A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Leonard at 7:30 P.M. on Tuesday, July 8, 2003, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

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

Absent: Commissioner Tumbaga

Staff: Planning Manager Melissa Ayres; Associate Planner Noel Ibalio; 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, July 3, 2003.

PLEDGE OF ALLEGIANCE:

City of Pittsburg Councilmember Michael Kee led the Pledge of Allegiance

DELETIONS/WITHDRAWALS/CONTINUANCES:

There were no deletions, withdrawals or continuances, although Planning Manager Melissa Ayres noted that under the Consent Item, the reference to the June 10, 2003 meeting minutes should be revised to read May 27, 2003.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.
PRESENTATIONS:

There were no presentations.

CONSENT:

A. PC Minutes of May 27, 2003
B. Faith Worship Center (UP-02-04 and DR-02-07) Extension of Time

Speaking to Consent Item A, CHARLES SMITH, Pittsburg, requested a modification to the fifth paragraph on Page 6 to reflect that the reference to contaminated buildings being removed from the Clayton Manning property located at #6 Industry Road was incorrect in that the buildings were not contaminated.

In response to Mr. Smith’s concerns, Commissioner Garcia recommended that the fifth paragraph on Page 6 be revised as follows:

Mr. Manning commented that he was working to remediate the toxic waste on the property.

Motion by Commissioner Garcia to approve the Consent Calendar, as shown and the minutes of May 27, 2003 as amended. The motion was seconded by Commissioner Kelley and carried by the following vote:

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

PUBLIC HEARINGS:

Item 1: Delta Marine Repair & Storage. UP-02-32.

Continued public hearing on an 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, CS (Service Commercial) zone; APNs 073-042-003 and 073-042-003. (Continued from May 27, 2003).

Planning Technician Christopher Barton presented the staff report dated July 8, 2003 for a use permit request to allow outdoor storage of boats at a site being proposed for a marine repair facility at #6 Industry Road. The Planning Commission had last considered the item on May 27, 2003.
At that time the Commission had continued the item for a 30-day period to allow the applicant to meet with Engineering staff to prepare a plan to address the remediation of the site. The Engineering Department had been in contact with the applicant and had advised the applicant of the need to hire a soils engineer to run tests on the soils and to make recommendations for cleaning the site. The recommendations should also satisfy the State Department of Toxic Substance Control (DTSC). Staff had also provided the applicant with names of environmental firms. Since staff had last met with the applicant, staff had not heard from the applicant on the matter.

Mr. Barton recommended that the Planning Commission adopt Resolution No. 9426 denying UP-02-32.

CONTINUED PUBLIC HEARING

PROONENTS:

CLAYTON MANNING, #6 Industry Road, Pittsburg, acknowledged that he had spoken with City staff who had provided him with the names of soils engineers. He had contacted two soils engineers who had provided cost estimates and who had advised that he meet with the DTSC to discuss a plan to remediate the site. He had met with the DTSC in Berkeley, which appointment had not resolved any issues in that he had been asked at that time whether or not he had brought an attorney with him. He had also been advised that prior to considering any plan a determination would have to be made as to what fines would be levied against his property for the storage of illegal oil barrels with no tops. He had left that meeting with no resolution. He expressed confusion as to how to resolve the situation since the DTSC had offered no information on the plan he had been under the impression was needed to resolve the issues on the property.

In response to a question from the Commission, Ms. Ayres noted the item before the Commission was whether to approve a conditional use permit on the property to allow boat storage on the site. She explained that if a use permit was approved, the permit could not be activated unless the property was cleaned up and then the use established within one year from date of use permit approval.

Ms. Ayres remained concerned that the property would not be cleaned up in a year, noting that since the last Commission meeting there had been little progress in that process. She explained that City staff was not trained in toxic substance control or to advise the applicant how to address that issue since that was something that the applicant must address with his attorneys, engineers or someone familiar with that area to work with the DTSC.

Ms. Ayres understood that the process was very complicated and that it could likely take more than a year to correct the situation on the site, which was why staff was of the opinion that the timing of the use permit was not appropriate.
As to the applicant's inquiry as to when he could work on his existing buildings on the property, Ms. Ayres noted that as previously discussed with the applicant, the applicant must submit design construction drawings developed by an architect to the Building Department before the applicant could occupy the site to conduct repairs. The Building Department required approved plans before the applicant could enter the site to repair the property due to the instability of the existing buildings on the site.

Mr. Manning commented that he had received a letter that had indicated that he could not do anything until the DTSC had approved the remediation of the soils on the property. He emphasized that he could not get any answers from the DTSC.

Commissioner Harris pointed out that the applicant must hire an architect to show what would be done to repair the existing buildings on the site, which had not been done. He requested clarification from staff on the contamination issues.

Mr. Barton explained that there was a sampling report prepared by the DTSC although the extent of the contamination on the site was not clear.

Civil Engineer II Alfredo Hurtado referenced Attachment 3, Notice to Abate Nuisance dated December 31, 2002, as contained in the staff report, which had identified and outlined what the applicant needed to do to address the remediation of the site. As indicated in that Notice, the DTSC had found some soils contamination. The applicant must do the soils testing and provide that to the DTSC.

Commissioner Harris commented that the site had a concrete pad where the buildings had been demolished, with a gravel path. He understood that the area where the gravel path was located must be cleaned up although he understood that the soil under the concrete pad might be clear since it was covered. He also understood that the property owner could access the site at his own risk.

