MINUTES
OF THE REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION
February 13, 2007

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Tumbaga at 7:00 P.M. on Tuesday, February 13, 2007, in the Council Chambers, City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL:

Present: Commissioners Diokno, Garcia, Harris, Ohlson, Ramirez, Thomas, Chairperson Tumbaga

Absent: None

Staff: Planning Director Melissa Ayres, Associate Planner Dana Hoggatt, Assistant Planner Kristi Vahl, Assistant Planner Ali Endress, Senior Civil Engineer Ron Nevels, and Senior Civil Engineer Alfredo Hurtado

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, February 9, 2007.

PLEDGE OF ALLEGIANCE:

Commissioner Thomas led the Pledge of Allegiance.

DELETIONS/WITHDRAWALS/CONTINUANCES:

There were no deletions, withdrawals or continuances.

COMMENTS FROM THE AUDIENCE:

JUNE FORSYTH, Pittsburg, urged the City to adopt a Tree Ordinance. She reported that the lack of a Tree Ordinance had resulted in the loss of 93 trees from City Park which had been replaced with astro turf for a soccer field. While the City Engineer had suggested that the removed trees had been diseased, she disagreed.
Ms. Forsyth suggested that those native trees had been healthy. She remarked that one had a diameter of 6.5 feet and was over 100 years old. She suggested that a Tree Ordinance would not only protect trees but would add to the value of homes. She presented photographs of the trees that had been removed from City Park as well as photographs of other trees throughout the City she was afraid might also be faced with removal in the future. She questioned the City’s removal of its trees due to developer requests and urged the protection of the City’s urban forest.

By consensus, the Commission requested the Secretary to agendize this matter as a discussion item at the next meeting.

PRESENTATIONS:

Ron Nevels, Senior Civil Engineer – 5 Year Capital Improvement Program (CIP)

Senior Civil Engineer Ron Nevels presented the 5 Year CIP and answered questions from the Commission as related to that document.

CONSENT:


Commissioner Ohlson reported that he had received an anonymous letter after the adjournment of the January 23 Planning Commission meeting which he understood applied to the public hearing for the Victory Outreach Men’s Home. He inquired of staff whether or not the note should be made a part of the minutes from the meeting and a part of the public record.

Planning Director Melissa Ayres explained that the note had been received after the adjournment of the meeting and the close of the public hearing. She advised that she would be willing to make copies of the anonymous letter which could be distributed to the Commission.

MOTION:

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

Ayes: Commissioners Diokno, Garcia, Harris, Ohlson, Thomas, Ramirez, Tumbaga
Noes: None
Abstain: None
Absent: None
PUBLIC HEARINGS:

Item 1: Pears Java Hut. AP-07-412 (UP)

An application by Pieralisa Columbana requesting a use permit to operate a drive-thru coffee shop within an existing building located at 2075 East Leland Rd. The site’s best fit zone is CS (Service Commercial) District. APN 088-152-032.

Assistant Planner Kristi Vahl presented the staff report dated February 13, 2007, Use Permit Application No. AP-07-412 (UP), recommended that the Planning Commission adopt Resolution No. 9686 approving AP-07-412 (UP), with the conditions as shown.

PUBLIC HEARING OPENED

PROPOLENENT:

PIERALISA COLUMBANA, 620 Center Avenue, #313, Martinez, had nothing to add to the record but acknowledged, when asked by the Chair, that she had read and was in agreement with the staff recommended conditions of approval.

