

**MINUTES**  
**OF THE REGULAR MEETING**  
**OF THE**  
**PITTSBURG PLANNING COMMISSION**

**November 12, 2002**

Chairperson Glynn called a regular meeting of the Pittsburg Planning Commission to order at 7:30 P.M. on Tuesday, November 12, 2002, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

**ROLL CALL:**

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

Absent: None

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

**POSTING OF AGENDA:**

Chairperson Glynn advised that the agenda had been posted at City Hall on Friday, November 8, 2002.

**PLEDGE OF ALLEGIANCE:**

Associate Planner Ken Strello led the Pledge of Allegiance

**DELETIONS/WITHDRAWALS:**

Mr. Jerome reported that Item No. 1, Bailey Estates Residential Subdivision would be continued to a date uncertain.

**COMMENTS FROM THE AUDIENCE:**

There were no comments from the audience.

**PRESENTATIONS:**

There were no presentations.

**CONSENT:**

A. Minutes - October 29, 2002

Commissioner Ramirez requested an amendment to the motion on Page 6, as follows:

*Motion by Commissioner Garcia to adopt Resolution No. 9385, approving DR-02-30, Design Review approval of architectural and site development plans to construct a 5,887 square foot fire station and apparatus room located approximately 800 feet south of the Loveridge Road/East Leland Road intersection on Harbor Street, Fire Station #85 - Loveridge Road, with the conditions as shown and subject to an additional condition that the fire station be dedicated in recognition of Horace "Shad" Enea and that a plaque be placed on the building to that effect. The motion was seconded by Commissioner Harris and carried by the following vote:*

**MOTION:**

Motion by Commissioner Harris to approve the minutes of the October 29, 2002 meeting, as amended. The motion was seconded by Commissioner Leonard and carried by the following vote:

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

**CONTINUED PUBLIC HEARING:**

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**Item 1: Bailey Estates Residential Subdivision, RZ-01-04, Subdivision 8406 and DR-02-26.**

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Continued public hearing on an application by John Stremel, Bailey Estates, LLC, requesting that the City Certify the Environmental Impact Report, prezone 122 acres of two parcels totaling 265 acres located on the west side of Bailey Road at the southern edge of the City to RS (Single Family Residential District), approve a tentative map on the 122 acre-site consisting of 257 single-family lots, public roads, and private open space, and grant design review approval of the proposed home designs; portions of APNs 097-230-003 and 097-230-004. (Continued from October 29, 2002).

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Mr. Jerome explained that the item had been continued from the Planning Commission's October 29 meeting. He recommended that the application be continued to an indefinite period since staff had further consultation with the City Attorney and the developer relative to the Environmental Impact Report (EIR) for the project. Adjustments would have to be made to the text of the EIR, which would have to be recirculated for another 45-day review period. At the end of that time, staff would return the application to the Planning Commission for consideration through a new public hearing and public notification process.

Mr. Jerome recommended that the Planning Commission continue the application to a date uncertain.

#### PUBLIC HEARING OPENED

#### MOTION:

Motion by Commissioner Garcia to continue Bailey Estates Residential Subdivision, RZ-01-04, Subdivision 8406 and DR-02-26 to a date uncertain. The motion was seconded by Commissioner Kelley and carried by the following vote:

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

#### **PUBLIC HEARINGS:**

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#### **Item 2: First Baptist Church Headstart Classroom Replacement. UP-02-28 and DR-02-28.**

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Application by First Baptist Church requesting a use permit to legalize an existing church and preschool classroom, and design review approval of architectural plans to install a 1,440 square foot modular classroom to replace two existing 720 square foot modular classrooms located at 204 Odessa Avenue, Downtown Low Density Residential land use designation; APN 085-122-008.

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Mr. Jerome explained that although the Planning Commission had scheduled the item for action, no action could be taken at this time. He recommended that the public hearing be opened to allow a discussion by the Commission of the application itself with direction provided to the applicant and staff.

Planning Intern Gary Hsueh presented the request from First Baptist Church for a use permit to legalize an existing church and preschool classroom, and design review approval of architectural plans to install a 1,440 square foot modular classroom. The modular

classroom would replace two existing 720 square foot modular classrooms located at 204 Odessa Avenue, in the Downtown Low-Density residential land use designation.