Mr. Hurtado explained that under the direction of the Building Department, no one could be allowed to access the site due to the soils contamination and the uncertainty of the extent of the contamination, which was the reason for the soils testing and the need for a remediation plan. As to the time involved to remediate the site, he commented that was a matter of locating the contaminants and determining the remediation required to remove any contaminants.

Mr. Manning requested the approval of his permit since he only had one building in the back that would have to be torn down.

Commissioner Harris reiterated the reasons why a use permit could not be issued at this time, as discussed.
Ms. Ayres clarified that a request for a demolition permit would be required through the Building Department, which would ensure that any utilities serving the property would be turned off.

Mr. Manning explained, when asked, that he planned to repair the two buildings on the front of the site facing the street.

Commissioner Dolojan also spoke to the steps that the applicant needed to take to resolve the situation, as identified in the Notice to Abate Nuisance. He recalled that the Commission had previously requested that staff assist the applicant in that regard to help the applicant locate an environmental service company that could help to resolve the situation.

Mr. Hurtado reiterated, as reported by staff, that the applicant had been provided with referrals for soils engineers.

Mr. Manning commented that he had done what the soils engineer had suggested he do; i.e., have a meeting with the DTSC staff in Berkeley.

Commissioner Harris recognized that had been done, although he noted that the soils testing should have been done prior to that meeting to show the DTSC whether or not there were any contaminants on the site.

Mr. Manning understood that when he had met with the DTSC he was to have been advised what the soils engineer was to report. He reiterated that the meeting with the DTSC had not been helpful. He also clarified, when asked, that he had met with the DTSC in Berkeley on June 25 since it had taken time to work with the soils engineer prior to scheduling the meeting with the DTSC.

Commissioner Harris pointed out that the applicant had been given 30 days since the May 27 meeting to address the situation. He reiterated that the property should have been tested before the applicant’s meeting with the DTSC.

Chairperson Leonard also commented that traditionally a soils engineer would conduct Phase Two work on a property, which could entail borings all over the property and which would have identified the problem areas. Once identified, a program could be prepared to address the problems. He suggested that once the applicant had obtained a report from the soils engineer identifying any contaminants on the site, with identified remediation, the DTSC would likely have no issues since the study would identify what needed to be done to clean up the property.
Chairperson Leonard pointed out that needed to be done, even prior to any architectural work that could be done to repair the existing buildings since it was possible the buildings could be affected by any identified remediation processes. He noted that substantial costs could also be involved.

Mr. Hurtado advised that the DTSC had submitted correspondence to the applicant to explain what needed to be submitted to the DTSC. He was otherwise surprised that the DTSC had met with the applicant individually since in his experience that was not a typical process. He also commented that a representative from the Code Enforcement Bureau was present in the audience to address the application.

Commissioner Ramirez spoke to the December 31, 2002 Notice to Abate Nuisance, specifically the Soils Contamination section on Page 9 of the Notice. He read that section into the record, which section had identified the steps the applicant needed to take to correct any contamination of the site.

Commissioner Dolojan suggested that section could also be provided to any firm the applicant may retain to work on the property.

CHARLES SMITH, Pittsburg, a retired Environmental Scientist for the Department of Energy and the University of California Berkeley and Lawrence Berkeley National Laboratory, advised that he had attended the DTSC meeting with Mr. Manning. During that meeting, an attorney for the DTSC confirmed that City staff did not have the environmental expertise to tell the applicant what to do. He commented that he had met with the DTSC on numerous occasions one on one and he therefore questioned the statement that the DTSC did not meet with individuals.

Mr. Smith noted that the DTSC had met with the applicant and had allowed him to meet again with the applicant in Berkeley. The DTSC had stated that the City was relying on the Enforcement and Sampling Groups of the DTSC in the Soils Contamination section of the Notice to Abate Nuisance. He suggested that was the wrong group in that the Soils Remediation Group was the one that the DTSC used to clarify the remediation of all soils. The applicant had met with the legal group of the DTSC, which had not been the correct group to issue a plan. The legal group levied fines and had indicated to the applicant that it was not the DTSC’s position at any time to talk about buildings or issues that were not related to soils contamination.

Mr. Smith suggested that the City had illegally linked its concerns with the DTSC. He had also raised those issues with the DTSC and had questioned how the City could authorize the Soil Contamination section of the Notice to Abate Nuisance since the DTSC would not allow the City to tell an applicant how to go about devising a plan to remediate his/her property. The DTSC would outline what needed to be done to remediate any soils contamination and a firm would be hired to accomplish the DTSC’s goals.
Mr. Smith referenced U.S. POSCO as an example of a large polluter and suggested that the DTSC had allowed that company to encapsel its pollutants so that the steel mill would not have to remove the contaminants that had built up on its property over the years. He recognized that the steel mill was a large employer in the City. In that respect he suggested that the other small operations in the City were dealt a heavier hand where compliance was concerned, which he suggested was illegal. He noted that the County, not the City regulated soils remediation since City staff did not have that expertise.

Mr. Smith suggested that staff did not have the power or the authority to address anything in the staff report (Notice to Abate letter attached to the report) regarding soils remediation. He questioned where the City had the authorization to make those statements and to dictate to the applicant what needed to be done since that was the job of the DTSC.

