A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Mark Leonard at 7:00 P.M. on Tuesday, December 23, 2003, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

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

Absent: Commissioner Kelley

Staff: Director of Planning and Building Randy Jerome; Associate Planner Ken Strelo; Assistant Planner Dana Hoggatt; and Senior Civil Engineer Alfredo Hurtado.

PLEDGE OF ALLEGIANCE:

Associate Planner Ken Strelo 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 December 9, 2003
B. Fire Station 84, UP-02-20 and DR-02-29, Request for Extension of Time

MOTION:

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

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

PUBLIC HEARINGS:

Item 1: 7 Star Neighborhood Market. AP-03-66 (UP)

Public hearing on an application by Teresita N. Del Rosario requesting Planning Commission approval of a use permit to operate a neighborhood food market with sale of beer and wine for off-site consumption located at 315 Railroad Avenue. The site is designated Downtown Commercial in the General Plan. APN 085-108-001. CEQA Status: Exempt (Class 1, Existing Facilities).

Associate Planner Strelo presented the staff report dated December 23, 2003 and recommended that the Planning Commission adopt Resolution No. 9462, approving AP-03-66 (UP), subject to the conditions as shown. He added that staff had received two letters from the public regarding the proposal. Copies of the letters were presented to the Commission.

Commissioner Ramirez spoke to the proposed limitations on the sale of alcohol. While beverages would not be permitted to be sold in single bottles, he noted that one could purchase a single can of beer or a single bottle of wine, which should not be permitted. As such, he recommended a modification to the condition related to the sale of alcohol.

Mr. Strelo referenced Condition No. 6, which stipulated that there shall be no sale or display of single containers of beer. He suggested that would address the concern expressed by Commissioner Ramirez.

Commissioner Ramirez added that some wineries had recently marketed screw tops as being as good or better than corks. If that were to occur, he suggested that would require a modification to the conditions of approval.

Mr. Strelo explained that Condition No. 7 would prohibit the sale of fortified wines or wines with screw off tops. He commented that the condition could be modified if the Commission so directed.
Commissioner Garcia understood that there were no conditions being imposed that had not been applied to other similar businesses in the City. He referenced a market that had recently opened on El Dorado/Railroad Avenue, which had included the same conditions.

Mr. Strelo commented that the most recent proposal in that regard had been the ARCO Gas Station which had been determined to be in a sensitive area since it was located in close proximity to a school. The same conditions of approval being recommended for the subject proposal had been imposed on the ARCO permit.

Chairperson Leonard referenced the Golden Star Market and inquired of the hours of operation for that business as related to the sale of alcohol. He understood that business was open later than the subject market. He suggested that the project be consistent with other similar projects and that the conditions be revised to reflect that the hours of operation shall be consistent with all other businesses in the City, which sold alcohol. He recommended that staff research the hours of operation for the Golden Star Market and incorporate those conditions with the current proposal to ensure consistent regulations.

Commissioner Harris spoke to one of the letters received from a resident who had requested that the Planning Commission reject the application. If approved, he noted that resident had requested a number of considerations, such as a request for a greater police presence in the area, a plan to reduce the traffic congestion along Railroad Avenue between Third and Fourth Streets, an assurance that the safety and quality of life for residents around the proposed market would be protected, traffic controls for Third Street and four-way stops at the intersection of Cumberland and Third Street or the consideration of speed bumps, and restrictions for the hours of operation.

Mr. Strelo explained that the resident who had submitted the letter referenced by Commissioner Harris had made no attempt to personally contact staff other than to send the e-mail recently received by staff. He suggested that there would be no public nuisances associated with the proposal as a result of the staff recommended conditions of approval.

Mr. Strelo noted that if the conditions were adopted, the Police Department did not anticipate a public nuisance as a result of the project. The conditions could be revised or modified by the Commission. He was confident that the same findings could be made to approve the use permit.

Commissioner Harris questioned who would monitor the concerns raised in the correspondence.

Commissioner Harris otherwise understood that the applicant would be leasing the building for the proposed market once the Commission had approved the request.

