in less than significant levels under the criteria applied. Under CEQA, those impacts would be identified as significant unavoidable impacts and to approve the project, the City would have to adopt a Statement of Overriding Considerations explaining why certain benefits of the project would outweigh those impacts.

Mr. Wagstaff advised that the unavoidable impacts were primarily associated with impacts along Bailey Road, the Bailey Road/State Route 4 Interchange and project impacts to the freeway, approaches to the project regional air emissions impacts, and construction noise impacts.

Mr. Wagstaff also commented that in keeping with the CEQA requirements, the EIR included an identification and comparative evaluation of six alternatives to the proposed project. One of the alternatives was to build out the site under current entitlements, which would permit approximately 714 residential units, with no commercial. He explained that the DEIR had been formulated under a previous General Plan, which had since been updated, where the entitlements had changed, and which was now referred to as a reduced intensity project for comparison purposes. There were also a number of other alternatives for evaluating the EIR, including alternative land use mixes and alternative land use configurations to help inform the Commission and the Council of ways to mitigate the impacts of the project.

In response to Commissioner Harris as to the number of 10,000 square foot lots there would be as part of the alternative project, Mr. Wagstaff explained that he would have to
review the details to identify that potential. He noted that the alternatives had provided a qualitative analysis and not a detailed analysis of each alternative, with the exception of one that included a school site advanced by the applicant as likely to be what the applicant would ultimately propose.

Commissioner Garcia commented that the EIR had mentioned underground streams other than those already identified aboveground. He inquired whether or not those streams had been tested and he inquired of the number of underground streams located in the project site and what impacts they would have on the proposed grading.

Mr. Wagstaff explained that the EIR had based an evaluation on the preliminary technical analysis which had involved some selected subsurface investigation of shallow ground water. In order to mitigate that impact, the EIR had described the emphasis that should be included in more detailed technical analyses than the City typically would require. Those issues would be red flagged in the geotechnical investigation to be prepared as part of the Final Map. Most of those impacts would not be discovered until the grading actually occurred. A geologist would be on site when the grading occurred, and the City typically required that monitoring be done on a periodic basis describing those discoveries. Subsequently, the City and the applicant would address possible mitigation measures.

CRAIG CHAMPION, Braddock & Logan, Group II, L.P., 4155 Blackhawk Plaza Circle, #201, Danville, advised that Braddock & Logan was the developer of the Alves Ranch project, along with the Alves Ranch, LLC. He described the project as consisting of 290 acres, located south of State Route 4 and West Leland Road to be extended through the project and Oak Hills development to the east, with San Marco development to the west.

The project would consist of approximately 1,100 housing units and approximately 15 acres of commercial development. Twenty-six acres would be devoted to an apartment site and approximately 90 acres devoted to single family detached housing ranging in size from approximately 3,200 to 7,000 square foot lots in the southern portion of the property. Approximately 16.1 acres would be devoted to estate lots on the farthest southern portion of the site.

Mr. Champion also noted that there would be an 11 acre elementary school site located off of West Leland Road for easy access and a six acre public park site. A large amount of the property was located in open space and over half of the site was actually in open space which would be preserved for conservation easement purposes to mitigate threatened or endangered species. Other portions along the southern end of State Route 4 and the western side of the property were generally the more sloped portions of the site.

Mr. Champion advised that the developer had submitted a Vesting Tentative Map application to the City which should soon be submitted to the Commission for review. The goal had been to start construction in the Spring of 2003, with the project anticipated for completion in approximately three years, given sales and construction scheduling.

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Speaking to the DEIR, Mr. Champion commented that he had provided written comments to staff and the consultant to address a number of technical issues and to address concerns relative to environmental issues, such as issues with the San Joaquin Kit Fox, special status plant species and the like. He noted that they had their environmental consultants do surveys on the site. Those consultants had advised that there was a low probability that those special species would be on the site.

Mr. Champion also provided comments with respect to concerns with drainage that had been submitted to the Contra Costa Flood Control District (CCFCD). In response to concerns with respect to traffic, he advised that they had their own traffic consultant conduct a review of the traffic portion of the EIR with those written comments also reflected in the correspondence provided to staff.

Mr. Champion clarified, when asked, that the DEIR would provide an envelope in which to design and that the densities for the apartment sites could vary. The designation for High Density would allow between 15 to 25 units per acre.

Commissioner Harris suggested that the City had enough apartment developments. He did not see the need for more apartment development. He suggested that there was a greater need for upscale homes on larger lots.

KATE POOLE, Attorney, San Francisco, representing Plumbers & Steamfitters Local #159, IBEW Local #302, and Sheetmetal Workers Local #104, advised that they were interested in the project since many of the members of the locals resided in the City and shared the same concerns with the potential impacts of the project. The unions also had an interest in ensuring that the City approve a sustainable level of development. She noted that the Federal Highway Administration had frozen over $7 million in highway funding due to ozone problems within the Bay Area Air Quality Management District (BAAQMD). The unions bore the brunt of those construction moratoriums which was why they were concerned with sustainable development.

Ms. Poole noted that her firm had yet to complete its review of the DEIR and she planned to submit written comments. She noted that those comments had not yet been prepared given that the firm had difficulty in obtaining some of the documents the EIR had relied upon for some of its conclusions. As such, a request to extend the public comment deadline would be submitted to the City since CEQA did require that all documents referenced in an EIR and on which conclusions had been based were to be made available for public review during the review period.

Commissioner Harris questioned whether or not Braddock & Logan would be signatory to the union, to which Ms. Poole commented that she did not believe that the developer was currently signatory to the union.
Commissioner Harris inquired if the developer would pay prevailing wages. He otherwise expressed his hope that the developer would be signatory to all of the unions.

Ms. Poole stated that she was uncertain whether or not the developer would pay prevailing wages.

RICHARD SESTERO, Project Manager, Seecon Financial & Construction, Co. Inc., 4021 Port Chicago Highway, P.O. Box 4113, Concord, advised that Seecon was the owner of the property that abutted the Alves Ranch on the west and south, had developed the Oak Hills property to the east, and were in the process of developing the San Marco project. He presented written comments dated February 26, 2002 in response to the DEIR.