Mr. Smith pointed out that the DTSC was the prime agency and should be identified as such. He added that the property was located adjacent to the former Pittsburg Disposal Company, a site that had been covered with asphalt. He again spoke to the steel mill toxic landfill and localized pollution and questioned the City’s enforcement of any soils contamination.

Commissioner Harris questioned when the applicant would do what he was supposed to do to resolve the matter. He emphasized that the applicant had been given 30-days from the May 27 meeting to contact an environmental service firm and to prepare a plan specifying the remediation needs to clean up the site. He was aware that nothing had been done since that time.

Mr. Smith suggested that the steps in the Soils Contamination section of the Notice to Abate Nuisance would only occur after a plan had been developed, not before. He noted that a plan would have to be developed through the knowledge and approval of the DTSC.

Mr. Manning again explained that he was looking for someone to prepare a plan to identify what needed to be done.

Commissioner Garcia pointed out that a plan could not be prepared until the problem had been identified. In order for the applicant to find the problems, the soils would have to be tested. He noted that the steel mill had sent an attorney and an environmental group to tell the DTSC of its plans to remediate their site. In that case, the steel mill’s plans had been approved by the DTSC and the site had been remediated.

Commissioner Garcia emphasized that the applicant must tell the DTSC what the problem was with the site and how it would be rectified, which would either be approved or disapproved by the DTSC.
Mr. Smith suggested that a plan could not be developed absent the DTSC's approval. He also suggested that the soils could only be sampled on the authority of the DTSC. He reiterated that during the meeting with the DTSC in Berkeley legal counsel had been present along with the head of the sampling group and a soils remediation representative. He emphasized that the DTSC mandated that a plan be developed in conjunction with the DTSC.

Chairperson Leonard inquired how much time was needed to develop a plan in conjunction with the DTSC.

Mr. Smith explained that the applicant might need more time since he had been misled on the process. He pointed out that staff had stated that it could take a year. Not in agreement with staff, he recognized that it could take some time, although based on regulatory guidelines he suggested that time would be more in the range of 180 days.

Chairperson Leonard was uncertain how long an item could be continued. He emphasized that the City was trying to work with the applicant.

Ms. Ayres advised that the application involved a request for a use permit, which under the Permit Streamlining Act must be acted upon within six months from the time the application had been deemed to be complete. It could not be extended beyond that time without the applicant's permission. She explained that the City already had authorization to request that the City Council condemn the buildings on the site, as identified through the Notice to Abate Nuisance dated December 31, 2002. She pointed out that the notice had been sent to the applicant six months ago, with little progress since that time. The Council could authorize the removal of the buildings at anytime.

Commissioner Garcia commented that if the project were denied without prejudice, once the applicant resolved the problems with the site, he could return with another application. Since there had been no progress on the site, he was prepared to support a recommendation to deny the project without prejudice.

Steve Marchant, City Pittsburg Code Enforcement Officer, explained that he had been dealing with the property since August 2002 at which time an abatement of over 1,500 tires had been conducted. In December 2002, a number of vehicles had been removed from the site.

Based on his code enforcement reports on the property, Mr. Marchant explained that the applicant had not had a business license for some time, having lost his auto dismantler's license on April 9, 1999. The applicant had also lost his wife's management tire license. The applicant had been in violation of City code as recently as June 2003, at which time over 200 tires had been illegally stored on the property. He reported that photographs
displaying the storage of engines and motors on the ground were also a part of the public record.

Officer Marchant explained that every time City Code Enforcement Officers had spoken with the applicant, the applicant had indicated that he had to do what he had to do to make a living. The facility was currently being used as storage for vehicles with a bus and two tractor-trailers and a truck loaded with automobile parts, all of which were being stored on the site illegally. The applicant had also had people on the property conducting automotive work, which was illegal. The applicant had allowed others to access the property to do work, which was illegal and a violation for which the property owner could be arrested. He emphasized that the City had been very lenient with the applicant who continued to violate City regulations.

Officer Marchant stated that the applicant had admitted that he had allowed the property to be in its current condition. In the opinion of the Code Enforcement Bureau, the issuance of a use permit for marine storage should not be permitted on the property. He added that three weeks ago he had found someone dismantling one of the buildings in the far back corner of the property. He suggested that issuing a conditional use permit while the property remained in violation of so many code sections would be a travesty.

WILLIAM LEE, Pittsburg, suggested that the Code Enforcement Officer's remarks were inappropriate and that the comments should have been addressed through the planning staff. He suggested that the Code Enforcement Division's attack on the property owner was a concern. He understood that Officer Marchant had only been with the City for a year or two. He pointed out that Mr. Manning had owned the property since 1979 prior to the zoning change that had taken place in the area. At one time the area had been zoned industrial when auto dismantling had been allowed.

Mr. Lee suggested that allowing B&G Marine to exist on the same parcel within visibility of the applicant's property and to overlook the violations associated with B&G Marine while enforcing the applicant's violations was a double standard. He suggested that everyone in the subject area had a hazardous materials problem, all the way over to Third Street. He suggested that the City was trying to require the applicant to clean something up that had existed in the City for over 40 years. Mr. Lee suggested that the applicant should be allowed to propose an abatement measure, no more than what the steel mill had done with a cover over its property.