Commissioner Ohlson complimented the project.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-07-412 (UP)

Motion by Commissioner Thomas to adopt Resolution No. 9686, approving Use Permit Application No. AP 07-412 (UP), for a drive-through coffee shop located at 2075 East Leland Road for “Pear’s Java Hut, AP-07-412 (UP)”, with the conditions as shown. The motion was seconded by Commissioner Ramirez and carried by the following vote:

Ayes: Commissioners Diokno, Garcia, Harris, Ohlson Ramirez, Thomas, Tumbaga

Noes: None

Abstain: None

Absent: None

Chairperson Tumbaga identified the 10-day appeal period of a decision from the Planning Commission in writing to the City Clerk.
Item 2: Quality Tune Up Shop. AP-06-368 (UP)

An application by Herman Rice III of Side B Corporation requesting a use permit to operate an auto repair shop in an existing 5,287 square foot building on a 0.51 acre lot located at 2145 Railroad Avenue. The site is zoned CC (Community Commercial) District. APN 088-171-014-9.

Assistant Planner Ali Endress presented the staff report dated February 13, 2007, Use Permit Application No. AP-06-368 (UP), recommended that the Planning Commission adopt Resolution No. 9689 approving AP-06-368 (UP), with the conditions as shown.

Ms. Endress identified changes to Resolution No. 9689 based on a memorandum presented to the Commission dated February 13, 2007, where staff had recommended the elimination of Operational Conditions 7 and 17. She clarified that the applicant was not in agreement with Condition 18, as written, although staff suggested that the added design articulation recommended would improve the appearance of the building. As such, staff requested the retention of that condition.

Commissioner Ohlson spoke to the second paragraph under the Background section of the February 13 staff report, as shown on Page 1 of 9, and the discussion of the eBART service being anticipated in the year 2010. He noted that during a recent meeting of the TRANSPLAN Committee and the eBART Partnership Policy Advisory Committee (ePPAC), eBART was not expected to begin service until the year 2013.

Commissioner Ohlson also spoke to the second paragraph on Page 8 of 9 of the staff report and the discussion of another limited auto repair shop located just west of the proposed use. He noted that the Tred Shed was actually located to the east of the subject site.

Commissioner Garcia pointed out that Super Auto Parts located adjacent to the Chinese Restaurant on Railroad Avenue was located to the southwest of the subject site.

Commissioner Ohlson further spoke to the City standard width for sidewalks. The site was located adjacent to A&W/KFC. As such, he questioned the current standard for the sidewalk width. Given that the A&W/KFC building would be completely torn down and rebuilt, he recommended a 10-foot standard sidewalk requirement. While the subject site would just be reopening the building and improving the landscaping, it was located adjacent to a 10-foot sidewalk. He questioned whether or not the City could require a 10-foot sidewalk for the subject site.

Senior Civil Engineer Alfredo Hurtado explained that A&W/KFC had not yet submitted plans for their site. The subject site had existing conditions that met Americans with Disabilities Act (ADA) requirements. He stated that a requirement for a 10-foot sidewalk where the remainder of Railroad Avenue had a 6-foot wide sidewalk would have to be
reviewed by staff.
Commissioner Ohlson again speaking to Resolution No. 9689, Operational Conditions, Condition 24, asked that the first sentence of that condition be amended to read:

24. The applicant shall provide bicycle racks for four bicycles on the subject site prior to establishment of the use.

Commissioner Ohlson advised that the wave style bicycle rack was preferred by the bicycle community. He stated that information on those racks was available at www.bikeparking.com. He otherwise noted that the Goodwill Store had only installed a flimsy bike rack that was already broken. He recommended that either an additional condition of approval be imposed requiring a stronger bicycle rack or that a General Plan requirement be considered to require the installation of a substantial bike rack.

Commissioner Garcia pointed out that the sidewalks in front of the buildings were privately owned and not under the ownership of the City. As a result, the property owner had the liability and not the City.

Commissioner Ohlson suggested that it would be reasonable that the owner of the sidewalk should want the sidewalk to conform to Title 12 of the City’s Municipal Code to deflect any liability to the City.