Mr. Strelo commented that the problems raised by the resident were ongoing problems
that were not a result of the project. He did not want to hold the applicant responsible for the existing problems in the area.

PUBLIC HEARING OPENED

PROONENT:

TERESITA Del ROSARIO, 3126 Harbor Street, Pittsburg, explained that the market would be well lighted. There were plans to improve the building. She suggested that the neighborhood would be improved by the mini-mart, which would not be a corner liquor store like others in the City. She looked forward to opening the market in the downtown area. With a business on Railroad Avenue and real estate on Harbor Street, she noted that she had contributed a good amount of business to the City.

Ms. Del Rosario added that she had spoken to some people who were opposed to the market and who had suggested that no business had succeeded in the downtown other than the New Mecca Restaurant. She was confident that the mini-mart would prove to be an asset to the area. She added that not only beer and wine, but other products would also be sold.

When asked, Ms. Del Rosario commented that she had read the staff recommended conditions of approval. She clarified her intent to open the business on Friday and Saturday evenings up to 2:00 A.M. Staff had indicated that the business could not remain open beyond 12:00 A.M. She commented that she had no concern if that was the City's decision, although she did not want to be unfairly limited in hours of operation that would make it difficult for her to succeed at the site. She pointed out that her business should be allowed the same hours of operation that other similar businesses had been allowed.

Commissioner Dolojan suggested that the applicant should be afforded some leeway in terms of the hours of operation given the need for businesses to succeed in the area. He pointed out that there was more than enough parking in the area.

Ms. Del Rosario stated that she had viewed the site on numerous occasions and was aware that many parking spaces were occupied by patrons of the New Mecca Restaurant, with the exception of Wednesdays when the restaurant was closed. She sought permission from the Commission to utilize the four parking spaces in front of the subject building which could be limited to 15-minute parking for her customers. She suggested that would allow the sale of her merchandise more efficiently.

Commissioner Dolojan suggested that the business would be appropriate in the downtown.

Commissioner Garcia commented that the parking spaces in front of the building could not be restricted since it was a public street and there were other businesses and restaurant establishments in the area that were also allowed to use the public street for parking. He emphasized that the other businesses in the downtown did not have their own parking
spaces. He suggested that the applicant would have to learn not to park on Railroad Avenue and to park away from the businesses to leave room for customer parking.

Ms. Del Rosario reiterated her request that the four spaces in front of the subject building be dedicated solely for her use since most of the people parking in the area were patronizing the New Mecca restaurant.

Chairperson Leonard noted that there had been a number of meetings with individuals interested in the downtown parking and traffic issues. Efforts were being pursued through the Chamber of Commerce to resolve those issues. While he understood the applicant’s desire to have designated parking, he stated that could not be done without a uniform program for the entire downtown.

Mr. Jerome added that the Planning Commission did not have the purview over City streets. While the applicant’s request for designated parking might or might not have merit, the Commission could not honor that request since City streets were public streets. He added that the City Engineer addressed traffic and engineering issues. If a traffic problem were to develop, that problem could be addressed on a broader scale.

OPPONENTS: None

PUBLIC HEARING CLOSED

Commissioner Garcia recommended approval of the resolution subject to the following modification to Condition No. 3:

3. Hours of operation shall be limited from 7:00 A.M. to 12:00 A.M. Sunday through Thursday and 7:00 A.M. to 2:00 A.M. Friday and Saturday.

Chairperson Leonard suggested that the condition be modified to reflect that the hours of operation would be consistent with all other businesses that sold off-site beer and wine in the City.

Commissioner Tumbaga suggested that the extended hours would offer some flexibility for the applicant.

On the discussion, Condition No. 7 was revised as follows:

7. There shall be no sale of fortified wines.

MOTION: AP-03-66 (UP)

Motion by Commissioner Garcia to adopt Resolution No. 9462, approving AP-03-66 (UP) a Use Permit to operate a neighborhood food market with off-site sale of beer and wine located at 315 Railroad Avenue for the 7 Star Neighborhood Market, subject to the
conditions as shown and with the modifications to Condition Nos. 3 and 7 as noted. The motion was seconded by Commissioner Dolojan and carried by the following vote:

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

Noes: None

Abstain: None

Absent: Commissioner Kelley

**ITEM 2: Bailey Estates RZ-01-04 (RZ/EIR)**

Public hearing on an application by John Stremel, Bailey Estates, LLC, requesting that the City prezone 122 acres located on the west side of Bailey Road at the southern edge of the City to RS (Single-Family Residential) and OS (Open Space) districts; APN 097-230-003 and 097-230-004.

