A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Mark Leonard at 7:32 P.M. on Tuesday, May 13, 2003, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

**ROLL CALL:**

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

Absent: None

Staff: Director of Planning and Building Randy Jerome; Planning Manager Melissa Ayres; Associate Planner Ken Strelo; Assistant Planner Dana Hoggatt; Planning Technician Christopher Barton; and Civil Engineer II Alfredo Hurtado.

**POSTING OF AGENDA:**

Chairperson Leonard advised that the agenda had been posted at City Hall on Friday, May 9, 2003.

**PLEDGE OF ALLEGIANCE:**

Commissioner Tumbaga led the Pledge of Allegiance

**DELETIONS/WITHDRAWALS/CONTINUANCES:**

There were no deletions, withdrawals, or continuances.

**COMMENTS FROM THE AUDIENCE:**

WILLIE MIMS, Pittsburg, identified himself as a member of the Black Political Association (BPA). He had no further comments to add to the record.
PRESENTATIONS:

There were no presentations.

CONSENT:

A. PC Minutes April 8, 2003
B. PC Minutes April 22, 2003
C. Extension of Time, Latter Day Saints Meeting House. UP-02-09, DR-02-08.

Commissioners Kelley and Tumbaga abstained from the minutes of the April 22, 2003 meeting, due to absence.

Motion by Commissioner Garcia to adopt the Consent Calendar, as shown. The motion was seconded by Commissioner Dolojan and carried by the following vote:

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

* Abstained on Item B.

PUBLIC HEARINGS:

Item 1: Mazzei GMC. UP-02-30.

Application by Chatfield Construction requesting a use permit to operate a retail automotive dealership with ancillary vehicle service and parts sales in an approved 52,753 square foot building on a 7-acre lot located in the Century Plaza 3 Subdivision (Tract 8161, Lot #4) on Century Court, (Community Commercial Zone); APN 074-090-023

Associate Planner Ken Strelo presented the staff report. He reported that during the meeting of April 22, 2003, the Planning Commission had approved the design review application for the project. The Commission had been informed at that time that an application for the use permit would later be submitted to the Commission for consideration.

Mr. Strelo advised that the General Plan Land Use designation of Regional Commercial encouraged uses with regional sales.

As part of the previous design review application and resolution of approval, a condition had been imposed to require the applicant to provide a minimum of 105 parking spaces for employee and customer parking.
The use permit resolution would prohibit auto dismantling, the storage of wrecked vehicles, or the washing of vehicles outdoors. The proposal would include a space indoors to conduct vehicle washing.

Mr. Strelo recommended that the Planning Commission adopt Resolution No. 9423 to approve UP-02-30, with the conditions as shown.

Commissioner Garcia expressed his understanding that the staff recommended conditions of approval for the use permit were similar to those imposed on previously approved car dealerships.

Mr. Strelo affirmed that was the case.

While the Commission would typically not act on an application when the applicant was not present, Commissioner Garcia suggested that in this case since the project involved conditions that the applicant had previously agreed to meet as part of the design review application, he would have no problem acting on the subject application at this time.

Commissioner Kelley pointed out the Commission's policy to defer action on any application for which the applicant was not present. She suggested that the item be continued to allow the applicant to be present.

PUBLIC HEARING OPENED

PROPONENTS: None

OPPONENTS: None

PUBLIC HEARING CLOSED

Planning Manager Ayres noted that the applicant was not required to be present for the Commission to take action and that the Commission had the discretion to continue the application or to take action at this time. She affirmed that the applicant had been notified of the meeting agenda.

Mr. Strelo clarified that staff had worked with the applicant to address any issues regarding the design review application or any environmental issues. No issues had been identified and the use permit had been submitted to the Commission for consideration at this time. He too affirmed that the applicant had been properly noticed of the public hearing.

Commissioner Garcia stated that since the applicant had already appeared before the Commission as part of the design review application and had expressed a willingness at that time to comply with the staff recommended conditions of approval, he had no problem
acting on the proposal at this time.