Speaking to the correspondence, Mr. Sestero noted that the DEIR had referenced a 42-acre parcel owned by Seecon located to the west of the project site and which had indicated that it was not under a Williamson Act (agricultural preserve) contract and had been designated as open space. He clarified that in 1990, Seecon had filed a Notice of Non-Renewal on the agricultural preserve contract which had expired under that contract. The General Plan had currently designated the northern part of the property as single family residential rather than open space.

Referencing traffic concerns, Mr. Sestero suggested that the project would push the traffic at Bailey Road and West Leland Intersection, when developed to a level of service (LOS) F. He suggested it was important that an alternative access to the site be provided and that West Leland Road be built to connect to San Marco Boulevard to provide access to the freeway at that location. He requested that a mitigation measure provided on the outset of the project.

As to the construction of West Leland Road, Mr. Sestero commented that once the road was opened from San Marco Boulevard and West Leland Road, the area would be extremely busy and take a lot of the traffic on State Route 4. As such, he suggested that all four lanes of West Leland Road be constructed from the onset of the project.

Mr. Sestero further suggested that the DEIR had not analyzed the traffic impacts the project would have on Avila Road from San Marco Boulevard west to Willow Pass Road. He requested that issue be discussed in the EIR and that the project be required to participate in any traffic studies and widening of Avila Road and any improvements and signalization that would be required.

In addition, Seecon suggested there should be further analyses of the traffic impacts the project might have on West Leland Road and San Marco Boulevard, as well as the freeway ramp to San Marco Boulevard, and that the project pay its fair share of any improvements or signals needed in those locations.
Speaking to water, Mr. Sestero noted that it had been mentioned that the project would possibly make an interim connection to the existing water system. He pointed out that the water system in the Southwest Hills and every pipe, tank and pump station had been built by Seecon over the years as mitigation or requirements for the Oak Hills and San Marco projects. At the time those improvements had been designed, the owners of the Alves Ranch had been given the opportunity to partake in and upsize those improvements to allow for their development. The Alves Ranch property did not elect to so participate at that time.

Mr. Sestero reiterated that all of the water facilities had not been sized for the subject project and it was important that the subject project install its own improvements from the onset of the project and that temporary or permanent connections to the existing system not be allowed.

Mr. Sestero also commented with respect to the soils and geology for the project that there were hillsides in the area and a lot of soils work to be done. He pointed out that Mitigation Measure SG1 would require the design level geotechnical report to be done for the project and had listed the items to be studied. He suggested that an additional item be studied and that measures be taken to ensure that the grading for the project not have an impact on the adjacent San Marco project or on any of the surrounding lands.

Further, Mr. Sestero requested that the DEIR address the fact that there was a recorded easement to the Seecon property, through the Alves property, from West Leland Road and that as the property developed it was important that access to Seecon’s property be continued at all times. He emphasized that was the only access they had and it should be a mitigation measure for the subject development.

C.J. NICHOLS, 11 Deer Hill Court, Pittsburg, explained that his property was situated adjacent to the Alves Ranch development. He acknowledged that Seecon had built good homes and had paid for a lot of improvements and people should have to be responsible for the burden of the costs as well. He otherwise expressed concern with the proposed density of the project. He emphasized the need for the City to have larger homes on larger properties. He cited, as an example, the City of Antioch where beautiful homes had been built on larger properties while the City of Pittsburg had smaller homes on smaller lots, which would not change the image or upgrade the City.

Mr. Nichols suggested that type of development would worsen the existing air quality, eliminate what little water the area had and if the project were built as constituted, would further exacerbate the existing traffic conditions.

Mr. Jerome reiterated that the public comment period would officially end on March 4 2002, although he acknowledged that the City was considering an extension to the public comment period.
Item 2: Consideration of General Plan Land Use Designation of Certain Alves Ranch Project Residential Property

Referral from the City Council to the Planning Commission to consider the appropriate General Plan Land Use designation, as approved by the City Council with adoption of the General Plan on November 16, 2001, of a 35 acre residential area between State Highway 4 and West Leland Road and westerly of the Pittsburg/Bay Point BART Station located within the 294 acre Alves Ranch Project. The proposed General Plan land use for this use as originally considered by the Planning Commission was indicated as High Density Residential; the City Council has requested the Commission to consider whether or not this area should be designated as Low Density Residential.

Mr. Jerome explained that the City Council had adopted the General Plan Update on November 16, 2001 and there had been issues related to what had transpired on the subject property, which issues had not been discovered until the adoption of the minutes from that meeting. Given those issues, the Council had adopted a verbatim transcript of that meeting and in so doing had by minute order on February 4, 2002 referred the issue of the High Density shown on the General Plan for the subject site to the Planning Commission for consideration and clarification.

The land uses on the current map were consistent with what the General Plan had envisioned and there had been no discussions by the Planning Commission for any different land uses than what had been shown on the map. The City Council had raised those issues that had otherwise not been considered by the Commission. As such, the Commission was being asked to consider the situation and make recommendation to the Council.

Mr. Jerome explained that a public hearing had been noticed for the item as part of the due process, although staff had received two separate letters from Braddock & Logan, the prime applicant, and Alves LLC, the property owner, requesting that the public hearing be continued for a minimum of two weeks to allow the applicant the opportunity to properly respond to the action being asked of the Planning Commission.

Mr. Jerome recommended that the Planning Commission open the public hearing and continue the hearing to the March 12, 2002 meeting.

Commissioner Garcia suggested that there should be something in the City files where representatives from the Alves property had made a presentation to the Commission some time ago for a subdivision map. He could not recall whether or not that had occurred prior to the annexation of the property but he did recall that the reason for the presentation had been for a prezoning of the property at that time.

Commissioner Garcia noted that the EIR had referred to an entitlement for 714 homes, which was similar to the original submittal by the representatives from the Alves property.
Mr. Jerome affirmed that Commissioner Garcia had made a request of staff a couple of days ago to search for said information. Having reviewed the engineering files and other files, staff could find no submittals for a subdivision map of any kind for the Alves property. He noted that in 1992 when Commissioner Garcia had been a member of the Planning Commission at that time, there had been an application by Eugene Alves, the property owner at that time, for a General Plan Amendment and zoning since the property had already been annexed to the City. That action had been taken to effectively spread some of the land use on the site.

