A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Holmes at 7:30 P.M. on Tuesday, January 8, 2002, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

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

Absent: Commissioner Valentine

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

POSTING OF AGENDA:

Chairperson Holmes advised that the agenda had been posted at City Hall on Friday, January 4, 2002.

PLEDGE OF ALLEGIANCE:

Chairperson Holmes led the Pledge of Allegiance.

MINUTES: December 11, 2001

MOTION:

Motion by Commissioner Harris to approve the minutes of the December 11, 2001 meeting, as submitted.
The motion was seconded by Commissioner Garcia and carried by the following vote:

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

DELETIONS/WITHDRAWALS:

There were no deletions or withdrawals.

COMMENTS FROM AUDIENCE:

There were no comments from the audience.

PRESENTATIONS:

There were no presentations.

PUBLIC HEARING:

Item 1: In-N-Out Burger. UP-01-30 and DR-01-58.

Application by Tom Oley of In-N-Out Burger requesting a use permit to operate a self-service restaurant with drive-through service, and design review approval of a freestanding sign, four wall signs, and architectural and site development plans for the construction of a 3,220 square foot restaurant on an undeveloped 1.0-acre parcel located at 4550 Delta Gateway Boulevard (Century Plaza II) CC (Community Commercial) zone; APN 074-460-020.

Planning Technician Christopher Barton presented the request for a use permit to operate a self-service restaurant with drive-through service, and design review approval of a freestanding sign, four wall signs, and architectural and site development plans for the construction of a 3,220 square foot restaurant on an undeveloped 1.0-acre parcel located at 4550 Delta Gateway Boulevard, Century Plaza II, in a Community Commercial zoning district. The restaurant would serve hamburgers and hamburger related products. The restaurant would have 106 seats and a drive-through window located on the corner of Somersville Road and Delta Gateway Boulevard.

The building would be 3,220 square feet in size located on a vacant 44,050 square foot parcel, consisting of a stucco box design with square Mission style towers emphasizing the north, south and western elevations. The building towers would be 27 feet in height and would be the tallest features on the building. A double-strip neon light would encircle the building along the roofline.
The restaurant would employ 30 to 50 employees with a 24-hour drive-through service. In addition, one 43 square foot freestanding sign and four 36 square foot wall mounted signs displaying the In-N-Out trademark logo above 18 inch red lettering had been proposed. The wall signs would be located on each of the four elevations and the freestanding sign would be positioned within the landscaped area perpendicular to Somersville Road.

Mr. Barton advised that the project was consistent with the General Plan and the City's Municipal Code zoning regulations in terms of parking, height, lot coverage, site, side and rear yards setbacks and landscaping per the Community Commercial zoning standards.

Mr. Barton also noted that a traffic study had been completed for the Century Plaza II subdivision, which had indicated that the project would not create a more significant level of traffic than what had been analyzed in the study. The project would be exempt from the regulations of the California Environmental Quality Act (CEQA), Per Class 32, Section 15332.

Mr. Barton recommended that the Planning Commission adopt Resolution No. 9277 approving UP-01-30, and Resolution No. 9278 approving DR-01-58, with the conditions as shown.

PUBLIC HEARING OPENED

PROPOSENT:

RON VOLEY, Northern California Real Estate Manager, In-N-Out Burger, 13502 Hamburger Lane, Baldwin Park, explained that he been working with the property owner, Albert Seeno Jr., to bring the restaurant to the City. He advised of the company's background, which had started in 1948. The company remained family owned with 158 restaurants throughout California, Arizona and in Las Vegas.

Mr. Voley read into the record the company's mission statement, advised of the use of Harris Ranch beef, the formation of their own hamburger patties which were shipped to the restaurants on a daily basis, and noted that all products were freshly made each day. The company also provided a team oriented atmosphere, with training and promotion opportunities within the company with a pay wage a few dollars above minimum wage for starting associates. Management position salaries were the highest in the industry with workers working their way through positions to reach that level, resulting in the lowest turnover rate in the food service industry.

Additionally, In-N-Out Burger restaurants worked to strengthen the neighborhoods and communities where the facilities were located. The company had seven fully completed cookout trailers, which were used at various local schools in both Southern and Northern California, where lunches were prepared for the schools, with students paying for the lunch programs.
All monies from the cookouts were placed back out into the community, with 75 percent placed back directly to the school itself and 25 percent donated to a local child abuse prevention organization.

Mr. Voley also commented that the month of April was Child Abuse Prevention Month, at which time a company golf tournament was held with funds collected and donated to local child abuse organizations. The company also participated in numerous community fundraisers in an effort to put back into the community.

Mr. Voley stated that he had read the staff report and agreed with all of the recommendations contained therein.

Commissioner Harris commented that he liked the plans, although he inquired whether or not the applicant would consider the use of anodized or bronzed storefront windows rather than the aluminum storefront windows that had been proposed. He suggested the consideration of a colored metal material to provide some enhancement to the storefront. He also referenced the lower elevation and the use of a wainscot where a flat area came straight out and down. He suggested the use of a bullnose and Styrofoam material that could be plastered and where a different color could be used on the lower portion with a bullnosed cap around the entire building.

RAYMOND VILLANUEVA, In-N-Out Burger, 13502 Hamburger Lane, Baldwin Park, explained that anodized storefront windows had been used in the past, although in terms of maintenance the clear aluminum material would appear better in the long term with less maintenance. He also noted that they hesitated to use Styrofoam on the building since it could easily be damaged. As an alternative suggestion, rather than a building skirt, he suggested the use of a stone material.

Commissioner Harris also referenced the curb all around the landscaping area and suggested a 6-inch curb up and around the bullnose to prevent damage to the landscaping. He further referenced the use of annual plant material approximately 50 square feet around both sides of the trash enclosure. He suggested that additional landscaping be provided around the trash enclosure.

Mr. Villanueva expressed the willingness to comply with that suggestion. He also stated that the only area where they would maintain a zero-face curb would be where the parking met the sidewalk area. He advised that nicely decorated bollards would also be placed in the middle of every car space to prevent vehicles from damaging the landscaping and in compliance with Americans with Disabilities Act (ADA) regulations to provide a zero-face curb.

Commissioner Harris suggested the removal of the bollards to provide a more pleasing environment.
Mr. Villanueva explained that he would have to review the plans in that with a 6-inch curb a ramp might have to be installed.

Commissioner Garcia referenced Condition No. 19 with respect to the trash enclosure and requested a clarification as to whether or not the trash enclosure would include a canopy or roof. He also requested clarification on the exterior appearance of the trash enclosure roof suggesting the use of a split face block or plaster finish material.

