MINUTES
OF THE REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION
May 14, 2002

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Holmes at 7:30 P.M. on Tuesday, May 14, 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
Absent: Commissioner Ramirez
Staff: Director of Planning and Building Randy Jerome; Associate Planner Chris Bekiaris; Assistant Planner Dana Hoggatt; Planning Intern Gary Hsueh; and Civil Engineer II, Alfredo Hurtado.

POSTING OF AGENDA:

Chairperson Holmes advised that the agenda had been posted at City Hall on Friday, May 10, 2002.

PLEDGE OF ALLEGIANCE:

Commissioner Kelley led the Pledge of Allegiance.

MINUTES: April 23, 2002

MOTION:

Motion by Commissioner Garcia to approve the minutes of the April 23, 2002 meeting, as submitted.
The motion was seconded by Commissioner Harris and carried by the following vote:

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

DELETIONS/WITHDRAWALS:

Mr. Jerome reported that the applicant for agenda Item No. 4, Loveridge Center (Mill Creek) Pylon Sign, DR-02-05, had requested that the item be continued to the meeting of May 28 since the affected parties were unable to attend the current meeting.

COMMENTS FROM AUDIENCE:

There were no comments from the audience.

PRESENTATIONS:

There were no presentations.

CONTINUED PUBLIC HEARINGS:

Item 1: Pittsburg Marine Terminal Amendment. UP-02-03.

Application by John Bass of Isle Capitol Corporation to amend UP-95-05 to remove the truck trip limitation condition at 707 East Third Street, IG (General Industrial) zone; APNs 073-020-020 and 073-030-007. (Continued from April 23, 2002).

Mr. Jerome explained that the item had been continued at the request of the applicant from the April 23, 2002 Planning Commission meeting.

Associate Planner Chris Bekiaris presented the request from Isle Capitol Corporation to amend UP-95-05 to remove the truck trip limitation condition at 707 East Third Street located in a General Industrial zoning district. He advised that on January 16, 1991, the Planning Commission at that time had adopted a use permit and an Environmental Impact Report (EIR) for the Han-Li International Terminal at the foot of Third and Harbor Streets.

On October 10, 1995, the Planning Commission at that time had approved a use permit for the Pittsburg Marine Terminal and had adopted an addendum to the EIR. The Han-Li EIR had reviewed and analyzed the traffic circulation of trucks in the area and had included a mitigation measure where trucks generated by the project would require an assessment district to construct a bypass road to bypass primarily Columbia Street and the residential zones.
The EIR had also included a mitigation measure that had been instituted since there had been no truck bypass route. Additional mitigation measures had included the stipulation of spreading the daily truck trips to different routes and hours.

The second addendum to the EIR with the approval of UP-95-05 for the Pittsburg Marine Terminal had limited the number of truck trips per day to 160 since the bypass road had yet to be constructed. Condition No. 10 of the resolution of approval for UP-95-05 had also stated that there shall be no more than 160 trucks per day. Condition Nos. 5 and 6 had established the truck routes, identified as Harbor Street, Railroad Avenue and Tenth Street.

Mr. Bekiaris advised that the truck bypass route had been completed and opened in October 2001. With the opening of the bypass, the applicant was now requesting that the Planning Commission amend the use permit to allow the applicant what the original EIR had approved, to lift the restriction on the number of trucks so that there would no longer be a restriction of 160 trucks per day, and to amend the designated truck route to require that all trucks use the bypass road, except in the event of an emergency. Trucks would therefore no longer use Tenth Street or Harbor Street unless the bypass road (the Pittsburg/Antioch Highway) was closed in the event of an emergency or other catastrophic event.

Mr. Bekiaris explained that the Pittsburg/Antioch Highway started from East Santa Fe and Harbor Streets, where the bypass route was really part of the Pittsburg/Antioch Highway.

Mr. Bekiaris went on to explain that the Han-Li EIR had projected 271 truck trips per day from the subject site. The Waterfront EIR, which had also been prepared for the assessment district, had projected that there could be a total of 1,300 daily truck trips from all users in the downtown area, with a vehicle total of 11,300 per day.

Since the bypass road had not been constructed at that time and since limitations were in place and were no longer necessary, the limitation on the number of truck trips and the establishment of Harbor, Tenth and Railroad Avenue was no longer required due to the opening of the bypass road and because the trucks would exclusively utilize the bypass road except in the event of an emergency. Harbor Street would no longer be used by trucks in the event of an emergency or any other purpose.

Mr. Bekiaris described the findings and conditions contained in proposed Resolution No. 9316, which clarified the truck routes and the fact that the routes would only be used in the event of an emergency.