Mr. Jerome explained that the 1988 General Plan had defined development in the Southwest Hills area and had designated some Medium Density Residential between State Route 4 and Leland Road, with primarily open space and estate zoning throughout. At that time, the property owner desired to effectively spread that development across the site. The requested General Plan Amendment and zoning had been adopted by the City Council by resolution in June 1992. That action had made the area between State Route 4 and Leland Road a Low Density/Single Family Residential designation. The remainder was residential estate for 10,000 square foot lots from Leland Road south towards the hills, then open space for the remainder of the hills. There was no map on file of that action. The General Plan adopted in 1992 would have allowed between 243 to 765 units under that range. The 1988 General Plan would have allowed between 270 and 845 units over those various land use densities.

Commissioner Garcia commented that he could recall viewing the map. He reiterated that there should be something on record with the City that had been approved by the Planning Commission at that time. He clarified that was why when the Commission spoke of Leland Road, he had always mentioned that Leland Road went through the Alves property since that was the way it had been submitted. He reiterated that something should be on file since something had been submitted to the Commission at that time and it was not anywhere near the proposed density.

PUBLIC HEARING OPENED

CRAIG CHAMPION, Braddock & Logan, Group II, L.P., 4155 Blackhawk Plaza Circle, #201, Danville, affirmed that they had requested an extension of the item to allow more time to evaluate the direction of the Council. He clarified that the entire area of the Southwest Hills north of Leland Road had been designated High Density or Commercial. There were no sites on the north side of Leland Road in the Southwest Hills that were currently designated Low Density Residential.

The portion of Oak Hills north of Leland Road and adjacent to the Alves Ranch had been designated as High Density Residential and that parcel was within the Bay Point/Pittsburg BART Specific Plan and may have potentially up to 65 units per acre in density. The
subject project had proposed up to 25 units per acre.

Mr. Champion commented that a Low Density designation would permit a maximum of 7 units per acre which would be effectively single family housing adjacent to a site that had been designated for 65 units per acre. He encouraged the Commission to consider the implications that would have on the development.

Mr. Champion also commented that the infrastructure was currently being planned for a high-density use on the site. The right-of-way of West Leland Road contemplated a high-density usage and a 24-inch water line would be installed on West Leland Road to accommodate that density. An 18-inch sewer line recently installed from Willow Pass Road would also accommodate that density. Further, the site complemented the elementary school across the street and was close to the Bay Point/Pittsburg BART Station. As such, it was ideal for a high-density use, which would encourage non-vehicular access to the BART station.

Mr. Champion added that particular portion of the property was fairly flat, an ideal site for a high density use and not inconsistent with the direction from the Planning Commission and the City Council for lower density on the hillside.

Mr. Champion further commented that over the past twelve months or so there had been study sessions, public hearings and the like with no public opposition to high density uses on the subject site. In addition, there had been specific references in the General Plan that had encouraged high density in the subject area to encourage a transit oriented village, including statements in the General Plan Housing Element to increase the availability of sites for high density residential development in response to demands and since the site would be adjacent to the BART Station.

Mr. Champion also spoke to the possible consequences to CEQA for changing the zoning designation on the subject property at this time.

PETER HELLMAN, Alves Ranch LLC, 2108 Grant Street, Concord, explained that he could not clarify Commissioner Garcia’s question but he would confer with Mr. Alves to clarify those comments. He advised that he had been involved with a few projects in the City, most recently The Olsen Company’s project for the Marina Walk subdivision on the West Side Redevelopment Area.

Mr. Hellman presented the Commission with written comments dated February 26, 2002, from Morrison & Foerster, LLP, the legal firm representing Alves Ranch LLC.

Mr. Hellman stated that in the Morrison & Foerster opinion, a redesignation of the land use for the Alves Ranch would be inappropriate since a redesignation would not be appropriate from a land use perspective in that the property was sandwiched between a business park on one side and the future BART transit village on the other. He added that the transit
village had been planned for densities up to 65 units per acre and office buildings as tall as ten stories.

Mr. Hellman questioned how one could reasonably conclude that 6,000 square foot lots were an appropriate land use adjacent to intense urban uses. He noted that the new General Plan called for High Density Residential further west of the site and farther away from the BART Station. The new General Plan also called for High Density Residential further west of the site and south of Leland Road. He questioned how the subject property, which was flat, a quarter mile from the BART Station and adjacent to a 65 unit per acre project adjacent to the highway should be designated as Low Density Residential, with a High Density Residential designation farther away from the uses.

Mr. Hellman referenced smart growth and transit oriented development noting that the City's new General Plan recognized and incorporated those planning concepts. He referenced a statement in the General Plan which stated in part "the policies facilitate creation of a high intensity mixed use area in the immediate area of the BART Station."

Mr. Hellman also noted that on November 16, 2001, the City Council had adopted, by resolution, the new General Plan and had approved the Planning Commission's designation for the property as High Density Residential. He suggested that the issue had been closed. He suggested that if one tried to argue that if anything else occurred the night of that Council meeting, in his opinion the Council legally adopted no General Plan whatsoever. He emphasized that the only way to change a General Plan land use designation would be through a formal amendment procedure complete with public notice and the attendant CEQA processes.

Mr. Hellman requested that the Planning Commission reaffirm that the property had, in fact, been designated for High Density Residential in the new General Plan.

Mr. Jerome reiterated that staff had received a formal request to continue the item. He also read into the record comments from the February 4, 2002 Council meeting when the issue had been raised, noting that the minute order had been to refer to the Planning Commission consideration of the land use designation of certain Alves Ranch project residential property. He stated that the map had fundamentally followed the General Plan land use designation that had been evaluated over the past couple of years and had been what the Commission had adopted on June 26, 2001, with said recommendations having been forwarded to the City Council.

Mr. Jerome explained that the deliberations at the November 16, 2001 public hearing before the City Council included discussions relative to changing a Medium Density Residential area, which had also shown a school site. It had been very clear that the Council had made a land use change from what the Commission had reviewed from a Medium Density Residential to a Low Density Residential designation, including the school
site which had not been shown on the plans reviewed and approved by the Commission. He noted that those changes had not been determined to be significant enough to return to the Commission since they had involved a lessening of density as well as adding a school site.

