A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Glynn at 7:30 P.M. on Tuesday, November 26, 2002, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:
Present: Commissioners Dolojan, Garcia, Harris, Kelley, Leonard, Chairperson Glynn
Absent: Commissioner Ramirez
Staff: Director of Planning and Building Randy Jerome; Planning Manager Melissa Ayres; Assistant Planner Dana Hoggatt; Planning Technician Christopher Barton; Civil Engineer II Alfredo Hurtado; and City Attorney Linda Daube.

POSTING OF AGENDA:
Chairperson Glynn advised that the agenda had been posted at City Hall on Friday, November 22, 2002.

PLEDGE OF ALLEGIANCE:
Commissioner Leonard led the Pledge of Allegiance.

DELETIONS/WITHDRAWALS:
Mr. Jerome reported there were no changes to the posted agenda.

COMMENTS FROM THE AUDIENCE:
There were no comments from the audience.
PRESENTATIONS:

1. Business License Ordinance Procedures. (L. Daube)

Mr. Jerome reported that the Business License Ordinance Procedures would be scheduled for City Council review in early 2003. He took this opportunity to apprise the Planning Commission of some of the code provisions that were being recommended for change. The recommended revisions were not related to the Zoning Ordinance and accordingly would not require formal action by the Commission. The presentation was being offered given the Commission's past interest in the process.

City Attorney Linda Daube advised that a handout had been presented to the Planning Commission titled, City of Pittsburg, Business License Streamlining along with a current form of the City's business license application process.

Currently, the business license provision under the City's Municipal Code, per Section 5.04, had been set up as a non-regulatory ordinance handled through the Department of Finance, where an applicant would fill out an application and obtain a receipt. The Finance Department would then process the application and eventually send out a business license. That process was beneficial since additional monies for non-regulatory business licenses could be collected above the amount of staff time. A regulatory business license could only recoup fees actually spent on staff time.

The objective to the business license streamlining process had been to create a unified system for the issuance and renewal of business licenses and to provide applicants with an efficient hassle free experience. During the past year, staff had spend an inordinate amount of time with applicants who were under the impression that once business licenses had been obtained, his/her business operations could commence.

In order to make the process easier for the public another, Ms. Daube reported that another objective was to increase revenues to the City through the collection of business license taxes. Currently, business licenses were renewed on a fiscal basis every January 1. The intent was to change the renewal date to the date of the anniversary or the receipt of the actual business license.

Ms. Daube identified the current problems experienced by staff in the issuance of business licenses, including improper issuance of new licenses. The greatest problem in that case was that once a business license was issued the recipient was under the impression that the business could commence without a necessity to verify whether or not the use was permitted and whether or not the subject site was up to code. In many cases staff would have to backtrack and meet with applicants to advise of the need to work with the Planning Department.
Given the likelihood that there were a number of businesses operating without a business license or a renewal of a business license, Ms. Daube advised that a number of suggested solutions had been identified.

Ms. Daube identified examples of how the process might work. While new applicants currently made first application with the Finance Department, it had been recommended that new applicants start with the Planning Department to allow a review of the request and to ensure that the application complied with the appropriate use and zoning. Once the Planning Department had approved that application, it would be forwarded to the Finance Department where the business license application would be filled out. The Finance Department would then process and mail out the actual business license.

In the case of a situation where some building code violations were involved, Planning Commission consideration of the proposal would be required. If the process were to commence with the Planning Department, an applicant could then be guided through any subsequent process that might be required prior to being referred to the Finance Department.

In another scenario, if the Planning Commission were to discover non-compliance with City regulations or if the business required construction or remodel improvements to a building, an applicant would be required to obtain and pay for building permits after receiving approval from the Planning Department and/or the Planning Commission.

Ms. Daube acknowledged that one of the misconceptions that had occurred in the past was that when an applicant had received a receipt for the payment of his/her business license, he/she was under the impression that was the actual certificate to allow the business to open. It was staff's intent to make it clear that the receipt was only an indication that the payment of fees had been made to the Finance Department, which would issue the actual business license.

Ms. Daube reiterated the intent to conduct a renewal of the business license for each business on an anniversary date to be able to allocate the necessary staff time for processing. The Finance Department would generate a list of business licenses expiring in 75 days to be forwarded to the Planning Department. A planning staff person would be assigned to query the licensees expiring in 75 days, with both lists to be reviewed for compliance and various types of uses permits.

Ms. Daube explained that the Planning Department would then notify the Finance Department whether or not the business was compliant, with the Finance Department to mail the renewal notices within 45 days of the expiration date. Thereafter the business license would be mailed once the renewal application fees had been processed. In the event that a business was non-compliant, that would be the responsibility of Planning staff.
The issue would also be referred to the Strategic Operations Bureau that would then notify the business of any violation with all violations to be corrected prior to the issuance of a renewal notice. If compliance was not made and a solution not reached, the City would then seek legal counsel and no renewal notice would be issued.

Ms. Daube reported that Code Enforcement staff met every Monday morning at 9:00 A.M. to identify areas or properties of concern. The City Attorney's Office had also allocated one attorney to work with staff to ensure that the notices of non-compliance met legal requirements. She advised that revisions would be made to the Municipal Code relating to the business license recommendations to be brought to the City Council for a first reading in January. She acknowledged that the current business license application would be revised as part of that process.

Chairperson Glynn inquired of the number of businesses in the City, to which Police Commander William Hendricks reported that there were slightly over 1,200 business licenses in the City, including home occupations.

In response to the Chair, Ms. Daube explained that renewals were processed as of January 1 each year although the issuance of the licenses was staggered throughout the year.

Chairperson Glynn suggested that it would make more sense to balance the load of renewals on a per month basis for existing licenses as a first step, either through short range extensions or another method. He inquired how the City was aware that a business was non-compliant. He also inquired of the number of City Inspectors that would inspect the 1,200 businesses currently operating in the City.

Ms. Daube acknowledged Chairperson Glynn's suggestion as being a good idea.