Assistant Planner Dana Hoggatt presented the staff report dated December 23, 2003 and recommended that the Planning Commission consider the Final Environmental Impact Report (EIR) and recommend that the City Council: 1) Certify the EIR for the project, 2) prezone the property to RZ, OS, and GQ zoning districts, as shown on Exhibit A to proposed Resolution No. 9464, and 3) initiate proceedings to annex approximately 100 acres of the property located within the County Urban Limit Line (ULL) into the City’s Municipal Boundary, Sphere of Influence, and water and sewer district service areas.

Ms. Hoggatt advised that two letters related to the proposal had been received from the City of Concord and an attorney with Archer Norris. The City of Concord had reiterated some concerns that it not be responsible to fund improvements to two Concord intersections. Staff was working with the City of Concord to ensure that adequate fees were paid and to determine the method and timing of the payment of those fees. The letter from Archer Norris had expressed concern that the commenting agencies and individuals had inadequate time to review the 2003 Final EIR prior to certification.

Ms. Hoggatt clarified that staff was not asking the Planning Commission to certify the EIR but to make a recommendation that the City Council certify the EIR in January.

Ms. Hoggatt added that the consultant who had prepared the Draft and Final EIR was present in the audience to answer any questions from the Commission.

Chairperson Leonard referenced the correspondence from Archer Norris, which had suggested that the notice of public hearing had been defective. He requested clarification from staff.

Mr. Jerome explained that the action being asked of the Commission this date was only to recommend to the City Council a prezoning of the property to the RS, OS and GQ zoning
districts. The Commission would be asked to review the Final EIR for certification at the
time the Tentative Map was presented. While the City typically consolidated applications,
he stated that this time the City had bifurcated the application to separate the Tentative
Map and Design Review components from the first action, which was the prezoning.

Mr. Jerome added that under State law, the Planning Commission was obligated to make
a recommendation to the City Council on the prezoning. The Commission was also being
asked to only review the EIR at this time, not to certify it.

Commissioner Garcia inquired of staff whether or not the issues surrounding the water tank
had been resolved since he understood that there was a problem regarding the ownership
of the land. He also sought a clarification as to whether or not an agreement had been
reached regarding the project roadway. Because it was his understanding that there was a
contract between the applicant and the owners of the adjacent property, he questioned
whether or not the City could become involved in any lawsuits as a result of those issues.

Commissioner Garcia also noted concerns with the lot sizes for the subject project as
compared to some 10,000 square foot and larger lots proposed for San Marco Meadows,
the issues related to whether or not four lanes would be added as part of the project and
whether or not the four lanes should be built now with the developer given credit for the
additional two lanes through traffic mitigation fees. He pointed out that the project would
generate almost $1 million in fees, which would more than pay for the additional two lanes
and eliminate the City's responsibility for that component in the future.

Commissioner Garcia further remained concerned with possible legal issues in terms of
how the property had been purchased. He was not concerned with the EIR or the
proposed prezoning for annexation. He emphasized the number of issues that remained to
be resolved.

PUBLIC HEARING OPENED

PROPRIETOR:

JOHN STREMEL, Bailey Estates, 2762 Hutchinson Court, Walnut Creek, thanked the
Commission for meeting so close to the holidays and thanked City staff for his/her efforts
associated with the work to prepare the EIR. He requested that the Commission approve
the staff recommendation, with the exception of the mitigation measure related to the 20
acres to the north. He requested that an easement recommended by the Department of
Fish and Game be removed as a mitigation measure for the northerly 20 acres.