Mr. Hsueh explained that the applicant had originally requested a design review application for the replacement of the two existing modular structures. Staff had researched City files for a use permit for both the church and the preschool since a use permit would be required in a Low Density Residential area, although staff had been unable to locate any approved permits. As a result, staff had requested that the applicant apply for use permits for both the Religious Assembly use and the preschool. Based on those applications, the subject application had been brought to the Planning Commission.

The Planning Commission was unable to act on the applications at this time since the applicant's plans had been determined to be incomplete in terms of the analysis of the use permit application. Upon a review of the plans and visits to the site, staff had found a number of non-conforming features on the church property that was important to bring to the Commission's attention.

Mr. Hsueh advised that in terms of parking, there was insufficient parking for the existing church, which could seat up to 150 persons translating to a 40 parking space requirement. The site currently had 20 parking spaces. In addition, an enclosed refuse storage area would be required pursuant to current City standards, which refuse storage area had not been required in the past. Further, an eight-foot high concrete wall would be required to separate a non-residential use from adjacent residences.

Mr. Hsueh stated that it had been determined that the Planning Commission could make an exception to that fence requirement in that the children's playground would be separated from the nearby residences and from the new modular structures. An application for a fence height exception to allow the existing fence to remain enclosing the playground area would be submitted to the Commission in the future.

Mr. Hsueh added that a recently constructed vehicle enclosure of approximately seven feet in height with chain link fencing located on the corner of Linda Vista Avenue and West Second Street had been found to be located in the public right-of-way. The enclosure exceeded the allowable height limit, specifically related to sight distance since it was located on a corner.

Speaking to the landscaping on the site, Mr. Hsueh noted that there was little or no landscaping on the western side of the property. With the use permit application, the Planning Commission would have an opportunity to require the applicant to include landscaping to improve the appearance of the church property.

Mr. Hsueh recommended that the Planning Commission open the public hearing, provide input and direction to the staff and the applicant on resolving potential issues of concern related to the project and continue the public hearing to a date uncertain.

Commissioner Garcia inquired whether or not staff had located any approved building permits in the City records, and Mr. Hsueh explained that staff could locate no building permits for the modular structures, although the church had indicated to staff that the City had actually placed the modular structures in the 1970s.

Commissioner Garcia suggested if one were to go through the neighborhood, one would find that parking in the neighborhood had not been a problem and that no complaints had been recorded against the building. He understood that the church had recently purchased some property from the City and planned to relocate at some point in the future.

Commissioner Leonard noted that the area of Marina Boulevard coming around Bayside Drive provided a great deal of parking. He too did not see that parking would be a problem in the neighborhood.

Mr. Hsueh explained that in speaking with church members and the City's Traffic Engineer, he had learned that although there was significant parking on Bayside Drive, many of the church members parked on the other side of the property which was red curbed and where oftentimes vehicles had been ticketed for parking in those areas. He understood that one of the reasons the church had purchased property on West Tenth Street had been because of the parking constraints at the current site.

Chairperson Glynn inquired whether or not staff had reviewed the lot size of the current site in the event that the 40 required parking spaces were required to be provided on site. He suggested that there was inadequate ground space to provide that number of spaces. He pointed out that both sides of the drive were used for parking as were areas in the neighborhood and there had been no complaints.

Chairperson Glynn also noted that the existing fence had been in place for some time and was contiguous to a residence where no known complaints had been generated. If the church was required to replace that fence, he suggested that would pose a burden to the church at this time since the church planned to move in the near future. As such, he questioned whether or not the City's demand for compliance would jeopardize the operation of the church.

Mr. Hsueh stated that he was uncertain how the City's regulations could prevent the operation of the church. He noted that preschool classes were being held in the existing modular units and part of the proposal was the church's intent to replace the existing structure with a new facility that would expand the preschool.

Chairperson Glynn also suggested that the reason the vehicle enclosure was so tall with the concertina wire placed on top was to secure and preserve the church vehicles from vandalism or theft. In addition, he understood that the vehicles had been placed at that location to be more conspicuous and difficult to remove from the property.

Commissioner Dolojan also expressed concern with the enforcement of the parking regulations since it could pose a detriment to the church and the school. If the surrounding residents were not opposed to the church and had lived with the conditions over the years with no complaints, he saw no reason why those residents could not continue to do so. He also noted that the church had limited finances and the staff requirements in this case would be prohibitive. He questioned whether or not the conditions could be made less stringent to avert such a hardship on the church.