Mr. Villanueva affirmed that the trash enclosure would include a canopy with a cornice to match the main building cornice, with the exterior to match the main building finish consisting of a plaster material. The front of the trash enclosure would include steel doors and posts and would be kept locked. An 8-inch bollard would also be located where the steel gates would be attached.

Commissioner Garcia inquired whether or not the applicant could revise the concrete material on the west, north and south elevations with the use of hardscape to utilize either a tan or Monterey Red color.

Mr. Villanueva suggested that as long as the hardscape was not in the path of delivery, such a revision could be possible. He noted that In-N-Out Burger used palette jacks for delivery and colored concrete or pavers could easily be damaged. He requested the ability to use natural concrete material in the path of delivery, which would be conducted on the south side of the building in between the trash enclosure and the building.

Commissioner Garcia pointed out that the two entrances were located on the west and south elevations where the colored hardscape material could be considered providing a more pleasing entrance. He also referenced the outside eating area, which had included no landscaping. He suggested the consideration of eight 4 x 5 urns with scalloped edges to allow planted material to be placed inside, to potentially include some trees to offset that area. Further, he noted that the outdoor seating furniture had not specified the material to be used. He requested assurance that the outdoor seating furniture would not be a plastic material.

Mr. Villanueva suggested the use of a tan colored hardscape along the west and south elevations, as proposed. He clarified that the outside seating area furniture would involve the use of permanent heavy material similar to concrete that could not be easily removed.

Speaking to the east elevation, Commissioner Garcia identified the use of trellis columns and requested the consideration of making them more decorative in stone tile around 42 inches from the bottom up to avoid a plain appearance.

Mr. Villanueva noted that if they were to place stone on the wainscot of the building there could be an attempt to match that material in the columns in the drive-through area.
Referencing the west elevation, Commissioner Garcia suggested that elevation was too plain. Speaking to the Krispy Kreme building, he noted that building involved the use of metal trellises on the walls to break up the blankness of those walls. He inquired whether or not the same design element could be utilized for the subject building, particularly since that would be an exposed area visible to the public.

Mr. Villanueva noted that the Krispy Kreme building involved a flat parapet where there was a mansard overhang on the subject building facing the patio area, with covered trellises on the drive-through side intended to break up the mass of the walls. He commented that the mansard would come around to the front of the building.

Commissioner Garcia recognized that the mansard came around the bottom half of the building, although he noted that the remainder was wide open. He reiterated his recommendation for the use of metal wall trellises similar to what had been used for the Krispy Kreme building.

Mr. Villanueva expressed the desire to use a stone wainscot material around the building rather than the use of a metal material. He expressed the willingness to review that elevation to determine what could be done to enhance the elevation.

Commissioner Garcia further referenced the parking lot area and the lighting being proposed. He requested clarification that the applicant would be required to comply with the standards that had been set forth for the Delta Gateway Center. Additionally, speaking to the landscaping area, he suggested the use of 36-inch box trees and 24-inch box trees compliant with those standards. Referencing the north and west entrances, he suggested the use of accent tiles to set off those entrance areas.

Mr. Villanueva affirmed that the developer had specified the types of lighting fixtures that could be used in the parking lot area. He emphasized that the applicant would comply with whatever standards had been imposed for the Delta Gateway Center. As to the recommendation for accent tiles at the two entrances to the facility, he expressed the willingness to consider all of the suggestions and to work with staff on those recommendations to determine whether or not they would be feasible.

Commissioner Garcia advised that he would provide staff with a copy of his and Commissioner Harris' recommended revisions, which could then be provided to the applicant.

Commissioner Glynn referenced Condition No. 19 and requested clarification as to how the applicant understood the intent of that condition. He recommended that the applicant consider the requirement of performance as indicated by that condition and identify the frequency for cleaning the parking and paved areas.
Mr. Villanueva understood that the intent of that condition was that the applicant hire a street cleaner certified by the City. He clarified that such a requirement had normally been a part of their standard cleaning procedures.

Chairperson Holmes inquired whether or not all restaurants were built in the same scale as what had been proposed. He also inquired of the square footage of the restaurant located in the City of Pinole and the number of employees employed at that facility.

Mr. Villanueva noted that most all In-N-Out Burger restaurants had been built in the 3,000 to 3,500 square foot range. The restaurant in the City of Pinole was 3,160 square feet in size and employed 30 to 50 people, with up to 70 people having been employed at that site.

Commissioner Glynn requested clarification as to whether or not the applicant would require up to 50 parking spaces for the anticipated number of employees. He inquired how the employee parking would be addressed.

Mr. Villanueva advised that the restaurant hired many high school age youth who either were dropped off by parents, used bicycles where bike racks would be provided, or used public transportation. Not all of the employees would use cars. He understood that the total number of parking spaces on-site were over by 14 spaces. He also clarified that the restaurant manager would typically find offsite parking spaces for employees/associates.

TOM OLEY, Oley & Associates, 1438 Deerfield Circle, Roseville, identified himself as the applicant. He expressed his appreciation to the design team and staff to allow them to mitigate all of the issues involved with the project.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: UP-01-30

Motion by Commissioner Kelley to adopt Resolution No. 9277, approving UP-01-30, a Use Permit for a self service restaurant with drive-through service for "In-N-Out Burger" at 4550 Delta Gateway Boulevard, with the conditions as shown. The motion was seconded by Commissioner Garcia and carried by the following vote:

Ayes: Commissioners Garcia, Glynn, Harris, Kelley, Leonard, Holmes

Noes: None

Abstain: None

Absent: Commissioner Valentine
MOTION: DR-01-58

Motion by Commissioner Kelley to adopt Resolution No. 9278, approving DR-01-58, Design Review approval of a freestanding sign, four wall signs, and architectural and site development plans to construct a 3,220 square foot self-service restaurant with drive-through service at 4550 Delta Gateway Boulevard for "In-N-Out Burger", with the conditions as shown and with a list of recommended revisions as proposed by Commissioners Garcia and Harris, as discussed, to be submitted to staff. The motion was seconded by Commissioner Garcia and carried by the following vote:

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

Item 2: Petsport USA. RZ-01-01, UP-01-18 and ZA-01-03.