Commissioner Dolojan recommended that the item be continued given the absence of the applicant and to be consistent with Commission policy.

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9423, approving UP-02-30, a Use Permit to allow a retail automotive dealership with ancillary vehicle service and parts sales located on Century Court in the Century Plaza 3 Subdivision (Lot #4, Tract 8161) on Century Boulevard for Mazzei GMC, with the conditions as shown. The motion was seconded by Commissioner Harris and carried by the following vote:

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

It was noted for the record that Commissioners Ramirez and Kelley's no votes were not in opposition to the project itself, but were in opposition to taking action on an application in the absence of the applicant.

Item 2: Delta Marine Repair & Storage, UP-02-17.

Application by Clayton Manning requesting a use permit to allow outdoor storage of boats at a site being proposed for a marine repair facility at #6 Industry Road; (Service Commercial Zone); APNs 073-042-003 and 075-042-004.

Planning Technician Christopher Barton presented the staff report. He explained that the site had been undergoing code enforcement action to clean up the site with some nuisance violations cited on the property. It was noted that the buildings on the site were currently condemned and that the applicant had received a Notice to Owner outlining the violations on the site that would have to be remedied. Staff recommended denial due to the time it would take to bring the property into compliance before the use permit could be activated.

Mr. Barton reiterated that the buildings on the site had been determined by the Chief Building Inspector to be unsafe and that some soils remediation might be required since the Department of Toxic Substances Control had identified contaminants on the site. He added that representatives from that Department had indicated that it could take up to a year to remediate the soils on site.

In response to Commissioner Harris, Mr. Barton concurred that if the project were approved and clean up did not occur within one year, City codes would allow for a time extension. The violations identified by the Chief Building Inspector included some 30-day
Having visited the site, Chairperson Leonard expressed his doubt that the project would ever be approved given its condition and given the problems identified at the site. He questioned whether or not the Commission would prefer to take action now to deny the project, as recommended by staff, or to continue the application.

Commissioner Garcia recommended that since the applicant was not present, the application should be continued to the next meeting on May 27.

PUBLIC HEARING OPENED

PROPONENTS: None

OPPONENTS: None

Commissioner Tumbaga recognized that many Commissioners would like to continue the application although she saw no reason to do so. Her preference was to deny the application at this time given that the most recent violation identified on the property had occurred on April 29, 2003. She noted that if the applicant complied with the City's regulations in the future, the applicant could reapply at that time.

Commissioner Harris supported a continuance of the application given the applicant's absence, consistent with Commission policy.

Commissioner Tumbaga noted that the Commission had not followed its usual policy with respect to Item No. 1 when that applicant had also not been present. She reiterated her concerns.

Ms. Ayres advised for the record that a letter had been submitted from Charles Smith, a resident of Pittsburg acting on behalf of the applicant, who had requested a continuance since the applicant was currently out of state.

MOTION:

Motion by Commissioner Garcia to continue the public hearing for UP-02-17, the Use Permit for Delta Marine Repair & Storage at #6 Industry Road, to the meeting of May 27, 2003. The motion was seconded by Commissioner Ramirez and carried by the following vote:

Ayes: Commissioners Dolojan, Garcia, Harris, Kelley, Ramirez, Tumbaga, Leonard
Noes: None
Item 3: Herb White Way Homes. DR-01-12.

Application by Jim Kern of Habitat for Humanity to amend the development plan and reduce the required front yard setback adopted by Planning Commission Resolution No. 9210, which approved architectural and site plans for the construction of 13 single-family houses on Herb White Way between West Eighth Street and West Tenth Street, (Downtown Medium Density land use designation); APNs 085-222-001, -015 and 016, 085-231-022, -023, -028 and -029, 085-232-001, -022, and 023.

Assistant Planner Dana Hoggatt presented the staff report. Ms. Hoggatt reported that one of the homes in the third phase of development had been found to be out of compliance with the original 15-foot front yard setback standard that had been approved by the Planning Commission in 2001. The applicant now proposed a 10-foot setback with a 4-foot encroachment into the front yard, which was allowed for porches.