Commissioner Dolojan also agreed with the comments regarding the existing fencing. In addition, he suggested that some grass and a few trees might be acceptable to the church in terms of the landscaping being sought by staff.

#### PUBLIC HEARING OPENED

#### PROPONENTS:

BRENDA P. BATTLE, First Baptist Church/Headstart, 204 Odessa Avenue, Pittsburg, clarified that the church had been built in 1952 at the present site.

JANET ANDERSON CLARK, Executive Director, First Baptist Church/Headstart, 204 Odessa Avenue, Pittsburg, stated in response to the Chair, that the construction of the new church facility on West Tenth Street had been delayed. She understood that a two-year construction schedule would be involved with the new facility. She affirmed, when asked, that progress had been stymied somewhat by finances.

Chairperson Glynn inquired whether or not any comments or complaints had been received from those surrounding the church property related to its current use and operation. He also inquired whether or not there had been any problems with the parking accommodations and whether or not parishioners had regularly received citations when parking on Baypoint Drive.

Ms. Clark advised that she had received no complaints or comments from the public. She added that most parishioners were members of the community.

Chairperson Glynn commented that he had personally witnessed as many as 500 to 600 persons in the church having participated in some of the services at the facility conducted by Reverend Perkins and he was unaware of any problems with the current operation. As to the staff concerns with the potential sight visibility conflicts related to the height of the fencing around the church vehicle situated on the corner of the property, he inquired whether or not any accidents had occurred in that area as a result of the perceived sight concern.

Ms. Clark was unaware of any problems and or accidents at the corner. She commented

that the fence enclosure was clear and one could view through that fence. She acknowledged the reason for the height of the fence and the use of concertina wire to ensure that the vehicles remained intact for church use.

Commissioner Garcia suggested that City staff work with the applicant to resolve the concerns that had been raised. He expressed his hope that staff would assist the applicant in completing the application for Commission consideration within the next two weeks and that staff would help facilitate the process of new church construction.

Ms. Anderson and Ms. Battle expressed their appreciation to the Planning Commission.

Mr. Hsueh clarified that he could not schedule the application for the next Planning Commission meeting since staff was still awaiting the submittal of revised plans for staff review.

OPPONENTS: None

PUBLIC HEARING CLOSED

By consensus, the Commission continued UP-02-28 and DR-02-28, First Baptist Church/Headstart Classroom Replacement to a date uncertain based on the Commission comments as indicated.

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**Item 3: Bashir Auto Storage & Auto Sales. UP-02-22.**

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Application by Bashir Rahimi requesting a use permit to allow outdoor auto storage and auto sales on a 14,000 square foot lot located at 5 Industry Road, CS (Service Commercial) zone; APN 073-042-012.

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Planning Intern Hsueh presented the request from Bashir Rahimi requesting a use permit to allow outdoor auto storage and auto sales on a 14,000 square foot lot located at 5 Industry Road, in a Service Commercial zoning district. The General Plan designation for the area is Marine Commercial with the intent for uses to be guided towards marine commercial uses. The applicant's proposal for auto storage and sales would not be consistent with the General Plan designation. He noted that while a number of different uses were allowed in the Marine Commercial designation, auto related uses were not included.

In a review of the recent City Council Interim Zoning Ordinance, Mr. Hsueh stated that staff had been directed to review the General Plan and Zoning Ordinance in order to make a finding of consistency between both the General Plan and the Zoning Ordinance. Staff had been directed to determine whether or not a project was consistent with the General Plan. In this instance, staff had been unable to determine that the project was consistent with the General Plan.

Mr. Hsueh recommended that the Planning Commission deny UP-02-22 based on the fact that the project was not consistent with the General Plan.

#### PUBLIC HEARING OPENED

#### PROPONENTS:

CESAR ASCARRUNZ, San Francisco, explained that he was a friend of the applicant and had appeared before the Planning Commission in support of the applicant's prior use permit application. He noted that the current proposal would involve sales and storage of up to only four vehicles at a time.

Mr. Ascarrunz advised that the applicant, Mr. Rahimi also did business in the City of San Francisco and he was aware that the applicant had complied with everything that had been asked of him in that regard. Rather than deny the application, which he suggested could force other businesses to move out of the area, he requested that the Commission consider approving the application to allow the applicant to make a living while also providing sales taxes to the community.

