

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

**March 11, 2003**

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Mark Leonard at 7:30 P.M. on Tuesday, March 11, 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; Associate Planner Noel Ibalio; Assistant Planner Dana Hoggatt; and City Engineer II Alfredo Hurtado.

**POSTING OF AGENDA:**

Chairperson Leonard advised that the agenda had been posted at City Hall on Friday, March 7, 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:**

There were no comments from the audience.

**PRESENTATIONS:**

There were no presentations.

**CONSENT:**

A. Minutes - February 25, 2003

Motion by Commissioner Garcia to adopt the Consent Calendar consisting of the minutes of the February 25, 2003 meeting, as submitted. The motion was seconded by Commissioner Ramirez and carried by the following vote:

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

Chairperson Leonard excused himself from the dais due to a potential conflict with respect to agenda Item 1.

**CONTINUED PUBLIC HEARINGS:**

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**Item 1: 39 Locust Street House Relocation. AP-03-04 (UP, DR and Moving of Structures Permit)**

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Continued public hearing on a request for a Use Permit, a Moving of Structures Permit and design review approval involving the relocation of an existing house from 2091 Railroad Avenue to 39 Locust Drive; RS (Single Family Residential District); APN 086-122-014.

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Associate Planner Noel Ibalio presented the staff report and advised that the item had been continued from the Planning Commission meeting of February 25. He noted that the new lot was approximately 4,700 square feet in size and that surrounding properties in the area were approximately the same size. Speaking to the design review application, Mr. Ibalio advised that the applicant had proposed to maintain the architectural integrity of the home. Improvements to the home would be cosmetic in nature and would consist of a new foundation, front steps, driveway, roof, garage door, new front door, and the replacement of all windows.

Mr. Ibalio advised that the Planning Commission could approve the design review application based on the findings that the development was compatible in bulk, scale and the vernacular of the neighborhood in terms of roof pitch, location of front doors and basic window treatments. He noted that the application also involved a moving structure permit that was required for the relocation of the home, which also included conditions.

Mr. Ibalio acknowledged that during the meeting of February 25 a few neighbors on Locust Street had expressed some concerns with the application, primarily related to traffic and flooding issues. Subsequent to the February 25 Commission meeting, staff from both the Planning and Engineering Departments visited the site on Locust Street and determined that a storm line connected to an inlet at the end of the street was probably clogged. He stated that the public works department had been contacted to flush out the pipe and anticipated there would be no more flood problems.

Mr. Ibalio recommended that the Planning Commission adopt Resolution No. 9415 approving a Use Permit, Design Review Approval and a Moving of Structure Permit for AP-03-04, with the conditions as shown.

In response to Commissioner Kelley, City Engineer II Alfredo Hurtado explained that it would take time to determine whether or not the inlet was actually clogged. The Public Works Department continued to review the situation since it appeared that the inlet had not been cleaned for some time. As to the timing when the inlet would be cleared, he suggested that could be completed by the end of the rainy season, or around April 15.

Mr. Ibalio also clarified that the neighbors who had been in attendance during the previous meeting were not in the audience at this time. He suggested it was likely that those residents had been satisfied with the staff responses that the matter would be resolved in that the inlet would soon be cleared.

Commissioner Harris noted there was one vacant lot left in the subdivision in the area of Locust Street.

PUBLIC HEARING OPENED

PROPONENT:

MARK TAYLOR, 2354 Galloway Court, Antioch, advised when asked, that he had read and was in agreement with the staff recommended conditions of approval.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9415, approving AP-03-04, a Use Permit, Moving Structures Permit, and Design Review approval to relocate an existing home from 2091 Railroad Avenue to 39 Locust Drive, with the conditions as shown. The motion was seconded by Commissioner Ramirez and carried by the following vote:

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

Chairperson Leonard returned to the dais at this time.

Commissioner Harris stepped down from the dais due to a potential conflict of interest with agenda Item No. 2.

### **PUBLIC HEARING:**

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#### **Item 2: Heritage Pointe Subdivision. GP-02-02, RZ-02-12, DR-02-17 and Subdivision 862**

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Public hearing on a request for reconsideration of the conditions of approval adopted by the Planning Commission in Resolution No. 9350 in conjunction with a Vesting Tentative Map Application - Tract 8525, in which it was requested to subdivide 22 lots totaling 22.07 acres into 125-single family residential lots, a 0.4 acre private park, five privately-maintained landscaping parcels, and a 3.8-acre remainder parcel. The property is located on Builders Circle, south of West Tenth Street west of Beacon Street, IP-O District; APNs 085-260-018 to -024, 085-260-027 to -040 and 085-260-042.