Mr. Jerome advised that inspections were conducted on an on-call basis based on the staff workload and high priority issues. During his tenure with the City, code enforcement and zoning enforcement had always taken a low priority as a result of other increases in the staff work load. It had not been until the code enforcement responsibilities had been transferred to the Police Department that compliance management had increased.

Chairperson Glynn suggested that with one staff person, the existing 1,200 business licenses would require an inspection of 100 businesses a month, an almost impossible task given some of the problems in the past with non-compliance with building codes, Americans with Disabilities Act (ADA) requirements and the like. He expressed concern that the existing scenario involved the immediate collection of fees. He suggested that the fees should not be collected until the end of the process so that no business could operate without compliance with all City regulations.
Ms. Daube explained that was the intent of the proposed revisions, to start the process in the Planning Department with the application forwarded to the Finance Department only after compliance with all other City regulations had been assured, at which point the fees would be paid.

Chairperson Glynn recommended balancing the license expiration load and that the description of the business, while vague in the past, be more clearly defined on the business license application. He also recommended that the businesses be inspected on a regular basis.

Commissioner Dolojan questioned whether or not the proposed recommendations would, in fact, streamline the process or increase the waiting time for a business license.

Ms. Daube suggested that the recommended streamlining proposal through the Planning Department would streamline the process although the applicant's perception would be the opposite since most applicants assumed that the issuance of a business license allowed a business operation to commence. She acknowledged that the Planning Department might have to increase staffing to ensure that the process was, in fact, streamlined.

Commissioner Harris noted that many buildings involved absentee property owners who leased out their buildings to tenants who were not responsible for the maintenance of the building’s interior/exterior. He emphasized the need to deal with the property owners to ensure that the exterior of the buildings were maintained and compliant with City regulations prior to any occupancy by a tenant.

Commissioner Leonard suggested that any database of existing business licenses also identify situations with multiple tenants, whereby when a property was found compliant with City regulations, multiple business license renewals of those tenants could be time saving.

Ms. Daube explained that the City was in the process of reviewing potential software that would expedite such issues to ensure that the process was being streamlined. She also reported that the Director of Economic Development had made a presentation to the Chamber of Commerce Marketing Committee, which had favorably received the proposed revisions. It was hoped that the City would be able to work with the Chamber to get the message out to be able to facilitate the process. The proposed business license revisions had also been presented to the Community Advisory Committee (CAC).

Chairperson Glynn suggested that business license applications stipulate the operator/contact and the current owner of record.

Commissioner Garcia commented that one of the past problems had to do with the leasing of light industrial areas. He emphasized the need to ensure compliance with all City regulations by making property owners aware of those regulations prior to the leasing of
his/her spaces.

2. **Code Enforcement. (W. Hendricks)**

Police Commander William Hendricks, Police Strategic Operations Bureau, concurred with respect to the proposed Business License program that there was a new software program that could benefit the entire City in that it would tie in code enforcement, the Finance Department, and the Planning and Building Departments so that staff could review all existing issues related to a property. All business licenses would require sign off by the Police Department and Planning and Building Departments to ensure that the business met the requirements of a Certificate of Occupancy and the conditions relating to a use.

Commander Hendricks otherwise referenced recent problems with storage containers in the Wal-Mart shopping center, which he understood had finally been resolved. He noted that code enforcement would continue to work on the maintenance of properties in the City including those that were substandard. Code enforcement also partnered closely with the City's Economic Development Department and with the Chamber of Commerce.

Commander Hendricks commented that two years ago Chamber members had walked business to business to encourage businesses to improve their landscaping. While that program had been successful, it had not occurred this year and maintenance standards had declined as a result.

Commander Hendricks also referenced the new Albertsons shopping center located on Railroad Avenue where the original proposal had called for a self-storage facility on the south side of the site. That project had ultimately been denied by both the Planning Commission and the City Council. The property owner of that parcel was an absentee property owner and had withdrawn from the project. He understood that the property owners would like to release the property that had been proposed for that self-storage facility in that the property was currently in a state of limbo.

The front piece of property on Railroad Avenue was the site for a proposed El Pollo Loco restaurant, which had previously been approved, although Commander Hendricks understood that the approvals had since expired. Code enforcement had recently contacted the property owner to learn of the status of that property since code enforcement had to abate the property. He acknowledged that the property owner had been billed by the City and had paid for the abatement. The second piece of property on the south side had also been abated with a lien placed on the property. He stated that the City was in negotiations with the bank to pay that lien.

Commander Hendricks explained that in working with the Chamber of Commerce, the Strategic Operations Bureau had revitalized the Chamber Image Committee to focus on the Business Committee and would work diligently by having monthly meetings in different
shopping centers and areas to learn of the concerns of the business operators and to identify ways to resolve any concerns.

Commander Hendricks acknowledged concerns with respect to transients around businesses around the southern end of Railroad Avenue, which had been exacerbated by one of the businesses in the area providing food for the transients. As a result, more people were loitering in the area. He noted that the City had worked to find housing for those people, although many had chosen not to take advantage of available housing. Efforts were being made to resolve that problem and to discourage businesses from giving out food, although he recognized it was an operator's right to do so.

In the past, Commander Hendricks commented that the City had allowed many businesses to open at a location that might not have been appropriate and where the Certificate of Occupancy for the building or building codes might not have been met. He stated that several of those types of properties were the primary focus of code enforcement.

Commander Hendricks advised that code enforcement was now called the Strategic Operations Bureau, comprised of the Civilian Code Enforcement Unit, Non-sworn uniform persons, Police Community Relations Unit, Gang Intelligence Officers, Alcohol and Tobacco and Vice Officers, Strategic Enforcement Team (SET) and Narcotics Officers. In 1996, he had been assigned to run a task force that was to be comprised of code enforcement in working with the Planning and Building Departments to address some of the images most troubling to the community. He stated that most calls received involved community annoyances, littering, loitering, constant garage sales, and the like.