Ms. Hoggatt explained that the issue of the 20 acres and the water tank had been raised
as a comment in the EIR and had been addressed as a response to Comment 8-1. Staff
had received a comment from the Department of Fish and Game in the revised Draft EIR
related to significant unavoidable impacts regarding the movement of wildlife as a result of
the project. There was currently a Tiger Salamander corridor connection between the
Concord Naval Weapons Station and the Keller Canyon Landfill property to the east of Bailey Road. Development on the property would inhibit the movement of the Tiger Salamander across that span. A mitigation measure would eliminate housing along the northern drainage swale and had been incorporated into all of the reduced density alternatives.

The Department of Fish and Game had also asked that a mitigation measure be added requiring that a Fish and Game easement be placed on the northernmost 20 acres of the property. The easement would ensure that any future use of the property would be consistent with the Department of Fish and Game’s goals to maintain the Tiger Salamander movement. The Department’s primary concern had been the maintenance of the Open Space and Agricultural designations in the County, since under those designations the property could be graded for crops which would be contrary to that Department’s goals and which would turn earth prohibiting the movement of wildlife.

Ms. Hoggatt expressed the staff opinion that the mitigation measure to eliminate the housing from the northern drainage swale and to maintain an Open Space zoning would not be enough to address the issues. Staff had concurred with the request from the Department of Fish and Game and had added a mitigation measure that the 20 acres be dedicated to an easement to ensure that the future use of the property would be consistent with the goals of the Department of Fish and Game.

Mr. Stremel suggested that the Commission could easily adopt the staff recommendation with the exception of that mitigation measure. He suggested the Commission could make a recommendation to the City Council to approve the EIR per the staff recommendations with the exception of the inclusion of that mitigation measure which in his opinion was not necessary.

ED SHAFFER, Archer Norris Law Firm, Walnut Creek, representing Seecon Financial and Construction, presented copies of the letter he had faxed to the Planning Commission this date. He strongly urged the Commission to continue the matter in that he had received the document late last week and had inadequate time to review the EIR. He questioned the Commission's ability at this point to offer a meaningful and thoughtful recommendation to the City Council without taking the time to review the document and to allow for adequate public review.

Mr. Shaffer emphasized that there had already been comments received with responses to those comments that had led to marked changes in the Draft EIR. While he recognized that the matter has been ongoing for several years, he noted that the Draft EIR had been published in August. He commented that it had taken the City four months to prepare the responses and the document was now before the Commission with an immediate public hearing. He questioned why there was such a rush to pursue the document.

Mr. Shaffer sought the opportunity to provide a more thoughtful response in written form to
allow the Commission to deal with those topics in a timely manner while also allowing staff the time to prepare responses. He emphasized that he had input on the application that he would like to provide to the Commission.

Chairperson Leonard acknowledged for the record that there were at least two documents dated October 10, and September 30, 2003 included in the Draft EIR from Mr. Shaffer.

Commissioner Harris stated that he too had inadequate time to review the document. He requested a 30-day postponement to allow for an adequate review period. He also questioned why the project was being considered by the Commission at this time. While staff had requested a consensus during a prior meeting in terms of who would be present for the current meeting, staff had not explained the issues to be addressed by the Commission. He reiterated his recommendation for a 30-day postponement.

Mr. Shaffer spoke to the annexation and noted that the resolution the Commission was being asked to approve included a statement recommending prezoning and annexation. He suggested that topic should be addressed prior to any vote on the resolution, which he believed had not been properly noticed to the public.

Commissioner Garcia sought the willingness of the applicant to continue the item for 30 days.

In response, Mr. Stremel respectfully requested that the Commission proceed with the item as presented. He emphasized the delays that had been involved with the project and the time put into the project.

Mr. Stremel stated that City staff had done a lot of work to address issues that had been more than redundant, with few new issues. He noted that he had appeared before the Commission over a year ago and comments had been submitted after the expiration of the public comment period. He added that City staff had worked hard over the last year to protect the City and everyone else and had ensured that the EIR would address the issues that had been raised.

Mr. Stremel commented that when it had come down to the final conclusion in terms of comments on the most recent EIR now before the Commission, the comments that had been received at the end of that period had once again been at the deadline and City staff had again allowed extra time for those comments. He characterized the current situation as in the same place and the same process. In his opinion, the Commission could take action and Mr. Shaffer could present his comments to the City Council as part of the ongoing process.