WALTER VELASQUEZ, Concord, advised that he had worked for the applicant in the past as an auto mechanic. While he recognized that the applicant oftentimes did not do things as he was supposed to, he stated that the applicant had good intentions. He suggested that the subject site was a good location for auto repair/sales. He noted that many people passed through the area and the business could be lucrative for the applicant and the community in that it could attract more of the public to the area while also improving that area.

KENNETH MORGAN, Pacheco, commented that he was aware that the subject property had been zoned for Marine Commercial although an adjacent business had also tried to attract a Marine Commercial use over the past few years with no success. He pointed out that the applicant only needed 10 parking spaces to allow for employee, handicap and customer parking. In order for the applicant to generate some income, he requested that the Commission allow him to proceed with the proposal. He also understood that the applicant was the owner of other properties in the area. He urged the City to modify the Marine Commercial zoning designation to allow auto sales and an ability to clean up that area of the community.

BASHIR RAHIMI, P.O. Box 3, Pittsburg, explained that he had previously applied for the approval of an auto dismantling business that had been denied by the City although City fees had cost him more than \$10,000. Subsequently, he had spoken with City staff to discuss the current proposal at which time he had been told that the City would only permit marine commercial uses. Although his business was not a marine commercial use, he commented that through research of his situation he determined that his building would

have to be removed, which would be cost prohibitive necessitating a loan from the bank. If the loan were unpaid, he could lose his property and credit. As a result, he also researched marine commercial uses in the City and found no such successful businesses operating in the City over the past 20 years.

Mr. Rahimi commented that the only individual who conducted a marine commercial use had been an adjacent business owner. Having spoken to that business owner he had learned that the business owner worked outside with no building. While that business had been in operation for the past 35 years, it had never been connected to the City's water or sewer systems. The business owner had indicated to him that if the business were successful he would have connected to the City sewer and water system.

Mr. Rahimi requested that the Commission approve his application to allow for four vehicles to be parked on the site until there is a market demand for marine commercial uses at which time he would change to that use.

Mr. Rahimi expressed concern that if the application were not approved he could not pay his loans and could lose his land. He explained that he had experience with the sale of vehicles through auctions and that he had a dealer's license. He also clarified, when asked, that he was the owner of the property in 1993 at the time the Planning Commission had approved a use permit for auto sales and at which time he had spent \$12,000 on the project. That approval had included a number of conditions including a requirement for connections to the City sewer and water systems and paving improvements to the street, which would have cost almost half a million dollars and which was a hardship resulting in his inability to proceed with the originally approved use permit.

Mr. Rahimi emphasized that the economy was poor and that as the father of four children he had a lot of bills to pay. He commented that he would be glad to pursue the 1993 approved permit, or that the Commission approve the currently requested use permit. He reiterated the difficulty in complying with the Marine Commercial land use designation.

Commissioner Harris requested clarification that Mr. Rahimi had been the owner of the property since 1993, to which Mr. Rahimi affirmed that he had been the owner of the property since 1993.

Commissioner Harris questioned why the property had not been cleaned up since 1993, particularly the rear of the property. He noted that a permit was not required to maintain and keep the property clean of debris to be presentable.

Mr. Rahimi understood that if he were to do anything on the property he had to obtain permits from the Planning Department. He also understood that if nothing was done Code Enforcement would obtain a judgment to clean the area. He suggested that if the property were not kept clean over the past 10 years Code Enforcement had not done its job. He explained that in 1993 he spoke little English and had been proud to purchase property in

America and to work hard. He reiterated that he only planned to work on four vehicles until such time as the Marine Commercial designated uses changed.

In his opinion, Commissioner Harris stated that the buildings on the property should be demolished and that the property should be cleaned up.

Mr. Rahimi reiterated that an adjacent business was not connected to City water and sewer systems and that there were no successful marine commercial businesses in the downtown area.

In response to Commissioner Garcia, Mr. Rahimi clarified that he planned to sell vehicles from one auction to another and would bring up to four vehicles at one time to the site.

Mr. Hsueh explained that the current zoning for the property was Service Commercial, which would allow auto storage. While the project was consistent with the zoning at this time, it was not consistent with the General Plan designation of Marine Commercial, which also governed development and use of the property.

Mr. Jerome further clarified that while the site had been zoned Service Commercial, the new General Plan now designated it for Marine Commercial uses. He emphasized that pursuant to State Law, the zoning must be consistent with the General Plan and the interim zoning ordinance adopted by the Council required that when uses in the applicable zoning district were not consistent with the new general plan designation, then the General Plan would rule. He also stated that while there was mention in the general plan of transportation and warehousing uses conditionally permitted on Marine Commercial designated properties, it did not imply in the text of the General Plan that auto repair or sales were intended for that area.