Mr. Jerome added that the Council’s discussion had to do with the area between State Route 4 and Leland Road. It had also been clear from the maker of the motion at that time that the commercial component be retained. He referenced the February 4, 2002 Minute Order, as contained in the staff report which stated:

"On November 16, 2001, the City Council adopted the General Plan. Upon reviewing the verbatim transcript of the minutes of the meeting, the Council Members determined that there was no meeting of the minds as to motion concerning the land use designation of certain residential property located on the Alves Ranch Project parcel north of West Leland Road. For the sole purpose of clarifying the record, the Council desires to send this matter back to the Planning Commission for consideration and input from interested parties. The specific residential property is designated on the map attached as Exhibit A."

Commissioner Garcia commented on his understanding that what staff was indicating was that all of the property south of Leland Road had already been designated by the City Council as Low Density Residential, to which Mr. Jerome affirmed was the case.

Commissioner Garcia stated that he had been in attendance during the November 16, 2001 Council meeting when it had also been recommended that a site be set aside for a middle school, not an elementary school.

Mr. Jerome explained that the only thing that the City had done was to indicate a school site. Whether an elementary or middle school would be developed would be determined by the Mt. Diablo Unified School District (MDUSD).

Commissioner Garcia understood that the Council had designated the site for a middle school site, and Mr. Jerome reiterated that the General Plan only designated a school site and the MDUSD would designate that site as an elementary or middle school site, with middle school sites typically involving 15 acres of land.

Commissioner Garcia noted that there had been a lot of discussion on the north side of the property as well. He acknowledged that the Council had been confused, which was why the item had been referred back to the Commission.

MOTION:

Motion by Commissioner Garcia to continue the Consideration of the General Plan Land Use Designation of Certain Alves Ranch Project Residential Property to March 12, 2002.
The motion was seconded by Commissioner Kelley and carried by the following vote:

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

Commissioner Harris stepped down from the dais due to a potential conflict of interest with respect to the next item.

**Item 3: Oak Hills South Unit 5 (Tentative Map Subdivision 8042) Planned Development District Zoning Amendment and Prezoning. RZ-01-08.**

Application by Albert D. Seeno, Jr. of Seecon, Inc., request for a zoning amendment to the 12.86 acre PD-1172 (Planned Development) zoning district and to an approximately 0.5 acre portion of the PD-1042 (Planned Development) zoning district to PD (Planned Development) and prezoning of approximately 1.1 acres to PD (Planned Development) and for the approval of PD Plan to allow the construction of 12 single-family homes within the Oak Hills South Unit 5 Subdivision (Tentative Map No. 8042) generally located south of West Leland Road and west of Bailey Road; Portions of APNs 094-360-001 and 097-170-027.

Associate Planner Chris Bekiaris presented the request for a zoning amendment to the 12.86 area PD-1172 (Planned Development) zoning district and to an approximately 0.5 acre portion of the PD-1042 (Planned Development) zoning district to PD (Planned Development) and prezoning of approximately 1.1 acres to PD (Planned Development) and for the approval of a PD Plan to allow the construction of 12 single-family homes within the Oak Hills South Unit 5 Subdivision (Tentative Map No. 8042) generally located south of West Leland Road and west of Bailey Road.

Mr. Bekiaris explained that in April 2000, the Planning Commission had adopted the Oak Hills South Unit 5 Subdivision for a total of 245 units. At that time, the property had included a school site. The Tentative Map had included an Alternative B for 57 lots in case the school site was not constructed.

Since the school site had not been constructed as a result of some issues that had come up, the applicant and the MDUSD had decided to build the school site in the San Marco development and not in the Oak Hills development.

When the Final Map had come to the City for review, it had been discovered that three lots, a street and small portions of other lots had actually been located in the County and not within the City limits. Lot Nos. 1 through 3, portions of Lot Nos. 4 through 8, and the cul-de-sac indicated as Shadelands Court were outside of the City limit boundary line. Lot Nos. 9, 10, 11 and 12 were all situated within the City limits.

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Mr. Bekiaris explained that the confusion had occurred since the area was surrounded on three sides by the City and it appeared as if it all belonged to the City. The Planning Commission was being asked to prezone those areas in the County as a Planned Development. The applicant would have to seek approval from the Local Agency Formation Commission (LAFCO) for the property to be annexed into the City. The Commission was also being asked to amend Planned Development 1172, the PD for the school site and for the subdivision.

Mr. Bekiaris clarified that the action being requested of the Commission would not increase the number of lots in the subdivision beyond what had previously been approved by the Commission.

Mr. Bekiaris recommended that the Planning Commission adopt Resolution No. 9300, recommending the City Council's approval of RZ-01-08.

In response to Commissioner Ramirez to clarify why the map reflected Subdivision 8576 while the staff report had referenced Subdivision 8042, Mr. Bekiaris explained that oftentimes when staff received an application it was identified as a specific subdivision and was filed under that name, although when the developer decided to sell the homes the name of the subdivision could change. Also, the tentative map numbers were assigned by the County in sequential order. Since the projects were built in phases, and since they came in phases, they were identified with new subdivision numbers. The Planning Department had filed everything under Tentative Tract Map 8042, although there were different numbers for each subdivision as each phase was built. He stated that the same issues would occur with the San Marco development.

PUBLIC HEARING OPENED

PROONENT:

ALBERT SEENO, III, Seecon, Inc., P.O. Box 4113, 4021 Port Chicago Highway, Concord, concurred with the staff report and explained that with the Commission's approval, he would be able to petition LAFCO to annex the property to the City.

Mr. Bekiaris clarified that the prezoning would require City Council approval prior to being referred to LAFCO. The Council would then make a recommendation to apply to LAFCO in support of the application. The prezoning request had been scheduled to be heard by the Council in either March or April.