Mr. Hurtado noted that State code did not require the City to maintain sidewalks which were the property owner’s responsibility. While the sidewalk was located on private property, he stated it would have to meet ADA requirements. There was a 6-foot wide sidewalk in the front of the site with a strip of landscaping between the curb on Railroad Avenue and the sidewalk. He clarified that the sidewalk currently met ADA requirements. He added that it would be difficult for the City to widen the sidewalk since the City would have to acquire land to do so.

PUBLIC HEARING OPENED

PROPONEENT:

HERMAN RICE III, Side B Corporation, 5016 Porta Rosa Circle, Pleasanton, complimented staff on the work on the project. He noted that he was a franchisor and this would be his nineteenth location. He was hopeful to be able to service the community and he sought approval of the application. When asked, he affirmed that he had read the conditions of approval and was in agreement with those conditions.

Ms. Ayres clarified that the applicant was in agreement with the conditions, as amended by staff. (Deletion of draft conditions 7 & 17).

OPPONENTS: None
PUBLIC HEARING CLOSED

MOTION:  AP-06-368 (UP)

Motion by Commissioner Garcia to adopt Resolution No. 9689, approving Use Permit Application No. AP-06-393 (UP), to allow Quality Tune Up Shop, a limited automobile repair use, to located in an existing building at 2145 Railroad Avenue, “Quality Tune UP Shop, AP-06-368 (UP),” with the conditions as shown, with the elimination of Operational Conditions 7 and 17, and with the amendment to the first sentence of Condition 24, as follows:

24. The applicant shall provide four (4) bicycle racks on the subject site prior to establishment of the use.

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

Ayes:  Commissioners Diokno, Garcia, Harris, Ohlson, Ramirez, Thomas, Tumbaga
Noes:  None
Abstain: None
Absent: None

Chairperson Tumbaga identified the 10-day appeal period of a decision from the Planning Commission in writing to the City Clerk.

COMMISSION CONSIDERATIONS:

Item 3:  CIP – General Plan Consistency Review.

Pursuant to Section 65401 of the State Government Code, the Planning Commission is asked to determine whether the projects in the proposed Five Year CIP conform to the City’s General Plan.

Assistant Planner Kristi Vahl presented the staff report dated February 13, 2007. She recommended that the Planning Commission adopt Resolution No. 9687, finding that the proposed Five Year CIP is in conformance with the City’s General Plan.

Commissioner Ohlson spoke to Attachment 2, Street Projects, Five Year – Capital Improvement Projects (CIP), 2006/7 through 2010/11, Page 1, Item No. ST-2.

Commissioner Ohlson suggested that the following General Plan policies also should be identified as supporting General Plan policies for the Bailey Road Widening/Streetscape
Commissioner Ohlson again speaking to Attachment 2, Street Projects, Five Year – Capital Improvement Projects (CIP), 2006/7 through 2010/11, Page 1, Item No. ST-3, suggested that the following General Plan Policies should also apply to the Harbor Street Rehabilitation (N of California Avenue) Contract 2006-03); 7-P-50, 7-P-53, 7-P-43.

Commissioner Ohlson noted that the Supporting General Plan Policies for the Street Rehabilitation (N of California Avenue) Contract 2006-03); should be amended in that the reference to Class II was for bicycle lanes only and not a bike path. He explained that Class I would identify a bike path.

Also speaking to Attachment 2, Street Projects, Five Year – Capital Improvement Projects (CIP), 2006/7 through 2010/11, Page 1, Item No. ST-17, Commissioner Ohlson asked that the Supporting General Plan Policies be amended to reflect that Class II bicycle lanes shall be provided along Harbor and Stoneman Avenue where none currently existed.

Ms. Ayres explained that the table as shown in Attachment 2 would not be forwarded to the City Council. The resolution before the Commission, identified as Attachment 1, would be forwarded to the City Council. The Commission was only being asked to confirm whether the CIP was consistent with the General Plan.

Commissioner Ohlson suggested that a diligent reading of the General Plan and the explanation of the projects had indicated that some road projects were not following the General Plan since bicycle facilities had not been identified where required.