Commander Hendricks stated that the goals establish in 1996 were continually reevaluated to improve community and individual neighborhood preservation and to work on the community's image and individual resident esteem. Efforts to reduce conditions related to disruptive behavior or crime, such as abandoned cars, loitering and the like were being addressed to ensure that they would not escalate to other problems in a neighborhood.

Commander Hendricks advised that code enforcement over the past two years had become an important focus of almost every city council and city plan. Many agencies had assigned police officers to be responsible for code enforcement units. Police officers were trained in the laws of the arrest, search and seizure, and the necessary tools to help make the process effective. Efforts were also being taken to carefully evaluate City ordinances to potentially streamline them to be more effective.

Further, efforts were being taken to criminally prosecute individuals for various violations and misdemeanors. Currently less than 20 percent of the current complaints were citizen initiated. Efforts to reduce the violations had been conducted through writing grants, with the Strategic Operations Bureau one of three agencies to receive the California Community Development (HUD) Code Enforcement Incentive Program Grant, which provided $1 million over three years. The City also had an Alcohol and Tobacco Grant and had been
funded regularly by Community Development Block Grant (CDBG) monies to focus on target areas in the community. The City had averaged in the last two years no less than 15,000 cases a year with five officers conducting field code enforcement. That total had been increased somewhat this year.

Commander Hendricks reported that over the past 12 months from October 2001 to October 2002, his staff had initiated 2,457 weed and rubbish complaints, 1,084 public nuisance complaints, 28 non-domestic animal complaints, 86 mandatory garbage complaints, 74 other department referrals which included zoning violations, engineering violations or strictly building violations that had predominantly occurred on businesses that were not in compliance through the business reinspection process. In addition, the bureau had initiated the removal of 5,666 non-operative or unsafe vehicles in the streets which was the main complaint from citizens.

The bureau had addressed 8,560 vehicles in the last ten months, 3,000 of them had been taken care of and 5,666 vehicles that had been abandoned on the street had been abated. Further, the bureau had initiated 513 zoning complaints, which had predominantly dealt with boats, trailers and watercraft stored in the front yards, a figure that had decreased over the past two years.

Commander Hendricks noted that the City of Antioch had initiated almost an identical program to deal with zoning complaints, as had the cities of Concord and Pleasant Hill. Over the past 12 months, the bureau had initiated and cleared 9,908 cases, with a current carryover of 3,800 cases and 500 cases in progress for the month of November 2002. It was expected by the year end that in excess of 15,000 cases would have been considered not including those being handled by the gang officers, alcohol and tobacco officers, vice and gambling officers.

Commander Hendricks presented an extensive slide display to depict the efforts of code enforcement identifying the efforts to abate properties from violations involving rubbish, tires, code violations, non-domestic animal complaints, zoning violations, abandoned vehicles, and the like. In addition, photographs of properties that had been rehabilitated or were in the process of rehabilitation were also presented.

Chairperson Glynn and the entire Commission thanked Commander Hendricks for the code enforcement presentation and commended him on his efforts to date.

**CONSENT**

A. Minutes - November 12, 2002
MOTION:

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

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

PUBLIC HEARINGS:

Item 1: Heritage Pointe Residential Development. GP 02-02, RZ 02-12, Subdivision 8625 and DR 02-17.

Public hearing on an application by Vince Fletcher, Western Pacific Housing, requesting: 1) amendment of the General Plan, Diagram from Business Commercial to Low Density Residential; 2) rezoning from IP-O (Industrial Park with a Limited Overlay) to RS-O (Single Family Residential with a Limited Overlay); 3) approval of a vesting tentative map to subdivide 22 lots totaling 127 acres into 125 single family lots with private roads and a 0.04 acre private park; and 4) design approval to construct 125 single family homes. The property is located on Builders Circle, south of West Tenth Street west of Beacon Street; APNs 085-260-018 to 024, 085-260-027 to 040 and 085-260-042.

Mr. Jerome advised that the application had been continued from a previous public hearing on August 13. Staff would again request that the application be continued to the Planning Commission meeting of December 10 due to some technicalities. He also reported that he had received a telephone call from Adams, Broadwell, Joseph and Cardozo who had indicated that the firm would be submitting correspondence prior to the December 10 meeting.

Assistant Planner Dana Hoggatt presented the request from Vince Fletcher, Western Pacific Housing, requesting: 1) amendment of the General Plan, Diagram from Business Commercial to Low Density Residential; 2) rezoning from Industrial Park with a Limited Overlay Single Family Residential with a Limited Overlay; 3) approval of a vesting tentative map to subdivide 22 lots totaling 127 acres into 125 single family lots with private roads and a 0.04 acre private park; and 4) design approval to construct 125 single family homes, for property located on Builders Circle, south of West Tenth Street and west of Beacon Street.

Ms. Hoggatt reiterated that the application had been continued from the Planning Commission meeting of August 13 with no public testimony taken although the public hearing had remained open. The application was being presented to the Commission at
this time to solicit feedback on the proposal and to allow the public to comment on the project.

Ms. Hoggatt advised that the property had been subdivided in 1986 for Industrial Park development, although the property had remained vacant since that time. The Planning Commission and the City Council had acted to establish an overlay on the property to conditionally permit single family residential development. The applicant had requested four different entitlements. She noted that a General Plan Amendment had initially been requested to change the General Plan designation from Business Commercial to Low Density Residential and a rezoning to change the property from Industrial Park with an Overlay to Single Family Residential with a Limited Overlay in order to allow some flexibility in the standard development regulations for setbacks and lot coverage. The applicant had also made application for the subdivision of the 125 single family lots, landscaping parcels, a park and a remainder parcel. In addition, the applicant had made application for architectural review of the plans for the homes in the subdivision, which included three different models, each with three different elevations.

