A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Mark Leonard at 7:30 P.M. on Tuesday, March 25, 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 Strello; and Civil Engineer II Alfredo Hurtado.

POSTING OF AGENDA:

Chairperson Leonard advised that the agenda had been posted at City Hall on Friday, March 21, 2003.

PLEDGE OF ALLEGIANCE:

Commissioner Harris 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. PC Minutes March 11, 2003

Motion by Commissioner Dolojan to adopt the Consent Calendar consisting of the minutes of the March 11, 2003 meeting, as submitted. The motion was seconded by Commissioner Kelley and carried by the following vote:

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

Noes: None

Abstain: None

Absent: None

COMMISSION CONSIDERATION:

Item 1: Empire Business Park, DR 02-40.

Application by Frank Giancola of Giancola Construction Co. requesting design review approval of architectural and site development plans to construct a 104,433 square foot addition to an existing 305,665 square foot building for future occupation of unspecified commercial and/or light industrial uses on a 35.85-acre lot located at 701 Willow Pass Road. The zone is IP (Industrial Park); APN 085-280-002.

Associate Planner Ken Strelo presented the staff report. Mr. Strelo advised that in May 2002, staff had administratively approved the renovation of an existing building at the site where the former Grief Brothers fiber drum manufacturing use had been located. As shown in the staff report, the western portion of the building had been designed for the placement of future offices. The building was approximately 300,000 square feet in size. The subject proposal was to add an addition to the eastern side of the existing building approximately 100,000 square feet in size.

Speaking to the site plan, Mr. Strelo stated that one of the major changes would be landscaping along the eastern, western and southern portions of the site. A large bioswale was identified along the western property line for the purpose of storm water treatment and detention. The large parking lot shown on the plans would be changed somewhat with landscaping strips added to capture and treat storm water runoff.

Mr. Strelo explained that the architecture of the building had not yet been detailed and would be determined as tenants occupied the site to be able to meet the specific needs of each tenant. He did note that the architecture was expected to be generally the same as the existing building, with consistent colors and materials. He added that with the design review approval, any detailed architecture to be submitted at a later date would be approved administratively as the existing building had been done.
Mr. Strelo advised that the site was located in the General Plan designation of Business Commercial, a new designation that had been adopted as part of the new General Plan. He suggested that the project complied with that General Plan policy. The project also met the IP classification development zoning standards, which were also consistent with the Business Commercial land use designation.

Mr. Strelo advised that staff had conducted an Initial Study to comply with the requirements of the California Environmental Quality Act (CEQA). While much of the Initial Study had been prepared at the staff level, some of the more detailed analyses had been prepared by outside consultants, including a storm water analysis, a wetland delineation, traffic and parking analysis, and biological resources studies. The findings of the analyses had been incorporated into the Mitigated Negative Declaration with the addition of project sponsored mitigation measures, which would have to be adopted and approved to allow the project to move forward.

Mr. Strelo added that the mitigation measures incorporated the requirement for preconstruction surveys related to a specific number of species on site, through the Department of Fish and Game protocol. In addition, improvements to the existing driveway on the site would be required and would include acceleration and deceleration lanes. No traffic light would be required as part of the project. He explained that the studies were general in nature due to the unspecified uses at this time.

Studies for wetland delineation had found no need for the mitigation of wetlands, although a drainage ditch along the northern property line might need to be mitigated in time. At this time, staff, the applicant and the applicant's biologist had determined that the bioswale would more than mitigate the drainage along the front of the property.

Mr. Strelo reported that the area was also located in Flood Zone A. As such, the applicant would be required to conduct a flood zone elevation study to identify the height of the flood zone. The building would have to be raised one foot above the established flood level.

Mr. Strelo also noted that based on the CEQA requirements, the Commission must determine that the environmental analysis and the project as a whole, with the mitigation measures, was adequate and that the project, as mitigated, would result in less than a significant impact. He explained that staff had added some conditions of approval that were not necessarily required for CEQA compliance.