Mr. Bekiaris recommended that the Planning Commission adopt Resolution No. 9316, approving UP-02-03, with the conditions as shown.
Commissioner Glynn referenced Page 2 of 4 of Resolution No. 9316, Section 3. Approval, Condition No. 2 related to Resolution No. 8896 of UP-95-05 and noted that a short piece of
Harbor Street would, in fact, be used in order to obtain access to the Pittsburg/Antioch Highway.

Mr. Bekiaris affirmed that the referenced area from Third Street to East Santa Fe Street would be used to allow access to the Pittsburg/Antioch Highway.

Commissioner Glynn referenced Condition No. 3A of that same section, also related to the approval of UP-95-05, and commented that the reference to Route No. 3 (Tenth Street) allowed to be used during an emergency on an unrestricted basis raised a concern since the City only had such authority within the City limits, not as it related to the use of Tenth Street through the community of Bay Point since that was under the jurisdiction of the Contra Costa County Sheriff’s Department.

As such, Commissioner Glynn questioned the allowance of unrestricted truck traffic in Bay Point itself. He suggested that condition be modified with the elimination of the language in the last sentence “on an unrestricted basis.” He recommended the following modification to Condition No. 3A.

A. Trucks shall not be restricted in the use of Route No. 1 and shall use Route No. 1 (Truck Route - Pittsburg/Antioch Highway) exclusively, except in instances of emergency, as determined by the Pittsburg Police or Engineering Departments or the Contra Costa County Fire Protection District, or when Route No. 1 is unavailable or impassable in which case, trucks shall use Route No. 2 (Railroad Avenue) or Route No. 3 (Tenth Street). The routes shall only be used as permitted by Condition No. 6 of Resolution 8896, as amended.

Chairperson Holmes recalled at one time that trucks had been permitted to travel through Bay Point off of Tenth Street, to which Mr. Bekiaris affirmed that had been one of the acceptable routes and would remain an acceptable route on an emergency basis only.

Commissioner Glynn also referenced Page 4 of 11 of Resolution No. 8896, Condition No. 5, which stated that "The Project is consistent with and will be located in an industrial zone among heavy industrial uses, including the USS-POSCO steel finishing plant, the Manville roofing plant, GWF and several other industrial enterprises." He pointed out that under the current General Plan, the Manville Roofing Plant was within the Marine Commercial zoning district.

Mr. Bekiaris affirmed that section would be corrected.

PUBLIC HEARING OPENED

PROPOONENT:
JOHN BASS, General Manager, Pittsburg Marine Terminal, 707 East Third Street, Pittsburg, commended the staff presentation of his request to change the use permit conditions of approval to remove the truck trick limitation and allow the use of the alternative truck routes, and to eliminate the Harbor Street route as one of the approved truck routes.

In response to the issues raised by Commissioner Glynn, Mr. Bass noted that Tenth Street was currently one of the approved truck routes that they had been entitled to use on a daily basis. If the proposed amendment were approved, they would amend the route that had been used on a daily basis and restrict it to use only on an emergency basis.

As to the concerns expressed with the finding contained in Resolution No. 8896, Mr. Bass noted that those had been the findings that had made seven years ago when the original use permit had been approved. He was not concerned with the amendment to the finding at this time for accuracy purposes since the purpose was not to go back to something that was accurate seven years ago and update it to current conditions.

Commissioner Glynn commented that since the General Plan had recently been amended to reflect that the Johns Manville property had, in fact, been zoned Marine Commercial, he suggested that the use permit document attached to the proposed amendment should also be corrected to reflect the correct zoning designation of that property. As to the Tenth Street route, he clarified that he was only referring to Tenth Street in a westerly direction outside the City limits where the City had no jurisdiction to impose unrestricted use through the community of Bay Point, even if there had been an agreement to that effect in the past.

Mr. Bass stated that he had no problem with the modification of the condition under discussion with the elimination of the language "on an unrestricted basis." He emphasized that the trucks traveled all over the County and that they would have to comply with all laws in all communities. He otherwise supported the staff recommended conditions of approval and the Commission recommended modifications, as discussed.

FRANK GORDON, Pittsburg, commented that four years ago he had been a member of a Power Plant Committee that had discussed how the trucks would use the truck route once built. He noted that without changing the original use permits, a business could not be forced to use the truck route. He reminded the Commission that Diablo Services had no limitation or restriction on the use of their trucks, whether by route or by number.

Mr. Gordon advised that some of the downtown property owners had participated in an issue that had resulted in a lawsuit against Tosco, Ultramar, and whomever else owned or might own Diablo Services.

That lawsuit had since been settled and as of March 2002, Diablo Services had 18 months to either shut down the facility or bring that facility up to current standards.