OPPONENTS: None

PUBLIC HEARING CLOSED
MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9300, recommending that the City Council approve RZ-01-08 to amend PD-1172 and PD-1042 and adopt a prezoning amendment of an approximately 1.1 acre site (portion of the former Elworthy Property) to PD (Planned Development) for "Oak Hills South Unit 5, Subdivision 8042." The motion was seconded by Commissioner Glynn and carried by the following vote:

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

Commissioner Harris returned to the dais at this time.

Chairperson Holmes advised that the applicant, City Council, City Manager, or any affected person could appeal either the denial, approval or any condition of approval of an item within 10 calendar days of the decision. A written notice of the appeal must be filed within this period with the City Planner at City Hall.


Application by Alan Bellamy requesting approval of a use permit for outdoor storage of recreational vehicles, trailers, and boats on two parcels totaling 3.25 acres located at 2645 Pittsburg/Antioch Highway, CS (Service Commercial) zone; APNs 074-100-015 and 074-100-015.

Assistant Planner Dana Hoggatt presented the request for the approval of a use permit for outdoor storage of recreational vehicles, trailers, and boats on two parcels totaling 3.25 acres located at 2645 Pittsburg/Antioch Highway, in a Service Commercial zoning district. The property was the site of the former Ryder Truck Rental near the City of Antioch City limits. The first application for the project had been presented to the Commission in September 2002 for Paradigm Concrete and Masonry, a masonry and concrete contractor within an existing building on the site.

The current site consisted of two parcels, totaling nearly three and a quarter acres. Paradigm Concrete and Masonry only used a portion of the site, including the building and a small portion of the lot behind the building. The applicant proposed to use the remainder the site for RV, boat and trailer storage.

The zoning of the site and the General Plan designation was Service Commercial and the proposed use for Vehicle Storage was a conditionally permitted use in the proposed zoning district. The site was currently paved with gravel which had been done as part of the Ryder Truck project. There was a newly constructed six-foot tall slatted chain link fence with barbed wire on the top surrounding the side and rear property line.

February 26, 2002
The applicant proposed to install an eight-foot tall wrought iron fence along the front property line and along a portion of the side property line. The wrought iron fence, as proposed, would be set back 10 feet from the front property line. A 30 foot setback had been proposed by staff to allow additional landscaping, storm water retention and to offer a better appearance, pulling the RV's and trailers farther off of the Pittsburg/Antioch right-of-way.

The applicant also proposed to maintain the existing gravel paving. It had been recommended by staff that the storage parking stalls be paved with an impervious surface to ensure that no oil or other fluid leaks from the vehicles would be able to seep into the soil below.

Ms. Hoggatt advised that the staff recommended off-site improvements would include striping for a left-hand turn pocket for westbound traffic. Future improvements planned for the Pittsburg/Antioch Highway would include the construction of shoulders. While eastbound traffic would have enough room for vehicles to pull off the shoulder of the road before making a right hand turn into the site, westbound traffic on the highway would remain a two lane road and making the left hand turn westbound, particularly for trailers and RVs, would be difficult. As such, she recommended that the applicant be required to stripe a left-hand turn pocket.

Ms. Hoggatt explained that striping could be done along with the City's improvements to the Pittsburg/Antioch Highway, although it would be at the applicant's expense.

Ms. Hoggatt also noted that since the filing of the application, staff had become aware of a building code violation where after the first heavy rains of the season the applicant had conducted some emergency repairs to the building, without permits. As a condition of approval for the use permit and prior to the establishment of the vehicle storage use, the applicant would be required to take steps to correct the building violation by attaining building permits.

Additionally, the applicant would be required to establish different access easements, one for utilities. The applicant had informed staff that there was no intention to merge the two parcels unto one. Since one lot had a building and the other the septic and water service, as a condition of approval the applicant would have to establish a utility easement to allow the building access to the utilities on the eastern parcel.

Similarly, the eastern parcel would be fenced off as part of the application. Access would be from the western parcel, so the applicant would have to establish a second easement to allow access to the eastern parcel from the western parcel.

Ms. Hoggatt recommended that the Planning Commission adopt Resolution No. 9303, approving UP-01-31, with the conditions as shown.
Chairperson Holmes expressed concern that the City would have been unaware of the building violation had the applicant not submitted an application for a use permit.

PUBLIC HEARING OPENED

PROPOONENT:

ALAN BELLAMY, 262 Heron Drive, Pittsburg, affirmed, when asked, that he had read and understood the conditions of approval, although he was concerned with those conditions since they would not make the project financially viable, particularly the staff recommendation to pave the entire lot.

Ms. Hoggatt clarified that the recommendation was not that the entire site be paved but that the vehicle stalls be paved with an impervious surface, either asphalt or concrete. The drive through could remain gravel, which would actually work better for storm water absorption.

Mr. Bellamy reiterated that he understood the conditions, although whether or not he would move forward with the project would be something that would have to be decided.

Commissioner Garcia expressed concern that the applicant did not understand the direction and recommendations of staff. He inquired whether or not it would be more appropriate to hold the item over to allow the applicant to meet with staff to clarify the conditions.

Mr. Bellamy reiterated that he understood the conditions.

Commissioner Garcia stated that if the applicant was not in agreement with the conditions, he could not support the application.

Commissioner Ramirez inquired of the total square footage recommended to be paved as recommended by staff.

Mr. Bellamy understood that if they were to proceed with the project they would have to satisfy the staff recommended conditions. Although he understood that the staff had not suggested that the entire lot be paved, he suggested that half of the lot would have to be paved to meet the staff recommendations.

Chairperson Holmes recommended that the item be held over to allow staff to work with the applicant to clarify the conditions of approval.

Commissioner Harris inquired whether or not the applicant was concerned with all of the conditions or just the condition for the paving of the lot.
Mr. Bellamy commented that when all of the recommended conditions were added up it would make the project too expensive to be feasible.

Commissioner Harris clarified that the Commission could not approve a project where the applicant could not agree to the conditions of approval. While he recognized that whether or not the applicant desired to proceed with the project would be his decision, he noted that the applicant would have one year from the approval of the use permit to proceed with the project and comply with the staff recommended conditions of approval. He again inquired whether or not the applicant was in agreement with those conditions.

Mr. Bellamy reiterated his concerns and inquired whether or not any of the conditions could be modified.