Ms. Ayres clarified with Commissioner Ohlson his opinion that projects that had been identified to build a road had not included a bike lane where the General Plan called for a bike lane and which would, in fact, be an inconsistency which should be addressed.

Commissioner Ohlson again referenced Attachment 2, Street Projects, Five Year – Capital Improvement Projects (CIP), 2006/7 through 2010/11, Page 1, Item No. ST-2, and suggested the description in the CIP had not specifically included bike lanes, that were called for in the General Plan, and as such was not consistent.

Ms. Vahl noted that the Item No. ST-2 project description had included a statement where the sidewalks would be widened, with street lighting, upgraded sidewalks and Class II bicycle lanes. As a result, landscaping improvements and bicycle lanes had, in fact, been included.

Commissioner Ohlson noted that the document was inconsistent since there was a later project Item No. ST-42, as shown on Page 2 of Attachment 2, Street Projects, Five Year – Capital Improvement Projects (CIP), 2006/7 through 2010/11, which had indicated that two lanes would be included, but which had not mentioned that bike lanes would be included.
and therefore was an inconsistency in the CIP.

Ms. Ayres suggested that the resolution could be amended to show that the policies, as an example, were consistent provided that Item No. ST-42 included bicycle lane improvements at the intersection. She recognized that Commissioner Ohlson wanted assurance that bicycle lanes would not be eliminated or be reduced to an unacceptable width due to other needed intersection improvements.

Commissioner Garcia pointed out that Item No. ST-2 indicated that the bike lanes would go through the intersection at Bailey Road.

Commissioner Ohlson could not assume that given the two different projects; one to build the bicycle lanes and the second where intersection improvements would be made to add left turn pockets to mention of retaining bike lanes. He suggested that the indication for Item No. ST-42 was that the bicycle lanes would be evaporated to accommodate the new left turn pocket.

Ms. Ayres suggested that the issue could be resolved where the CIP could be found consistent with the General Plan provided it did not remove the bike lanes as part of the projects being discussed.

Commissioner Ohlson then referenced a General Plan policy that would allow the City to remove bicycle lanes at its discretion.

Ms. Ayres explained that under State law, the Planning Commission must report to the Council, prior to the Council’s adoption of the CIP, whether or not the CIP was consistent with the General Plan. The item could be continued to allow Commissioner Ohlson to meet with staff in the interim to go through his concerns. She advised that the item had been scheduled for the City Council agenda of March 5, 2007 and the Commission could continue its decision on the matter to the next Planning Commission meeting.

Commissioner Garcia recommended that the item be continued to allow Mr. Ohlson to meet with staff to identify any inconsistencies.

**PROONENT:** City of Pittsburg

**OPPONENTS:** None

**MOTION:**

Motion by Commissioner Ohlson to continue this item to the Planning Commission meeting of February 27, 2007. The motion was seconded by Commissioner Ramirez and carried by the following vote:
Item 4: Clear Channel Billboard Relocation. AP-06-402 (DR)

A request for design review approval of a new commercial billboard to be installed on a 2.8 acre site located at 2691-2695 East Leland Road in the CS (Service Commercial) District. APN 088-152-001-9.

Assistant Planner Ali Endress presented the staff report dated February 13, 2007. She recommended that the Planning Commission approve Design Review Application No. AP-06-402, subject to conditions.

Ms. Endress suggested that the billboard sign would meet the findings for design review based on the location of the billboard structure and components including the interior structure painted dark green, the light fixture modified to a more decorative style, the interior of the billboard on the north and south sides of the structure painted and screened with corrugated metal, the structure repainted every seven years, cleaned as needed and with graffiti to be removed promptly.

Ms. Endress also recommended that the applicant install two additional embellishments about the structure including the installation of frames around the billboard sign facings and to install three off-set decorative hill cut-outs on the top of the billboard structure to help it blend in with the natural landscaping behind it.