Commissioner Garcia reiterated that the document had not addressed the issue regarding a four-lane roadway as opposed to a two-lane roadway. Desirous to protect the City at a future date from having to install the other two lanes at the City's expense, he emphasized that issue should be addressed. He also reiterated that the ownership of the 20 acres
where the tank was located had been a topic of conversation at many meetings. He sought clarification from the City Attorney on that issue to avoid the City's liability in any lawsuit that might result.

Commissioner Garcia also understood that the developer had an agreement with Seecon to extend the road or to pay for 1,500 feet of roadway. He emphasized that there was nothing in the document to protect the City in the event of another lawsuit.

Commissioner Garcia also had issues with a project for 249 lots given the initial discussions for no more than 200 lots. While he could live with a 249-lot project, which he was confident, would be a good project, he emphasized the need to have all of the issues resolved prior to the Commission's approval and referral to the City Council. He therefore reiterated his support for a 30-day continuance to resolve those issues, particularly related to the issue surrounding a four-lane roadway and some assurance from the City Attorney that there was no liability on the City's part.

Mr. Stremel emphasized that they were only dealing with annexation and zoning at this time which would allow them to forward those recommendations onto the City Council. He reiterated that he would return to the Commission to specifically deal with the Tentative Map and the issues surrounding the subdivision.

Commissioner Harris noted that an Ad Hoc Committee had been formed by the City Council a year and a half ago to specifically discuss the project. He and Commissioner Garcia had comprised that committee.

The Committee had discussed lot sizes, among other things, which had resulted in his support for some reduced lots of 8,000 square feet.

Commissioner Harris stated that later he and Commissioner Garcia had been removed from the Ad Hoc Committee and no one had answered any of the questions raised about the property, including the lot sizes, the roadway, the wetlands and the like. Those issues had again been raised. He supported a 30-day continuance to allow an adequate review of the document. He did not support a rushed review particularly given the holiday period. As a result, if the Commission were to move forward he would not the support the proposal.

Mr. Stremel stated that he would follow the Commission's direction.

Mr. Shaffer commented that if the Commission was not to continue the item, he would like to offer some comments on the project although he preferred a 30-day continuance to allow time to properly respond to the Final EIR and prezoning requests.

Ms. Hoggatt requested that the consultant be offered the opportunity to respond to some of the concerns that had been raised.
DARWIN MYERS, Darwin Myers Associates, Project Manager for the EIR, explained that he had worked with the City’s Traffic Engineer along with Charles Abrams, the Traffic Consultant. He had also been working with the City of Concord which was concerned with improvements in that City and which had stated that it would be unwilling to condemn anyone’s rear yard in order to accommodate road widening. While there would be improvements at intersections, the EIR had made recommendations for how to solve the intersection concerns by widening, through extra lanes, and by dedicating left turn lanes, among other things. The City of Concord again was unwilling to mitigate the problems fully and did not want four lanes. He added that the City of Pittsburg’s General Plan did not call for four lanes.

Mr. Myers noted that the EIR had stated that there would be sufficient space to accommodate four lanes, although again the City of Concord did not want four lanes and it would be dangerous to create four lanes since there could be vehicles merging and unmerging over a relatively short distance.

As to the issues with the Department of Fish and Game, Mr. Myers commented that the Department was a jurisdictional agency. The applicant’s biologist had negotiated with the Department of Fish and Game to address their concerns. The applicant’s biologist had provided input on the biology section of the EIR.

While the Department of Fish and Game had acknowledged that the view of the applicable parties could change, it had no objection to the open space proposed for the General Plan land use designation and the zoning for the property, although as an additional protection the Department had recommended that a conservation easement be imposed, whereby if anything was to be done on the property, it could not be done without the approval of the Department of Fish and Game.

Regarding the water tank site shown on the City’s Master Plan and on the Smith property located to the north, Mr. Myers explained that it was at the same elevation and was an interpretation of what had been shown on the Master Plan. From the standpoint of geology, constructability, service elevations and the like, he stated it was a viable tank site.