Mr. Strelo explained that Policy 4-P-47 of the Urban Design chapter of the General Plan had spoken to the need to "widen sidewalks along eastern section along Willow Pass Road Corridor for use by local residents moving between downtown, adjacent neighborhood and industrial employers." There was currently no sidewalk at the site and no sidewalk along the PG&E parcel, although there were sidewalks going up to the east side of the site.
Rather than require full frontage improvements for Willow Pass Road, Mr. Strelo recommended that an AC curb and 5-foot walkway be installed to allow pedestrians to walk to the downtown.

Mr. Strelo recommended the approval of Resolution 9418 approving DR 02-40, with the conditions as shown.

Commissioner Harris inquired of the distance from the Harbor Lights subdivision to the subject site, to which Mr. Strelo advised that the PG&E parcel was approximately 900 feet in width from the western and eastern property lines to the Harbor Lights subdivision. He clarified that PG&E would be responsible for installing a sidewalk along the PG&E parcel frontage. It was the staff recommendation that the applicant install a sidewalk along the subject property only.

Commissioner Harris expressed concern with that policy which he found inconsistent with practices elsewhere in the City. He expressed a concern for financially burdening the applicant, particularly given the current economic situation.

Mr. Strelo reiterated that the requirement for sidewalks was being implemented as for any other development. He acknowledged that parcels of the subject size were rare, although other developers in the City had been required to provide frontage improvements. He understood that for the walkway and sidewalk in question with an approximate distance of a thousand feet, it would cost about $15,000.00

Mr. Strelo also clarified that the sidewalk, when installed for the development, would extend along Tenth Street and down to the PG&E parcel, at which time the City would approach PG&E about installing a sidewalk in front of the PG&E frontage. He explained that the City could do that through the Sidewalk Improvement Act.

Commissioner Garcia inquired of the distance from the eastern end of the Harbor Lights subdivision to the entrance to the same development and questioned who would be responsible for installing that sidewalk.

Planning Manager Melissa Ayres reported that the City Engineer had mentioned that portion of frontage might be a future Capital Improvement Program (CIP) project since the residents of the neighborhood had expressed numerous safety concerns to the City Council. Residents had also expressed the desire to connect with the downtown in some form other than through a vehicle. As a result, it was possible that project could be added as a future CIP project.

Commissioner Garcia recommended that the required improvements for the subject property be implemented when the City determined how to pay for the Harbor Lights improvements. He pointed out that with PG&E in bankruptcy it was unlikely that PG&E would install any improvements. He suggested that the subject developer be required to
install his improvements at the same time the City were to agree to add the Harbor Lights
frontage to the City's CIP program and PG&E were to agree to frontage improvements.

Commissioner Dolojan concurred that the subject applicant should not be required to install
the frontage improvements until all the other property owners in the area were similarly
required.

PROPOSENT:

STAN DAVIS, 1025 Bird Avenue, San Jose, commended Planning staff on its efforts to
solve problems and to work with the developer. He noted that he had owned the building
for over a year and had four tenants. His objective was to fill the building and create jobs.

DOUG FLETT, Davis & Associates, spoke to the conditions of approval for the project and
expressed concern with a number of conditions. He presented a list of recommended
revisions to the Commission related to Condition Nos. 6, 7, 14, 15 and 17.

Speaking to Condition No. 6 relating to the flood zone elevation, Mr. Flett explained that the
current building had a finished floor at elevation 8 and the flood level at Willow Pass Road
was at elevation 7. The new building was proposed to be at elevation 8.5, which he
expected to be a foot above the flood zone. If not, the applicant wanted the ability to leave
the new building at elevation 8.5, stating he was willing to buy flood insurance, if required to
do so.