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Assistant Planner Dana Hoggatt explained that item had initially been brought to the Planning Commission on January 28, 2003, at which time the Commission had adopted a resolution approving a Vesting Tentative Map for the project. At that time and during the same meeting, the developer had requested that a list of conditions be added to the Vesting Tentative Map. The Planning Commission had chosen not to incorporate those conditions into the map approval and had approved the project without those conditions since many of the developer's requested conditions reiterated the original conditions that had been adopted by the Planning Commission.

The rezoning portion of the application was forwarded to the City Council for a public hearing, at which time the developer again requested that seven conditions be added to the conditions of approval for the project. Rather than take action on the rezoning and since the conditions had not been appropriate to add to the rezoning, the City Council had directed that the Vesting Tentative Map approval be sent back to the Planning Commission for reconsideration of the originally adopted conditions.

Pursuant to the City's Municipal Code, Subdivision Ordinance, Section 17.20.080, Ms. Hoggatt reported that the Planning Commission was allowed to make amendments to adopted approvals for Vesting Tentative Maps, even after the appeal period had expired.

Since the Council meeting of February 18, staff had worked with the applicant and with other interested parties to incorporate the developer's requested conditions into the Commission's adopted conditions in a more meaningful way. Those conditions included in a new resolution of approval as Condition Nos. 46 through 51 were now before the Commission for consideration.

Ms. Hoggatt recommended that the Planning Commission adopt Resolution No. 9419, amending the conditions of approval of Subdivision 8625 as outlined in Planning Commission Resolution No. 9350.

#### PUBLIC HEARING OPENED

#### PROPONENTS:

VINCE FLETCHER, Western Pacific Housing, 1240 Central Boulevard, Brentwood, thanked staff and those involved for his/her time and effort to have the project properly completed. He agreed with the conditions of approval and expressed his hope that the Commission would support the application.

TANYA GULESSARIAN, Adams, Broadwell, Joseph & Cardozo, representing the International Brotherhood of Electrical Workers (IBEW) Local #302, urged the Commission to adopt the revised resolution. She acknowledged that since the Council meeting, they had worked with City staff to modify the conditions of approval to incorporate them in a more meaningful way in the City's conditions. She expressed her appreciation to City staff for their effort.

In response to Commissioner Tumbaga, Ms. Hoggatt clarified that the conditions of approval that had been incorporated related to construction, air quality impacts and controls, pedestrian and bicycle access to and from the park within the subdivision and traffic controls along the main street. There had also been a condition added to ensure adequate emergency vehicle access.

Planning Manager Melissa Ayres added that as indicated during the staff presentation, the conditions were listed as numbers 46 through 51 in the attached resolution. Ms. Ayres also clarified, when asked, that the applicant had requested a seventh condition for an additional traffic study, but the City Council had only directed that the other six conditions be incorporated into the Vesting Tentative Map. The Council had specifically excluded the condition requesting an additional traffic study for the intersection of the project with Willow Pass Road. The applicant is no longer pursuing adding seventh condition.

OPPONENTS: None

#### PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9419, approving a Tentative Map for a 125 unit residential subdivision for "Heritage Pointe Subdivision," Subdivision 8625, with the conditions as shown. The motion was seconded by Commissioner Kelley and carried by the following vote:

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

Commissioner Harris returned to the dais at this time.

Commissioner Garcia expressed his appreciation to staff and those who had been involved in the efforts to resolve the concerns with the previous agenda item. He was confident that a good project would result.

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**Item 3: 514 Railroad Avenue Building Improvements. DR-01-41.**

A request for design review approval of architectural plans to modify an existing two-story office building located at 514 Railroad Avenue to include office on the first floor and two one-bedroom apartments on the second floor, Downtown Commercial; APN 085-166-016.