Commissioner Leonard suggested that the applicant work with staff on the conditions of approval, particularly those that involved a higher cost since he recognized the potential expenses in conducting a project. He suggested that it would be more appropriate to continue the application to allow the applicant to meet with staff to clarify the conditions. The applicant could then either withdraw the application or find a way to comply with the conditions.

Commissioner Garcia suggested that the staff recommendations were reasonable in that typically staff would require that the entire lot be paved and that landscaping be installed. He pointed out that the Commission could not proceed unless the applicant indicated adherence with the conditions of approval prior to the business being allowed to operate. He agreed that the applicant should meet with staff to clarify the requirements prior to proceeding with the time-consuming process.

Commissioner Garcia also suggested that the item could be denied, without prejudice, since the applicant could reapply at a later date once the project was better defined.

Mr. Bellamy suggested that a deferral would be a waste of time since he understood that he could agree to the conditions and could then decide whether or not to proceed with the application.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9303, approving UP-01-31, a Use Permit for a vehicle storage facility for the storage of recreational vehicles, boats and...
trailers for "Delta RV/Boat Storage," with the conditions as shown. The motion was seconded by Commissioner Leonard and carried by the following vote:

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

Chairperson Holmes advised that the applicant, City Council, City Manager, or any affected person could appeal either the denial, approval or any condition of approval of an item within 10 calendar days of the decision. A written notice of the appeal must be filed within this period with the City Planner at City Hall.

Item 5: La Palabra De Dios Church. UP-02-01.

Application by Ramon and Alicia Guzman requesting a use permit for religious assembly in an existing 10,000 square foot building at 3841 Railroad Avenue (Railroad Square), CC, (Community Commercial) zone; APN 088-072-066.

Planning Technician Christopher Barton presented the request for a use permit for religious assembly in an existing 10,000 square foot building at 3841 Railroad Avenue (Railroad Square), in a Community Commercial zoning district.

Mr. Barton explained that the proposed use was a religious assembly use to be located in the Railroad Square Center. He noted that General Plan Policy 2-P-12 discouraged the conversion of existing retail and service storefronts to group assembly type uses. Staff had interpreted the spirit of that policy to prevent the conversion of commercial properties to group uses which could lower the commercial vitality of a shopping center.

Mr. Barton advised that the Shiloh Christian Center currently operated in the same retail center and that their use permit had been approved prior to the adoption of that General Plan policy. The approval of another non-commercial group assembly use within the Railroad Square Center would further lower the commercial vitality of the shopping center and increase the inconsistency of the center with the General Plan.

Mr. Barton recommended that the Planning Commission adopt Resolution No. 9302, denying UP-02-01, with the findings as shown.

PUBLIC HEARING OPENED

PROPPONENTS:

AURELIO MEDINA, General Secretary, La Palabra De Dios Church, requested that the church be allowed to occupy the property at 3841 Railroad Avenue for a short term application. He noted that the church would not permanently occupy the space since it
planned to build a permanent location for the congregation with property already purchased within the community on Central Avenue. He stated that all members of the church were members of the community.

In response to the Chair, Mr. Medina advised that the church currently met at 2328 Willow Pass Road and had a congregation of 128 adult members and 35 children. The subject facility was being considered since their current location did not provide sufficient space for all of their members to congregate. In addition, the church educated its children and some of the children were members of the Royal Rangers where space was needed for teaching and other activities.

Mr. Medina suggested that the site on Railroad Avenue would suit the needs of the church since it would offer a larger space for the congregation. He reiterated that the church had already purchased land in the City for a permanent church facility and he understood that the church architect had prepared plans for the new building, which should have already been submitted to the City.

Commissioner Ramirez understood that the church desired a short term lease. He inquired how many months the church had proposed to lease the site. While he understood that the church planned to build a permanent site, he inquired whether or not the church currently had the funds to build what it had envisioned for its permanent facility.

Mr. Medina advised that the church was currently under contract for a 15-month lease. He affirmed that the church did have the funds available to construct the new facility, although some changes and arrangements might have to be made.

Commissioner Leonard recognized the time required to build a new structure. He also recognized that prior to the adoption of the new General Plan, the Commission had considered proposals to allow churches to locate in retail storefronts on a case by case basis. He suggested that the church reconsider its construction schedule since a 15-month period might be too aggressive depending on funding and other requirements of the City's approval process.

Commissioner Leonard otherwise commented that he was more than willing to support an interim lease for the church to occupy the subject facility since they were trying to build something permanent, although he did not support a long term presence in the retail site.

Commissioner Harris stated that he had been under the impression that the church had only asked for a six month lease since the church was going to proceed with the construction of its permanent facility in the very near future. He requested clarification of the current request for a 15-month lease.
Mr. Medina clarified that the church had a 15-month lease with the property owner of 3841 Railroad Avenue.

Commissioner Harris questioned whether or not the church had considered other sites than the proposed location. He understood that the Fort Knox Self Storage facility had an empty building, which had been formerly occupied by another church and which was located off of Railroad Avenue behind the subject location. He commented that the current owner of that property might be willing to lease that property to the church.

Mr. Medina acknowledged that the church had considered other locations although those other locations had been unable to accommodate the church's needs.

Commissioner Garcia commented that he had received a number of calls from residents of the surrounding neighborhood since one of the problems with the proposed use would be parking. He noted that if both churches congregated at the same time, there could be overflow parking into the surrounding neighborhood. He too referenced the empty building at the Fort Knox Self Storage facility and commented that he had learned from the property owner that the building was still available as a large building and would be a better location for the church. He suggested that the applicant work with staff on the potential requirements of occupying that property.

Mr. Bekiaris advised that the referenced building at the Fort Knox Self Storage facility site had previously been modified for church services, although he understood that those modifications had been removed. He added that if the church occupied that building, the church would have to meet the City's building code requirements.

Chairperson Holmes inquired how much it would cost to bring the subject site up to code if it were a temporary use for the time the church planned to occupy the site.

TOM ARCHER, Cornish and Carey Commercial Real Estate, representing the owner of 3841 Railroad Avenue who was also the owner/developer/principal of Fort Knox Self Storage Facility and who had submitted correspondence which had been presented to staff, advised that the property owner had entered into a short term 15-month lease with the church for use of the facility at 3841 Railroad Avenue. It had been the intention of the church to use the facility in an as-is condition.