Ms. Hoggatt reported that staff had reviewed the project for consistency with the General Plan and had determined that the project was inconsistent with some goals that called for the preservation of Business Commercial areas for commercial development in order to balance the City's jobs/housing imbalance. Staff had estimated that approximately 350 jobs that could be lost if the entire property was developed for residential purposes, although the property had remained vacant for the past 16 years and had failed to attract any industrial development. Residential development was supported by other General Plan policies that supported residential development on commercial and industrially zoned properties that had not attracted commercial or industrial businesses.

Since the General Plan had policies that allowed residential development on business commercial property, there had been some changes to the original entitlements requested by the applicant. One was that the applicant not be required to proceed with the General Plan Amendment since the General Plan supported residential development on business commercial properties such as the subject property. Additionally, the proposed residential subdivision was consistent with the Industrial Park with an Overlay zoning.

Ms. Hoggatt suggested that the requested amendment to Single Family Residential with an Overlay was necessary in that currently the Industrial with a Limited Overlay would allow such development with a use permit. She noted that the development regulations with the current Industrial Park with a Limited Overlay were vague and required that the project be subject to the standard development regulations in the Zoning Ordinance, for Single Family Residential and RM zones, dependent upon the density of the project.

Ms. Hoggatt recommended that the existing Overlay be amended to clarify the development regulations to be those as established by the use permit that would allow flexibility with those regulations and allow development standards more consistent with the
smaller development regulations in the General Plan for the West Tenth Street neighborhood east of the project site.

Ms. Hoggatt noted that the project was consistent with the Planning Commission's adopted Design Review Guidelines, with different articulations on the home elevations, variety of materials used, and appealing designs consistent with the adopted standards.

Ms. Hoggatt added that a traffic study had been prepared for the project by the City's Engineering staff, who had determined that there would be no significant impact as a result of the project. Builders Circle existing roadway would continue to be used and the road base would be removed to allow the installation of new water and sewer laterals. The layout of the roadway would remain the same. The applicant would be adding courts, and some loop streets for access to the homes within the project.

Ms. Hoggatt requested guidance from the Commission with respect to an inconsistency with the General Plan, whereby the General Plan had a policy that called for residential subdivisions to have sidewalks on both sides of the street. The project included a sidewalk on one side of Builders Circle loop, although the other smaller loop streets and courts did not include sidewalks. If sidewalks were added they would take away either lot space or require on street parking.

Ms. Hoggatt also noted that the property included Sierra-Crete, which contained a dioxin that was a potentially dangerous material. A soils study had been prepared and had found that the amount of dioxin in the soil was actually below the hazardous levels and would actually be removed when the road base was removed, to be replaced with new pavement as part of the new roadbed.

In order for the Planning Commission to approve the project, the Commission must make a finding that the overlay was necessary for the benefit of the public, was consistent with the General Plan and the zoning standards, and that the project was generally consistent with good zoning practices. In addition, the Commission must find in order to approve the use permit that the project was consistent with the General Plan and zoning and would not cause a health or public nuisance to the community. In order to approve the Tentative Subdivision Map, the Commission must find that the proposed development was consistent with the General Plan and that the site could support the proposed development.

Further, in order to approve the design application, the Commission must find that the project plans were of good quality design and would be complementary to the surrounding area.

Ms. Hoggatt recommended that the Planning Commission open the public hearing, take testimony and continue the public hearing to December 10, 2002.

Chairperson Glynn understood that if sidewalks were added to both sides of the street that
could consume the on-street parking. If that were to occur he questioned whether or not adequate length in the existing driveway would allow a car to be parked.

Ms. Hoggatt explained that the on-street parking took up about 8 feet, with the sidewalk taking approximately 4 feet. She noted that the parking scenario would be adequate for two lanes, with no passing and no median only on the larger loop streets. The courts would have no on-street parking. If the on-street parking were eliminated, the properties would still have required parking with two parking spaces in the garage and two parking spaces in the driveway, meeting minimum code requirements.

Chairperson Glynn referenced the remainder parcel and commented it was probable that the railroad spurs would be used by an adjacent property owner. He questioned whether or not the proposed sound wall would be of a sufficient height to block the views of the railroad cars and whether or not it would provide adequate sound mitigation from the adjacent uses to the residential properties. He suggested that a 10 foot wall would be more appropriate with sound attenuation to be provided.

Ms. Hoggatt advised that the sound wall would be approximately 8 feet in height although she was uncertain whether or not it would be tall enough to obstruct the views of the railroad cars. She also affirmed, when asked by the Chair, that the project would be required to underground all utilities and that everything within the project itself along Builders Circle would be underground.

PUBLIC HEARING OPENED

VINCE FLETCHER, Western Pacific Housing, 1210 Central Boulevard, Brentwood, advised that the project would be the fourth development constructed by Western Pacific Housing in the City, including the Americana development which was sold out, and the Harbor Lights development which was two thirds sold out and which had been quite successful. That project involved no sidewalks and the narrow street kept traffic down.

Mr. Fletcher noted that the Stanley Works development was going through the approval process with improvement plans currently in plan check. That project involved 120 lots similar in size to what had been proposed for the subject development. He clarified that the square footages of the proposed homes for the subject development were a bit incorrect in that they did not normally add the garage when determining the square footage of the units. As a result, the homes would be 1,920, 1,997 and 2,302 square feet in size. The project would also include a tot lot park with two different structures for two different age groups and would be a gated community with a Homeowners Association (HOA) that would maintain the streets, sound walls, fencing and front yard landscaping.

Mr. Fletcher clarified that although the staff report had indicated that the reason the road was being removed was because of the Sierra-Crete and the dioxin, it would be less expensive for the developer to remove the roads and replace them with proper size utilities that would be used for a residential project as opposed to what currently existed.
In response to the staff concerns with respect to the sidewalks, Mr. Fletcher explained that there would be sidewalks on the entire outside of the loop as well as the entrance into the project along with the park, which had a sidewalk system built into the park. There would be parking on both sides of the street, which was preferred over sidewalks on both sides of the streets since that would provide a better quality project for the homeowners.