May 14, 2002
Mr. Gordon commented that now that the site had been zoned for Marine Commercial, those who had participated in the lawsuit would like to see the business shut down. He suggested that allowing Pittsburg Marine Terminal the ability to use the truck bypass route and modify its current use permit would allow that business to better negotiate a possible shut down of the Diablo Services facility. As such, he requested that the Planning Commission approve the proposed amendment to the Pittsburg Marine Terminal use permit.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Leonard to adopt Resolution No. 9316, approving UP-02-03, an Amendment of UP-95-05 to remove truck trip limitations for Pittsburg Marine Terminal, with the conditions as shown and as modified. The motion was seconded by Commissioner Kelley and carried by the following vote:

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

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

PUBLIC HEARINGS:

Item 2: Industry Road General Plan Amendment. GP-02-01, RZ-02-02 and DR-02-04.

Application by Bashir Rahimi to amend the General Plan from Marine Commercial to Industrial and to amend the Zoning Map from CS (Service Commercial) to IG (General Industrial) and for a use permit for Processors and approval of architectural plans to operate an indoor auto dismantling business at 5 Industry Road; APN 073-042-012. Mr. Jerome explained that the request was to open an auto dismantling business located at 5 Industry Way, off of Harbor Street. All of the various entitlements, as identified, were required for the business to operate. He noted that auto dismantlers were not permitted in other than a Heavy Industrial zoning district.

Associate Planner Chris Bekiaris presented the request from Bashir Rahimi to amend the
General Plan from Marine Commercial to Industrial, to amend the Zoning Map from Service Commercial to General Industrial, and for a use permit for Processors and for the approval of architectural plans to operate an indoor auto dismantling business within an existing building of 2,950 square feet at 5 Industry Road.

Mr. Bekiaris reported that the zoning code allowed an auto dismantling business in the City within a building where the prior code allowed exterior auto dismantling, which was no longer applicable. The subject building sat on a developed 9,200 square foot parcel. The project would be located in an approximate 5.7-acre site on Industry Road in the Service Commercial zoning district. The General Plan designation for the site was identified as Marine Commercial.

Neither the General Plan designation of Marine Commercial nor the zoning land use designation of Service Commercial allowed auto dismantling within a building, which was permitted only within a General Industrial zoning district subject to the approval of a conditional use permit.

The applicant had requested that the recently adopted General Plan be amended from Marine Commercial to Industrial and that the Zoning Map be amended from Service Commercial to General Industrial in order to allow the auto dismantling business. The building was over 60 years of age and would be required to be brought into conformance with State Building Codes. The subject site plan had indicated front yard and perimeter landscaping in compliance with the Zoning Code, and had indicated a 50 square foot freestanding sign standing 5 feet in height. The site also included six parking spaces, more than that required by the Zoning Code.

Mr. Bekiaris explained that there were at least five planning subareas within the downtown, each had its own set of land use strategies and development policies. The subarea in which the applicant proposed to place the interior auto dismantling business was located within the Marine Commercial Center Subarea. Permitted uses allowed in that subarea included specialty retail, professional offices, food and beverage sales service, marine retail and docking facilities, arts, entertainment and recreation, marine repair and maintenance, motels and hotels, financial services, and product manufacturing. Conditional uses included transportation and warehousing, gasoline stations, non-hazardous research facilities, and a contractor.

Mr. Bekiaris emphasized that an auto dismantling business was not compatible with any of the identified uses and therefore the site should not be rezoned, nor should a General Plan Amendment be approved to allow an auto dismantling business on the site. The business was not compatible since an auto dismantling business entailed trucking in wrecked vehicles, stripping them of parts, storing wrecked vehicles for processing and disposing of hazardous petrochemicals.

Mr. Bekiaris advised that the proposed site was located adjacent to the downtown
commercial core and to the marina neighborhoods, residential areas, subareas within the General Plan, and viable and active commercial and residential neighborhoods in the downtown. The Marine Commercial center had been designated for a Marine Waterfront Commercial Village which could feature marine oriented repair and sales, restaurants, professional offices, industrial incubators, such as research and development offices, and specialty retail activities.

Auto dismantling, if permitted on the subject site, would create a negative environment for the development of the area and for the continuance of the existing and future viable commercial and residential neighborhoods. Further, approval of the proposed General Plan Amendment would be detrimental to the economy of the area and the general welfare of the downtown residential community.

Mr. Bekiaris identified the zoning classification and the definition of Processor, which included an auto dismantling use within an enclosed building and included rock mineral crushing, processing services, scrap metal salvage and handling, all heavy industrial uses.

Mr. Bekiaris reiterated that a Processor use would only be allowed in a General Industrial zone. He added that adjacent to the subject site to the east was the Northeast Subarea, a General Industrial zone where the proposed use would be appropriate.