Mr. Archer reported that the facility had two modern handicap restrooms, a break room and limited facilities so that refreshments could be served to the congregation. The lease would permit the church to use the facility for church meetings and services only. Any other use of the premises would be in violation of the lease.

Mr. Archer commented that Style Bridal had been a long time tenant in the premises, although the property owner had been unable to secure their tenancy for a longer term for
a variety of reasons. He noted that the property owner had hired Cornish and Carey Commercial Real Estate to market the facility beginning in November 2001. Marketing efforts had been made to expose the property in the City and throughout the East Bay and the Bay Area. He suggested that eventually a quality commercial retail tenant would be secured for the facility which had a nice showroom and a good location, although it would be helpful for the City to allow a temporary use to occupy the facility while the marketing program continued.

Mr. Archer noted that the property owner had promised to continue to market the property throughout the term of the lease. He suggested that 15 months was not a significant period of time to properly market and plan for a new retail long term tenant. He also noted that the church had purchased property in the City and planned to build a permanent facility and that they needed help for a short period of time. He suggested that it would help both parties if the Commission were to approve the use permit. Any conditions imposed by the Commission could be negotiated with the applicant. He encouraged the Commission to support the permit for the use on a temporary basis.

Commissioner Harris inquired how long the site had been empty, to which Mr. Archer advised that the site had been empty since the first of November 2001. Since that time, the property owner had been unable to acquire a new long term retail tenant, although the solicitation process had started at that time.

Commissioner Leonard inquired what Mr. Archer's experience in retail had been when he tried to approach the same situation in other cities.

Mr. Archer noted that cities typically wanted to support retail in retail districts, although in this instance and with the specific piece of property, he suggested that by allowing the use permit it would allow that to occur. In his experience, he suggested that most communities would concur.

ALICIA GUZMAN, Pastor, La Palabra De Dios, 69 Huntington Circle, Pittsburg, advised that while she understood the concerns, she noted that the church was a member of the community, was in need of adequate space for its congregation and that the church already had purchased land on Central Avenue for a future permanent facility. She reiterated that the church architect had been working to prepare plans that would be submitted to the City. She emphasized the need for a larger facility and expressed her hope that the Commission would support the request.

ERICK MARTINEZ, Senior Commander Royal Rangers Ministry, a resident of Pittsburg, also supported the use permit for the church. While he too recognized the concerns that had been expressed, he reiterated the needs of the church and requested that the Commission consider those needs and approve the use permit. He pointed out that the church helped children in need and served as an outreach to the community. He suggested that the church would also help to bring revenue to the area in that the
congregation would patronize and help the surrounding businesses and would not be a burden. Rather than deny the use permit outright, he suggested that the Commission provide conditions and allow the church the opportunity to meet the Commission's requirements.

In response to Commissioner Harris, Ms. Guzman reiterated that the church architect had prepared plans for the permanent building which she understood were ready for submittal to the City. She also affirmed that the church had already purchased property on Central Avenue for its permanent facility and that the church did have a loan to build and construct that permanent building. She explained that the site where the church currently congregated was no longer adequate for the size of the congregation which had necessitated a larger site.

Commissioner Harris commented that if the church already had purchased property and had plans in place for the permanent structure they should be able start on the new building in the next month or two.

Ms. Guzman advised that the architect had met with the church on a monthly basis. She understood that architectural plans were ready to be submitted to the City.

RUBEN HERRERA, a resident of Pittsburg, commented that the church had taught him morals and organization and had been instrumental in assisting youth fighting substance abuse and family problems. He requested that the church be allowed to proceed with a temporary occupancy to allow the church to continue with its work and to allow space for a better learning experience for its members.

OPPONENTS:

RONALD JOHNSON, 430 Railroad Avenue, Pittsburg, clarified that he was not speaking against the church itself, although he noted that the issue was a land use issue. He reported that he represented owners of the shopping center, specifically Stephanie Aguilar, who was in agreement with the General Plan policy and the staff recommendation to deny the use permit based on the appropriateness of the land use.

Mr. Johnson advised that he had reviewed the CC&R's for the center which had been constructed in the 1970's and which had included a restriction that the center be used for retail only. He suggested that it could be open to litigation if a non-permitted use were allowed to occupy the building.

While he recognized that a another church was located in the same center, Mr. Johnson suggested that use might have been wrongfully permitted.

Mr. Johnson stated that his client had made an investment in the property as a retail center
and while it was unfortunate that the former major tenant, Style Bridal, was no longer at the site, retail generated value in the land and generated other tenants and sales taxes, which was the purpose of the center and which should remain. He suggested that a temporary non-retail use would not be acceptable.

Mr. Johnson also noted that the church had requested to occupy 10,000 square feet which would result in almost 60 percent of the shopping center becoming a non-productive, non-retail center. He further commented that he had spoken to an appraiser who had been involved in appraising the property and who had indicated to him that a maximum amount of non-retail use would significantly reduce the value of the property, was not appropriate and was improper. He urged the Commission to deny the proposed use permit.

MANUEL TRETO, Plaza de las Americas, LLC, representing the owner of the property at 3827 Railroad Avenue, identified the property as a parcel in the Railroad Square Shopping Center. He advised that the property owners were opposed to the proposed use permit based on the assertions by Mr. Johnson and the fact that a supplemental declaration of restrictions for the property recorded on December 22, 1953, Covenant and Restriction No. 1, declared "Said lot shall be limited to retail business only" restricted the use of a church.

Mr. Treto noted that by having the proposed church as an anchor tenant, it would occupy one of the major areas of the center making it very difficult, if not impossible, to attract any retail businesses to the remainder of the shopping center, thereby destroying the original retail designation of the site and turning it into a non-retail center. Such a situation would have a negative fiscal impact on the City in the form of lost retail sales and sales taxes, as well as lost job opportunities for members of the community.