Commissioner Garcia noted that the property was in the County in 1979 when the County allowed anything to be done. He referenced the Bay Point area, which had a wrecking yard on Willow Pass Road and the problems related to that site. He added that the County had been responsible to see that the property had been cleared of all hazardous wastes, as the City had been for the California Seasons development.
Commissioner Garcia explained with respect to the Manning property that the City had annexed the property and the rules changed. He pointed out that Mr. Manning had been cited several times in the past about unloading and leaving wrecked vehicles on the road and blocking entrances to other properties.

Mr. Lee pointed out that Mr. Manning had subleased his property to various entities, which had been responsible for those problems on the property.

Commissioner Garcia emphasized that every one of those entities had violated regulations in the City. He emphasized that the property owner continued to allow the illegal use of his property.

Mr. Lee stated that the applicant desired to store boats, which would call for a flat surface to be paved and which would allow for boat storage since the property was zoned for such use. He emphasized that the applicant was trying to apply for a use that was consistent with the existing zoning. He requested that the applicant be allowed more time. He was confident that the applicant could abate the issues.

Commissioner Garcia reiterated that if the use permit were denied, without prejudice, the applicant could reapply once the issues had been resolved.

BASHIR RAHIMI, #5 Industry Road, Pittsburg, indicated that Mr. Manning was a good and nice man. He stated he understood that the business had been grandfathered in and that the applicant had no choice in the matter. He noted that a pallet business located adjacent to his business involved dust that impacted his health and his business on a daily basis.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: **UP-02-32**

Motion by Commissioner Garcia to adopt Resolution No. 9426, denying UP-02-32, WITHOUT PREJUDICE, to operate a boat storage facility at #6 and #7 Industry Road. The motion was seconded by Commissioner Harris and carried by the following vote:

Ayes: Commissioners Dolojan, Garcia, Harris, Kelley, Ramirez, Leonard

Noes: None

Abstain: None

Absent: Commissioner Tumbaga
Item 2: Lido Square Apartments. AP-03-17 (UP and DR)

Public hearing on an application by Clifford Deutscher requesting design review approval to construct ten apartments (two 4 plex buildings and one 2 plex), and a use permit to increase the fence height from 4.5 to six feet high within the front and street side yards of a property located at the southeastern corner of Crestview Drive and Frontage Road; RM (Medium Density Residential) District; APN 087-030-073 and 087-030-076

Associate Planner Noel Ibalio presented the staff report dated July 8, 2003 for a request from Clifford Deutscher requesting design review approval to construct ten apartments and a use permit to increase the fence height from 4.5 to six feet high within the front and street side yards of a property located at the southeastern corner of Crestview Drive and Frontage Road in a Medium Density Residential zoning district.

The site had originally been developed with eight units and had been part of the Lido Square Apartments. The eight units had been demolished as part of the State Route 4 Widening and Realignment with the site used as a staging area for the construction materials for the freeway project. With the completion of Frontage Road the property owner would like to reestablish the units and build ten units, two 4 plex buildings and one 2 plex building.

The project required design review and a use permit for a 6-foot high fence. The applicant had proposed a design similar to the single family characteristics of the general area. The applicant also proposed architectural elements including window shutters on the second floor, belly bands, dual tone colors, and pitched roofs.

The property would also be well landscaped and would be consistent with the surrounding development. The required 6-foot high fence would be located in the front yard setback and would be consistent with other multiple family residential projects in the area. The fence design would be open, preserving the health, safety and welfare of the residents who would live within the development.

Speaking to the conditions of approval, Mr. Ibalio referenced Condition Nos. 13 and 14 and advised that the last sentence of each condition related to fees should be eliminated per the Engineering Department.

Mr. Ibalio recommended the adoption of Resolution No. 9439 approving AP-01-17 (DR) and AP-01-17 (UP) with the conditions as shown and as amended.

PUBLIC HEARING OPENED

CLIFFORD DEUTSCHER, Project Architect, 555 Escobar Street, Martinez, stated that the
project would meet all parking requirements with a play area located on the south side of
the project. The project would also be well landscaped with part of the existing parking
from the former units to be used. A new parking lot would be provided to the west.

In response to the Chair, Mr. Deutscher advised that the fencing would consist of open
wrought iron with the details identified on the landscaping plan. The fence would be open
while also being safe.

JIM BUSBY, General Partners, Lido Square Townhome Project, suggested that the project
would be a great addition to the Frontage Road area. He clarified that since eight units had
been lost as a result of the SR4 Freeway Widening Project, eight of the new units should
not be subject to the Regional Traffic Mitigation Fees as identified in Condition No.12. As
such, the developer had applied to the East Contra Costa Regional Fee and Financing
Authority (ECCRFFA) to request a waiver of those fees. That Authority had agreed to
waive those fees on eight of the units while stating that the developer should pay the fees
on the other two units. That determination had been identified in writing. He presented a
letter from the ECCRFFA to City staff to indicate the Authority’s willingness to waive the
fees.

Speaking to Condition No. 15, Mr. Busby explained that he had approached the Contra
Costa Water District (CCWD) to request a waiver of the Water Facilities Reserve Charge.
The CCWD had agreed to waive the fees on all 10 units if the water system extended to
the new 10 units was an extension of the water main serving the existing Lido Square
Apartment site rather than an additional water meter. One large water meter would serve
the entire project. A copy of the letter from the CCWD agreeing to waive the fees was also
presented to staff.