Mr. Flett clarified that the Federal Emergency Management Agency (FEMA) required the
finished floor of the building to be above the flood zone, but the building would have to be a
full one-foot above that zone to avoid the requirement for flood insurance. No study of the
flood zone elevation had yet been prepared. If the study were to determine that the flood
elevation was 7 or below, the building, as proposed, would be a foot above.

Commissioner Garcia inquired of Mr. Hurtado his opinion of the proposed conditions as
revised by the applicant.

Civil Engineer II Alfredo Hurtado explained that the City must comply with the FEMA
ordinance and require new development to be situated above the flood plain. In some
areas of the City FEMA had not been able to identify the flood plain elevation. In these
cases, the applicant would have to make the calculations and identify the flood elevation.

Mr. Hurtado described the 7-foot elevation for flood control purposes as a well-known
elevation in the area. He recalled that the Harbor Lights subdivision had been based on a
7-foot elevation when the calculations had been done for that development. He
commented that it was possible that the flood plain had risen, although without new
calculations that could not be verified. While the applicant's revisions to Condition No. 6
were acceptable, he expressed a preference that the staff recommended condition
remains, as written, since it was more stringent.

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Mr. Strelo pointed out that the condition, as proposed by staff, was a direct mitigation measure from the CEQA analysis. Mr. Strelo explained that if the property were located in the flood zone regardless of whether the applicant had flood insurance or not, the building would still be exposed to the potential flooding hazards.

Mr. Flett clarified that the elevation study would be prepared prior to construction.

Mr. Flett recommended the following changes to Condition No. 7: (a) eastbound right turn lane installed to allow vehicles to make a right turn into the project site and to provide uninterrupted flow for through traffic in the eastbound direction; (b) install an eastbound acceleration lane for the northbound right turn traffic to exit the project site and safely merge with eastbound through traffic; (c) install a westbound left turn lane to allow northbound left-turn traffic to exit the project site and safely merge with westbound through traffic; (d) install a westbound left turn lane to allow vehicles to make a left turn into the site and to provide for uninterrupted flow in the westbound direction; (e) install a stop sign at the northbound approach of the main project driveway; and (f) to provide traffic mitigation improvements outlined in sections a. through e. above shall be completed prior to issuing certificates of occupancy for greater than 287,000 square feet of building area.

Mr. Flett explained that they would have a problem with the sidewalk and bus stop as part of staff's original Condition Nos. 7 a. through e. He requested that neither the AC pathway nor the bus stop be required.

Mr. Flett recommended revising condition 14 to require a 12-foot wide dedication across front of site instead of 8 feet as proposed by staff. He stated the additional ROW was necessary to accommodate the anticipated street section, even without adding a sidewalk or bus stop shelter. Mr. Flett added that if a bus stop or pathway were placed along that area it would require changes to the drainage ditch necessitating costly additions to the project.

Mr. Flett recommended the developer not be required to install the improvements until both the Harbor Lights subdivision and PG&E were required to extend the sidewalk in front of their frontages with everyone to share in the cost of the respective frontages.

Commissioner Garcia recommended that the bus stop be relocated to the west side of the entrance and that it be installed at the time that Harbor Lights and PG&E had financing in place, with the subject developer to be required to install the bus stop and the remainder of the pedestrian pathway.

Commissioner Garcia recommended that the bus stop be placed where traffic slowed down to enter the project site rather than on the other side where exiting traffic was traveling at a greater rate of speed. He also recommended that Condition No. 7 remain as presented by staff, but he supported the applicant's recommended Condition 7 e. requiring the applicant to install frontage improvements at the same time that financing was available to install the total sidewalk from property to property.
Chairperson Leonard questioned the placement of a bus stop in front of an industrial project versus a residential development. He suggested that bus stops could be provided at both ends of the residential development to serve residents going to work instead.

Commissioner Tumbaga noted that the applicant's building would bring employees to the site that would benefit from a stop there too. She agreed that the bus stop should be located on the west side where traffic would be decelerating, which would also provide an opportunity for employees to reach his/her jobs through public transit, reducing the traffic in the area.