Mr. Bekiaris recommended that the Planning Commission adopt Resolution No. 9318, denying GP-02-01, Resolution No. 9319 denying RZ-02-07, Resolution No. 9320 denying UP-02-02, and Resolution No. 9321 denying DR-02-04.

In response to Commissioner Garcia, Mr. Bekiaris clarified that the entire area known as Industry Road was in an existing enclave and would be rezoned to General Industrial, if approved by the Planning Commission. He also affirmed that no other property owner in the area had requested a rezoning of the site.

PUBLIC HEARING OPENED

PROONENT:

BASHIR RAHIMI, 229 Mercury Way, Pleasant Hill, introduced himself to the Commission and had no further comments.

CESAR ASCARRUNZ identified himself as a Commissioner in the City of San Francisco. He suggested that the applicant's request would not harm the environment since the work would be conducted inside and would only involve the sale of auto parts through a high-tech computer system. No pollution, noise, leaks or environmental impacts would occur.

Mr. Ascarrunz stated that the applicant would comply with whatever requirements were
imposed by the Commission. He noted that the business would provide jobs for five to six people, that the applicant owned the property, was a family man and needed the help of the City to open the business. He requested that the Commission provide the applicant the opportunity to operate his business. He otherwise suggested that a gasoline station use would be more dangerous than the subject proposal.

YELENA TOLSTOV, Antioch, stated that she had come to the City to try to find a job. She commented that she was currently a resident of Antioch, although she had moved from the City of San Francisco a year ago. She suggested that the Commission allow a local business to open and stressed that the downtown was in need of businesses. She explained that the applicant's business would be clean and be conducted indoors with few cars, offering car parts at a low price. As a prior employee in the high-tech industry and currently unemployed, she expressed her hope that the business would be allowed to operate to provide local jobs and to bring life to the downtown.

Mr. Rahimi explained that he had been in the City for almost 20 years and had been working in the auto business for some time. Since he had purchased the property, he desired to open an auto dismantling business that would be conducted indoors where one to three vehicles at the most would be parked inside. The remaining building would be occupied with office space and computers. The business would provide high-tech computer services where auto parts could be obtained through the computer system.

Mr. Rahimi described his business as a brokerage between an auto dismantler and the citizens of the City. He explained that the Department of Motor Vehicles State law prohibited the sale of used auto parts from other than an auto dismantler, which was the reason why the subject proposal was being made. He requested assistance from the City to approve the auto dismantling business to allow him to operate the business. He emphasized that he would bring the buildings up to code, that no vehicles would be parked outside of the property, and that only one to three cars would be parked inside the building.

In response to the Chair, Mr. Rahimi explained that he had been in business for the past 20 years with businesses in the cities of San Jose and San Francisco. He emphasized that the business was a broker service where auto parts were found for their customers through a nationwide computer system. He noted that the City did not have such a business, which he suggested was needed in the community.

OPPONENTS:

JOHN BRIMMER, 12 Industry Road, Pittsburg, doing business as U.S. Glass, opposed the amendment to the General Plan and the rezoning request since he had invested a great deal of money developing that part of the territory based on the current General Plan. Mr. Brimmer suggested that an auto dismantling businesses at the subject site or along Industry Road would be detrimental to the growth of that part of the community. He clarified that he and those present to speak in opposition were representative of the entire community.

May 14, 2002
immediate community, minus one other auto dismantler, and that it had been the consensus of those that occupied the area that the applicant's request be opposed.

JOHN ROSSINI, Jr., 601 Industry Road, Pittsburg, concurred with Mr. Brimmer's comments and opposed the General Plan Amendment.

ALAN GIOVACCHINI, Oakley, owner and operator of BG's Marine Center, 3 Industry Road, Pittsburg stated that he had been at the current location since 1968. He submitted correspondence dated May 14, 2002, from Raul and Candace Ugarte, owners/operators of Atlas Pallet Corp., located at 600 Industry Road, who expressed their wishes that the zoning and the General Plan Amendment not be permitted to allow an auto dismantler to return to Industry Road.

Mr. Giovacchini thanked the City for its efforts to remove the auto dismantlers in the area, and stated that he would be willing to assist the applicant in his efforts only if the applicant proposed a business that would comply with the current zoning for the area.

Mr. Giovacchini commented that he and the applicant shared an access road to their respective properties through an existing easement, not through Industry Road itself. He pointed out that the existing easement was substandard to City roads, at only 35 feet in width. He commented that he had a 30-foot trailer that he used for his operations and in order to get it in and out of the property he had to use a forklift. If an auto dismantler operation were allowed, a semi-truck would not be able to access the area to load/unload vehicles on the premises unless it was done in the street as had been done in the past. He preferred that the property be developed within the guidelines set forth in the Marine Industrial zone.