With respect to Condition Nos. 13 and 14 related to the City’s Transportation Mitigation Fee
and Pittsburg Facilities Reserve Charges, Mr. Busby advised that he had written the City of
Pittsburg a couple of months ago requesting a waiver of those fees on eight of the ten units
on the same premise that had been appealed to the CCWD. While the City had stated that
it could not waive its fees, he had submitted a letter to the City Council appealing the staff
decision, which appeal would soon be heard by the City Council.

Mr. Hurtado commented that the fees reportedly waived by the other agencies would be
verified. If the City Council were to ultimately waive the fees, that could be reflected in the
Council resolution of approval.

BRUCE OHLSON, Pittsburg, a member of the Board of Directors of the East Bay Bicycle
Coalition and the Safety Committee of the Delta Pedalers, commented that both Crestview
Drive and Frontage Road were on the City’s new General Plan as bicycle facilities. As a
condition of approval for the use permit, he requested that the applicant be directed to
stripe Caltrans standard bicycle lanes on both Frontage Road and Crestview Drive.
Mr. Hurtado advised that he would review the striping plan for Caltrans and would discuss that issue with the City Traffic and Engineering Departments.

MOTION: **AP-03-17 (UP and DR)**

Motion by Commissioner Garcia to adopt Resolution No. 9439, approving AP-03-17 (DR), Design Review approval to construct ten apartments and AP-01-17 (UP), a Use Permit approval to increase the fence height from 4.5 feet to six feet on a 0.60 acre property located at the southeast corner of Crestview Drive and Frontage Road; 087-030-073 and 087-030-076 for the Lido Square Apartments, with the conditions as shown and with amendments to Condition Nos. 13 and 14, as noted by staff. The motion was seconded by Commissioner Kelley and carried by the following vote:

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

**COMMISSION CONSIDERATIONS:**

**Item 3: Verizon Wireless Relocation at 555 Clark Avenue. AP-03-19 (DR).**

Application by Robert Smith of Crown Castle International on behalf of Verizon Wireless requesting design review approval of plans for the installation of a 95-foot tall monopole, 12 panel antennas and the placement of four equipment shelters on the ground below located at 555 Clark Avenue, IP (Industrial Park) District; APN 088-250-024

Planning Technician Barton presented the staff report dated July 8, 2003, for a request for design review approval of plans for the installation of a 95-foot tall monopole, 12 antennas and the placement of four equipment shelters on the ground below the property at 555 Clark Avenue in an Industrial Park zoning district.

The application was for only one carrier for the monopole at this time. Twelve panel antennas four feet in height would be mounted on three sectors. Although the 95-foot monopole was a bit higher than the monopoles being removed due to the SR4 Widening Project, the applicant had provided some information and staff was of the opinion that the height would be justified to provide the same amount of coverage as provided at the current location. All of the wireless communication providers in the area of the SR4 Widening Project had either been relocated or had made application to the City for the relocation of existing facilities.

Mr. Barton recommended that the Planning Commission adopt Resolution No. 9433 approving AP-03-19 (DR), with the conditions as shown.
PROпонENTS:

DAN REEDY, Crown Castle International representing Verizon Wireless, 6601 Owens Drive, Suite 250, Pleasanton, explained that they were by contract consultants to Verizon Wireless on the project. He commented that he had two members of Crown Castle's Project Management and Technical Team present in the audience to address any concerns. He acknowledged that he had read the staff report and complimented staff on its detail. He noted that Verizon would comply with the proposed conditions of approval.

Mr. Reedy suggested that as noted in the staff report, the proposed facility would be consistent with the General Plan designation of Business Commercial and was a use permitted by right in the Industrial Park zoning district. The monopole would be pulled back from the freeway with the additional height needed to improve the existing service to Verizon's customers. The site had been selected with input from planning staff.

Mr. Reedy noted that Caltrans had issued a 90-day notice to remove the existing equipment from the site and had scheduled a demolition of the existing tower. As a result, it was critical that a new facility be in place to provide uninterrupted customer service.

In response to Commissioner Ramirez, Mr. Reedy advised that the taller monopole would allow for improved coverage in the Verizon network.

A Verizon Wireless Radio Frequency Engineer clarified that the main intent of the increase in height would be to retain existing coverage. He noted that he had provided staff with coverage maps. Coverage would be improved to the east since the site would be moving a bit to the east and back from the freeway. The height had been intended to mimic the coverage traveling west that had been enjoyed from the site of the existing facility.

Chairperson Leonard commented that he was a Verizon customer and that the area to the north was difficult to obtain coverage, particularly at the end of Railroad Avenue where he had experienced dropped calls.

JOHN PETERSEN, Incline Partners, LLC, 8787 Palomino Court, Granite Bay, explained that he was representing US Tower Funding, which was the next item on the Commission agenda, with a request for an increase in height for their existing 75-foot monopole which was located across the street from the subject site and which had been installed within the last month. Three carriers were in the process of co-locating on that tower.

Mr. Petersen advised that originally he had filed an application for a 95-foot monopole with the intent of putting four carriers on that monopole and had worked with planning staff in the Fall of 2002 to reduce the height of the monopole to 75-feet since staff did not want the monopole higher than the existing poles. The 75-foot monopole had proven to be too short
to accommodate a fourth carrier. The monopole had now been engineered to 100 feet, but was currently slated with three carriers at the 75-foot level.