Mr. Myers further commented on the potential legal problems that could be associated with the tank site. In his opinion that was between the applicant and Seecon rather than something that was the responsibility of the City to determine. He added that it might be possible to place an indemnification clause on a condition of approval for the project to ensure that the City was not responsible for defending the case.

Commissioner Garcia agreed with the statements in the EIR other than the fact that the tank was shown on the property. If unable to legally place the tank on the applicant’s property he questioned where the tank would be located. He understood that the EIR would have to be amended if the tank site must be relocated. He recommended that an agreement be required between the two parties prior to City approval since the City was not indemnified under the existing conditions of approval. He reiterated that there should
be an agreement in the EIR regarding the roadway.

As a member of the TRANSPLAN Committee, Commissioner Garcia commented that the City of Concord had a right-of-way from Concord Boulevard to Clayton Road which was wide enough to accommodate four lanes. He questioned the fact that the City of Concord was not willing to take on the responsibility of the four lanes. He suggested that the City of Concord had not appropriately planned for the closure of the Concord Naval Weapons Station and the ultimate development of the site, which could still require a four-lane roadway in Concord.

Commissioner Garcia reiterated that it would not cost the developer any more to add the lanes since there would be a credit through traffic mitigation fees and since the project would generate approximately $1 million, which could accommodate the cost of additional lanes. He added that it would be more cost effective to widen the roadway now.

Mr. Myers acknowledged that they would need tapers and sight distances to make the roadway work. He advised that the City of Concord had made changes to its General Plan five years ago and had planted trees and a walkway through the area.

Mr. Myers added that part of what the EIR had recommended for improvements was to approach the City of Pittsburg from Myrtle Drive and from that intersection, although the roadway would be difficult to widen in that area. There was also a subdivision on the north side of Concord Blvd. and if widening the roadway to four lanes there would be some taking of rear yards, which the City of Concord opposed doing. He added that the City of Concord was not opposed to accepting money from the City of Pittsburg to build sidewalks and other such improvements.

Mr. Myers reiterated that many of the issues raised by Commissioner Garcia were legal questions which should be clarified by the City Attorney.

Chairperson Leonard commented that he had walked the site. In regard to the Department of Fish and Game’s recommendation for an easement on the property he suggested that should be something determined as the development progressed in the future. In his opinion the easement would be too restrictive. He did not want to see such a condition imposed when the Tentative Map had not yet been approved. He recommended that the condition of the easement be eliminated at this time.

Mr. Myers explained that the recommended easement would offer protection. If Bailey Road was widened in the future and some of that widening went into the Department of Fish and Game’s easement, they would have to deal with that agency to receive permission for grading and other similar activities.

Mr. Stremel again requested that the Commission take action on the proposal. He reiterated his suggestion that the questions raised by the Commission be addressed in full at the time of Tentative Map review. He requested the elimination of the Department of
Fish and Game’s recommended mitigation measure for an easement and he repeated that he would return to the Commission to deal with all the issues associated with the Tentative Map.

In response to Commissioner Dolojan, Mr. Jerome explained that the Commission was only being asked to forward a recommendation to the City Council on the annexation and prezoning requests. The certification of the Final EIR would return to the Commission and then to the City Council at a future date. The City Council could not prezone the property until the Planning Commission took action on that aspect of the proposal. The Tentative Map and design review was under the purview of the Planning Commission and those two components would return to the Commission at a later date.

Mr. Jerome added that while the annexation was also under the purview of the City Council, the prezoning must be considered by the Planning Commission first. In order to consider the prezoning, the Commission must also review the Final EIR as part of the California Environmental Quality Act (CEQA) process.

Commissioner Harris reiterated his recommendation for a 30-day continuance and stated that he would not support any action at this time.

Commissioner Garcia stated that he was also not prepared to vote on the matter at this time, although if continued for a 30 day period as proposed by Commissioner Harris, he would be prepared to vote at that time. He was confident the project would not be delayed beyond the 30-day period.