Ms. Endress noted that the applicant had made it clear that frames and hill cut-outs were not changes that Clear Channel would initiate in that they would like to construct the billboard with no embellishments or screening methods. She also noted that the proposed billboard would be 50-feet high at the highest point with the cutouts. Staff was of the opinion the height would not prevent the Planning Commission from making the required findings, although staff did not believe it was necessary for the billboard structure to be that tall.

Ms. Endress recommended that the Planning Commission evaluate the height of the billboard structure and move to approve Design Review Application AP-06-402, subject to conditions.

Ms. Ayres advised for the record that a letter had been received from the Office of the Mayor of the City of Antioch to the Office of the Mayor of the City of Pittsburg, indicating the
Antioch Mayor’s displeasure with the consideration of a billboard close to the City border. The Mayor of Antioch was concerned since there was a "City of Antioch Next five (5) Exits" sign west of the proposed billboard and he believed the billboard could be viewed as being located within the Antioch City limits. Per Caltrans’ plans to widen State Route 4, that sign would be removed at such time as that portion of the roadway was widened and a new sign would be situated on the east side of Century Boulevard in the City of Antioch eliminating any such presumption.

In response to Commissioner Diokno, Ms. Endress explained that staff had recommended a height where the bottom of the sign face would align with the top of the single story structure on the subject site. She pointed out that 50 feet was taller than the single story structure.

PROPONENT:

ROBERT HATTON, Clear Channel Outdoor, 555 12th Street, Oakland, complimented staff on the preparation of the staff report. He welcomed questions from the Commission.

Commissioner Thomas questioned whether or not the photo simulation contained in the staff report was reflective of what would be advertised on the sign.

Mr. Hatton explained that the billboard ad copy would be changed once each month. Advertisements of alcohol would be permitted, although tobacco would not be permitted. He noted that higher profile signs, such as those on the freeway, were cost prohibitive to advertisers on smaller signs located in the City center. The billboard sign would be marketed to home builders, auto manufacturers, Apple, Banana Republic, and the like.

Commissioner Thomas asked whether or not a billboard sign located along Highway 24 as traffic exited onto Grand Avenue in the City Oakland was owned by the applicant.

Mr. Hatton advised that the referenced sign was either a Clear Channel billboard sign or a competitor’s sign.

Commissioner Thomas recognized that the text on the sign could not be dictated by the City although she wanted to see something in good taste and relevant to the community and not one displaying advertisements normally seen in the urban areas.

Commissioner Ohlson did not like the outside border and the decorative hill cut-outs. He recommended that the height of the sign be reduced with those embellishments removed since they made the sign taller.

Mr. Hatton recognized the desire not to make the sign larger and noted that the border would add over 100 square feet to the sign facing. The hill cut-outs would also add to the size of the sign making the sign more imposing. As to a reduction in the sign height, he
recognized the staff recommendation that the sign blend in with the surrounding buildings, although he pointed out that the sign was intended to be viewed from the freeway and not the buildings surrounding it, particularly westbound from the City of Antioch where the sign needed to be higher at the roadway surface. He was uncertain whether or not a reduction of a few feet would make that much of a difference. If lowered in height to meet the grade level, he suggested that would diminish the economic value of the sign.

In response to staff, Mr. Hatton stated that 15 feet above the highway grade and the post at the ground set 10 to 15 feet below highway grade, with the bottom of the sign 30 feet from the grade level of the parking structure on the ground would be acceptable to him. There would also be a skirt below the sign facing to be painted green.

Ms. Ayres recommended a reduction from 50 to 45 feet.

Commissioner Ohlson agreed that the sign should be reduced in height from 50 to 45 feet without the frame and hill cut-outs.

Commissioner Garcia commented that from the west side, the freeway was still climbing as it reached Century Boulevard. If the height of the sign was reduced, he suggested it might not be visible from the west and when the freeway was widened it would detract more. He would remove the hill cut-outs but allow the sign to remain at 50 feet in height.