Applications by Peter Haas requesting approval of a rezoning of 1.2 acres from RM (Medium-Density Residential) to CS-O (Service Commercial with Limited Overlay) conditionally permitting Limited Manufacturing; a use permit to allow the assembly, warehousing and distribution of hats and dog toys; an exception to fence height regulations to allow construction of a six-foot tall wrought iron fence within the required front yard setback on a developed site located at 1160 Railroad Avenue; APN 086-122-029.

Director of Planning and Building Randy Jerome advised that the subject building had been owned by the City's Redevelopment Agency and had been used by the Pittsburg Police Department for storage and impoundment. The building had recently been sold by the Redevelopment Agency to the applicant and had been zoned in the 1988 General Plan, Multiple Family with the intention that there might be a multiple family redevelopment of the site. With the adoption of the current General Plan in November 2001, the land use designation for the site had been changed to Commercial. The applicant had filed for a rezoning to rezone the site consistent with the General Plan and had requested the requisite use permit for the manufacturing business.

Associate Planner Ken Strelo presented the request for approval of a rezoning of 1.2 acres from Medium-Density Residential to Service Commercial with Limited Overlay conditionally permitting Limited Manufacturing; a use permit to allow the assembly, warehousing and distribution of hats and dog toys; and an exception to fence height regulations to allow construction of a six-foot tall wrought iron fence within the required front yard setback on a developed site located at 1160 Railroad Avenue. He reiterated that the building had been used by the City and City Police Department for police storage and other storage purposes.
Mr. Strelo commented that Petsport USA/Winfield Cover Company was currently located on East Fourth Street and desired to move to the new site. He identified single family residences west of the subject site and medium density development across Central Avenue to the south. Commercial uses were located across Railroad Avenue with some churches. More residential uses were located farther down Central Avenue and the railroad tracks were located to the north and south. The business would involve a Light Assembly use with some packaging and distribution, as needed. No heavy manufacturing would be conducted on-site. A portion of the building would be used for office uses for the employees of the business.

Mr. Strelo reiterated that the site had previously been zoned as Medium Density Residential and upon the adoption of the new General Plan the land use designation had been changed to Service Commercial. The proposed rezoning would not involve a request to change to Service Commercial but would be Service Commercial with a Limited Overlay.

Mr. Strelo explained that a conventional Service Commercial land use would not permit Limited Manufacturing. Upon the approval of the overlay district, limited manufacturing would be permitted subject to a use permit. In addition, the Service Commercial Overlay matrix that accompanied the application was similar to what had been approved in 1994 for the Ragusa/East 12th Street Overlay, a CS-O zoning district, with the only difference being that the Limited Manufacturing use would be permitted with a use permit. He added that three uses had been removed from being permitted at the subject site, including Commercial Printing Service, Maintenance and Service and Major Vehicle and Equipment Repair as a result of its close proximity to residential uses.

Speaking to the fence exception, Mr. Strelo explained that in the RM zoning district the front yard fence height would be allowed at a maximum of 4.5 feet within the 20-foot required front yard. Approval of a variance would allow the fence to be up to six feet in height.

Referencing the parking lot, Mr. Strelo advised that Resolution No. 9271 included standard conditions of approval including requirements for slurry seal, lighting and the striping of the parking lot that must meet Engineering Department standards.

Mr. Strelo explained that the project was exempt from CEQA, per Section 15061(b) 3 of the State Guidelines, which stipulated that a project was exempt from CEQA if it came to be seen with certainly that there was no possibility that the activity in question could have a significant impact on the environment.

Mr. Strelo recommended that the Planning Commission adopt Resolution No. 9270 recommending City Council approval of RZ-01-01, Resolution No. 9271 approving UP-01-18, and Resolution No. 9272 approving ZA-01-03, with the conditions as shown.

Speaking to Condition No. 15 under Resolution 9271, Commissioner Glynn recommended
the following revision:

15. *The applicant shall stripe the parking lot and construct a gated entry per Engineering Department’s standards.*

Mr. Strelo acknowledged that such a revision could be made.

PUBLIC HEARING OPENED

PROPOSENT:

PETER HAAS, Winfield Cover Co., 163 East Fourth Street, Pittsburg, explained that the company had moved to the City in 1998 from a site located in the City of San Francisco. He presented the Commission with a brochure of the company’s products for review and he affirmed that the business would not involve heavy machinery but would involve light packaging with no noise or use of machinery. The business employed 19 people, 15 of whom were involved in the assembly, packaging and distribution of products.

Mr. Haas advised that five employees were office workers and that the company planned to build six offices and two reception areas. He also clarified that they had prepared a parking plan and planned to have 24 parking spaces with 3 handicapped parking spaces. He noted that most employees carpooled or used public transportation, although more parking could be added along the eastern property line, if needed.

Mr. Haas further described the intent to rehabilitate the former Montgomery Wards building located in the downtown. While that property no longer met their needs there were similar intentions with the subject property, which would better serve the business with its one level and including loading docks. He otherwise affirmed that he had read the resolutions and conditions of approval and was in agreement with those conditions.

In response to the Chair, Mr. Haas clarified that the new site would be the company’s main office and only distribution center.

OPONENTS: None

PUBLIC HEARING CLOSED

MOTION: **RZ-01-01**

Motion by Commissioner Garcia to adopt Resolution No. 9270, recommending that the City Council approve RZ-01-01 rezoning an existing 1.2-acre lot from RM (Medium-Density Residential) zone to CS-O (Service Commercial with a Limited Overlay) zone to allow limited manufacturing located at 1160 Railroad Avenue for "Petsport USA - Winfield Cover Co."

The motion was seconded by Commissioner Harris and carried by the following vote:
Ayes: Commissioners Garcia, Glynn, Harris, Kelley, Leonard, Holmes
Noes: None
Abstain: None
Absent: Commissioner Valentine

MOTION: **UP-01-18**

Motion by Commissioner Garcia to adopt Resolution No. 9271, approving UP-01-18, a Use Permit to operate a Limited Manufacturing business located at 1160 Railroad Avenue for "Petsport USA - Winfield Cover Co," with the conditions as shown and with the amendment to Condition No. 15 as noted. The motion was seconded by Commissioner Harris and carried by the following vote:

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

MOTION: **ZA-01-03**

Motion by Commissioner Garcia to adopt Resolution No. 9272, approving ZA-01-03, a Fence Exception for a six foot high fence in the front yard setback located at 1160 Railroad Avenue for "Petsport USA - Winfield Cover Co," with the conditions as shown. The motion was seconded by Commissioner Harris and carried by the following vote:

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

Item 3: Church of the Living God. **UP-01-28 and VA-01-03.**

Applications by David Donahue of the Church of the Living God requesting a use permit to allow a Religious Assembly use in an existing 2,942 square foot building (former St. Dionysios Greek Orthodox Church) on a 0.15-acre parcel, and a variance to allow fewer than the minimum number of on-site parking spaces required for the proposed Religious Assembly use located at 1107 Harbor Street, RS-O (Single Family Residential with a Limited Overlay), zone; APN 073-073-012.