Commissioner Garcia pointed out that the existing boat storage business which had been present for the past 30 years had been located in the County and when incorporated into the City, the City had to accept that business as is. That also applied to any other business in operation at the time County property had been incorporated into the City. He noted that if any of the other businesses went out of business for a period of six months, those businesses would have to comply with current regulations, which was the case with the subject application.

Commissioner Ramirez understood that in March 2002 the applicant had been denied a use permit to allow an indoor auto dismantling business. He inquired of the applicant whether or not those plans remained and he questioned what would be done with the current dilapidated building on the site. While he recognized that the applicant was in a difficult situation, he noted that the regulations were strict and that adherence to those regulations would be required.

Mr. Rahimi expressed the willingness to remove or repair the building, although he preferred that the City allow him to use the building to conduct business. He suggested that the building could be moved, replaced or repaired. If the building were removed, he would have to obtain a loan from the bank. He reiterated the difficulties in successfully bringing a Marine Commercial use to the area and reiterated the financial difficulties he would face if forced to comply with the current regulations.

Commissioner Dolojan inquired of staff whether or not there were any exceptions to the current General Plan regulations that would allow the applicant to improve the property, in that a strict adherence to the current regulations could pose a hardship to the business. He expressed concern that if the application were denied the property would become stagnant and could remain vacant becoming a future eyesore. He also inquired whether or not the applicant would be bound by the conditions of the original use permit.

Mr. Jerome explained that the challenge was that the Commission would be required to make a finding that the proposal for auto storage/sales was consistent with the General Plan. Staff's interpretation of the General Plan, as recently adopted, was that the proposed use was not consistent with the Marine Commercial land use designation. Further, over the past several years the area had been a code enforcement concern and a major cleanup effort had been conducted to clean up some of the uses in the area.

Mr. Jerome added that vehicle oriented uses on Industry Road had been a tremendous concern and the City had made a concerted effort to do whatever possible to clean up the area which was one of the reasons for moving away from the Service Commercial zoning with more focus on the types of uses preferred for the downtown area.

Commissioner Dolojan inquired whether or not the site had improved since the recent regulations had been imposed. He reiterated the potential hardship that could be imposed on the property owner if he were forced to comply with the current General Plan.

Mr. Jerome pointed out that approximately fifteen years ago the area had been zoned Heavy Industrial, which had been changed in 1990 when the General Plan had been revised at that time. The intention had been to upgrade the zoning of the area to encourage higher and better uses than industrial uses. With success in that regard, he added that the City had then pursued a higher-level Marine Commercial designation to attract businesses and to clean up the area. He acknowledged that the City had yet to see that occur.

Chairperson Glynn understood that many of the existing businesses had been grandfathered into the City, which businesses would be permitted irrespective of the new General Plan that had designated the entire area as Marine Commercial.

Mr. Jerome acknowledged that many of the businesses in the area were in violation of

building codes and that the City was in the process of evaluating those businesses to bring them up to code. He clarified that the property owner had acquired the property in 1993 under the old General Plan at which time auto repair was a permitted use. He added that it was unfortunate that the applicant had allowed that approved use permit to lapse.

Commissioner Leonard explained that the City had made some progress in the area. He noted that U.S. Glass had placed a new facility in the area and had invested a tremendous amount of money to upgrade the property. He also recognized that Code Enforcement had been working to clean up the area, particularly an existing auto dismantling business.

Mr. Rahimi reiterated his understanding that the new General Plan would allow him to operate a business such as a taxi service or a courier delivery service and that the area was not only for boats and marine commercial activities. He understood that he would be allowed to bring cars to his property for those uses. He questioned why if vehicles would be allowed to be parked on site already be parked on the site he questioned why his proposal could not be approved. He reiterated that he was only asking for permission to allow four vehicles to be parked on the site at one time.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9390, denying Use Permit UP-02-22 to allow outdoor Auto Storage and Auto Sales at 5 Industry Road for "Bashir Auto Storage and Auto Sales," with the findings as shown. The motion was seconded by Commissioner Ramirez and carried by the following vote:

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

**COMMISSION CONSIDERATION:**

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**Item 4: City initiated Zoning Study - Lot Coverage Standards**

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Staff is requesting that the Planning Commission initiate a Zoning Study to consider increasing the maximum lot coverage permitted on single-family lots that are less than 6,000 square feet.