Commissioner Ramirez clarified that the 50 foot height was at the hill cut-outs, and the height from the top of the sign to the hill cut-out was not known. He suggested that with the removal of the hill cut-outs that would bring the level down.

Mr. Hatton was willing to eliminate the frame and the hill cut-outs which would reduce the sign by 5 feet and which would be acceptable to him.

Commissioner Ohlson recognized that the freeway climbed slightly, although he noted that the hill was long and motorists would have clear visibility of the sign for a period of time. He did not see that the hill would be an issue.

Commissioner Thomas questioned which billboards would be removed as part of an agreement with the City for the subject sign.

Ms. Ayres explained that currently general advertising signs were located on Central Avenue east of the Pentecostal Church, at Marina Boulevard between Fourth and Fifth Streets and adjacent to City Park on the west side of Railroad Avenue. All of those signs would be permanently removed and replaced with the proposed sign.

Commissioner Thomas understood that the structure would be required to display good taste, design and contribute to the character and image of the City.
Chairperson Tumbaga inquired who had selects the sign copy on the billboard, the cost of advertising on the sign and whether or not public announcements or community events could be advertised on the sign.

Mr. Hatton explained that their advertisers make the determination of the sign copy based on the space available. Internally Clear Channel would not advertise patently objectionable copy in conformance with some regulations in the industry, such as the prohibition of tobacco and nudity. Public announcements could be displayed when space was available, although the sign being built was different from a smaller community sign. With the removal of the existing signs in the downtown area, he anticipated there would be a higher demand for the proposed billboard sign.

Mr. Hatton stated that ads ran in 28 day cycles. With little inventory in the area, he anticipated paid advertising for 11 to 12 months of the year. The cost for advertising on the billboard sign was proprietary information and was by order of magnitude much higher than the signs seen around the City. It was his hope that some of the homebuilders in the City would be interested in advertising on the sign.

Commissioner Harris clarified with Mr. Hatton that he would accept a reduction of the sign to 45 feet in height, without the framing and the hill cut-outs. If reduced to 45 feet high, the sign face dimensions would remain the same at 48 feet wide and 14 feet high.

OPPONENT:

MINDY GENTRY, representing the City of Antioch, Planning Department, recognized that the billboard would replace other billboard signs in the downtown area. While Antioch appreciated the desire to remove such signs in the downtown, she stated that the proposed location for the new billboard sign was unacceptable to the City of Antioch.

Ms. Gentry explained that the proposed sign would be located immediately adjacent to the Antioch/Pittsburg City limit line and in Antioch’s opinion would convey a negative image for both communities.

The photo simulation provided with the project had shown the proposed sign and an Antioch freeway directional sign, which could easily give driver’s the impression that the sign was located within the City of Antioch. She stated that a negative image conveyed by such a billboard sign was not something that the City of Antioch desired. The City of Antioch urged the Planning Commission to direct its staff to work with the applicant to find an alternative location that would not impact the City of Antioch. She advised that the City of Antioch would consider all options in opposing the sign.

While he did not want to create negative feelings between the two cities, Commissioner Ohlson stated he supported the project.

MOTION: AP-06-402 (DR)
Motion by Commissioner Garcia to adopt Resolution No. 9688, approving AP-06-402 (DR), granting Design Review Approval for the design and location of a new replacement billboard at 2691-2695 East Leland Road, “Clear Channel Billboard Relocation Design Review Application No. AP-06-402 (DR),” APN 088-152-001-9, with the conditions as shown and subject to the following additional revisions:

- Eliminate Section 3. Decision, Design, Condition 5;
- Eliminate Section 3. Decision, Design, Condition 7;
- Revise the first sentence of Section 3. Decision, Design Condition 9 to read:

> At its highest point the billboard structure and all its components (including the sign face, sign face frame) shall not exceed 45-feet from grade at any time.