Assistant Planner Dana Hoggatt presented the request for a use permit to allow a Religious Assembly use in an existing 2,942 square foot building (former St. Dionysios Greek Orthodox Church) on a 0.15-acre parcel, and a variance to allow fewer than the minimum number of on-site parking spaces required for the proposed use at 1107 Harbor Street in a Single Family Residential with a Limited Overlay zoning district.
Ms. Hoggatt advised that the church would be locating in an existing church building, which had been the former sanctuary of the Greek Orthodox Church near the southeast corner of Harbor Street and former East Santa Fe Avenue, which was now the Pittsburg/Antioch Truck Bypass Route. The Greek Orthodox Church had ceased its use of the church building in August 2000, with use permits having expired six months following the cessation of that use.

The applicant was now requesting a new use permit to allow Religious Assembly. Services for the church would be held on Sundays between 9:00 A.M. and 2:30 P.M., with activities on Wednesday evenings. The project, as proposed, would be consistent with the General Plan and zoning for the site. The General Plan designation of the site was Low Density Residential with the zoning designation Single Family Residential with an Overlay. The Overlay Zone, in accordance with Council Ordinance No. 94-1088, would allow Religious Assembly uses upon the approval of a Conditional Use Permit.

Ms. Hoggatt advised that the application also involved a variance since there was no on-site parking serving the church. The church had an estimated occupancy of approximately 180 people, requiring 46 parking stalls with a 1:4 ratio for one parking stall for every four seats.

Ms. Hoggatt stated that staff was of the opinion that granting a variance would be appropriate in this instance since historically the church had been used without on-site parking and there was a new public parking lot that had been constructed along the truck bypass route, which would be available for use by the public and the church. Staff was also of the opinion that the variance would be appropriate since there were existing businesses and two other churches in the vicinity that did not have on-site parking. The granting of the variance would therefore not grant a special privilege.

Ms. Hoggatt reported that the project was exempt from CEQA, per Class One, Existing Facilities. She further advised that a public notice of the application had been mailed on December 28, 2001.

Ms. Hoggatt recommended that the Planning Commission adopt Resolution No. 9279 approving VA-01-03, and Resolution No. 9280 approving UP-01-28, with the conditions as shown.

PUBLIC HEARING OPENED

PROPONEENT:

DEACON DAVID DONAHUE, Church of the Living God, Temple #21, 1107 Harbor Street, Pittsburg, described the history of the Church of the Living God as part of a national organization that had been founded in 1889 by ex-slave William Christian. The national church body involved over 300 churches in the nation and as part of the 11th District of Temples had temples in Arizona, California, Oregon and Washington.

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Deacon Donahue stated that Temple #21 had been established in the City of San Francisco in 1958 and had decided to move to the City of Pittsburg in 1999 since most of the church membership had moved to the East County area.

Deacon Donahue noted that the church had purchased property in the community of Bay Point, although that property was currently undeveloped. Subsequently, the church had decided to purchase the existing church at the subject site. In response to the Chair, he affirmed that he had read and was in agreement with the recommended conditions of approval.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: VA-01-03

Motion by Commissioner Harris to adopt Resolution No. 9279, approving VA-01-03, a Variance to allow no on-site parking for a Religious Assembly use at 1107 Harbor Street for the "Church of the Living God," with the conditions as shown. The motion was seconded by Commissioner Glynn and carried by the following vote:

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

MOTION: UP-01-28

Motion by Commissioner Harris to adopt Resolution No. 9280, approving UP-01-28, a Use Permit to allow Religious Assembly in an existing building at 1107 Harbor Street for "Church of the Living God," with the conditions as shown. The motion was seconded by Commissioner Glynn and carried by the following vote:

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

Item 4: Shiloh Missionary Baptist Church. UP-01-29.

Application by Kenneth Mason of Shiloh Missionary Baptist Church requesting a use permit to allow a Religious Assembly use in an existing 3,051 square foot building (former St. Dionysios Church recreation hall) on a 0.2-acre parcel located at 1105 Harbor Street, RS-O (Single Family Residential with a Limited Overlay) zone; APN 073-073-013.
Assistant Planner Hoggatt presented the request for a use permit to allow a Religious Assembly use in an existing 3,051 square foot building (former St. Dionysios Church recreation hall) on a 0.2-acre parcel located at 1105 Harbor Street in a Single Family Residential zone with a Limited Overlay zoning district. She clarified that the Church of the Living God owned both parcels on the corner of Harbor and East Santa Fe. The Church of the Living God was using the former Greek Orthodox Church sanctuary, and Shiloh Missionary Baptist Church would be using the building on the corner of the site, which was the former Greek Orthodox Church recreation hall.

Ms. Hoggatt advised that the church would have services on Sunday mornings and weekday events on Tuesday and Wednesday evenings. The use would be consistent with the General Plan and Zoning Ordinance, and with the General Plan designation as Low Density Residential in a Single Family Residential with an Overlay zoning district. Religious Assembly uses were permitted as conditionally permitted uses in an RS-O District per City Council Ordinance No. 94-1088.

The application would not require a parking variance since the applicant had indicated that there would be 40 seats and 8 pews, each seating about five people. The Pittsburg Municipal Code required one parking stall for every four seats, totaling 10 parking stalls, although there were 12 parking stalls located on the site. Based on the numbers provided by the applicant, no parking variance would be required.

The proposed use would be exempt from CEQA, per Class One, Existing Facilities.

Ms. Hoggatt recommended that the Planning Commission adopt Resolution No. 9281, approving UP-01-29, with the conditions as shown.

PUBLIC HEARING OPENED

PROPOONENT:

PASTOR KENNETH MASON, Shiloh Missionary Baptist Church, 1105 Harbor Street, Pittsburg, explained that Shiloh Missionary Baptist Church had been formed 15 years ago by the late Dr. S.B. Brown, and had previously been occupying the Veterans Building, until the Church of the Living God had located in the community. Since the church had more members, they had outgrown the Veterans Building facility and were now relocating to the Church of the Living God facility that would allow more appropriate space. He also affirmed, when asked, that he had read and was in agreement with the conditions of approval.