PUBLIC HEARING CLOSED

Commissioner Garcia explained that the current Planning Commission and previous Commissions had worked very hard to designate the area as Marine Commercial. He suggested that it was not appropriate to change the General Plan so soon after it had just been adopted. In addition, the request was only a request from one property owner and was not supported by all of the property owners in the area. He suggested that City staff could assist the applicant in locating a more appropriate place to site the business.

MOTION: **GP-02-01**

Motion by Commissioner Garcia to adopt Resolution No. 9318, denying GP-02-01, an Amendment of the General Plan Map from Marine Commercial to Industrial for "Industry Road Auto Dismantling," as shown.
The motion was seconded by Commissioner Glynn and carried by the following vote:

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

May 14, 2002
MOTION: **RZ-02-07**

Motion by Commissioner Garcia to adopt Resolution No. 9319, denying RZ-02-07, a rezoning of a 5.7-acre site from CS (Service Commercial) to IG (General Industrial) for "Industry Road Auto Dismantling," as shown. The motion was seconded by Commissioner Leonard and carried by the following vote:

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

Chairperson Holmes advised that a decision by the Planning Commission was not final until the appeal period expired ten days from the meeting. The applicant, City Council, City Manager, or any affected person may appeal either the denial, approval or any condition of approval of an item within 10 calendar days of the decision.
Item 3: Faith Worship Center. UP-02-04 and DR-02-07.

Application by Anthony Blackman of Faith Worship Center requesting a use permit to establish a Religious Assembly use, and design review approval of architectural plans for the construction of a 17,500 square foot building housing a sanctuary, classrooms, administrative offices, and meeting rooms on an undeveloped 1.8-acre parcel located at 579 Garcia Avenue (northwest corner of Garcia & Harbor), IP-O (Industrial Park with a Limited Overlay) zone; APN 088-183-035.

Assistant Planner Dana Hoggatt presented the request for a use permit to establish a Religious Assembly use, and design review approval of architectural plans for the construction of a 17,500 square foot building housing a sanctuary, classrooms, administrative offices, and meeting rooms on an undeveloped 1.8-acre parcel located at 579 Garcia Avenue at the northwest corner of Garcia & Harbor, in an Industrial Park with a Limited Overlay zoning district.

The project involved the relocation of an existing church that had been approved in 1994 to operate out of 501 Harbor Court and where the current building would be acquired as part of the State Route 4 Widening Project. The applicants had purchased property at the northwest corner of Garcia Avenue and Harbor Street, an undeveloped lot surrounded by existing commercial buildings, light industrial buildings, AT&T Cable and Bio-Zone and other light assembly and home improvement types of businesses.

The proposed project would include a 17,500 square foot building that would include offices and classrooms in addition to the sanctuary. Other site development would include landscaping and parking. The church services would occur on Sunday mornings with two services. Classrooms would operate on weekday evenings between 6:00 and 7:00 P.M.

The property was currently zoned Industrial Park with a Limited Overlay. The ordinance that had established that zoning district had identified Religious Assembly, or churches, as a conditionally permitted use.

Ms. Hoggatt suggested that the proposed church use would be consistent with the General Plan since the General Plan had identified some uses or offered some ideas of what uses could be allowed in the Business Commercial designation, including offices and hospitals. She characterized a church as similar to a semi-public use and consistent with a hospital. A new building had been proposed for the church as opposed to a church occupying a storefront and the proposal therefore complied with the General Plan policy discouraging churches in storefronts.

The project, as proposed, also complied with development standards and met maximum height limitations, lot coverage, floor area to site area ratios, required setbacks, landscaping, and parking.

The sanctuary would include 425 seats where the Zoning Ordinance required that parking...
be provided at a ratio of 1:4, resulting in 106 parking stalls, which stalls would be provided as part of the proposal.

As to the visual impacts and neighborhood compatibility, Ms. Hoggatt explained that the structure would consist of pre-fab metal material with a stucco exterior similar to other buildings in the vicinity. The colors of the building would also be similar to other buildings in the area. The body of the building would utilize a beige color or a neutral tone. Buildings to the east, south, and west also had similar neutral tones consisting of grays, whites, and similar beige colors. The roof of the building would be a dark rust color.

The site plan for the project would also be similar to development in the vicinity by placing the front of the building next to Harbor Street with the parking in the rear, and providing a pedestrian orientation for the building, similar to other buildings along the east side of Harbor Street.

Access to the parking lot would be from two driveways off of Garcia Avenue with a third driveway onto Harbor Street, although due to an existing median, there would be a right turn movement only, which would be limited to exiting only.

Ms. Hoggatt advised that a Notice of Intent to adopt a Negative Declaration for the project had been posted on and near the site on April 24. The application had also been publicly noticed in accordance with the Municipal Code requirements for public hearings.