Commissioner Garcia recommended that Western Pacific Housing, the developer of the Harbor Lights subdivision be approached to share in the cost of a bus stop. He also recommended that the entire sidewalk be installed at one time and not be provided on a piecemeal basis.

Mr. Davis explained that the building would be used as a distribution center and few truck drivers would be using public transit.

While he recognized the Commission's concerns, Mr. Davis suggested that of the potential 500 employees to be employed at the site, 300 of those employees would be "in transit."

JOHN TROUGHTON, Cushman and Wakefield Realtors, advised that the project was a redevelopment project with a history of manufacturing uses on the site. He pointed out that the prior uses had also involved employees who had not used public transit. The intent was to convert the site into a warehouse/distribution and light manufacturing facility consistent with the City's zoning. The project would scale down the intensity and the space would be expanded to maximize the value and job attainment of the site. In addition, the north side of the property had no frontage improvements for a mile or more.

Mr. Troughton did not want the applicant to be burdened by the staff recommended conditions and suggested that potentially the users on the north side of the property could be part of an improvement district.

Commissioner Garcia recognized that those residing in the Harbor Lights subdivision wanted a bus stop. He recommended that the three affected property owners build one bus stop closer to the Harbor Lights subdivision.

Mr. Strelo requested that Condition No. 7 a. be corrected to read:

7 a. Install an eastbound deceleration lane to allow vehicles to make a right turn into the project site and to provide uninterrupted flow for through traffic in the eastbound direction.

Mr. Strelo reviewed the applicant's recommended revisions to Condition No. 7. Speaking to the applicant's proposed 7 f., he noted that if the Commission chose to change the mitigation measure contained in the staff report, the Commission must find that the

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replacement measure would reduce the impacts to a less than significant level. If the Commission were of the opinion that 287,000 square feet of a trucking business would not require any traffic improvements, the Commission would have to find that the mitigation measure, as proposed by the applicant, was adequate.

As to the bus stop, Mr. Strelo explained that the General Plan had stipulated that the City work with Tri Delta Transit and local residents. Staff would be willing to investigate another location, which would not change the adequacy of the mitigation measure. If the Commission were to leave the bus stop in the front of the project driveway, he recommended that the bus stop remain on the east side of the intersection since the drainage ditch was on the west side. He would rather see vehicles wait for a bus to leave than cut into the through traffic lane to go around a bus.

Commissioner Garcia recommended that Condition No 7 e., as proposed by staff, include language that the bus stop would be installed at the time the financing was in place for PG&E and Harbor Lights subdivision improvements.

Mr. Strelo clarified that the bus stop that was being required represented the striping of an acceleration lane and signage. No physical turnout was required. A structure would be required for people to wait for the bus itself.

Mr. Flett reiterated that there was no place to accommodate a bus shelter. He recommended that the location of the bus stop be chosen when it was ready for construction.

Mr. Strelo advised that he would have to prepare language to address that recommendation.

In response to the applicant, Commissioner Garcia suggested that the frontage improvements involve only Harbor Lights, PG&E and the subject property.

Commissioner Dolojan commented that he had worked in a distribution center in the past in another community that had not involved a bus stop in the front given that most people drove his/her own vehicle to work. He supported the staff recommendation for a bus stop in the front of the site in this instance given the number of people anticipated to be employed at the site. He supported the installation of a bus stop now rather than waiting for a later date. He also agreed that Harbor Lights, PG&E and the applicant should cooperatively construct the frontage improvements.

Commissioner Tumbaga expressed concern deferring a bus stop and questioned how conditions would be met at a later date.

Commissioner Garcia questioned the viability of a sidewalk that ended at the applicant's property and did not continue to the PG&E and Harbor Lights properties. He urged an installation of the sidewalk for all three properties at the same time.
In response to Commissioner Harris as to the distance of the proposed bus stop from Builders Circle, Mr. Davis noted that the site was 1,400 from the driveway to Builders Circle.