WILLIE MIMS, Black Political Association and a resident of Pittsburg, advised that his organization supported the approval of the resolutions approving the use permit request for Shiloh Missionary Baptist Church. He suggested that the more churches there were in the City the more peace there would be in the community.
MIKE LENGYEL, a resident of Pittsburg, stated that he also supported the approval of the use permit, although he requested that an additional condition be imposed on the use requiring that the County Public Health Officer or the California Air Resources Quality Control Board certify that the industrial truck route would not pose a health hazard to those in the church building. He pointed out that the truck route would be located 12 feet away from the walls of the church. He noted that the City had repeatedly refused to assess the risks of diesel exhaust on the neighborhood, although on September 14, 1999 the Planning Commission had taken action to attempt to encourage the City to review the matter. Those attempts had been thwarted and the concerns had not reached the City Council at the time the issue had been considered. He emphasized that diesel exhaust was the chief cause of airborne cancer according to the State Air Resources Board.

OPPONENTS: None

PUBLIC HEARING CLOSED

Commissioner Garcia suggested that the Commission could not impose the burden of an additional condition such as had been proposed by Mr. Lengyel on the owners of the property. He commented that the Environmental Impact Report (EIR) that had been prepared for the truck bypass route had indicated that there were no hazards related to the truck bypass route.

In his opinion, and based on those facts, Commissioner Garcia opposed including an additional condition on the application as proposed.

MOTION: UP-01-29

Motion by Commissioner Garcia to adopt Resolution No. 9281, approving UP-01-29, a Use Permit to allow Religious Assembly in an existing building at 1105 Harbor Street for "Shiloh Missionary Baptist Church," with the conditions as shown. The motion was seconded by Commissioner Harris and carried by the following vote:

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


Application by Jim and Jean Miller of James Miller and Associates requesting design review approval of architectural, site development, elevation, and landscaping plans to construct a two-story, 3,636 square foot office/apartment building on a vacant 5,179 square foot site, and a variance for Downtown Specific Plan parking requirements at 158 East Sixth Street, DSP (Downtown Specific Plan) Area IA; APN 085-171-013.
Mr. Jerome advised that the application had been filed in early November prior to the adoption of the new Downtown General Plan, which had essentially eliminated the Downtown Specific Plan. Since the applicant had filed the application prior to the adoption of the new General Plan, the application would be regulated under the Downtown Specific Plan. As indicated in the staff report, staff had analyzed the project under the Downtown Specific Plan, Zoning Ordinance and the new General Plan. He further noted that as of Monday, January 7, 2002, the sale of the property from the Redevelopment Agency had been approved by the Council.

Planning Technician Barton presented the request for design review approval of architectural, site development, elevation, and landscaping plans to construct a two-story, 3,636 square foot office/apartment building on a vacant 5,179 square foot site, and a variance for Downtown Specific Plan parking requirements at 158 East Sixth Street, Downtown Specific Plan Area IA.

Mr. Barton advised that the project was located on the corner of East Sixth Street and Cumberland across the street from Fire Station No. 84. The building would consist of two apartment units on the second floor and two offices on the first floor. The applicants would occupy one of the offices on the first floor. The other offices and apartment units would be rented to tenants. The live/work use would be consistent with both the new General Plan designation for Downtown Commercial and Downtown Specific Plan IA land use regulations, both of which would allow live/work units.

Mr. Barton acknowledged that the building would require the approval of a variance by the Planning Commission. He noted that the circumstances of the arrangement of off-street parking in the downtown would warrant a parking variance for the project since existing properties in the downtown did not meet the City Municipal Code or Downtown Specific Plan off-street parking requirements.

City code required a minimum of ten off street parking spaces, two of which were to be covered. The project would have three proposed off street parking spaces, two of which would be covered. The proposed uncovered off street parking spaces on the western side of the property were situated on a utility easement which would not permit parking, thereby reducing the available off street parking spaces to two.

Mr. Barton noted that the new General Plan addressed parking in the downtown stressing the use of public parking lots pursuant to Policies 5-P-44 and 5-P-45, as follows:

"Provide public parking lots within Downtown, and limit private, single-user parking areas. However, ensure the provision of off-street parking facilities in periphery Downtown areas to encourage pedestrian movement (City of Pittsburg General Plan S 5-P-44)."
"Reduce off-street parking requirements within High Density Residential neighborhoods of the Downtown to one space per housing unit. Allow further reductions in parking requirements for new residential projects that provide transit-friendly design features (City of Pittsburg General Plan S 5-P-45)."

Mr. Barton explained that staff had determined that the General Plan, as it applied to the subject project, indicated that the office use essentially would be covered by off-street parking located across the street, with the parking for the apartment units to be covered by the two single car garages that had been proposed. Staff was of the opinion that the proposed parking spaces would be adequate since the project was relatively small in size and since it was situated within close proximity to the public parking lot on East Sixth Street and an availability of on-street parking.

Mr. Barton advised that the building would be 3,089 square feet in size, wood framed with stucco exterior walls. The first floor had been proposed to be pale gray and the second floor a pale tan. Reveals, trim and columns would be painted off-white. Two detached single car garages would share the same architectural style and colors of the main structure located on the side of the building. Black awnings had been proposed as part of the project, although staff recommended that a color other than black be used to contrast the building's exterior colors. Staff also recommended that the window trim be increased in size and painted to match the proposed trim color to balance out the roofline and to improve the appearance of the building along the street frontage.

The project was reported to be exempt from CEQA, per Class 32, Infill Development Projects.

Mr. Barton recommended that the Planning Commission adopt Resolution No. 9268 approving VA-01-04, and Resolution No. 9269 approving DR-01-48, with the conditions as shown.

PUBLIC HEARING OPENED

PROPONENT:

JAMES MILLER, 280 Heron Drive, Pittsburg, the Applicant/Architect, explained that he had an architectural practice for the past 23 years with the last few years having been located in the downtown area of the City. He commented that he had been working with Planning staff and the Redevelopment Agency on the building design. Having read the staff recommended conditions of approval, he concurred with those conditions, although he acknowledged that he would have preferred to retain the black awnings, which in his opinion were bold and would have taken on the character of the building.