Ms. Hoggatt recommended that the Planning Commission adopt Resolution No. 9322 approving UP-02-04, and Resolution No. 9323 approving DR-02-07, with the conditions as shown.

Commissioner Harris commented that he had not received a colored rendering of the site and would have liked to have seen the colors being proposed for the building. While he had no opposition to the building itself, he expressed concern that the exterior along the front elevation was too plain with all stucco, four windows and few trees. He recommended that the stucco veneer on the windows come all the way down and that at least a three foot veneer be placed across the front to decorate the front of the building since it would face and be visible along Harbor Street. He also recommended that a few more trees be added to the front elevation along Harbor Street.

PUBLIC HEARING OPENED

PROPOSER:

PASTOR ANTHONY BLACKMAN, Faith Worship Center, P.O. Box 8235, Pittsburg, suggested that the building would be very attractive.

MICHAEL KEE, architect, reported that the project would be sited toward the front portion
of the lot facing Harbor Street and Garcia Avenue to provide a street presence as opposed to a vast amount of parking visible from a main street. All of the parking would be situated towards the rear of the site. Two driveways would be provided to enter the parking area along Garcia Avenue, with an exit only driveway onto Harbor Street.

The site would include an abundance of landscaping, particularly along the front elevation, including a lot of grass. A portion along the north side of the property involved an easement that would be planted with grass. The parking area would involve a number of trees in the parking areas with shrubs and trees along the front of the site. The property would be heavily landscaped at the corner of Garcia Avenue and Harbor Street.

Mr. Kee advised that the reason there were few windows at the front of the building had been that the main entry involved restrooms on either side where windows were not appropriate. The offices and nursery room would be located on those sides of the building where the front windows were located. Windows would also be located along the side, rear and for the main sanctuary.

Mr. Kee explained that the building had been split up into three portions, including the main sanctuary, offices and the classroom side of the building.

Mr. Kee noted that when all of the landscaping matured along the front of the site there would be nice large trees that could be as high as the height of the window sills. The building would consist of a pre-manufactured metal building with a flat metal panel that would emulate stucco material. All windows and doors would be wrapped with a buff colored stone, identified as Monterey Limestone. The entry canopy would also involve some stone work at the post.

The rear portion of the site would include jasmine that would be planted in planters and be trained onto the building wall itself to break up some of the length of the building.

The roof would be a standing seam metal roof that would be rust colored to emulate a terra cotta tile. Neutral colors and earthy tones would be included in the building with other color from the proposed landscaping. Sample materials and colors were presented to the Commission.

Mr. Kee advised that a sign had also been proposed along the Harbor Street elevation, although drawings and elevations would be presented to the Commission at a later date. He reiterated that the project met all zoning guidelines and regulations.

Mr. Kee requested that the Commission approve the project.

Commissioner Harris reiterated that he had no opposition to the building or its design, although he preferred better exterior design along the front elevation. He preferred that the stucco stone for the windows come all the way down if possible and that some design
element be provided to break up the two walls along the front elevation, or that lighting fixtures be provided.

Mr. Kee identified a covered patio area along the walkway and disagreed with the recommendation for plant material in that area since it would be a walkway for the congregation to walk out after the completion of church services. It had also been intended as an overflow area outside of the building.

Mr. Jerome suggested the consideration of some scones with uplighting that could break up the front elevation, and Mr. Kee acknowledged that such detail had yet to be defined.

Commissioner Harris reiterated that he would like to see more design elements for the front of the building to provide more articulation. He suggested that the stucco stone around the windows be brought straight down below the four front windows with more decorative elements to be provided on the two blank walls on each side of the door entry.

In response to the Chair, Pastor Blackman advised that the church had a congregation of 600 members and was the fastest growing church in the County. He otherwise agreed with the staff recommended conditions of approval for the project.

Commissioner Harris inquired of Pastor Blackman whether or not his recommendations for embellishment to the front elevation would be acceptable.

Pastor Blackman characterized that as a preference issue and emphasized that the church had been working diligently with their architect to design a building that would be acceptable. He also noted that additional embellishments would cost money and that the church operated on charitable contributions from its congregation.

Mr. Kee commented that there was no real precedent for having any wainscoting since there were no other buildings in the immediate area that had the same design elements. As such, those elements would not be compatible with the other buildings in the area. If the Planning Commission were to dictate that they must embellish the building, as recommended by Commissioner Harris as part of their terms of approval, he stated that would be done.

Commissioner Garcia noted the windows in the front of the building and suggested that the windows could be trimmed down to the cement, which he noted was what Commissioner Harris had recommended around the buildings.

Mr. Kee noted that while possible, that would add to the cost of the building. Uncertain of the exact cost of such additional design elements, he suggested that was an issue of aesthetics.
Commissioner Garcia suggested that Mr. Kee work with Planning staff to consider Commissioner Harris’ suggestion and determine what could be done at a reasonable cost.