In addition, a larger, four-bedroom home was being proposed for Lot 13, which had originally been approved with a three-bedroom home. Since the footprint of the new home on Lot 13 would reduce the useable yard area, landscaping would be added to the front of the home in an area previously approved for excess paving.

Ms. Hoggatt supported the proposed amendments. She advised that the 10-foot front yard setback was more lenient than what had been adopted by the Planning Commission in May 2001, although it was consistent with the Downtown Development Standards adopted as part of the new General Plan. Chapter Five of the General Plan allowed front yard setbacks of 10 feet in the subject area of the downtown. In addition, the larger home would be more suited to the homebuyer’s needs and the additional landscaping in the front yard would compensate for the loss of rear yard landscaping as a result of the larger structure.

Ms. Hoggatt recommended that the Planning Commission adopt Resolution No. 9427, amending DR-01-12, with the conditions as shown. She also noted for the record that there was no one present at this time to represent the application.

Commissioner Ramirez advised that he was the owner of property located at the corner of West Eighth and Beacon Streets. As a result, he inquired whether or not he would be able to participate in the discussion.

Mr. Jerome noted that if Commissioner Ramirez' property was within 300 square feet of the subject property, there could be a potential conflict of interest.

Commissioner Ramirez stepped down from the dais due to a potential conflict of interest at Planning Commission Minutes May 13, 2003.
Commissioner Tumbaga reported that Habitat for Humanity was located in her office and that she would also step down due to a potential conflict of interest.

PUBLIC HEARING OPENED

PROPONENTS: None

OPPONENTS: None

Ms. Ayres clarified that the building permits for the homes affected by the proposed amendments had not yet been issued and that no buildings permits would be issued until the Commission had taken action on the proposal.

MOTION:

Motion by Commissioner Dolojan to continue DR-01-12, the amendment to the development plan for Habitat for Humanity on Herb White Way to the meeting of May 27, 2003.

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

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

Commissioners Ramirez and Tumbaga returned to the dais at this time.

STAFF COMMUNICATIONS:

1. Joint Meeting - Contra Costa County Board of Supervisors and County Planning Commission and City/Town Councils and Planning Commissions re: Presentation on Draft Vision of Shaping Our Future.

Ms. Ayres advised that a meeting with the Contra Costa County Board of Supervisors and County Planning Commission and City/Town Councils and Planning Commissions had been scheduled for a presentation of the Draft Vision for Shaping Our Future. The meeting would be held on May 17, 2003 at the Holiday Inn, Concord, from 8:30 A.M. to 12:45 P.M.

Commissioner Garcia stated that he would be unable to attend the workshop as a result of a prior commitment, but that he had reviewed the plan, which had also been discussed
during the recent meeting of the TRANSPLAN Committee. He noted that the City of Oakley had reviewed and responded to the document, copies of which had been provided to staff for review. He urged the City of Pittsburg to also provide a written reply to the plan.

Chairperson Leonard advised that he too would be unable to attend the workshop.

Ms. Ayres noted that the workshop was intended to present the outcome of public participation and discussion from prior meetings. She understood that staff had not planned to provide a formal opinion on the plan in that the workshop was intended to provide the vision, with input solicited during that meeting from all Councilmembers and Planning Commissioners.

Commissioner Tumbaga stated that she would also be unable to attend the workshop, although she intended to read the material. Given the importance of knowing what impacts the proposal would have on the City of Pittsburg and since many Commissioners would be unable to attend the workshop, she recommended that the Planning Commission consider a discussion on the plan with input presented to the County.

Ms. Ayres clarified that *Shaping Our Future* was not a County program, although Contra Costa County was one of the entities, along with the cities, that had contributed to the development of the plan. She described the plan as a spin-off from a larger *Shaping Our Future* project at the Association of Bay Area Governments (ABAG) level. The plan was intended to allow the cities to discuss ways of accepting the regional fair share housing and future commercial growth anticipated for the County, and master plan that growth in a way for transportation and development to occur in a well planned system.