When asked, Mr. Strelo affirmed that the Builders Circle project was also required to provide a bus stop in front of that project.

Mr. Strelo explained that part of the reason for the bus turnout was in response to correspondence from the Contra Costa Transportation Authority (CCTA), which had requested the bus stop. He reiterated that the bus stop was also part of a General Plan policy that had been approved by the Planning Commission and the City Council. Staff was following that policy.

Mr. Hurtado also clarified that the Harbor Lights subdivision had requested the bus stop and staff had been working with that developer to install one. While he did not have all the details, he noted that staff was working to provide a bus stop at that entrance. One bus stop had been installed for the eastbound direction. The Heritage Pointe development also required a bus stop. The subject site was situated in the middle of the two bus stops. He too understood that the General Plan required bus stops and that the distances were recommended and supported by Tri Delta Transit.

Mr. Strelo advised that he had a letter from the CCTA stating that the bus stop located on the west side of the driveway was preferred with a full bus turnout, although the CCTA was aware of the complications with the drainage ditch and the problems to mitigate impacts to that ditch. The CCTA had agreed and were supportive of a bus-striping stop somewhere in the east acceleration lane. The area was to be striped and signed for buses.

Mr. Flett reiterated that it was the bus shelter that was the problem in that the applicant would have to dedicate another 8 feet of right of way for the shelter. He emphasized that would require the applicant to underground the ditch at great expense.

Commissioner Harris suggested that the developer negotiate that element of the project with Planning staff.

Mr. Flett commented that the CCTA had not always required a shelter in all cases and had desired a place for people to stand. He reiterated that the applicant did not want to have to dedicate additional right-of-way and be responsible for undergrounding and/or move the ditch. He recommended that all responsible parties should meet to choose the location of the shelter with that shelter to be placed in a more appropriate location.

Speaking to Condition No. 14, Mr. Flett also recommended that the applicant be allowed to dedicate 12 feet, rather than 8 feet for a strip of land across the full frontage of the property for the widening of Willow Pass Road right-of-way which would also line up with the right-of-way at Heritage Pointe. In addition, he recommended that Condition No. 15 be
eliminated with a recommendation for a cooperative project for all those on the frontage. He also recommended that Condition No. 17 be eliminated as being redundant since the Zoning Ordinance already required a use permit for certain uses.

Mr. Flett further referred to Page 7 of 7 of the staff report and the statement that had indicated the staff recommendation for Commission approval of the project on the condition that "any future phases not a part of this application, trigger full frontage improvements and which would include any street widening required, permanent curb, gutter, and sidewalk, landscaping and other improvements required at the time of future phases." He noted that there were no conditions that would carry over to future projects and that the current project involved only the addition of 100,000 square feet to the existing building. If Phase III for the larger building along the front were to be submitted, the applicant would then have to return to the Commission with another request, subject to additional conditions. He suggested that those improvements should be considered at that time.

Commissioner Garcia suggested that Condition No. 17, as recommended by staff, remain in that there had been problems in the past with applicants who were unaware of the need for a business license or a use permit to open a business. While he understood the developer's concerns, he recommended that the list of permitted uses be clarified for the applicant by staff. He also suggested that the applicant be provided a copy of the permitted uses so that those uses would be clear to any future tenant. Commissioner Garcia recommended that the property owners of all industrial parks be provided with that information.

Ms. Ayres explained that all of that information was contained in the City's Municipal Code and was available on the City's website.

Mr. Strelo noted that if the applicant and staff were to disagree with the interpretation of a permitted use, the Planning Manager would make the determination. If the applicant still disagreed, the issue could be returned to the Planning Commission for consideration.