Mr. Fletcher explained that there would be a 36 foot curb to curb right-of-way. If they were to remove 8 feet of parking 28 feet would remain similar to the Stanley Works and Willow Heights developments with parking on one side and sidewalk on the other.

Mr. Fletcher suggested that the development would enhance the downtown area and raise property values along Tenth Street. With respect to the railroad spurs, he commented that he had spoken to an adjacent property owner who planned to use the spurs to the west of his building and would not use those spurs that traveled through the project. He understood that the spurs were no longer safe, required upgrades and was why they had not been used. He was unaware of any plans to upgrade the spurs and as such stated that they would be removed.

Additionally, Mr. Fletcher reported that a sound study had been prepared which had been found to meet the City Ordinance of 65 dBA outside and 45 dBA inside. He explained that a six foot sound wall would be required. While he would be willing to install an eight foot sound wall, he suggested that a ten foot sound wall would not be warranted particularly since it would require setbacks in the foundation requiring the homes to be moved farther away the taller the sound wall. He further commented that the units would include standard air conditioning units that would conform to the required decibel levels.

FELICIA DEAN, Project Engineer, stated in response to the Chair that once the Tentative Map was approved and they proceeded through the improvement plans and construction drawings, a photometric study would be prepared to describe and define the lighting needs for the project. She acknowledged that the current lighting schedule might not be suitable for residential development.

JEFF POTTS, SDG Architects, 1240 Central Boulevard, Brentwood, described the home plans that would range from 1,920 to 2,300 square feet in size, with two car garages, four bedrooms and two bathrooms. The home massing would vary from plan to plan with the homes or porches out in front of the garages to minimize the impact of the garage doors on the streets. The design would also allow the homes to be pulled closer to the street to afford variation along the street while still providing a 20 foot driveway apron at all garages.

The building elevations would consist of traditional California style elevations with the home massing varied from plan to plan with a variety of roof types, gables and hips, all intended to break the massive wall planes.
The second floor would be pushed back on one side of the home to reduce the views of the two story stacking. All roofs would consist of concrete tile with wall planes in the front to be multi-layered and move in and out to provide relief on the street and to produce a shadowing effect. In addition, windows would vary from size and shape in the front all involving a variety of grid patterns to match the elevation styles and with different window trim styles around the front. All windows on the side and rear walls would be trimmed out, some with belly band features around the side and rear to further break the stucco massing.

Further, some of the homes would include wood shutters, corbels, keystones and varied stuccoed bases to create areas of interest and provide areas for color blocking.

INTERESTED SPEAKERS:

BERNARD PHILLIPS, 2857 Bellflower Drive, Antioch, advised that he was the owner/operator of the Coldwell Roofing Co., a business located on the north side of West Tenth Street across the street from the proposed development. He commented that he owned other properties in the City and he had owned and operated his downtown business for nearly fifty years.

Mr. Phillips stated that he was not speaking for or against the development, although he stated for the record that the change in industrial codes in the area could impact the existing industrial businesses in the area, which would impact his business. He wanted the applicant to be aware of the business, which stored roofing tar pots that were transported to and from the site. He noted that the tar pots carried an odor although there had never been a problem or concern with the other adjacent residential properties on Beacon Street to the east or with any of the other industrial businesses in the area.

STAN ELLIOT, 16745 Ponderosa Court, Morgan Hill, explained that he was the Project Superintendent for the property owner located at 701 Willow Pass Road, who was unable to attend the meeting and who had requested that he speak on his behalf. He advised that the property owner desired to work with the developer and was in support of the project. In response to the Chair, he acknowledged that he was familiar with the description of the project.

With respect to the railroad spurs, Mr. Elliot reported that he had been coordinating with Burlington North Santa Fe Railroad throughout the process since the spurs affected 701 Willow Pass Road and others. He advised the property owner and the applicant were actually in discussions and working through the issues together in a way that could benefit both projects.

GEORGE DEL MONTE, 1125 Peacock Creek, Clayton, identified himself as the co-owner of Redwood Painting Company, located directly across the street from the proposed development, a business that had been in the City since 1947. He too clarified that he was
neither for nor against the proposal but desired that the developer be aware of the
business which employed 120 persons and which was an industrial painting contractor with
employees traveling throughout the Bay Area. He advised that the business operated a
fleet of diesel trucks and the business opened at 5:00 A.M.

Mr. Del Monte explained that the business included a shop facility that was located in the
rear of the yard with five to seven painters working with large compressors most of the day.
He stated that the compressors did make noise. Most of the work was done during the
day from 7:00 A.M. to 5:00 P.M. He also acknowledged sandblasting activities at the site,
stated that sandblasting work was abrasive and that when a north wind occurred it was
possible that debris would drift out the yard, occasionally creating nuisance dust.

Mr. Del Monte advised that the business also conducted spray-painting activities in the rear
of the yard, which involved a certain smell, and certain risks of overspray. Most of that
work was conducted outside, where there was the possibility of overspray on vehicles.
When that had occurred, those issues had been resolved. He expressed concern with an
entire community of homeowners in the area who would differ from the existing industrial
neighbors. He was also aware of a nearby chlorine business that could cause some
concerns to a proposed residential community. He expressed concern that the
development could ultimately result in the relocation of his entire business.

In response to the Chair with respect to existing residential properties in the area, Mr. Del
Monte commented that some of the property owners were aware of the businesses in the
area. He acknowledged that there were occasions when he had to clean vehicles and had
to respond to occasional noise complaints.

Chairperson Glynn inquired of the closest point of approach from Redwood Painting to the
nearest residence on the project.

Mr. Fletcher explained that the nearest property would be located several hundred feet
from the business. He affirmed, when asked, that prospective property owners would be
informed of the nearby industrial businesses through the required disclosure statements.
He clarified that only three to four homes could be affected by the nearby businesses.

Mr. Jerome explained that it would be incumbent upon the development in its disclosure
packets to make future property owners were aware of the existing surroundings and the
existing and potential uses in the area.