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Planning Manager Melissa Ayres presented the staff request that the Planning Commission initiate a zoning study to consider increasing the maximum lot coverage

permitted on single-family lots that are less than 6,000 square feet in size. She noted that staff had several conversations with homeowners who wanted to add a patio cover or an addition on to their home. Those homeowners had discovered that they would be unable to do so due to the City's lot coverage standards, which dictated a 40 percent maximum lot coverage in most single-family districts.

Ms. Ayres explained that staff also had recent conversations with developers who had been hard pressed to meet the 40 percent lot coverage standard. Many of the newer subdivisions that had been approved with less than 6,000 square foot lots had a difficulty maintaining the style desired for large executive homes. For those reasons, the Planning Commission was being asked to initiate a zoning study to allow staff to review the City's lot coverage standards and to reevaluate them. Ms. Ayres recommended that the Planning Commission adopt a resolution initiating a zoning study on lot coverage standards for single-family lots of less than 6,000 square feet.

Commissioner Garcia understood that situation had been a problem throughout the City for a number of years and that subdivisions had been approved where more than 40 percent of the lot had been covered. Owners of new properties were learning that they might not have expansion opportunities on their property, creating a hardship. He added that while some homeowners made application for building permits to build a patio or addition, many did not. He characterized that situation as unfair to property owners who had purchased his/her homes with the understanding that the home could be expanded.

Commissioner Garcia recognized the staff recommendation to review the lot coverage standards for homes less than 6,000 square feet, although he suggested that the City had problems on lots larger as well. Speaking to the first paragraph under Section 3. Approval, of Page 1 of 2 of Resolution No. 9389, he requested the following modification:

*Based on the findings and the authority set forth above, the Commission hereby initiates a zoning study on recommended lot coverage standards on any single-family lots in the RS or PD Zoning District.*

Commissioner Garcia then clarified his request that staff analyze lot coverage in all of the City's single-family districts since there appeared to be a serious problem Citywide. He cited the Brickyard Subdivision as an example and some of the newer subdivisions off of North Parkside Drive that had been previously approved, and stated that some developments under consideration in the future could also be affected. He further cited the Harbor Lights Subdivision, which had been previously approved, although it had been converted from a mobile home park to smaller lots with larger homes. He suggested that those homeowners would have lot coverage problems if they wanted to build a patio or addition.

Ms. Ayres advised that staff would review whatever the Commission determined should be analyzed.

Chairperson Glynn also understood that previously approved homes being built for Habitat for Humanity were well under 6,000 square feet in size. He also understood that another project that had been previously approved at the site of the former Veterans Building on Eighth Street involved homes that were less than 5,500 square feet, and there had been some question with the undergrounding of the utilities for that development. He agreed that the study should consider all of the single-family developments in the City.

Mr. Jerome explained that staff desired to move forward with the study as soon as possible. He added that staff could review individual projects, such as Harbor Lights and Jubilee, which involved a Planned Development zoning district where a property owner had expressed a desire to build a patio cover then found it was not feasible due to the City's lot coverage regulations. He noted that variances were not the answer since it would be difficult to make the necessary findings to justify a variance.

Mr. Jerome added that staff could review the RS zoning district and possibly change the lot coverage standards in that district, although the smaller the lot the more critical it would be to have a higher lot coverage standard, primarily because of the recent trend for larger homes on smaller lots.

Mr. Jerome commented that the problem had also been discovered in the San Marco development. The City had been issuing permits unknowingly for the homes over the 40 percent lot coverage standard. It was staff's intent to come back with a recommendation to adjust the City's standards to better conform to the current building trends.

Mr. Jerome acknowledged that many property owners had installed patio covers without permits, since there appeared to be some understanding that a building permit was not needed for a patio cover. If a Building Inspector found that the patio cover was not permitted, the property owner could be cited and could later find that he/she might not meet the 40 percent lot coverage criteria.

Commissioner Garcia noted that the issue would take months to be resolved.

Ms. Ayres advised that staff had already proceeded with some of the research. The developers of San Marco recently provided staff with a spreadsheet of the homes in that development and how the issue would affect individual lots in that development. She had also contacted many communities in the County and had received information about lot coverage standards in those communities.