Commissioner Leonard disagreed with the staff recommendation to change the black awnings. He suggested that the black awnings were appropriate and would be attractive against the colors of the building.
MOTION: **VA-01-04**

Motion by Commissioner Leonard to adopt Resolution No. 9268, approving VA-01-04, a Variance for required parking for the Miller Office/Apartment Building located at 158 East Sixth Street, with the conditions as shown. The motion was seconded by Commissioner Harris and carried by the following vote:

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

MOTION: **DR-01-48**

Motion by Commissioner Glynn to adopt Resolution No. 9269, approving DR-01-48, Design Review approval of architectural and site development plans to construct a 3,636 square foot apartment/office building/garages at 158 East Sixth Street, with the conditions as shown and with the elimination of Condition No. 21 requiring that the awnings be other than black in color. The motion was seconded by Commissioner Harris and carried by the following vote:

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

**Item 6: Dow Sulfuryl Fluoride Facility Replacement. VA-01-05 and DR-01-57.**

Application by John Sakamoto of Eichleay Engineers, Inc., for a variance to construct a 125 foot high chemical processing facility, which exceeds the maximum height allowance of 95 feet for such structures in a General Industrial zone, and design review approval of architectural and elevation plans to construct a 4,500 square foot (footprint), 125 foot high Sulfuryl Fluoride chemical processing facility at 901 Loveridge Road, (Dow Chemical), IG (General Industrial) zone; APN 073-220-037.

Associate Planner Strelo presented the request for a variance to construct a 125 foot high chemical processing facility, which exceeds the maximum height allowance of 95 feet for such structures in a General Industrial zone, and design review approval of architectural and elevation plans to construct a 4,500 square foot (footprint), 125 foot high Sulfuryl Fluoride chemical processing facility at 901 Loveridge Road, (Dow Chemical), in a General Industrial zoning district.
Mr. Strelo explained that the facility would be used for the production of Sulfuryl Fluoride due to the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer in the 1997 Montreal Amendments, where the United States had agreed to phase out the use of methyl bromide, one of two chemicals used for the fumigation of beetles and termites in homes. Dow Chemical desired to use the facility to increase the production of Sulfuryl Fluoride (SF) in place of methyl bromide.

Mr. Strelo advised that the existing SF plant had originally been constructed in 1974, operating under the name Vikane. That plant had a similarly sized footprint at 4,500 square feet approximately ten feet shorter in height than the proposed plant. The proposed plant would not create any wastewater such as that used for maintenance during clean-outs. The Dow property collected all wastewater and treated all water. Solid waste would be collected and discarded in accordance with Federal and State statutes and guidelines. The plant was required to obtain permits from the Bay Area Air Quality Management District (BAAQMD). The startup and operation of the new plant had been scheduled to begin in the fourth quarter of 2003.

A 5,000 square foot warehouse had also been tentatively proposed but had yet to be submitted to the Planning Commission pending detailed plans. The location of the proposed warehouse had been included in the site plan and would not be visible from the public right-of-way. At such time as the applicant was ready to pull building permits for that structure, the applicant had been directed to staff for administrative approval.

Mr. Strelo advised that the facility would be a Heavy Manufacturing use located on a site permitted to operate Heavy Manufacturing, therefore a use permit would not be required. Speaking to the height variance request, he explained that in the General Industrial zoning district, structures would be allowed to stand at 50 feet.

Pursuant to Section 18.54.100 of the Pittsburg Municipal Code, Mr. Strelo stated that an additional 25 feet would be allowed for any structure in an IG zone if set back beyond the minimum setback requirements for required yards. There was also another interpretation for towers and other such structures that would permit an additional 20 feet in height. In theory, the permitted maximum height for certain types of structures in the IG zone could be 95 feet.

Mr. Strelo noted that the proposed structure would be 125 feet in height. The Planning Commission would have to make specific findings for the approval of the height variance, as indicated in the Findings section of Resolution No. 9275.

Mr. Strelo further reported that the project would be exempt from CEQA, per Class Two, Replacement and Reconstruction and Section 15302 of the CEQA State Guidelines, since the project would be replacing an existing facility with the same type of use on the same site, although it would involve an increase in capacity or production.
While there would be an increased production capacity resulting in lower overall emissions, there would be a decrease in environmentally harmful chemicals and compounds. As such, staff was of the opinion that there would not be a significant negative environmental effect. Staff was also of the opinion that the project met the CEQA requirements to be Categorically Exempt.

Mr. Strelo affirmed that a Notice of Public Hearing had been posted on December 28, 2001 at the site and mailed to all property owners within 300 feet of the project site. Mr. Strelo recommended that the Planning Commission adopt Resolution No. 9275 approving VA-01-05, and Resolution No. 9276 approving DR-01-57, with the conditions as shown.

Commissioner Garcia understood that the proposed facility would be regulated and permitted by Federal, State, County and local governmental agencies including all associated agencies, such as the BAAQMD.

Mr. Strelo affirmed that the applicant would be required to comply with regulations imposed by a number of agencies. He referenced Page 3 of information provided by the applicant, titled, Project Definition SF Modernization Project, which had listed the regulatory requirements required of the applicant. He also noted that the information regarding methyl bromide's ozone depleting status and the use of both chemicals had been provided by the applicant and not by staff.

PUBLIC HEARING OPENED

PROPONENT:

DEVON HART, SF Replacement Project Manager, Dow Chemical, explained that he had been with Dow Chemical for the past 15 years where he had held a variety of production and project type roles. He noted that he would be working with a diverse group of employees at the facility, all of whom were part of a rich 50-year history at the Pittsburg site. He explained that the proposal would be the second facility at the Dow site in operation since the 1940's, during which time Dow Chemical had an excellent track record and relationship with the City.

Mr. Hart advised that the project was extremely important to Dow Chemical. The chemical methyl bromide was not a Dow product and was in the process of being phased out by the 1987 Montreal Protocol, as an ozone-depleting agent. He stated that Dow had worked with the Environmental Protection Agency (EPA) and with Washington to verify and validate that the SF chemical would be an equivalent fumigate with no ozone depleting properties, as well as not being a global warming property.

Mr. Hart emphasized that the Pittsburg Dow Chemical site had the technology and operations base and had proven to be the best location for the proposed operation.
Mr. Hart also emphasized that Dow had a long history of designing, constructing and safe operation of chemical plants having been benchmarked against the best companies in the world. He reiterated the experience of the Dow Chemical employees and pledged to the Commission and the City that they would use all resources available to deliver a safe and environmentally responsible plant, one which the City and Dow Chemical would be proud in the next several years.

Mr. Hart also took the opportunity to introduce his support group and members of the Dow Chemical Community Advisory Panel (CAP) who were present in the audience. He also introduced the applicant, John Sakamoto, who had acted as the liaison from Dow Chemical to the City.