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Associate Planner Ken Strelu presented the staff report. He clarified that the application pertained to exterior improvements to the building only. He explained that required parking and the required trash and recycling enclosure had not been identified on the site plans because the applicant was still working with the City Redevelopment Agency staff on a possibility of leasing a portion of public ally owned land west of the building to provide these improvements for the apartment units. The applicant was seeking an easement approximately six feet wide along the entire rear of the building from Fifth to Sixth Streets to provide legal access to the back of the building and additional land on which to construct the required parking stalls and trash enclosure. It was expected that the Redevelopment Agency would take action on the requests this month.

Mr. Strelu also clarified that the resolution of approval had been conditioned so that these issues would be resolved prior to the issuance of any building permits for the apartment conversions. The front of the building would involve the addition of some windows above the entryway facing Railroad Avenue. The rear of the building would involve the same entry way and two windows above with an additional two windows. Ultimately, the rear of the building would be entirely stuccoed to match the front of the building. For purposes of the subject application, the applicant had proposed to only stucco the actual portion of the building being converted on the inside.

Mr. Strelo noted that the General Plan called for Mixed Use in the commercial core area of the downtown and that staff supported the application..

Mr. Strelo recommenced that the Planning Commission adopt Resolution No. 9416 approving DR-01-41, with the conditions as shown.

## PUBLIC HEARING OPENED

### PROPONENTS:

ROGER RILEY, 96 Edgewater Place, Pittsburg, explained that he had been working with the City's Redevelopment Agency and that the Agency had proposed he purchase the 6-foot access easement. The Agency was in the process of preparing an appraisal of the property and once completed he would submit an application for that easement. He otherwise clarified that there were only three separate buildings on the block, not four as indicated in the staff report. He also commented that the trash enclosure for the restaurant site was currently unsightly since it was located on the sidewalk. Efforts were being made to cure that situation.

Speaking to the required parking spaces, Mr. Riley requested clarification since he understood that a live/work unit located on the corner of Fourth and Railroad Avenue had required only one parking space. Another live/work project on Railroad Avenue did not have any off-street parking and the City had loaned that applicant monies to purchase that building. While he was willing to comply with the City's requirements, he requested that he be held only to the same standards as other live/work developments in the downtown.

Mr. Strelo explained that staff was applying the current parking standards specified in the zoning ordinance for multi-family units and that it stipulated two parking spaces per unit, (one covered), plus one additional space for all units having two or more bedrooms. Since the apartment units would consist of one bedroom apartments, the parking requirements for the subject project would require two off-street parking spaces per unit, including one covered parking space.

Chairperson Leonard commented that he was in the process of remodeling a building located on the corner of Eighth and Railroad Avenue with no covered parking. That project had not required covered parking during the process.

Mr. Riley reiterated that he had been working with the Redevelopment Agency and Agency staff had never recommended two parking spaces per unit or any covered spaces. He also understood that another project in the downtown where the Chamber of Commerce had moved would also be building some apartments and no off-street parking would be required in that case.

Mr. Strelo explained that as conditioned, the parking lot and trash enclosure would require only staff design review. He expressed the willingness to further review the parking requirements and to research the other live/work projects in the downtown to see how those projects had been analyzed.

Commissioner Garcia also expressed concern with the lack of an emergency exit from the building. He noted that there was only a double door between Apartments A and B. He inquired whether or not the units would have interior sprinklers.

Mr. Riley noted that at the top of the stairs there was a door opening and between a walls which would allow for emergency exiting. He was uncertain whether or not the apartment units would be sprinklered in that he would rely on his Architect to ensure that the project complied with Contra Costa Consolidated Fire Protection District (CCCFFPD) regulations.

Chairperson Leonard commented that a building on Sixth Street had no on site parking. If a variance were ultimately necessary for this project, he recommended that the entire area be reviewed in terms of the required parking.

Commissioner Harris expressed concern with the adequacy of emergency exiting from the apartments units, particularly in the event of a fire.

Mr. Riley reiterated that he relied on his Architect to ensure that the project met CCCFFPD requirements. It was possible that an escape route could be provided through the roof, although there would be skylights in the building.

Mr. Strelo explained that the Building Division would review the plans to ensure compliance with the Building Code. The project would also be subject to CCCFFPD regulations. Tenant improvements would also be reviewed by the Building Division to ensure that what was approved in the design review was incorporated on the plans. He assured the Commission that the Building Division would catch any discrepancies with the Building Code and that a safe ingress/egress to the apartment units would be required.