Mr. Fletcher stated that the Harbor Lights development backed up to an auto wrecking yard
on Willow Pass Road. The Stanley Works project was also located adjacent to an auto
wrecking yard.

Stating that the subject site was an infill site, Mr. Fletcher emphasized that it would be
obvious to potential homeowners that the entrance to the property would be across the street from the nearby industrial businesses. He acknowledged that it was incumbent upon the developer to clearly disclose the various uses in the area.

Commissioner Garcia commented that the property had been vacant for many years and although the City had tried to encourage industrial park development that had not come to fruition. He was pleased to see the development, which he described as a good infill project. Speaking to the sidewalks, he noted that he had viewed the Harbor Lights development and in his opinion the design with sidewalks on one side and with none in the cul-de-sacs appeared to be working well. He also noted that the Brickyard development appeared to be coming along nicely. Further, there were other developments in the City that did not have sidewalks on both sides of the street and which had not posed a problem in those communities.

Commissioner Garcia pointed out that the project would be a gated community and that there should be few traffic concerns as a result. He also agreed that disclosure was important and that the City had other residential developments adjacent to industrial uses that appeared to successfully co-exist with those industrial uses.

Commissioner Leonard noted previous comments that the CC&Rs in the Harbor lights development had prohibited any exterior facade in the rear of the units, including the prohibition of trellises and the like. He inquired whether or not the subject development would have the same restrictions.

Mr. Fletcher noted his understanding that the CC&Rs required HOA approval for those design elements. He suggested that the only case where that would not be allowed would be if the rear yard was so small and narrow that such structures could encroach into a neighboring property.

Chairperson Glynn complimented the developer on the fact that the project would include a south side bus cutout or stop to ensure that residents had nearby bus access. He noted that the City's CAC was not happy with the fact that the Harbor Lights development included no bus stop.

Ms. Hoggatt clarified that the City had its own plans for West Tenth Street. One of the alternatives under consideration was the construction of a bus turnout in front of the project. She clarified that it was not the developer's responsibility to build the bus turnout since that was a City project that had yet to be finalized. Speaking to the Harbor Lights development, she reported that the City was working to acquire enough right-of-way for West Tenth Street to address that concern.

MOTION:

Motion by Commissioner Garcia to continue GP 02-02, RZ 02-12, Subdivision 8625 and
DR 02-17 for Heritage Pointe Residential Development to a regularly scheduled Planning Commission meeting on December 10, 2002. The motion was seconded by Commissioner Kelley and carried by the following vote:

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

Item 2: Charity Auction Sales. UP-02-16.
Public hearing on an application by Mike Davis of Charity Auctions requesting a use permit to allow vehicle storage with accessory vehicle sales on a 4.5 acre site located at 1151 Loveridge Road, IG (General Industrial) zone; APN 073-230-031.

Planning Technician Christopher Barton presented the request from Mike Davis of Charity Auctions requesting a use permit to allow vehicle storage with accessory vehicle sales on a 4.5-acre site located at 1151 Loveridge Road in a General Industrial zone. The applicant currently operated in the City of Benicia and provided a service for charitable organizations. The business would be located across the street from the Transfer Station on Loveridge Road.

The applicant proposed to accumulate up to 400 vehicles maximum with an auction held twice a month. The use permit application would allow for vehicle storage on the site. The applicant expected up to 300 people on site on Sundays for the auction events.

Current there were two buildings on the site, one 9,600 square feet in size and the other 1,280 square feet in size. The larger building would not be occupied at this time, although the applicant planned to bring the building up to code to allow future occupancy. The smaller building, which fronted Loveridge Road, would be used as an office.

The auction yard would be open seven days a week with 15 employees in the yard between 6:00 A.M. and 8:00 P.M. Auction events would be held twice a month with auction previews held on Saturdays. Final auctions would be held on Sundays from 9:00 A.M. to 1:00 P.M. Vehicles would be picked up on Mondays and Tuesdays.

Mr. Barton explained that since the auction events would be held twice a month and the peak periods held during non-peak periods, the City's Traffic Engineer's review of the proposal had found no problems with the indeterminate number of people visiting the site during those periods.

Mr. Barton also noted that the applicant had proposed to place six inches of gravel on the surface, which in staff's opinion would be adequate and a better alternative than paving the entire site. The gravel would allow storm water to infiltrate and would not result in a
permanent impervious surface added to the site. In addition, six portable restroom units with two handicap units would be placed on site for the auction events.

The project was consistent with the General Plan land use designation of Industrial and would require a use permit for vehicle storage. The Zoning Administrator had determined that accessory vehicles sales and an auction occurring twice a month would be consistent as an accessory use under the Municipal Code.

The applicant also proposed to have 154 parking spaces with overflow parking to serve the use in the event a greater than anticipated participation would occur.

Due to the high volume of customers who would come to the site and due to the large amount of hardware storage that would occur on the site and the industrial nature of the area, Mr. Barton recommended that landscaping be installed along Loveridge Road to help screen the site above and beyond the requirements of the Municipal Code for screening. It was also recommended that the applicant install a solid wall or fence at Loveridge Road.

Mr. Barton recommended that the Planning Commission adopt Resolution No. 9393, approving UP-02-16 with the conditions as shown.

Chairperson Glynn understood that the auction items would consist of automobiles, boats, recreational vehicles and motorcycles. He questioned how a boat would be considered as an appropriate vehicle.

Mr. Barton explained that boats would be permitted pursuant to the City's Municipal Code, as identified for vehicles/vehicle repairs, which included vehicles, boats and motorcycles. He also clarified that not all of the vehicles would be operable. Some of the vehicles would be inoperable and would be a part of the specialty of the auction.

Chairperson Glynn commented that another applicant had appeared before the Commission approximately a year ago almost in the same location with a request for a use permit for a similar use and to tow heavy equipment, boats and inoperable vehicles. At that time, the Commission had stipulated that the vehicles must be operable with no boats or heavy equipment allowed.