Mr. Kee reiterated that they would comply with the direction from the Commission.

LEAH BLACKMAN, Faith Worship Center, P.O. Box 8235, Pittsburg, expressed the church’s willingness to dress up the front elevation, subject to cost. She agreed that they could work with staff to take a second look at the design, as suggested.

ROGERS J. ANDERSON, Pittsburg, advised that he had moved to the City a year ago from the City of San Pablo and had searched for churches to attend. He noted that there were many churches that were located in the City in storefronts. Having located Faith Worship Center, he suggested that they were the best church with the best Pastor. Commenting that as a congregation they were already sacrificing to construct the church, he otherwise noted that it would be built and if the Commission wanted them to include more design elements, that would be done.

CHRIS PERRY, Pittsburg, expressed his support for the proposal and for the congregation. He commented that as a member of the congregation, he had believed that the plans would provide an excellent building that would please all citizens of the City. He urged the Commission to approve the plan.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: UP-02-04

Motion by Commissioner Garcia to adopt Resolution No. 9322, approving UP-02-04, a Use Permit to allow Religious Assembly at 579 Garcia Avenue for "Faith Worship Center," 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 Ramirez

MOTION: DR-02-07

Motion by Commissioner Garcia to adopt Resolution No. 9323, approving DR-02-07, Design Review approval of architectural plans to construct a 17,500 square foot building for a Religious Assembly use at 579 Garcia Avenue for "Faith Worship Center," with the
conditions as shown and with the additional condition, as follows:

- **The Project Architect shall meet with Planning staff to work on the possible consideration of placing trim around the four front windows of the front building elevation (Harbor Street only), to be brought down to the sidewalk which would stand out and break up that elevation rather than offer a plain elevation. Recommendation was also made for the possible use of planters or some other design element for the two blank walls on each side of the entryway or the possible use of Monterey Stone or lighting elements to break up the blank wall.**

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

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

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

**COMMISSION CONSIDERATIONS:**

**Item 4: Loveridge Center (Mill Creek) Pylon Sign. DR-02-05.**

Application by John Tomasello of Mill Creek Development, LLC, requesting design review approval and a sign exception for height, sign area, and off-site location for a freestanding pylon sign identifying a six-lot commercial subdivision located north of California Avenue and west of Loveridge Road, CS-0 (Service Commercial with a Limited Overlay) zone; APN 073-190-017.

MOTION:

Motion by Commissioner Kelley to continue DR-02-05 for the Loveridge Center (Mill Creek) Pylon Sign to the meeting of May 28, 2002.

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 Ramirez
Item 5: Cingular Wireless Telecommunications Antennas - Range Road. DR-02-06.

Application by Misako Hill of PlanCom Inc., requesting design review approval of architectural plans for the installation of six wireless telecommunication antennas and a microwave dish on an existing PG&E transmission tower, and the construction of related equipment structures totaling approximately 44 square feet on the ground below, located along the northern edge of State Route 4 near the terminus of Range Road, RS (Single Family Residential) zoning district; APN 095-130-009.

Planning Technician Gary Hsueh presented the request for design review approval of architectural plans for the installation of six wireless telecommunication antennas and a microwave dish on an existing PG&E transmission tower, and the construction of related equipment structures totaling approximately 44 square feet on the ground below, located along the northern edge of State Route 4 near the terminus of Range Road, in a Single Family Residential zoning district.

Mr. Hsueh explained that the applicant had modified the project plans since submittal to the City and that the plans would also include a six foot tall wooden fence around the structures on the ground at the bottom of the tower.

Mr. Hsueh recommended that the Planning Commission adopt Resolution No. 9317 approving DR-02-06, with the conditions as shown.

PUBLIC HEARING OPENED

PROONENT:

MISAKO HILL, PlanCom Inc., for Cingular Wireless, 4420 Rosewood Drive, Building 2, 3rd Floor, Pleasanton, advised that she had read the staff report. She thanked staff for their assistance on the project. She otherwise agreed with the conditions of approval as contained in the staff report.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Leonard to adopt Resolution No. 9317, approving DR-02-06, Design Review approval of plans for the installation of six wireless telecommunications antennas on an existing PG&E transmission tower, located along the northern edge of State Route 4 near the terminus of Range Road, for "Cingular Wireless," 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 Ramirez

STAFF COMMUNICATIONS:

Mr. Jerome reported that during the City Council meeting of May 6, the Council had not approved a rezoning request for the ARCO Service Station, which had been approved by the Planning Commission. Rather, the Council had directed staff by a vote of 3-2 to prepare an overlay zoning district for the property that would modify certain uses in the overlay zone. Specifically, it was recommended that service stations, fast food restaurants and other uses that would allow liquor sales be restricted.