Chairperson Holmes inquired of the timeframe for the project, to which Mr. Hart explained that the timing was critical to the success of the project. He noted that they wanted to be on time in order to operate in 2003 and to comply with the mandates of the 1997 Montreal Protocol phase out of methyl bromide. If they were unsuccessful, there would be no global supply for the product. If the facility was not operational as scheduled, methyl bromide would continue to be allowed to be used in the marketplace where Dow could potentially lose the opportunity for the potential SF chemical.

Mr. Hart acknowledged that the schedule was aggressive, although he emphasized that all capital projects for the company were measured for feasibility and against other projects of appropriate size. He was confident that the project could be completed as scheduled.

In response to Commissioner Garcia, JOHN SAKAMOTO, Eichleay Engineers, Inc., 1390 Willow Pass Road, Concord, affirmed that he had read the conditions of approval which were acceptable to the applicants.

Given the timeline for the facility, Commissioner Glynn inquired of disposition of the then abandoned methyl bromide facility.

Mr. Hart reiterated that methyl bromide was not a Dow product and was made by other chemical companies. He stated that they would have some assets at the Pittsburg site that would make the SF chemical and they would have some assets taken out of service and placed on a reasonable demolition schedule after the successful startup of the subject facility. The specifics for the demolition schedule had yet to be determined.

Mr. Sakamoto reiterated that the Project Team had made no decision in terms of dismantling and taking down the existing facility on the site. All of the current facility would be mothballed upon the successful operation of the proposed replacement facility.

Commissioner Glynn stated that since he was an active and serving member of the Dow Chemical Community Advisory Panel (CAP) he would excuse himself from the vote on the
WILLIE MIMS, a resident of Pittsburg, requested clarification from staff on conflicting statements with respect to the size of the facility.

Chairperson Holmes clarified that the project facility would be 4,500 square feet in size as indicated in the staff report.

Mr. Mims also referenced the staff report that had stated that the project would be exempt from CEQA requirements per Class Two, Replacement of Reconstruction, although the Categorically Exempt section of the CEQA Guidelines had indicated that some circumstances for exemptions would not apply, such as a reasonable possibility existed that the activity might have a significant environmental impact because of unusual circumstances.

Mr. Mims expressed concern with the construction of a project from an existing structure that produced 6.72 million pounds a year to one facility that would be almost three times that size, which could impose a negative impact on the environment. He questioned whether or not the applicant had conducted any studies to prove that no negative environmental impact would occur. He also took issue with the applicant's statement that Dow had a long, safe, operational history in the City. He noted that the BAAQMD had considered the City to be one of the toxic hot spots and that PG&E had been found to be a polluter and had been fined more than any other company.

In response to the Commission, Mr. Mims clarified his comments, realizing that the discussion related to the Dow Chemical plant, not to PG&E. He reiterated his concerns that the replacement facility might or might not have an environmental impact on the community. He further noted that the existing structure was 95 feet high and that the new structure would be 125 feet in height. Since chemicals floated into the air, he was uncertain whether or not there was any safe chemical in existence that would not have a harmful impact on the community.

Chairperson Holmes declared a recess at 9:16 P.M. The meeting reconvened at 9:22 P.M. with all Commissioners present or absent as initially shown.

MIKE LENGYEL, a resident of Pittsburg, questioned why the plant must be 125 feet in height and inquired whether the proposal involved an emissions stack or a processing structure. He inquired whether or not emissions would be involved with the production of the chemical, and inquired how the product ingredients would be transported to and from the site. He also inquired whether or not the proposed facility would be the only facility in the country producing the SF chemical. Further, he questioned the procedures to be established to prevent a terrorist attack or catastrophic release at the facility.

Mr. Lengyel commented that he had researched the SF chemical on the Internet and had
obtained a document from the FBI, Contacts for Suspicious Pesticide OP Nerve Gas Incidence, which had listed nerve agents judged likely to be used by terrorist or malicious intent. He stated that the SF product had been included on that list of nerve agents.

Mr. Hart explained that the height of the structure had been set by a distillation unit operation whereby going higher in height with new technology a better separation could be achieved. As such, that would be one of the ways to reduce emissions by using newer technology offering better product purities and less waste. He also acknowledged that with the capacity for the facility being increased by a factor of three, transportation in and out would increase as well. He commented that Dow was currently receiving raw materials via rail car, with the product transported out in flatbed trucks. The transportation of the product had been detailed in information provided to the City.

As to concerns with terrorist attacks, Mr. Hart noted that Dow Chemical recognized that they could be a target for the community. He emphasized that their security awareness was higher than ever with security procedures having changed dramatically since September 11. Currently there was one entrance into the plant and each and every vehicle was inspected and monitored. In addition, since the facility was located on the river there were continual river watches. He emphasized that security details would be reviewed as part of the subject project.

Mr. Sakamoto clarified that the proposed facility would be the largest and only true commercial facility in the world making the SF chemical. He also acknowledged that while transportation would increase as a result of the new facility, the majority of all raw products were brought in by rail, with the rail cars certified by the Department of Transportation (DOT) as safe for rollovers, leaks and spills. When the product left the facility, it would leave in capped gas cylinders through DOT certified cylinders, which should survive any type of impact.

Mr. Sakamoto further noted that the SF chemical was a pesticide used for bug and larvae infestation. He noted that most homes that were tented used either methyl bromide, Vikane, or the Sulfuryl Fluoride product and that the SF product was safe to release to the atmosphere and was not the same type of agent found in terrorist attacks. The product was only used as a commercial pesticide application.

Commissioner Harris inquired whether or not Dow Chemical would increase employment opportunities through the new project, to which Mr. Sakamoto explained that the direct employment for the Vikane plant was approximately 35 jobs, which would be increased to 50 jobs as a result of the expansion and the before and after stages.

TOM STEWART, Facilitator, Dow Chemical Advisory Panel (CAP), read into the record correspondence dated January 8, 2002, identifying the CAP support of the requested height variance for the proposed project, and identified the CAP mission statement.

Mr. Stewart explained that CAP had been formed to represent the issues and concerns of
the community in dealing with the Dow Chemical facility and had been in operation as an advisory body in excess of ten years representing a diversity of the communities of Antioch, Pittsburg and Bay Point. He commented that not long ago, CAP's mission had changed to "actively promote mutually beneficial relationships between the communities surrounding the Pittsburg facility and the company through ongoing interaction, supporting shared goals, and dedication to identifying and resolving issues of concern."