Mr. Petersen added that they had submitted an application for an extension of their monopole with the hope that they would get another carrier on the monopole. He pointed out that they could accommodate Verizon on their monopole and stay another 90 feet in height. He also spoke to the City policy for co-location of wireless telecommunication facilities. He suggested that the visual impact of approving an extension for his carrier, US Tower Funding, would offer a lesser impact than approving a new 95-foot tall monopole that would only accommodate one carrier at this time.

Chairperson Leonard suggested that was a business matter between he and Verizon.

In response, Mr. Reedy explained that Verizon had an existing lease for its monopole and that Verizon had no desire to co-locate on the US Tower Funding monopole.

Commissioner Dolojan expressed concern with the proposed height of the monopole. He suggested that a maximum allowable height should be designated. In this instance, he would support the project with 95 feet as a maximum height, although he recommended the consideration of designating a maximum height limit for future applications.

Chairperson Leonard commented that there had been a discussion about future commercial development in the area. He pointed out that there were many such poles, including antennas and disks on buildings, and that a 90 or 95-foot height restriction might not be feasible in those instances.

Commissioner Harris suggested that the height limit should be left to City staff with each project to be considered on an individual basis.

MOTION: AP-03-19 (DR)

Motion by Commissioner Kelley to adopt Resolution No. 9433, approving AP-03-19 (DR), Design Review approval of plans for the construction of a 95 foot tall wireless telecommunication monopole, 12 panel antennas and placement of related equipment on the ground below on property located at 555 Clark Avenue for Verizon Wireless, 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, Leonard
Noses: None
Abstain: None
Absent: Commissioner Tumbaga
ITEM 4: Bliss Avenue Communications Facility Expansion. AP-03-21 (DR).

Application by John Peterson of Incline Partners, LLC on behalf of US Tower Funding, requesting design review approval of plans for a 15-foot vertical extension on an approved 75-foot tall monopole located at 95 Bliss Avenue, CS (Service Commercial) District; APN 088-171-026.

Planning Technician Barton presented the staff report dated July 8, 2003 for a request for design review approval for a 15-foot vertical extension on an approved 75-foot tall monopole located at 95 Bliss Avenue in a Service Commercial zoning district.

Mr. Barton reported that the existing monopole had been approved in November 2002. The applicant desired to place the 15-foot vertical extension on the existing 75-foot monopole. He suggested that it would be unlikely that one of the telecommunication carriers would use the extension since Verizon Wireless had just been approved and Cingular Wireless planned to co-locate on a Sprint monopole approved by the Planning Commission a year and a half ago. He acknowledged that there were other types of wireless communication facilities that could be mounted on the extension other than wireless antennas.

Mr. Barton recommended that the Planning Commission adopt Resolution No. 9434 approving AP-03-21 (DR), with the conditions as shown.

PROONENTS:

JOHN PETERSEN, Incline Partners, LLC, 8787 Palomino Court, Granite Bay, advised that he had offered his presentation earlier during the Verizon application. He characterized the requested 15-foot extension as a short extension on the existing 75-foot monopole. As to any visual impacts, he pointed out that there were three towers located along the freeway and they had been able to reduce that amount to one monopole, which would be less obtrusive.

OPPONENTS: None

MOTION: AP-03-21 (DR)

Motion by Commissioner Kelley to adopt Resolution No. 9434, approving AP-03-21 (DR), Design Review approval of plans for a 15-foot vertical expansion of an approved 75-foot tall monopole located at 95 Bliss Avenue for Incline Partners, 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, Leonard
Noes: None
Abstain: None
Absent: Commissioner Tumbaga

Commissioner Harris stepped down from the dais due to a potential conflict of interest with agenda Item No. 5.

**Item 5: Oak Hills, Units 5, 6 and 7. AP-03-29 (DR).**

Application for design review approval of two additional floor plans, each with three unique façade elevations, to be built in Oak Hills South subdivision Units 5, 6 and 7 currently under construction south of Oak Hills Drive and east of Heavenwood Circle, PD (Planned Development No. 1172).

Assistant Planner Dana Hoggatt presented the staff report dated July 8, 2003 for a request for design review approval of two additional floor plans, each with three unique façade elevations to be built in the Oak Hills South subdivision Units, 5, 6 and 7 currently under construction south of Oak Hills Drive and east of Heavenwood Circle in a Planned Development Ordinance Nos. 1143 and 1172.

Ms. Hoggatt explained that on April 24, 2001, the Planning Commission had adopted Resolution No. 9202 which had approved exterior elevations, floor plans and home designs for Units 5 and 6 for the Oak Hills South subdivision (Capistrano). Condition No. 22 of Resolution No. 9202, had allowed the homes to be built in Unit 7. Ms. Hoggatt explained that the resolution required that any new home plans were to return to the Planning Commission for consideration prior to construction.

During the review of the plot plans submitted for Unit 7, Ms. Hoggatt explained that staff had discovered that there were three plans that were not consistent with what had been approved by Resolution No. 9202. After discussions with the developer, staff determined that one of the plans was consistent with a slight change to the floor plan shifting the garage farther back. The other two models were not consistent.

While staff had inadvertently approved the new plans for Units 5 and 6, Ms. Hoggatt explained that error had been discovered during plan check and the developer had been notified of the need to submit the design review application for approval.