Ms. Ayres explained that the condition had also been proposed since staff was unaware of the future tenants of the site. In addition, a traffic study had been prepared based on a middle ground of potential uses. If a different use with a higher intensity of traffic were proposed, the recommended traffic improvements could change in that the traffic at the intersection could trigger the need for a traffic signal, which was another reason for the condition.

ARTHUR ROSS ALLEN, 1027 Mayport Drive, Pittsburg, a resident of the Harbor Lights subdivision commented that the residents had been petitioning for some time for the installation of a bus stop to access City public transit services and to access Willow Pass Road by pedestrian means. He noted that as a pedestrian and cyclist, it was increasingly dangerous to get to and from the residential development. He was also aware of the volume of children walking on the curbside of the street when coming home from school.
Mr. Allen advised that the residents of Harbor Lights had requesting that the Commission review the options for road widening at or as near to Nantucket Road as possible to facilitate the children walking in the area and as a result of the high speed of traffic in the area. Mr. Allen expressed a preference for a bus stop closer to the housing developments.

Mr. Allen further commented that bus service did not operate during the weekends. During the mornings when children had to get to school, particularly the high school students, those children had to leave to catch a bus at 6:30 A.M. He understood that Tri Delta Transit had been trying to stop outside of Nantucket Drive which was dangerous since the bus was stopping in the right hand turning lane on that roadway. The Chair of the Tri Delta Board of Directors had indicated that restriping would enable the safe stopping of the buses and might be sufficient to avoid the expense of a full turnout.

Chairperson Leonard suggested that the City consider a reduction in the speed limit on that roadway, particularly given the 90 feet before traffic merged with trucks. He suggested that many of the issues could be eliminated if the speed limit was reduced.

Mr. Strelo noted that with the occupancy of some of the spaces the Engineering Department could conduct another speed survey to establish a speed limit pursuant to existing protocol standards.

Commissioner Kelley advised that she would forward the concerns to the Traffic and Circulation Advisory Committee (TCAC).

ANN BRYANT, 1045 Mayport Drive, Pittsburg, identified herself as the spokesperson for the residents of the Harbor Lights subdivision. She commented that she had no car and had to make trips to Tenth Street to access the bus and walk back to the residential development. In speaking with the Executive Director of Tri Delta Transit, she had been apprised that the site had been evaluated and it had been determined that if the street were restriped, that could solve the problem. She had also been apprised that a bus traveling east would be placed at the entrance to the residential development.

In addition, Ms. Bryant confirmed that there were many children living in the development who attended the local schools, many of who had to take public transit necessitating the need to take an early morning bus.

Ms. Bryant also commented on the fact that students got home late in the evening given the limited bus routes in the area. She urged the Commission not to wait until the developer was ready to place the bus stop.

Describing the need for bus access to the Pittsburg/Bay Point BART Station, Ms. Bryant emphasized the safety hazards in the area for those attempting to reach the existing bus stops. She added that the number of children walking in the area posed a potential safety hazard and she stressed the need for transit availability for the residents of the area.
Chairperson Leonard sought some verification as to whether or not a bus stop had been required for the Harbor Lights development.

With respect to Condition No. 15 regarding the required pedestrian pathway, Mr. Hurtado explained that the intent was to create a temporary pathway, which would encourage PG&E to construct its frontage improvements. He suggested that a deferral of that condition would make it difficult to implement the requirement and complete the sidewalk improvements. He expressed the willingness to work out that requirement with the Project Engineer. He suggested the possibility that a soft shoulder could be designed or there could be some striping of the roadway that might not require encroachment all the way into the ditch.

Mr. Hurtado suggested that future CIP projects could address more permanent improvements. He emphasized that the AC walkway was a temporary solution which provided design flexibility.

Chairperson Leonard declared a recess at 9:07 P.M. The meeting reconvened at 9:19 P.M. with all Commissioners present.

STAN ELLIOT, Project Superintendent and a resident of Morgan Hill, commented that from his experience there had been little foot traffic in the area.