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

Ayes: Commissioners Diokno, Garcia, Harris, Ohlson, Ramirez, Thomas, Tumbaga

Noes: None

Abstain: None

Absent: None

Ms. Ayres reiterated that per the Caltrans freeway widening plans, the new “Antioch Next Five Exits” sign would be placed to the east across Century Boulevard in the City of Antioch and the existing are removed. The City of Antioch could be provided with those plans, upon request.

**Item 5: Zoning Code Update Study Session – Draft Non-Conforming Uses and Substandard Lot Regulations**

A study session on a City-initiated project to amend Title 18 (Zoning) of the Pittsburg Municipal Code in order to incorporate changes to Chapter 18.76 (Nonconforming Uses and Structures) and Chapter 18.84, Article 15 (Substandard Lots), in conjunction with proposed industrial, commercial, and residential chapter amendments intended to implement Citywide General Plan goals and policies.

Associate Planner Dana Hoggatt presented the staff report dated February 13, 2007. She recommended that the Planning Commission review the suggested changes to Pittsburg Municipal Code (PMC) Chapter 18.76 and Chapter 18,84 Article 15, of the Zoning Ordinance, accept input from the public, and provide feedback to staff on the revisions.

PROPOSENT: City of Pittsburg
Commissioner Thomas spoke to the Stanford Place KB development on Leland Road where the homes were very close to one another. She commented that many people had asked her how the Planning Commission had approved that development. She questioned whether or not that development involved substandard lots.

Ms. Ayres noted that the development had been built under a Planned Development District which involved a unique set of rules for that specific property. She explained that the matter before the Commission really dealt with the older neighborhoods in the City such as Central Avenue and Ninth through Fourteenth Streets located in standard single family zoning districts. The new standard would be applied to that property for design review purposes in order to streamline the process with the same results of the current use permit process, but less time and cost to the property owner to get entitlements. She commented that the City’s fees for use permits were expected to increase and those who wanted to build on substandard lots would be paying higher costs without these amendments. The intent was to allow those homeowners to build on his and her homes without lowering the standards while containing costs.

Ms. Hoggatt offered examples of what that would mean.

Commissioner Ohlson spoke to Page 5 of 6, Attachment 1, General Plan Land Use Regulations, Chapter 18.76, Nonconforming Uses and Structures, Section 18.76.050, Restoration of a damaged structure, D, and inquired whether or not that provision would be allowed multiple times, or could occur only once. He questioned whether the Building Division was causing delays by not issuing a building permit once plans had been submitted or whether the Building Division required the issuance of a permit or refused to issue a building permit within a certain period of time per City ordinance.

Ms. Ayres explained that the Building Division did not have to issue a building permit within a certain amount of time. The Division did have internal service level standards/turnaround times to meet as long as the applicant was doing what needed to be done. Currently owners needed to pull building permits within 6 months of major fire damage. The public wanted a longer turnaround, although the Redevelopment Agency was concerned that 12 months too long and the Building Division was concerned with the possibility of extending the life of uninhabitable or dangerous building. The intent was to reach the building permit stage within nine months. If reaching that point, the City would be lenient with another three months to complete that process, which she suggested should never take more than three months, if applicant diligently pursues turnaround of plans in a timely manner.

Commissioner Ohlson also spoke to Page 6 of 6, Attachment 1, General Plan Land Use Regulations, Chapter 18.76, Nonconforming Uses and Structures, Section 18.76.070, Zoning permits on sites having nonconforming features in the CIP District, and recommended that the use of the term “schedule” and the statement “schedule for elimination or substantial reduction of nonconformities “did not need to be in quotes.
Ms. Hoggatt explained that the language had been taken directly from the code and had not been revised.

