MINUTES
OF THE REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION

December 9, 2003

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Mark Leonard at 7:00 P.M. on Tuesday, December 9, 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
(Commissioner Tumbaga arrived at 7:03 P.M.)

Absent: None

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

PLEDGE OF ALLEGIANCE:

Economic Development Director Brad Nail 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 of November 25, 2003

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, Leonard
Noes: None
Abstain: Commissioners Kelley, Ramirez
Absent: Commissioner Tumbaga

PUBLIC HEARINGS:

Item 1: McGuire Harley Davidson Sales and Service. AP-03-67 (UP)

Public hearing on an application by Jack McGuire of McGuire Harley Davidson, LLC., requesting Planning Commission approval of a use permit to operate a motorcycle sales and service business with ancillary sales or motorcycle related parts, clothing, collectables and other goods in an existing 19,300 square foot building located at 2240 Loveridge Road (formerly “Pep Boys”). The site is zoned CC (Community Commercial) District. APN 088-240-070.

Associate Planner Ken Strelo presented the staff report dated December 9, 2003. He recommended that the Planning Commission adopt Resolution No. 9460, approving AP-03-67 (UP), subject to the conditions as shown.

Commissioner Garcia commented that while he understood the need to restrict the hours of operation in terms of the maintenance and service of the motorcycles to restrict the potential noise from those uses, he questioned the restriction of the hours of operation for the business itself, as reflected in Condition No. 3. He pointed out that neighboring businesses were open beyond the time period stated in that condition. There was also an eight-foot high sound wall between the adjacent apartment complex and the subject property.

Mr. Strelo stated that Condition No. 3, could be reworded to only limit the hours of operation related to the repair and maintenance portion of the business.

PROPONEENT:

MICHAEL McGUIRE, Principal, McGuire Harley Davidson, LLC, 1425 Parkside Drive, Walnut Creek, explained that their main store was located in the City of Walnut Creek with a second store in the City of San Ramon. He introduced his father who was involved in the daily operation of the businesses.

JACK McGUIRE added that he had read and was in agreement with the staff report and the staff recommended conditions of approval. He welcomed the flexibility that
Commissioner Garcia had recommended in terms of the restriction of the hours of operation for the business.

PETE CARPINO, Pittsburg, commented that the staff report had indicated that promotional events could take place twice a year in which the business would have an open house serving 800 to 1,000 meals. He requested clarification of those promotional events.

Mr. McGuire explained that Harley Davidson encouraged Customer Appreciation Days. They envisioned holding events two times a year, in the spring and in the fall, which would be open to the public. The events would be catered. A band would perform. Events were typically held between the hours of 10:00 A.M. to 4:00 P.M. on a Saturday at no fee to the public. Typically 1,000 meals were served at those times. He noted that the site had adequate parking and would be an ideal location to hold those events.

In response to the Chair as to whether or not the events were ever held off-site, Mr. McGuire advised that the Northern California Hog Rally had been held in a City park in October. He expressed a preference to hold the events on site, if possible. He added that the family loved working with the community and had worked with the City of Walnut Creek and the Diablo Regional Arts Association during community events in Walnut Creek.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-03-67 (UP)

Motion by Commissioner Garcia to adopt Resolution No. 9460, approving AP-03-67 (UP), a Use Permit to allow motorcycle sales and service in an existing 19,300 square foot building located at 2240 Loveridge Road for McGuire Harley Davidson, subject to the conditions as shown and with the modification to Condition No. 3, as discussed. The motion was seconded by Commissioner Harris and carried by the following vote:

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

Noes: None

Abstain: None

Absent: None

Mr. McGuire commented that his firm had worked in a number of cities. He took this opportunity to commend the City staff, particularly Brad Nail, Ken Strelo and Melissa Ayres, who had made the application and review process a pleasurable one.

CONSIDERATION ITEMS:

ITEM 2: 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.