Both plans before the Commission involved two stories with two car garages and second story balconies. The square footage of the homes ranged between 2,200 and 3,700 square feet in size depending on the options selected by the homebuyer. The plans would offer between five to seven bedrooms and three to four bathrooms. The exterior for both models would feature decorative shutters, second story gables, stone veneers, wainscoting, tile roofs and stucco painted in shades of beige and light green consistent with previous approvals for Units 5 and 6. The models would also be larger in size than other infill projects in the City, such as the Americana, Harbor Lights and Marina Walk developments.
The project would be consistent with the General Plan and Housing Element goals in terms of providing higher end larger executive style homes in the Southwest Hills of the City.

Ms. Hoggatt noted that in order to approve the design review, the Commission must consider whether or not the homes would be of a quality design that would be well balanced, would improve the appearance of the neighborhood and would be consistent with existing development in the vicinity. She suggested that all those findings could be made.

Ms. Hoggatt recommended that the Planning Commission adopt Resolution No. 9438 approving AP-03-29 (DR), with the conditions as shown.

**PROPONENT:**

JOHN SCHEMERHORN, 4061 Port Chicago Highway, Suite H, Concord, commented that while he understood the City’s procedures and the desire to keep continuity in the subdivision, he had been surprised after building several of the homes to now be drawn back into a design review process.

Mr. Schemerhorn expressed his disappointment that the process had slowed the progress of the development of the subdivision in the middle of a currently fast paced real estate market. He emphasized that the homes were in substantial conformance with the same color packages throughout the entire subdivision, with a very popular architectural treatment.

**OPPONENTS:** None

**MOTION:** AP-03-29 (DR)

Motion by Commissioner Garcia to adopt Resolution No. 9438, approving AP-03-29 (DR), Design Review approval of two additional house plans and six exterior elevations to be added to the approved architectural plans for houses to be built in Oak Hills South Units 5, 6, and 7 ("Capistrano" Neighborhood), with the conditions as shown. The motion was seconded by Commissioner Dolojan and carried by the following vote:

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

Commissioner Harris returned to the dais at this time.
**Item 6: Commission Consideration of a Change in Meeting Time.**

Consideration of a resolution amending Article III, Section 1 of the Planning Commission Bylaws changing the regular meeting times from 7:30 P.M. to 7:00 P.M. or an earlier time.

Ms. Ayres explained that during the May 27 Commission meeting, the Chair had recommended during Commission Comments that it might be appropriate to consider changing the meeting time from 7:30 P.M. to 7:00 P.M. on the same scheduled meeting dates.

Upon review of the Planning Commission Bylaws, Article III, one of the sections had stated that "All meetings shall be on the second and fourth Tuesdays of each month held in the Council Chambers at 7:30 P.M." In Article IV, Section 1 of the same document it had stated that the bylaws could be changed or amended by the adoption of a resolution carried by the affirmative vote of the majority of the members who constituted the Planning Commission.

Ms. Ayres reported that a draft resolution has been prepared for Commission consideration. If adopted, it would change the bylaws to allow a new start time of 7:00 P.M. consistent with the start time of the City Council. The Commission could insert any meeting time although the Commission had proposed a 7:00 P.M. start time.

It was the consensus of Commissioners present that a start time of 7:00 P.M. would be acceptable.

BRUCE OHLSON, Pittsburg, stated that he had no problem with the proposed change in meeting time from 7:30 to 7:00 P.M., although he also suggested consideration of changing the meeting date from Tuesdays to a date that would not coincide with other public meetings, such as those held by the City of Antioch whose City Council met on Tuesday evenings as well, meetings which he also liked to attend. In addition, there were other regional committee/commission meetings that could conflict with the meeting night. Desirous to attend all public meetings in the Cities of Pittsburg and Antioch he requested a change in meeting date.

Mr. Ohlson also noted that in 2008 the County would be working on its General Plan. At that time he would make a suggestion that neighboring cities cooperate in choosing a meeting date for major meetings that would not conflict with other meetings in a more regionally cooperative manner.

Mr. Ohlson requested that staff be directed to prepare a matrix that would address how the meeting dates could be better scheduled to allow greater public participation. He also pointed out that both the City Councils of the cities of Pittsburg and Antioch had directed staff, particularly the Engineering and Traffic Departments, to discuss sharing staff between...
the two departments to allow a cost savings in major planning efforts.

MOTION:  Change in Meeting Time

Motion by Commissioner Garcia to adopt Resolution No. 9435, Amending Article III, Section 1 of the Planning Commission Bylaws changing the Planning Commission Meeting start time, to 7:00 P.M. The motion was seconded by Commissioner Kelley and carried by the following vote:

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

STAFF COMMUNICATIONS:

1. Housing Element Update

Ms. Ayres reported on the progress of updating the housing element and upcoming public meetings on the update

Three scoping meetings would be held during the month of July to gather community input on the development of the Housing Element. Public meetings had been scheduled for Wednesday, July 23, 2003 at 2:00 P.M. in the Council Chambers with developers, lenders and government agencies invited to focus on development constraints in the community that were preventing the development of housing desired in the community. A second meeting had been scheduled for Thursday, July 24, 2003 at 3:00 P.M. and would be targeted to non-profit agencies and service providers to focus on the needs component of the Housing Element. A third meeting had also been scheduled for July 24, 2003 at 7:00 P.M. in the Council Chambers.