Commissioner Harris suggested that those issues should have been resolved prior to the submittal of the application. He preferred that answers be provided to many of the questions prior to the project moving forward. While he stated he would not deny the project, he preferred that those concerns be clarified, particularly whether or not the project met CCCFFPD regulations. He suggested that the CCCFFPD should have already reviewed the project to ensure compliance with emergency exiting.

In response to Commissioner Tumbaga, Mr. Riley clarified that he had purchased the building around ten years ago and that the building had an art gallery in the upstairs area. To his knowledge the second story had not been used as a living space in the past.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9416, approving DR-01-41, design review approval of architectural plans to remodel an existing two-story office building located at 514 Railroad Avenue with the conditions as shown. The motion was seconded by Commissioner Tumbaga and carried by the following vote:

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

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**Item 4: Dynamic Electric. DR-02-35.**

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A request for design review approval of elevations and site development plans to construct a 9,639 square foot metal spec industrial building and related site improvements on a vacant 0.46 acre lot located at 999 Harbor Street, IL District; APN 073-060-001.

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Associate Planner Ken Strelo presented the staff report and noted that the L-shaped building would have zero side yard setbacks as permitted in the IL District. Mr. Strelo indicated staff supported the project, but identified some minor issues related to parking setbacks and encroachment of the trash enclosure into the front yard setback that would be resolved through recommended conditions of approval.

Mr. Strelo added that the rear of the site was landlocked and in order to access the rear, the applicant would have to trespass onto neighboring properties. The project had been conditioned to require the installation of both a roll-up and pedestrian door at the rear of the building. In addition, staff had recommended that conditions be added to require perimeter fencing subject to planning staff approval. Mr. Strelo recommended that the fence be a vinyl clad chain link fence with a vines planted at the base. The fence would help separate the property from the railroad tracks and identify the boundaries of the property. Staff requested that a metal lattice with climbing vines be added to the very western wall closest to Harbor Street to break the solidness of that wall. No colors for the building had been proposed although the applicant had submitted some color photos to show colors being considered.

Mr. Strelo recommended that the Planning Commission allow staff to approve the building colors at the time building plans were submitted. He recommended that the Planning Commission adopt Resolution No. 9417 approving DR-02-35, with the conditions as

shown.

Commissioner Dolojan expressed concern with a vinyl clad chain link fence on the railroad side given that such fence material collected debris and was not regularly maintained. He inquired whether or not another fence material could be considered.

Mr. Strelo explained that the another type of fencing that would be suitable is wrought iron fence with vertical spaces approximately three and half to four inches for every half inch of bar. The intent of the fence and vines was to screen the property from the railroad. He suggested that an alternate condition could be added that the applicant be required to keep garbage and debris off of the fence, if the Commission desired. He acknowledged that the applicant would have to gain access to the site to the south and trespass on that property to meet that condition. As such, the condition would need to be written where the applicant would have to establish some type of agreement with the adjacent property owners.

Commissioner Dolojan suggested that whatever was appropriate should be considered.

Commissioner Strelo suggested an additional condition as follows:

- *All fences are to be kept free of debris.*

PUBLIC HEARING OPENED

PROPOSERS:

DAVID VAUGHN, 109 Shasta Court, Antioch, explained that the prevailing winds traveled east down Tenth Street, not north. He assured the Commission that the site would be kept clean of debris. He otherwise stated that he had read and was in agreement with the staff recommended conditions of approval.

Commissioner Harris stated that he was familiar with the property and was pleased to see that the property would be developed and maintained.

OPPOSERS: None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9417, approving DR-02-35, design review approval of elevations and site development plans to construct a 9,639 square foot spec industrial building located at 999 Harbor Street, with the conditions as shown and as amended.

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

**STAFF COMMUNICATIONS:**

Ms. Ayres reported that a joint meeting with the City Council had been scheduled for Monday, April 28 at 7:00 P.M. to discuss the Pittsburg/Bay Point BART Specific Plan.

Commissioner Kelley advised that she would not be able to attend the workshop on the date scheduled. All other Commissioners indicated his/her availability.

Director of Planning and Building Randy Jerome clarified that the meeting would not be a Joint Planning Commission/City Council meeting in that it would be a Council Workshop where the Commission and other interested parties would be invited.