Chairperson Leonard commented that with the approval of the City’s General Plan, there were major issues such as the Pittsburg/Bay Point BART Specific Plan, the San Marco Meadows property and Alves Ranch projects that had basically been ignored by the plan.

Ms. Ayres advised, when asked, that Councilmember Michael Kee had planned to attend the workshop.


Ms. Ayres also reported that the City Council had scheduled a second workshop with the Planning Commission on Monday, June 23, 2003, to discuss general planning issues.

Ms. Ayres updated the Commission on the status of concerns with the lack of compliance with conditions of approval for the Fort Knox project. She advised that the Chief Building Official and planning staff had met with representatives from the business and had conducted a field inspection of the site identifying the conditions that remained out of compliance.
A lack of compliance notice had been sent to the applicant identifying the conditions of approval the applicant had not met with a request for the applicant to respond within two weeks. The applicant's response was to identify the conditions that would be met and to identify when those conditions would be met. Another update would be presented to the Commission when more information was available. She understood that the Fort Knox project was currently 60 percent vacant and that the applicant had indicated that the funds were not available to complete the required improvements.

Ms. Ayres also reported that the City's Traffic and Circulation Advisory Committee (TCAC) had a vacancy for Zone 3 representation for the area east of Railroad Avenue and south of Atlantic and Stoneman Avenues. Interested applicants could obtain an application from the City Clerk's office. The deadline for applications was reported to be May 20, 2003.

Further, Ms. Ayres reported that at the May 19 City Council meeting, staff would seek the approval of funds to pursue the cleanup of the General Plan, and funds to develop some of the maps to be returned to the Commission in the form of a General Plan Amendment.

Staff would also be requesting the approval of funds to complete the Housing Element Update to allow certification by the State, and would be presenting to the Council an Interim Zoning Ordinance to provide interim zoning regulations on properties currently inconsistent with the General Plan.

**COMMITTEE REPORTS:**

Commissioner Garcia reported that the TRANSPLAN Committee had met on Thursday, May 9, at which time in addition to a discussion on *Shaping Our Future*, updates and reports had identified the status of eBART, a wetlands study and discussions on station sites for the cities of Brentwood, Oakley and Antioch. No eBART Station had been planned for the City of Pittsburg at this time. A prototype rail car would be available for viewing on June 27 and 28, to be located at Hillcrest Road in Antioch across from the BART Park and Ride lot, when specifications on noise, use of diesel fuels, and the like would be presented.

Commissioner Garcia added that a status report on the Measure C reauthorization had also been presented, when public polling results had been provided to identify whether or not the public would support an extension of Measure C. There was current support for the measure, although with no growth control, the percentage of support would drop considerably. An additional report had been provided by representatives from the Water Transit Authority (WTA) as to the possible use of Measure C funds to operate ferries from Antioch to Martinez, and on to San Francisco. No dock had been proposed for the City of Pittsburg. A brochure on the proposal was presented to the Commission.

Speaking to the status of the Circuit City building, Director of Planning and Building Randy Jerome reported on his understanding through the City Engineer, that the building would
not be affected by the widening of State Route 4, with the assumption that BART would not be installed in the median.

COMMENTS FROM COMMISSIONERS:

Commissioner Harris requested that the applicants for the agenda items that had been continued be notified of the continuance. He suggested that applicants should be present at the time proposals were submitted to the Commission, particularly given past problems with the lack of compliance of conditions of approval.

Ms. Ayres reported that applicants were notified in advance of the meeting dates and that staff would advise of the continuation of the items. She suggested that if an applicant could not be present, the Commission could consider that a letter be submitted in writing indicating why an applicant could not be present with the applicant(s) to indicate his/her agreement with the conditions of project approval.

Chairperson Leonard understood that there was no policy or law to require an applicant to be present. He recognized that there were some instances when an applicant would be unable to attend a meeting, and he agreed that a letter clarifying such instances, as recommended by Ms. Ayres, would be appropriate.

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:25 P.M. to a regular meeting of the Planning Commission on May 27, 2003 at 7:30 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

MELISSA AYRES, Secretary
Pittsburg Planning Commission