Ms. Ayres stated that staff had yet to formulate a recommendation to address the situation. Staff would try to identify a general pattern by analyzing a number of situations involving different lot sizes. She commented that they staff may come back with different standards for standard districts versus PD lots and/or it might be possible to exempt trellises, gazebos and patio covers from the lot coverage definition and calculations. She emphasized that

initiating the study was the first step in the process and that staff would be coming back to the commission with a formal recommendation after more analysis.

Commissioner Garcia noted that even if the Commission were to authorize the study and if staff were to return in two weeks to the Commission with a recommendation, the new City Council would not consider the study before January. As a result, he expressed a concern as to whether or not any building permits (for homes) would be issued throughout the City until the matter had been resolved.

Ms. Ayres explained that an environmental review would be required for the zoning study. Staff could not return to the Commission until some time in late December or early 2003 and the soonest any changes could be implemented would be February 2003. She assured the Commission that there were still many homes that could be built in actively constructed subdivisions that met the 40 percent lot coverage requirements and that San Marco developers had already developed a contingency plan to build on some of the larger lots until the lot coverage issue was resolved. She advised that Homes in Highlands Ranch did not exceed the requirements and Harbor Lights had actually tied back to a site plan and the exceptions as presented on the site plan had been accepted as part of the Commission's approval. In her opinion, permits could continue to be issued for the Harbor Lights development.

Chairperson Glynn referenced the Builders Circle development, which had yet to be approved, and which had been situated in an industrial park area.

Ms. Ayres noted that the Builders Circle development had not been approved yet and that it is located in an industrial district, not a residential district. The applicant has filed a rezoning application to establish new residential development standards. Staff advised that staff would probably be recommending tying the new standards to the general plan development standards applicable to the adjacent residential neighborhood to the east. Those standards provided for a 60% maximum lot coverage on adjacent properties. She noted that initial calculations had already been done for that project. The largest home on the smallest lot for that development was only about 48 percent.

Chairperson Glynn inquired of the status of 45 homes that had recently been approved for Discovery Builders on West Tenth Street, to which Ms. Ayres advised that lot coverage had been built into that project which was located in the downtown area and which involved a higher lot coverage standard.

Commissioner Harris questioned what would occur with the homes that had already been approved and constructed. He inquired how long affected homeowners would have to wait to build a patio or addition and suggested it would be unfair to impose that burden on property owners. He suggested that the issue should be addressed on a case-by-case basis now and not wait for a citywide study.

Mr. Jerome clarified that City staff did not have the authority to amend or ignore the Zoning Ordinance and that variance findings would be hard to make. He indicated that this would not be a long study and that staff would be bringing a recommendation for formal action as soon as practicable.

GEORGIA OLVERA, Senior Forward Planner, Western Pacific Housing, 1210 Central Boulevard, Brentwood, explained that Western Pacific Housing was the builder of the Harbor Lights subdivision that had some unusual constraints including an on site park with the property surrounded by a wetland preserve. The development had been built with large homes on small lots. She said the property was governed by a Homeowners Association (HOA) and CC&R's and that patio covers and room additions would not be allowed.

Ms. Olvera requested clarification that the individual who pulled building permits for the development had been notified by the City that the 40 percent maximum lot coverage would have to be met in their project as well. She commented that due to some of the design elements, 50 percent of the homes or more due would not meet the 40 percent lot coverage criteria. Ms. Olvera advised that Western Pacific had homes drawn on each and every lot on the property, which was being built exactly as approved. She requested that they be allowed to pull building permits based on that information.

Mr. Jerome acknowledged that he had spoken to the developer this date and had reviewed the PD Ordinance for Harbor Lights (Regency Estates) which had specifically called for compliance with the RS zoning standards, with certain exceptions regarding setbacks and a requirement to comply with the development standards or as shown on a development plan that had been submitted along with the project. He clarified the approved site plan would actually take precedence over the zoning standards in that if the developer had a home plotted on the site, that was what had been approved by the City.

Ms. Olvera requested clarification whether that would mean that Western Pacific could submit the plot plans for building permits as soon as possible without the notation for lot coverage since maximum lot coverage had never been included on the plot plans.

Mr. Jerome explained that they would have to show that the plot plan submitted for the building permits was consistent with the plan approved by the Planning Commission as part of the PD Plan.