Mr. Barton was uncertain of the details of the previous application, although he understood that application had involved vehicles only and he was uncertain whether or not boats had been included in that particular application. He suggested that the applicant clarify what would be stored on the site.

Mr. Jerome agreed that the applicant should describe in detail how the use would be operated. He acknowledged that the Commission would be allowed to regulate the use and had full discretion as to the use of the property in this instance.
Commissioner Leonard commented that approximately a year ago, the Commission had denied another applicant's request for a landscaping business on the old Pittsburg/Antioch Highway and had specifically required that applicant pave the entire lot for any storage of vehicles. He questioned why staff would be recommending the use of gravel in this instance. He suggested if making a requirement for one applicant and not another the former project should be reevaluated for purposes of consistency.

PUBLIC HEARING OPENED

PROPONENTS:

MIKE THOMPSON, 3504 Rancho Del Monico Road, Covina, Managing Member of the LLC, explained that the business would take vehicles and those possible would be smogged. The vehicles would be sold, they would conduct all the work required of the Department of Motor Vehicles (DMV) and the customers would leave with a temporary registration. Vehicles that did not pass smog and safety inspections would not be run. They would also maintain a dismantlers license, although no physical dismantling of the vehicles would be conducted on the site. The vehicles would be sold as parts on certificate of acquisition in those cases.

Mr. Thompson also clarified that there would be no minimum bids on anything offered in the auctions. If the vehicles sold as low as $1 it would sell for that price. If they could not obtain $1 for the vehicle, the vehicles would be transported from the yard to a dismantler located around the corner from the subject site, which dismantler was actively involved in dismantling and crushing vehicles. The same procedures would be used for boats.

Mr. Thompson further clarified that Charity Auctions was a for profit corporation and served over 250 non-profits and involved a for profit LLC. He noted that they were leaving their current location in Benicia since they had outgrown the property and since the property owners had a different use in mind for that property. The business was also currently co-located with another auction that had been slowly encroaching on their yard as the primary tenant of the facility in Benicia.

Commissioner Harris inquired whether or not the applicant would be able to pave the entire site. He questioned whether or not the gravel that had been proposed would be tight and watered.

Mr. Thompson advised that would be difficult in that they had spent $60,000 on the gravel and there would be insufficient funds involved to repave the entire six acres of property.

Mr. Thompson clarified that the gravel had already been rolled down and consisted of recycled concrete that was watered and rolled. While the gravel could be slurry sealed, he pointed out that the City’s own yard located behind the site was a gravel yard.
Commissioner Leonard noted the need to be consistent with what the City was allowing in that the City had not permitted another applicant to conduct a similar use. He suggested that a decision not be made at this time until the project could be reevaluated.

MIKE DAVIS, Charity Auction Services, 51 Oak Road, Benicia, explained that originally when he had spoken to staff about the proposed use of the six acre property he had not been apprised of a need to repave the site, and if he had he would have not made application since they could not afford that improvement. He reiterated that they had already placed six inches of gravel on the site. They had already spent $75,000 on the site having completely remodeled the smaller building and installed all new electrical utilities, as well as replaced fences on the site.

Commissioner Leonard suggested that staff should not have allowed the applicants to risk any capital without informing the applicants of the Planning Commission review process.

Mr. Davis clarified that they were aware of the need to obtain the approval of a use permit. He acknowledged that staff had explained that they would be taking a risk proceeding with improvements without first obtaining approval from the Planning Commission. He also clarified that for every auction, every vehicle would go after the auction. If the vehicles were not sold they would be dismantled. Nothing would be left on the property after the auctions so that the property would not be left with debris.

Mr. Davis advised that they ran a clean and tight operation. He invited staff and Commissioners to visit the current Benicia site. He noted that they had also worked with the City of Benicia and its Police Department to address problems with abandoned vehicles.

OPPONENTS: None

PUBLIC HEARING CLOSED

Commissioner Garcia made a motion to approve the application subject to the staff recommended conditions of approval and subject to a requirement that the site be slurry sealed.

Planning Manager Melissa Ayres requested clarification from Engineering Department staff as to whether or not the slurry seal would be an impervious surface.

Civil Engineer II Alfredo Hurtado explained that slurry seal was not to be used on a gravel road. Rather, he recommended that the site be covered with gravel to comply with National Pollutant Discharge Elimination System (NPDES) requirements. Since vehicles would be parked and stored on the site there would be no concern during the rainy season that oils and runoff that could drain into the City's storm drain system.
Commissioner Garcia withdrew his recommendation that the site be slurry sealed. He recommended that the project be approved, with the staff-recommended conditions of approval. He also clarified, in response to the Chair, that the other application earlier referenced in the discussion had involved a proposed use for the permanent storage of recreational vehicles (RVs) and boats, 24 hours a day, 356 days a year and was not a use similar to the subject application. He would have had no problem if gravel had been proposed for that other application although that had not been done.

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9393 approving UP-02-16, a Use Permit to allow vehicle storage with accessory vehicle sales located at 1151 Loveridge Road for "Charity Auction Services," with the conditions as shown. The motion was seconded by Commissioner Dolojan and carried by the following vote:

Ayes: Commissioners Dolojan, Garcia, Kelley
Noes: Chairperson Glynn
Abstain: Commissioners Leonard, Harris
Absent: Commissioner Ramirez

Chairperson Glynn declared a recess at 9:50 P.M. The meeting reconvened at 10:00 P.M. with all Commissioners present or absent as initially shown.

COMMISSION CONSIDERATION:

Item 3: Bliss Avenue Communication Facility, DR-02-31.
Application by John Petersen of Incline Partners LLC on behalf of US Tower Funding, requesting design review approval of architectural plans for the installation of a 75-foot tall monopole and the placement of four equipment shelters on the ground below located at 95 Bliss Avenue, CS (Service Commercial Zone); APN 088-171-026.