Chairperson Leonard advised that the engineering portion of the project could be worked out with the applicant and the Engineering Department since that was not under the purview of the Planning Commission.

Commissioner Harris questioned whether or not the applicant would object to a requirement for a temporary asphalt sidewalk.

Mr. Davis stated that in order to make it safe to enter/exit the site they would have to take 12 foot chunks out of the deceleration/acceleration lane. If they were to do that there would not be enough room for a sidewalk of any kind.

Commissioner Harris disagreed and supported a temporary sidewalk.

Mr. Flett stated that they did not want to dedicate any more than 12 feet of land along the frontage. He reiterated the design difficulties for installing the sidewalk as earlier described.

If narrowing the 12 foot left turn lane to 11 feet and if the 4 foot painted island was moved one foot, Mr. Flett suggested that more room would become available without changing the amount of pavement that had been proposed. He otherwise reiterated the design difficulties related to a bus stop.
Commissioner Harris emphasized that the safety of the children in the area was the most important issue. He suggested that a temporary asphalt walkway should be installed. He also noted that an asphalt walkway would be less expensive than concrete.

Mr. Flett commented that the grade of Willow Pass Road was zero percent and the roadway had been crowned so that the water would run off into the ditch. If they were required to raise the sidewalk and tilt it towards the street, puddles would be created. The only way to deal with that issue would be to install a storm drain, which would be costly. He expressed the desire to work with engineering staff to address that situation. He added that the applicant would need some design leeway to achieve that goal.

Commissioner Harris concurred that could probably be worked out with staff. He otherwise supported the installation of a temporary asphalt sidewalk.

When asked, Mr. Hurtado agreed that the situation could be worked out between the applicant and staff. He understood that there would be plenty of room in the length of the frontage to avoid encroaching into the creek or requiring a storm drain. As to the bus stop issue, he would also work with the applicant to reach a solution while remaining in the existing right-of-way. He acknowledged that there was no bus stop proposed for the north side of the development.

Mr. Strelo affirmed that there were no bus stops on the north side of the street. Passengers would have to get off at the Tenth Street bus stop and walk down to the residential area until Tri Delta constructed a parallel stop.

Mr. Hurtado emphasized that the applicant was under no obligation to conduct any improvements on the north side of the street. The obligation for improvements was only to the center line of Willow Pass Road.

Mr. Strelo explained that the City was considering the possible annexation of a large portion of the land to the north of the site, which was currently in the County. If annexation was successful, improvements to the northern portion of the street would likely become part of the City’s CIP program.

**MOTION: DR-02-04**

Motion by Commissioner Garcia to adopt Resolution No. 9418, approving DR-02-40 design review approval of architectural and site development plans to construct a 104,433 square foot commercial/industrial building located at 701 Willow Pass Road, with the conditions as shown and modified as follows:

- Condition 7 e. to be modified with additional language directing staff to work with the developer to find a proper location for the bus stop, as shown in the condition of approval, to be kept within the approved right-of-way;
• Add Condition 7 f., *The applicant shall install a westbound left turn lane to allow vehicles to make a left hand turn into the site and to provide for uninterrupted flow in the westbound direction.*

• Condition No. 14 to be revised as follows: *The applicant shall dedicate to the City a 12-foot wide strip of land across the full frontage of the property for widening of Willow Pass Road right-of-way.*

• Condition No. 15 to be revised to add additional language directing that Engineering staff work with the developer to construct everything within the approved right-of-way without adding significant costs for drainage improvements, and the like.

• Condition No. 17 to remain as recommended by staff with staff encouraged to work with the applicant to provide the latest information on what the permitted uses were in the designated zoning for the site.

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

Chairperson Leonard advised that a decision by the Planning Commission was not final until the appeal period expired ten days from the meeting. The applicant, City Council, City Manager, or any affected person could appeal either the denial, approval or any condition of approval of an item within ten calendar days of the decision. A written notice of the appeal must be filed within this period with a City Planner at City Hall.