Speaking to the potential parking impacts if the use was permitted, Mr. Treto expressed concern as to how the center would appear on Sundays during church hours, with potentially two churches meeting on the site at the same time on such a small lot. He suggested that the parking would surely overflow into the surrounding neighborhoods, creating chaos. He requested that the Commission not approve the use permit. He suggested that if the Commission were to approve the use permit, it would be dealing a blow to the business community of southern Railroad Avenue.

PUBLIC HEARING CLOSED

Commissioner Harris stated that he would not support a 15-month lease but would support a short term lease of six months, particularly given that the church had indicated that it had already purchased property for a permanent facility and that architectural plans were being prepared. He emphasized that the Commission must consider the appropriateness of the land use and take into consideration the surrounding retail uses and neighborhood. He suggested that the church should have located another site that was more appropriate to accommodate its needs.
Commissioner Garcia commented that he had received a number of calls from nearby residents concerned with the potential of another church in the center. He pointed out that the new General Plan prohibited religious assembly in retail commercial centers, and while he was not opposed to a church, he requested that staff assist the church in finding a more appropriate location such as at the already referenced Fort Knox Self Storage facility. As such, he supported the staff recommendation to deny the use permit.

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9302, denying UP-02-01, a Use Permit to allow religious assembly at 3841 Railroad Avenue for "La Palabra De Dios," with the findings as shown. The motion was seconded by Commissioner Glynn and carried by the following vote:

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

Chairperson Holmes advised that the applicant, City Council, City Manager, or any affected person could appeal either the denial, approval or any condition of approval of an item within 10 calendar days of the decision. A written notice of the appeal must be filed within this period with the City Planner at City Hall.

COMMISSION CONSIDERATION:

Item 6: Hospital Systems Freestanding Sign. DR-02-01.

Application by David Miller of Hospital Systems, Inc. to request design review approval of sign plans for the installation of a freestanding sign identifying a custom manufacturing business located at 750 Garcia Avenue, IP (Industrial Park) zoning district; APN 088-250-042.

Planning Intern Gary Hsueh presented the request for design review approval of sign plans for the installation of a freestanding sign identifying a custom manufacturing business located at 750 Garcia Avenue, in an Industrial Park zoning district. The sign would be six feet in width and one foot deep standing approximately four feet in height. The sign would be a powder coated metal box supported on a solid concrete base.

Mr. Hsueh advised that the Commission must make a finding that the sign provided a comparable measure of the identity for the business. Since there were a number of trees that obscured the view of the building when one approached the building on Garcia Avenue, the signage was justified. Another freestanding sign was located in the vicinity for
Pacific Rims, an adjacent business, and was similar in design and construction. He was of the opinion that the sign would match that sign in terms of the amount of visibility.

Mr. Hsueh recommended that the Planning Commission adopt Resolution No. 9301, approving DR-02-01, with the conditions as shown.

Commissioner Harris requested clarification that the sign would not have any copy other than the street address and a logo, to which Mr. Hsueh advised that the applicant had intended the sign to be minimal in terms of identification and that the sign copy would only consist of a logo and the street address.

The applicant had indicated that if the business name were placed on the site they could have people approach the business looking for a hospital.

Commissioner Glynn inquired of the colors for the signage. He also inquired whether or not the sign would be controlled for illumination purposes with a photoelectric eye.

Mr. Hsueh advised that the sign cabinet would be a powder coated beige color and the sign panels would consist of a translucent lexicon material with a white background with the letters, border and address to consist of an orange color matching the company color scheme. The applicant also planned to paint the trim of the building orange to match the sign.

PROPONENT:

DAVID MILLER, Hospital Systems, Inc., 750 Garcia Avenue, Pittsburg, explained that the business was a custom limited manufacturing operation which manufactured patient headwall systems, equipment that was located behind a patient's bed in a hospital. The business was not a retail site and would have no walk-in traffic. Potentially ten visitors a year would be associated with the business.

Mr. Miller also noted that the business had relocated from the City of Emeryville. At that location with the company name displayed, there had been a number of people accessing the site in the belief that it was a hospital. As a result of those occurrences, to prevent confusion and since the site was located on Garcia Avenue with limited activity during the evenings, only signage with the street address and company logo had been proposed. Mr. Miller further commented that the building was currently painted beige with a blue stripe. Once the business was financially able, the building would be repainted the corporate orange color to match the company sign. In addition, lawn and irrigation had been proposed for installation during the summer.

OPPONENTS: None
MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9301, approving DR-02-01, Design Review approval of sign plans for the installation of a freestanding sign for a manufacturing business at 750 Garcia Avenue, for "Hospital Systems," 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, Ramirez, Holmes
Noes: None
Abstain: None
Absent: None

STAFF COMMUNICATIONS:

There were no staff communications.

GENERAL PLAN UPDATE REPORT:

Mr. Jerome reported that the City Council had extended the Interim Zoning Ordinance for one year to allow staff to continue to work on the new codes and regulations to ensure that the Zoning Ordinance was consistent with the General Plan. The General Plan consultant was still working on reformatting the document and making the revisions approved by the Council in November 2001. He was also working on the Housing Element.

ZONING ADMINISTRATOR REPORT:

There was no Zoning Administrator Report.

COMMITTEE REPORTS:

There were no committee reports.

COMMENTS FROM COMMISSIONERS:

Commissioner Garcia suggested that it was time to bring the Fort Knox Self Storage project back to the Commission since it was time the project was completed, particularly since the owner appeared to be buying property and not completing the initial project.

Mr. Jerome acknowledged that the property owner had made an appointment with him on Friday, March 1. He understood that the owner did have more plans.

Commissioner Garcia inquired whether or not The Olsen Company development for
Marina Walk had included a Mello Roos or other assessment district.

Assistant Civil Engineer Alfredo Hurtado affirmed that there was an assessment district for the Marina Walk development for improvements similar to those at The Village at New York Landing.

Commissioner Garcia referenced a previous request for speed bumps and inquired of the process to have them installed.

Mr. Jerome advised that the request should be submitted to the City's Traffic Engineer Paul Reinders since staff would have to review whether or not the request would meet certain criteria.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 10:13 P.M. to a regular meeting of the Planning Commission on March 12, 2002, at 7:30 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

RANDY JEROME, Secretary
Pittsburg Planning Commission