Ms. Olvera requested clarification that the submittal of one more copy of the development plan for review of each of the plot plans would be acceptable. She noted that the footprints on the buildings had not been changed and there would be no lot coverage issues from successive homebuyers.

Mr. Jerome advised that in speaking with the developer this date he had indicated that he

would provide a development plan for the City, although he imagined that the City could have a copy in its records since the project had previously been approved.

Chairperson Glynn inquired whether or not Western Pacific Housing would also be the builder of Builders Circle, to which Ms. Olvera explained she could not guarantee that would be the case in that the product for Builders Circle had yet to be presented. If the City were to support a trend for smaller homes the maximum lot coverage for that project could be met since the map had been drawn, although not yet approved by the Planning Commission.

Commissioner Garcia noted that the City was not moving towards smaller homes. He expressed his hope that the study would show that the developer's project met the lot coverage.

**MOTION:**

Motion by Commissioner Garcia to adopt Resolution No. 9389, a resolution initiating a Zoning Study on appropriate lot coverage standards for single-family lots. The motion was seconded by Commissioner Kelley and carried by the following vote:

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

**STAFF COMMUNICATIONS:**

A. Target Remodel. AD-02-16

Associate Planner Ken Strelo reported on the minor changes proposed as part of the Target Remodeling Plan, including a new cart wall, some trees, additional signing and new red mullions. He noted that tiles previously approved on the inset walls would be added to the front of the building. The building would be repainted the existing building colors.

Mr. Strelo noted the changes were subject to staff administrative design review approval unless the Planning Commission called up the item for formal consideration.

By consensus, the Planning Commission decided not to call the item up for Commission review.

B. Loveridge Center Pylon Sign. Modification of DR-02-05

Assistant Planner Dana Hoggatt presented the revisions to the Loveridge Center pylon

sign noting that the sign had originally been presented and approved by the Planning Commission in June 2002, with exceptions for sign height and sign area. Since the original approval, it had been determined that additional right-of-way was needed along the project frontage and it affected the approved location of the sign.

As a result, the developer requested approval to move the location of the sign from the Starbucks pad [Parcel 4] to Parcel 5 where a larger setback would allow a more appropriate placement of the sign. In addition, the developer requested approval to add two sign cabinets to identify two new tenants in the multi-tenant building. The revised sign would not exceed the previously approved sign height. The color scheme of the sign would remain primarily the same with no changes proposed to the sign logos or previously approved colors.

Mr. Hoggatt noted the changes were subject to staff administrative design review approval unless the Planning Commission called up the item for formal consideration.

In response to the Chair, Ms. Hoggatt clarified that the proposed design revisions were as close as possible to the previously approved signage.

By consensus, the Planning Commission found the proposed modifications to the Loveridge Center Pylon Sign to be acceptable and did not call the item up for formal Commission consideration.

#### **GENERAL PLAN IMPLEMENTATION:**

Mr. Jerome reported that staff would be meeting with the General Plan Consultant next week to discuss changes still need to finalize the general plan document and to discuss the housing element.

#### **ZONING ADMINISTRATOR REPORT:**

There was no Zoning Administrator Report.

#### **COMMITTEE REPORTS:**

There were no committee reports.

#### **COMMISSION COMMENTS:**

Commissioner Dolojan congratulated Bill Glynn on his successful campaign for the City Council.

Commissioner Garcia also congratulated Mr. Glynn on the recent election. With a new Council majority, he requested that the Planning Commission submit a request for a joint

meeting in the near future to discuss the direction the new Council would like the City to take.

Chairperson Glynn understood that an orientation meeting had been scheduled for new Councilmembers for November 20. The Swearing In Ceremony had been scheduled for December 2, at which time the new Council would make Committee Appointments for the Council. He acknowledged that he would be resigning from the Planning Commission and numerous other organizations due to a potential conflict of interest as a newly elected member of the Council.

Chairperson Glynn expressed concern with being able to continue moving the Senior Housing project with 104 units forward. Concurrent with that issue, he noted that there was the potential for the purchase of the Ford Motor Dealership on Railroad Avenue. He recommended that the City consider the purchase of that property for another senior housing project since it was contiguous to the other project and would allow the opportunity to improve the roadway from Railroad Avenue to Harbor Street with bus service to accommodate the seniors.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 9:08 P.M. to a regular meeting of the Planning Commission on November 26, 2002 at 7:30 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

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MELISSA AYRES, Secretary  
Pittsburg Planning Commission