Public notices had been included in the City's weekly water bills for the past month and a mailer was being sent to developers, lenders, non-profit agencies and service providers in the area. A public information notice was being sent to both the local newspapers in the area, with a notice on the City's website. Posters would also be developed and placed in key community areas to attract as much public input on the process as possible. It was expected that the entire process would be completed by December. After information had been solicited from the public, policies would be developed with an actual Draft Housing Element prepared that would be presented to the Planning Commission for review and recommendation to the City Council.

COMMITTEE REPORTS:
Commissioner Garcia reported that during the June 25 TRANSPLAN meeting discussions had been held on reauthorizing Measure C monies with a letter to the Chair of the Contra Costa Transportation Authority (CCTA) requesting the amount of money that East County would like to have from Measure C funds. He advised that the widening of State Route 4 would involve an additional $250 million, the State Route 4 Bypass through Oakley and Brentwood would cost $100 million, eBART would be $250 million, and the widening of Vasco Road to four lanes would cost another $20 million. No request had been made for funds for the Buchanan Road Bypass. TRANSPLAN had also reviewed station locations for eBART. No station had been proposed for the City of Pittsburg.

Commissioner Garcia reported that discussions had also taken place on the State Route 4 Bypass and the schedule for the interchange at the turn at State Route 4, as it approached the Antioch Bridge. In the spring of 2004, it was anticipated that a contract would be approved to conduct the interchange improvements. Work across the Contra Costa Canal had been anticipated to be approved at the same time, resulting in a $10 million project. The extension from Balfour Road to Marsh Creek Road was also expected to be approved at that time.

Commissioner Kelley reported that the Traffic and Circulation Advisory Committee (TCAC) had met on June 5, and had reappointed Pete Carpino as the Zone 3 Representative with discussions on requests for traffic calming devices on West Sixth, Seventh, Eighth and Cutter Streets, which had not been supported by the Traffic Division. Requests for additional crosswalks in the same area had been tabled to allow further staff study. A request for speed humps had also been denied since that request did not meet the City's Speed Hump Policy.

The TCAC had also considered a request to post time restrictions in the Gladstone Drive area, which would restrict through traffic in that neighborhood. Traffic Division staff did not support the posted time restrictions since speed humps would be installed in the neighborhood in mid-July. Once done, staff would study whether or not the speed humps had helped to resolve the traffic situation and would determine whether or not there was a need for posted time restrictions.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Kelley clarified that she had contacted staff prior to the June 24 Planning Commission meeting and had advised that she would be out of town and unable to attend that meeting. Since she understood that there had not been a quorum for that meeting, she emphasized that she had not forgotten the meeting but had been out of town.

Commissioner Garcia referenced the area of Railroad Avenue where Southern Auto and a Chinese Restaurant were located and where the parking lot and landscaping was in a deteriorated condition for both properties. He suggested that the property owners be
contacted to improve the landscaping and to upgrade the parking lots for both sites.

Commissioner Harris requested that Frances Green be invited to attend a future Commission meeting to update the Planning Commission on the status of her church project. He also requested an update on the status of the St. Vincent de Paul property that remained vacant and continued to be used as a dumping ground on a regular basis.

Commissioner Harris also requested status reports on the Alves and Bailey Estates projects. Further, he recommended that an Ad Hoc Committee be reestablished with representatives from the Planning Commission and the City Council to discuss both projects to address issues to be resolved prior to Planning Commission review.

Commissioner Ramirez spoke to the traffic signal located at Marks Boulevard and Railroad Avenue, east on Marks Boulevard. He suggested that the traffic signal should be modified, particularly during the weekend periods since it was currently set for commuter periods. He requested that the Traffic and Circulation Advisory Committee (TCAC) address the matter.

Commissioner Dolojan requested that the TCAC also consider reflectors or other traffic calming devices on Crestview Drive since the street had been routinely used for speeding and vehicles doing donuts.

Chairperson Leonard requested that staff prepare a list of projects that were considered routine in nature that could be considered for staff administrative review and approval, rather than require Commission review. He referred to such items as the wireless telecommunication monopoles/towers/antennas, signage and the like.

Commissioner Harris also requested that the TCAC consider a concrete curb rather than the existing cones adjacent to the 7-Eleven on Stone Harbor since vehicles continued to drive over the cones. He suggested that a concrete curb would better prevent cross traffic turning movements.

Chairperson Leonard commented that he had been approached by numerous people about downtown development, particularly related to historical interest. While he understood that the City had a Historical Resources Commission, that Commission had not met in years. He also understood that the Commission could not be eliminated since it would eliminate the historic designation in the Historic District.

Ms. Ayres explained that the City Council had assigned a Council Subcommittee to review all City commissions, their related bylaws and duties as spelled out in the Municipal Code. The Subcommittee would soon be making recommendations to the full City Council on any recommended changes to commission regulations. She also clarified that in the General Plan there were a number of policies that spoke to enhancing the duties of the Historical
Resources Commission rather than eliminating that Commission. While she recognized that the Commission had not met in years, she understood that there had been no items under that Commission's jurisdiction in need of review for some time.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 9:47 P.M. to a regular meeting of the Planning Commission on July 22, 2003 at 7:00 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

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MELISSA AYRES, Secretary
Pittsburg Planning Commission