Ms. Ayres also reported that the Commission Conflict of Interest Forms were due to the City Clerk on March 14. In addition, she presented the packets for those Commissioners who had confirmed attendance at the upcoming League of California Institute Conference.

**COMMITTEE REPORTS:**

In response to Commissioner Harris, Ms. Ayres advised that she had not yet updated the Chair regarding his resignation from the Traffic and Circulation Advisory Committee (TCAC). Commissioner Kelley had been designated as the Alternate to the TCAC with Commissioner Tumbaga expressing an interest to serve as the new Alternate.

Commissioner Harris briefly described his reasons for resigning from the TCAC, noting that staff had reported that a traffic signal was to be installed on California east/west by March, although nothing had been done. He expressed his concern with the delay given that the area posed a safety and traffic hazard. He also expressed his disappointment with the actions taken by the TCAC, which did not appear to make any difference.

Commissioner Tumbaga agreed that the area was a safety and traffic hazard, particularly during the evening hours.

Commissioner Kelley expressed the willingness to serve as the appointee to the TCAC,

with Commissioner Tumbaga to serve as the Alternate.

Chairperson Leonard appointed Commissioner Kelley as the Appointee, and Commissioner Tumbaga as the Alternate to the TCAC.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Ramirez inquired whether or not the representatives from Fort Knox Storage had been invited to attend a future meeting.

Ms. Ayres clarified that a formal request had not been sent recently to Fort Knox.

Commissioner Garcia insisted that Fort Knox install a wrought iron fence along El Dorado Drive and install the required landscaping, as per the conditions of approval, to avoid being shut down. He pointed out that the City had only allowed the business to continue to rent the storage spaces since it had indicated the willingness to complete the project at some date. That had yet to occur and the applicant had not complied with the original conditions of approval.

Ms. Ayres expressed the willingness to send a letter to the applicant within the next week.

Commissioner Harris wanted the applicants for Fort Knox to appear before the Commission because they had not complied with all the conditions of approval.

Ms. Ayres commented that the City staff was obligated to ensure that the improvements are completed prior to the issuance of a Certificate of Occupancy. She suggested a more aggressive approach through code enforcement in this instance and initial follow through by staff on future project to ensure compliance with the original conditions of project approval.

Commissioner Harris also requested updates on the status of the Vogue Theater and Frances Green projects.

Chairperson Leonard welcomed Commissioner Tumbaga back to the Planning Commission.

Commissioner Tumbaga questioned the necessity of the TCAC. She otherwise expressed concern that the last time the Heritage Pointe Subdivision had been considered by the Commission and conditions had been approved, the Commission had not accepted the incorporation of the conditions requested by the IBEW since the City was not a party to those negotiations.

The City Council subsequently sent the project back to the Commission to reconsider the

conditions of approval. Commissioner Tumbaga expressed concern with the setting of a precedent in the future given that the Commission had rescinded its original approval to approve the revised conditions after a significant amount of staff effort. She did not want the City to be in the same position as the City of Antioch, which could not approve projects without the unions or other groups telling it what to do.

The Commission spoke at length regarding what had occurred between the IBEW, the developer for the project, the precedent that could be set and concerns related to the process.

Commissioner Kelley inquired of the status of the Extended Stay Hotel project as part of the Mill Creek development on Loveridge Road.

Ms. Ayres reported that she understood from the Economic Development Director that Mill Creek applicants had sent the hotel developer a letter indicating that the hotel developer was out of contract and unless ready to proceed, the applicants would pursue other developers. She noted that the current market was not good for hotel development and while the developer had every commitment to bring a hotel to the location, he would have to work harder to achieve that during the current economic times.

Commissioner Harris noted that when the Mill Creek development had been approved, the project had been presented with Extended Stay Hotel as the anchor and it was to be constructed prior to any other development, which was why he had supported the proposal. He also pointed out that there was no extra lane into the project, as promised by the developer, which he had requested and which had been another reason he had supported the proposal.

Commissioner Kelley also commented that while traveling down Harbor Street towards California Avenue to make a left hand turn, trucks were also making a left hand turn, which was prohibited. She expressed the willingness to raise her concern with the TCAC.

## **ADJOURNMENT**

There being no further business the meeting adjourned at 9:01 P.M. to a regular meeting of the Planning Commission on March 25, 2003 at 7:30 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburgh, CA.

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MELISSA AYRES, Secretary  
Pittsburg Planning Commission