Planning Technician Barton presented the request from John Petersen of Incline Partners LLC on behalf of US Tower Funding, requesting design review approval of architectural plans for the installation of a 75-foot tall monopole and the placement of four equipment shelters on the ground below located at 95 Bliss Avenue on a portion of a parcel where Amex Door and Window Company was located and would be removed when State Route 4 was eventually widened.

The applicant had proposed to construct a 75-foot tall monopole designed to accommodate five wireless communications providers with the capacity to mount 48 antennas and two microwave dishes. Four large antenna positions with one microwave position would be located on the lower portion of the monopole.
The applicant had also requested some latitude in order to accommodate carriers in the future and as such had provided some conservative designs in terms of the width of the antennas that would be placed on the monopole. In addition, while there could be some slight variation relating to the design of the equipment buildings, they would be in substantial conformance with the plans presented to the Commission.

The project was consistent with the General Plan designation of Business Commercial and was located in a Service Commercial zoning district, where Minor Utilities were permitted. The project would also allow for co-location, which had been the preference of approved monopoles in the past.

Further, the materials for the proposed equipment shelters would consist of an aggregate base rock and fiberglass finish. The applicant had requested that one or the other be allowed at the time a carrier was requested.

Mr. Barton recommended that the Planning Commission adopt Resolution No. 9391 approving DR-02-31, with the conditions as shown.

PROPONENT:

JOHN PETERSEN, Incline Partners LLC, 1001 Tahoe Boulevard, Incline Village, NV, explained that the project had been designed to alleviate an issue in that there were currently three antenna poles which were within 300 yards of the proposed site. Due to the State Route 4 widening, three of the antenna poles would be removed. The project had been intended to replace those antennas with a single monopole that would be able to accommodate up to five carriers. He noted that during the process of replacing those three antenna poles, it was not anticipated that a disruption in service would occur. All five carriers currently located on the three poles have been contacted and advised of the need to relocate. He was confident they would be able to move through the process in time to allow those carriers to resume service on the new monopole.

Mr. Petersen also affirmed that he had read and was in agreement with the staff recommended conditions of approval. As to the material and color samples, he noted the expectation that the carriers would have a typical shelter using the sample materials that had been presented to the Commission, all located behind a redwood-slatted fence.

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9391, approving DR-02-31, Design Review approval of architectural plans for the construction of a 75 foot tall wireless telecommunication monopole and placement of four equipment shelters on property located at 95 Bliss Avenue for "Incline Partners," with the conditions as shown. The motion was seconded by Commissioner Harris and carried by the following vote:
Item 4: Lieser/Palermo Building Remodel, DR-02-36.

Application by Francis Palermo and Mary Lieser requesting design review approval of architectural plans for the renovation of the facade of an existing 10,000 square foot building located at 153 East Fourth Street, Downtown Commercial land use designation; APN 085-104-001.

Mr. Jerome advised that he had spoken with Francis Palermo who had indicated that he would not be present for the meeting due to the holidays, although he had read and was in agreement with the staff recommended conditions of approval. He had informed the applicant that the Planning Commission policy expected applicants to be in attendance and that it was likely the application would be continued unless the applicant or the applicant's representative was present.

Commissioner Garcia suggested that the project was worthwhile. He noted that the façade of the former Wards building had been rehabilitated. He understood that the City had been working to have the applicants address the building needs.

Mr. Jerome understood that there was an issue regarding an easement to the rear of the building. He inquired of Engineering Department staff whether or not that had been resolved.

Mr. Barton advised that he had spoken with the Building Inspector who had reviewed the plans and indicated that it appeared as if the rear door would not be necessary.

Commissioner Kelley recognized the merits of the project, although the Commission had in the past preferred that the applicant be present to address the Commission. As such, she recommended that the application be continued to allow the applicant to be present for the hearing.

MOTION:

Motion by Commissioner Garcia to continue DR-02-36 for Lieser/Palermo Building Remodel at 153 East Fourth Street to the meeting of December 10, 2002. The motion was seconded by Commissioner Kelley and carried by the following vote:

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


Planning Manager Ayres reported that the Planners Institute had been scheduled for March 20-22, 2002 in San Diego. Those Commissioners who wished to attend that conference were asked to RSVP by December 10 so that reservations could be made. Ms. Ayres also commented that the second meeting of December would fall on December 24 and while no applications have been specifically scheduled for that meeting, she commented that she would like to return to address the minimum lot coverage standards as soon as possible. As such, the Commission could either hold a Special Meeting on December 17 or on January 7, 2003. She preferred not to wait until the regularly scheduled meeting of January 14, 2003.

It was the consensus of the Commission to hold a Special Meeting on December 17, 2002.

Mr. Jerome took this opportunity to congratulate Chairperson Glynn on his recent election to the City Council. He also wished everyone a Happy Thanksgiving.

GENERAL PLAN UPDATE REPORT:

There was no General Plan Update Report.

ZONING ADMINISTRATOR REPORT:

There was no Zoning Administrator Report.

COMMITTEE REPORTS:

There were no Committee reports.

COMMISSION COMMENTS:

Commissioner Harris requested an update from staff on the status of the St. Vincent de Paul property. He also requested information on the recent closure of the car wash located on Central Avenue where he understood a church had plans to occupy the property. He requested that staff inform the Commission of the status of both properties.

Commissioner Garcia understood that the meeting of December 10 would include a discussion on the Bay Point/BART Specific Plan. He requested that public notification be posted in the San Marco, Oak Hills and Monterra Subdivisions since the residents of those subdivisions would be most affected by the findings in the proposal.
Mr. Jerome explained that the HOA in Oak Hills could be notified of the public hearing.

Chairperson Glynn expressed his appreciation to everyone for their support during his tenure on the Planning Commission. He looked forward to continuing to work for the City as a member of the City Council.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 10:23 P.M. to a regular meeting of the Planning Commission on December 10, 2002 at 7:30 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

_________________________________
MELISSA AYRES, Secretary
Pittsburg Planning Commission