Mr. Jerome reported that staff had been prepared to return with the overlay zone to the Planning Commission next month, although staff had recently learned that Mayor Aiello had requested a reconsideration of the item which would be brought back to the Council for its meeting on May 20. At that time, the Council would consider whether or not to reconsider the application based on new information relative to alcohol permitting. Staff would keep the Commission informed of the status of the project.

GENERAL PLAN UPDATE REPORT:

Mr. Jerome added that also during the May 6 City Council meeting, the Council had considered the clarification of the Alves Ranch land use density, which the Planning Commission had considered with a recommendation to the Council. The Council had voted 3-2 to clarify the record that the land use of the 35 acres of the Alves Ranch property should be Low Density Residential. As a result, the General Plan was finally complete with direction given to the General Plan consultant to prepare the finalized copy. Staff would also be able to have direction on how to proceed with the Housing Element.

Mr. Jerome further advised that the applicant for the Alves Ranch would be withdrawing the application for the Alves Ranch project, although a lawsuit had been brought against the City related to the applicability of the General Plan.

Commissioner Garcia recognized that the City had prepared overlay zoning districts, although he could not recall the formation of an overlay district to eliminate specific uses. Speaking to the ARCO station proposal, he questioned whether or not the City would be liable for a lawsuit by restricting the property after the City had already allowed such construction elsewhere.
Mr. Jerome clarified that the City had prepared similar overlay districts in the past to restrict certain uses. He cited, as an example, an area on Leland Road near Railroad Avenue where an overlay zone had been prepared to restrict automotive uses in a Community Commercial zone. As to whether or not the City was open to a lawsuit by restricting the gas station, he advised that he could not speak to the legalities that would be involved.

Commissioner Garcia commented that after the motion had initially been made by the City Council, there had been an amendment to refer the project to the PUSD and if the PUSD was to agree with the project, it would be returned to the Council. He suggested that any action on an overlay district be deferred pending the City Council's decision.

Mr. Jerome explained that staff was not going to bring the matter back to the Planning Commission until such time as the PUSD had taken some sort of action since that had been the direction of the Council.

Commissioner Glynn noted that irrespective of the action relevant to the PUSD issue, Dr. Wong had no legal authority even as the agent of the PUSD to commit the PUSD to anything without the consent of the Board of Trustees, which had not signed off on Mr. Wong's letter to allow the ARCO Station use.

Commissioner Glynn reiterated his concern with the information contained in the resolution for the Pittsburg Marine Terminal application where Johns Manville had been identified as being in an Industrial zoning district as opposed to the correct Marine Commercial zoning district, and the issue of the extension of Route 3 through Bay Point where the City's authority of enforcement did not extend beyond the City limits unless there was a specific arrangement with the community of Bay Point.

**ZONING ADMINISTRATOR REPORT:**

There was no Zoning Administrator Report.

**COMMITTEE REPORTS:**

Commissioner Glynn noted that during the recent TRANSPLAN meeting, a presentation had been made on a proposal for the creation of a flying roadway as a potential proposal for eBART over the Loveridge Road area, which would impact the visibility of the proposed pylon sign for the Mill Creek development.

Commissioner Glynn urged that staff contact Susan Miller of the Contra Costa Transportation Agency (CCTA) for the status of that situation.

**COMMENTS FROM COMMISSIONERS:**

20 May 14, 2002
Chairperson Holmes advised that he had attended the groundbreaking ceremony for the extension of State Route 4, which ceremony had been well attended.

Speaking to the number of wireless communication proposals that had been approved by the Commission over the past two years, Commissioner Leonard recommended the adoption of a City ordinance that such proposals not require Commission approval. He reiterated a previous concern with the existing traffic configuration for traffic heading south from Eighth Street in a westerly direction and south onto Railroad Avenue, where vehicles were not clearly visible, which posed a safety and a traffic hazard. He urged the consideration of a stop sign in that area or a modification of the existing parking spaces.

Commissioner Glynn also referenced the area near the Bell gas station where the traffic lanes south on Railroad Avenue toward the corner of Tenth Street should be more clearly marked to identify the traffic patterns, as should those in front of the park area on the west side of Railroad Avenue past the Post Office.

Commissioner Kelley expressed her appreciation to Planning staff and the Planning Commission for the sympathy card she had received. With respect to the denial of the auto dismantling use permit request, she questioned whether or not the applicant understood that the application had been denied.

Mr. Bekiaris clarified that the applicant was fully aware that the proposal for an auto dismantling use had been denied.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 9:15 P.M. to a regular meeting of the Planning Commission on May 28, 2002, at 7:30 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

__________________________________________
RANDY JEROME, Secretary
Pittsburg Planning Commission