Commissioner Garcia commended staff on its efforts to work through the problems with the application.

Mr. Jerome clarified that many of the issues regarding the proposal involved engineering issues.

Mr. Jerome clarified that under the City's Municipal Code, if the applicant were still not in agreement with the conditions recommended by the City Engineer, the application could be appealed to the City Council.

**STAFF COMMUNICATIONS**

Ms. Ayres reported that the Planning Commission had been provided with a written report on the status of the Vogue Theater and Bethel Baptist church projects as well as information on the status of projects before the Code Enforcement Bureau. Copies of a letter to the representatives of Fort Knox Storage inviting that operator to attend a future

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Planning Commission meeting to address the non-compliance of some of the project conditions of approval had also been included in the Commission packets. Further, the Commission had been provided with an article regarding the status of Extended Stay America Hotel's plan not to expand its businesses at this time.

**COMMITTEE REPORTS**

Commissioner Garcia reported that during the recent TRANSPLAN meeting the Committee had discussed the Circuit City building located on Century Boulevard.

Commissioner Garcia noted that prior to the siting of that building, the CCTA had provided the City with drawings indicating that it would require 50 feet and potentially as much as 90 feet of additional right-of-way. If the building was in that right-of-way, the City would be responsible for the cost of moving the building since the City had been informed by the CCTA of the right-of-way requirements. He stated that had been the reason for the relocation of the Auto Mall sign.

Commissioner Garcia stated that the CCTA had informed the City that it would be responsible for moving any building approved by the Planning Commission that encroached into the 50 foot right of way.

Commissioner Garcia also reported that the City of Antioch had already selected a baseball site for a semi-pro team between the cities of Brentwood, Oakley and Antioch, although the City of Pittsburg might be asked to share in the costs. Further, TRANSPLAN, had discussed plans for eBART to connect with the freeway at Loveridge Road with a structure with two tracks that could start somewhere behind Home Depot and connect to the Mococco Line, rising to a maximum height of 20 feet to connect over to the freeway.

Commissioner Garcia stated that he also understood that a 16-foot sound wall was being proposed on that 20 foot rise. He questioned how the appearance and noise from such a structure could be mitigated. He expressed his hope that the Council was aware of that situation and would be reviewing any plans that could have some serious impacts on nearby residents.

**COMMENTS FROM COMMISSIONERS**

Commissioner Ramirez reported on the recent Planner's Institute, which he had found to be excellent and educational. He also liked the ability to exchange ideas and thoughts with other Commissioners in the State.

Commissioner Harris reported that he had recently driven through the City of Pinole. He noted the amount of development in that community, not unlike the size of the City of Pittsburg and expressed his disappointment that the City was not advancing as quickly other communities.
Commissioner Tumbaga also commented on the Planner's Institute and agreed that it had been beneficial to see what other cities had been doing, particularly with their downtowns, which had offered ideas for the City's downtown. She recommended that at some time in the future the Downtown Specific Plan be revisited with a discussion of the vision for the downtown. She also commented on another seminar during the conference, which had spoken of the de-malling of communities.

Commissioner Kelley stated that she had also found the Planner's Institute to have been very educational. She advised that she had attended a few traffic seminars and had obtained information that she would share with the TCAC.

Chairperson Leonard pointed out that the City of Pinole's downtown area was close to and accessible to I-80 and he suggested that was why that community had been successful with greater development in its downtown than the City of Pittsburg. He also commented that the Eighth Street Linear Park had parking areas that remained unfinished on the north side where two-way traffic on Eighth Street was to have been provided. In addition, there was to be additional parking between Cumberland and East Street. He requested a status report on that project.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 9:50 P.M. to a regular meeting of the Planning Commission on April 8, 2003 at 7:30 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

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MELISSA AYRES, Secretary
Pittsburg Planning Commission