Planning Technician Christopher Barton presented the staff report dated December 9, 2003. He recommended that the Planning Commission adopt Resolution No. 9459, approving AP-03-60 (DR), subject to the conditions as shown.

Mr. Barton advised that the applicant was not present.

Given the Commission's policy to not act on items in the absence of an applicant, the Commission agreed to hold this item to later in the meeting and pursue the remaining items on the agenda at this time.

ITEM 3: Fort Knox. UP-97-02

Commission consideration whether to initiate revocation proceedings for Use Permit No. 97-02 allowing the operation of a warehouse and storage (mini-storage) facility at a site currently addressed as 3865 Railroad Avenue, APN 088-072-062.

Planning Manager Melissa Ayres presented the staff report dated December 9, 2003 and recommended that the Planning Commission initiate revocation proceedings. She added that the applicant had been notified of the meeting and agenda item. The applicant had recently submitted a set of landscaping plans currently under review by staff. She expressed her hope that by scheduling the revocation hearing for a Commission meeting in January 2004, that would serve as an incentive for the applicants to have the landscaping approved and installed prior to action on the possible revocation of the use permit.

Commissioner Garcia emphasized that the problem had gone far beyond the landscaping and fencing. He pointed out that the truck rental operation on the site had not been approved by the Commission. He also noted that the applicant had installed some improvements without building permits and there were pallets and steel scattered all over the parking lot. He also commented that weeds had been allowed to grow over the new sidewalk.

Commissioner Garcia commented that the same property owner owned the former Sol’s building on the south side of the Railroad Square Shopping Center. Having looked through the windows of that space it appeared as if records were being stored in that building which was intended for a commercial use, not storage. He requested a review of that situation was well. He supported the staff recommendation that the Commission proceed with the resolution initiating the revocation of the use permit.

Commissioner Harris recommended that the business be shut down and red-tagged which would prevent the operation of the business and force the applicant to obtain any and all required permits, a regulation that had been imposed on all other businesses in the City.

MOTION: (UP-97-02)
Motion by Commissioner Garcia to adopt Resolution No, 9461, initiating a Revocation Hearing on Use Permit No. UP-97-02 for a self-storage facility at 3865 Railroad Avenue, formerly 3865 Shopping Heights Lane for the Fort Knox Self-Storage Facility; APN 088-072-062. The motion was seconded by Commissioner Harris and carried by the following vote:

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

STAFF COMMUNICATIONS:

Ms. Ayres reported that a number of resolutions approved by the Zoning Administrator had been included in the Commission packets as an information item pursuant to the provisions approved by the Commission when it delegated design review authority of certain types of projects to staff.

Chairperson Leonard referenced Resolution No. 016 regarding the Garden Plus Pest Control Addition and commented on his understanding that the building would be put up for sale and the business would be moving out of the area.

Ms. Ayres reported that the Council would be reconsidering its position on the application of general plan hillside development policies at its January 5, 2004 meeting. Ms. Ayres recollected for the Commission that the Planning Commission had recommended only applying hillside policies to lands designated Hillside Low Density Residential, but that the City Council had determined to apply them to land above the 500 foot contour. At a subsequent meeting, Discovery Builders requested the Council reconsider its decision. The Council has agreed to reconsider its decision and will be taking that up that deliberation during a meeting scheduled on January 5, 2004.

COMMITTEE REPORTS:

There were no Committee reports.

COMMENTS FROM COMMISSIONERS:

Commissioner Ramirez thanked everyone for the cards and telephone calls that he had received during his recent illness.

Commissioner Tumbaga invited everyone to attend the Impulse Gallery Christmas Boutique, which was being held every afternoon and evening during the week of December 8th from noon to 7:00 P.M.
Chairperson Leonard called back Item No. 2 for consideration.

**ITEM 2: 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.

The applicant was still not present. The item was therefore continued to the Planning Commission meeting scheduled for December 23, 2003.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 7:25 P.M. to a regular meeting of the Planning Commission on December 23, 2003 at 7:00 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

MELISSA AYRES, Secretary
Pittsburg Planning Commission