Commissioner Tumbaga explained that the current Commission meeting had not been a hastily planned meeting in that it was a regularly scheduled meeting with other items on the agenda. She agreed that if there was an issue between the developer and Seecon that issue should be resolved between those parties and the Commission should not be involved. She also commented that consistent with other projects in the past, Seecon had again suggested that it had insufficient time to review the associated documents. If the representative for Seecon had comments he would like to make, she requested that those comments be made at this time. If the project were delayed for another 30 days, she was convinced that Seecon would again request a continuance since that had previously occurred on more than one occasion.

Commissioner Tumbaga emphasized that the City had been working on the project for a year. She wanted to move forward. She opposed continued delays. She urged the Commission to act on the matter.

Commissioner Harris pointed out that the Planning Manager had previously indicated that the agenda would only include the item for Bailey Estates.

Commissioner Tumbaga recognized the statement made by the Planning Manager, although she recalled that the Planning Manager had polled the Commission to determine
whether or not there would be a quorum of Commissioners present to allow a meeting on December 23. If not, the meeting would have been canceled and no items would have been scheduled.

Commissioner Garcia made a motion to continue the public hearing to the second meeting in January 2004.

Commissioner Harris seconded the motion.

**MOTION: RZ-01-04**

Motion by Commissioner Garcia to continue RZ-01-04, Bailey Estates request that the City prezone 122 acres located on the west side of Bailey Road at the southern edge of the City to Single-Family Residential and Open Space Districts, to a regularly scheduled Planning Commission meeting on January 27, 2004.

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

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

Chairperson Leonard took the opportunity to announce that he would be on vacation from January 10 through February 16, 2004 and would not be present when the item was returned to the Planning Commission.

**CONSIDERATION ITEMS:**

**ITEM 3: Loveridge Center Multi-Tenant Building Sign Program. AP-03-60 (DR)**

Application for design review approval of a master retail sign program for a multi-tenant building located in Loveridge Center at 1269 California Avenue, CS-O (Service Commercial with a Limited Overlay) District; APN 073-190-017. (Continued from December 9, 2003).

Mr. Jerome presented the staff report dated December 23, 2003 and recommended that the Planning Commission adopt Resolution No. 9459, approving Design Review application AP-03-60 (DR), with the conditions as shown.

Mr. Jerome explained that the item had been continued from the meeting of December 9, 2003 given that the applicant was not present. The applicant had been contacted by staff to inquire whether or not there was agreement with the conditions of approval. A letter had
been submitted to the Planning Commission from the applicant Charity Bowman, who had indicated that she would be unable to attend the meeting this date but that she had received the conditions of approval and would accept and agree to those conditions.

MOTION: AP-03-60 (DR)

Motion by Commissioner Garcia to adopt Resolution No. 9459, approving AP-03-60 (DR), Design Review Approval of a master retail sign program for a multi-tenant building located in the Loveridge Center at 1269 California Avenue, subject to the conditions as shown. The motion was seconded by Commissioner Tumbaga and carried by the following vote:

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

STAFF COMMUNICATIONS:

Commissioner Tumbaga abstained from the discussion on the Presidio Village Senior Apartments color proposal due to a potential conflict of interest.

a. Presidio Village Senior Apartments – Color Proposal

Mr. Jerome noted that the architect requested changes to the approved colors, but had concerns about new colors. The Commission was presented with the architects new color proposal. By consensus, the new colors were found acceptable by the Planning Commission.

b. League of California Cities Conference

Mr. Jerome understood that the conference would be held in March 2004, although he was uncertain of the specific dates. He suggested that the discussion item be held over to the next meeting to allow staff to gather more details.

Mr. Jerome otherwise wished everyone Happy Holidays.

COMMITTEE REPORTS:

There were no Committee reports.

COMMENTS FROM COMMISSIONERS:

Commissioner Garcia spoke to a recent article regarding a $16 million roadway. He noted that the City of Pittsburg did not build roads for people to develop his/her land. Developers
built roads. He commented that Leland Road had been built by assessment districts, not by developers and not by the City of Pittsburg. If the City were to build the road, he insisted on a condition that the developer return all of the money up front to the City prior to the issuance of any permits.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:40 P.M. to a regular meeting of the Planning Commission on January 13, 2004, 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