Ms. Ayres suggested that the quotes could be removed, as suggested. Commissioner Ohlson otherwise referenced the 1991 Oakland Hills firestorm which had destroyed entire neighborhoods, some of which had resulted in the destruction of the foundation of the homes, where the property owners had been allowed to rebuild on substandard street widths. He noted that there were concerns that the Fire Department could not access some of the roads, with opposite passing traffic. He suggested that the zoning code update before the Commission had not addressed the possibility of major losses to substandard lots.

Chairperson Tumbaga pointed out that the lots were individually owned lots and property could not be taken away from one owner and given to another.

Commissioner Harris pointed out the different topography associated with the Oakland Hills fire where the area was highly vegetated with a lot of trees. The Central Addition, as an example, was located on flat land with wide roads where such a firestorm was unlikely to occur.

TERRY ROBINSON, a property owner in the City, questioned what the discussion meant to the average property owner. He noted that some of the lots were different sizes and some were substandard. He questioned the intent of the discussion.

Ms. Hoggatt explained that the intent was to make it easier for homeowners to add on or rebuild homes, make it less costly, and to allow more time for repair work, if the home were to burn down.

Staff thanked the Commission for the feedback.

**STAFF COMMUNICATIONS:**

Ms. Ayres reported that the Planning Commission decision approving the Victory Outreach Men’s Home had been appealed to the City Council and would be heard on March 19. A joint City Council/Planning Commission workshop had been scheduled for the same date for the Hillside Guidelines. The intent was to have the Land Use Subcommittee discuss the draft plan with a meeting on Monday, March 5 from 3:00 to 5:00 P.M.

Since Commissioner Ramirez, one of the two appointees and the alternate to the subcommittee, was unable to attend the Land Use Subcommittee, Chairperson Tumbaga advised that Commissioners Diokno and Harris would attend the meeting.

**COMMITTEE REPORTS:**
Commissioner Garcia reported that the TRANSPLAN Committee meeting had been canceled, although ePPAC had discussed the fact that the cost of eBART had been substantially increased and the line shortened.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Harris noted that the restaurant adjacent to Super Taco at the former Melody TV Site had not installed lights and striping. He questioned the adequacy of the parking in that center and commented that the interior work for the restaurant appeared to have been completed.

Ms. Ayres advised that the business would not be allowed to open without complying with the conditions of approval or be cited. She would have the project planner remind the business operator that the restaurant could not open without compliance with all conditions.

Commissioner Garcia agreed that the parking circulation for that site was inadequate and unacceptable. He commented that he had originally recommended the parking be reversed. At the same center, he noted there appeared to be overhauling of vehicles in the area of the back warehouse which was not permitted. He otherwise commented that the reason the Stanford Place project had been supported was that it was a nice project with an affordable, (by design) housing component. The project had been approved in 2005.

Commissioner Thomas reported that she was recovering from a stroke and would therefore be unable to attend the Land Use Subcommittee meeting.

Commissioner Ohlson read into the record the General Plan policy regarding bicycle lanes. He reiterated the earlier request for a discussion of a Tree Ordinance.

Commissioner Diokno stated that the street lights on Stoneman between Harbor and Park Place were out in an area with speeding traffic and pedestrian traffic.

Chairperson Tumbaga requested a progress report on previously approved projects in terms of their status from the time of approval until construction.

Ms. Ayres explained that the projects were either going through the building permit process, financing or construction drawing phases. She acknowledged that the East Street Estates development had no activity for some time and that WinCo was in plan check. As to the Frances Green church on Central Avenue, she also acknowledged that the church had not met the progress of improvements it had previously informed the Planning Commission would be met. She explained there was nothing that could be done as long as the building permits were kept valid, which would involve inspections about every 180 days to keep the building permit valid.
ADJOURNMENT

There being no further business, the meeting adjourned at 9:34 P.M. to a regular meeting of the Planning Commission on February 27, 2007 at 7:00 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

MELISSA AYRES, Secretary
Pittsburg Planning Commission