Mr. Stewart advised that he was present at the request of CAP to convey to the Planning Commission its support for the height limit variation, suggesting it would add to the number of high quality and high paying jobs in the Pittsburg area. He also suggested that Dow Chemical would give preference to residents of East Contra Costa County and that an increase in property valuation would translate into additional revenues that could be used to support East County and other governmental services.

It was suggested that through the expansion of the facility there would be increased safety and reliability through the use of the most modern technology. It was further the opinion of the CAP that Dow Chemical and its long standing history in the community would be a testament to its focus on education, philanthropy, volunteerism and safety, and that by allowing the facility that tradition would continue in the community. Further, that the employees at the facility who had been handling the chemical for many years were the best equipped within the Dow corporate structure to safely handle the proposed expansion.

Mr. Stewart went on to note that CAP’s primary focus was on the health and safety of the community, the Dow employees, and the environment surrounding the facility. CAP had recommended that a number of conditions be imposed on the project to ensure the primary focus, as identified in the January 8 correspondence. He requested that the Planning Commission endorse the project.

SAL NICHOLOSI, a resident of Pittsburg, identified himself as a representative for the operating staff at the Dow Chemical Pittsburg facility, and his family as members of the community. He commented that he had been hired by Dow in the mid 1980’s, learning about various products used on a daily basis and of the Dow processing and safety measures to ensure a safe coexistence with the surrounding communities and environment. He expressed his support for the approval of the replacement project, suggesting that the growth was good for Dow, its work, and would increase employment possibilities for members of the community.

Mr. Nicholosi spoke in detail to the company's processes, safety regulations, and improvements in technology. He emphasized that the replacement facility would replace an over 30-year facility and would involve modern technology and be required to comply with a number of safeguard regulations to ensure a safe operation.

Chairperson Holmes stated that Dow Chemical had always been an industry that had supported the community, particularly through scholarships to high school students. For those reasons, he could support the applications.
Commissioner Garcia advised that he would also support the applications. He requested that the January 8, 2002 correspondence from the Dow Pittsburg Community Advisory Panel be made a part of the record.

PUBLIC HEARING CLOSED

MOTION:  VA-01-05

Motion by Commissioner Garcia to adopt Resolution No. 9275, approving VA-01-05, a Variance to construct a 125 foot tall structure that exceeds the maximum height allowance for an IG (General Industrial) zone located at 901 Loveridge Road (Dow Chemical) for "Dow SF Replacement," with the conditions as shown. The motion was seconded by Commissioner Harris and carried by the following vote:

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

MOTION:  DR-01-57

Motion by Commissioner Garcia to adopt Resolution No. 9276, approving DR-01-57, Design Review approval of architectural and elevation plans to construct a 4,500 square foot 125 foot high Chemical Processing Facility located at 901 Loveridge Road, (Dow Chemical), for "Dow SF Replacement," with the conditions as shown. The motion was seconded by Commissioner Harris and carried by the following vote:

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

STAFF COMMUNICATIONS:

Mr. Jerome reported that the City had received a letter of resignation from Vice Chairperson Allen Valentine received this date and that the Mayor had in turn written a letter in response accepting the resignation, copies of which had been presented to the Commission at this time. He understood that the City Council would advertise the vacant Planning Commission position during its next meeting. In addition, the next Commission agenda would include the election of the Vice-Chairperson.

Mr. Jerome also reported that staff had scheduled a meeting with Commander William Hendricks of the Code Enforcement Bureau to discuss procedures for weekend code enforcement in response to previous Commission comments and concerns regarding the
lack of code enforcement during the weekend periods. Discussions would be held to either have more patrol officers or other code enforcement personnel operating during the weekends.

Mr. Jerome otherwise congratulated Ken Strelo on his promotion to Associate Planner, Dana Hoggatt on her promotion to Assistant Planner and Christopher Barton on his promotion to Planning Technician, with a Planning Intern to be hired for Mr. Barton's previous position.

**GENERAL PLAN UPDATE REPORT:**

Mr. Jerome advised that the General Plan had been adopted by the City Council in November 2001. The next step would be for the Council to consider an Urgency Ordinance for an Interim Zoning Ordinance to allow the City to consider to process land use entitlement applications and to make findings of consistency with the new General Plan. An emergency ordinance would only be good for a 45-day period and no public hearings would be required. That action had been scheduled for Council consideration at its January 22, 2002 meeting.

Immediately after that time, a formal public hearing would be held to extend the emergency ordinance for up to two years. In the meantime, staff would be working to review the current zoning to ensure consistency with the General Plan land uses and land use regulation development standards. The General Plan Update Report would be left on the Commission agenda, although retitled as the General Plan Implementation Report.

WILLIE MIMS, Pittsburg, suggested that the General Plan should include regulations requiring shopping center property owners to be responsible for abandoned shopping carts, with a possible fine to be imposed for abandoned carts. He otherwise inquired whether or not the cost to make the changes to the General Plan, as adopted by the City Council, had been identified.

Commissioner Garcia reported that there was a requirement for shopping center stores to designate an individual to pick up abandoned shopping carts as part of an approved City ordinance. He also understood that the stores paid the salary for such positions.

Mr. Jerome explained that the adoption of the General Plan in November 2001 had been done within the budget allocated for the preparation of the General Plan in that the costs had not been as extensive as initially feared. At most the cost was in the neighborhood of a couple of thousand dollars. Staff was still working with the General Plan consultant to implement the changes to the General Plan text and maps.

Mr. Mims also clarified for the record that the comments he had made during the public hearing for the Dow Chemical applications regarding PG&E had been in error and that he had been speaking of concerns related to Dow Chemical.
ZONING ADMINISTRATOR REPORT:

There was no Zoning Administrator Report.

COMMITTEE REPORTS:

There were no committee reports.

COMMENTS FROM COMMISSIONERS:

Commissioner Glynn requested clarification from staff on a proposal for Praxair Facility Expansion since it would be contiguous to a proposed self-storage facility.

Mr. Jerome clarified that the Praxair project would be located on the other side of the existing Praxair facility and not on the side of the existing storage facility.

Mr. Barton also clarified that a proposed hotel would be located on the far western side with the proposed storage facility acting as a buffer between that proposal.

Commissioner Leonard reported that he would not be in attendance at the next meeting since he would be out of town on vacation.

ADJOURNMENT:

There being no further business, the meeting adjourned at 9:57 P.M. to a Special Meeting of the Planning Commission on January 29, 2002, at 7:30 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

____________________________________
RANDY JEROME, Secretary
Pittsburg Planning Commission