MINUTES  
OF THE REGULAR MEETING  
OF THE  
PITTSBURG PLANNING COMMISSION  
May 8, 2007

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Tumbaga at 7:05 P.M. on Tuesday, May 8, 2007 in the Council Chambers, City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL:

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

Excused: Commissioner Ramirez

Staff: Planning Director Melissa Ayres, Assistant Planner Leigha Schmidt, Assistant Planner Kristi Vahl, Senior Civil Engineer Alfredo Hurtado, City Engineer Joe Sbranti, Kit Faubion from the City Attorney’s Office and City Manager Marc Grisham.

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, May 4, 2007.

PLEDGE OF ALLEGIANCE:

June Forsyth led the Pledge of Allegiance.

DELETIONS/WITHDRAWALS/CONTINUANCES:

There were no deletions, withdrawals, or continuances.

COMMENTS FROM THE AUDIENCE:

JUNE FORSYTH, Pittsburg, spoke to the future Buchanan Road Bypass (BRB) which could be affected by future home development.
Ms. Forsyth noted her understanding that Measure P had suggested that the BRB be a single lane roadway in each direction. She recommended instead a double lane in each direction with a double lane bridge, for a total of four lanes to prevent the types of problems experienced in Discovery Bay and along Vasco Road. She asked that the Planning Commission plan for the future.

PRESENTATIONS:

There were no presentations.

CONSENT:

a. Minutes – April 18, 2007 Special Workshop
   April 24, 2007

MOTION:

Motion by Commissioner Garcia to approve the minutes of the April 24, 2007 meeting, as submitted. The motion was seconded by Commissioner Harris and carried by the following vote:

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

MOTION:

Motion by Commissioner Garcia to approve the minutes of the April 18, 2007 special workshop, as submitted. The motion was seconded by Commissioner Diokno and carried by the following vote:

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

PUBLIC HEARING:

Item 1: Fernandes Tow Yard. (Tenth Street.) AP-06-395 (UP)

Application by Mike Fernandes requesting a use permit to establish a 47,000 square foot vehicle towing and storage yard at 566 "D" West Tenth Street. The project site is zoned CS-O (Service Commercial with an Overlay District). APNs 085-270-032, -044 and 043.
Assistant Planner Kristi Vahl presented the staff report dated May 8, 2007. She recommended that the Planning Commission adopt Resolution No. 9715 approving AP-06-395 (UP), as conditioned. Ms. Vahl clarified that the project site would be around 34,000 square feet and not 47,000 square feet as shown in the agenda description.

Commissioner Thomas affirmed with staff that the applicant was aware of the conditions of approval and was in agreement with those conditions.

Commissioner Ohlson also clarified with staff the intent of Section 3. Decision, Condition of Approval 4 of Resolution No. 9517, prohibiting outdoor storage of equipment, miscellaneous parts and the like. The use permit was intended to store vehicles only.

Staff clarified, when asked, that the applicant had proposed seven percent landscaping that included new planting areas which were small in comparison to the site but which would be adequate.

Commissioner Ohlson sought tall Monterey Cypress trees around the perimeter of the site. He also noted that the conditions of approval had not included a condition to maintain the landscaping in a thriving and weed free condition.

Ms. Vahl explained that the maintenance of the landscaping was a standard condition although another condition could be added at the Commission’s preference.

Commissioner Ohlson also spoke to Section 3. Decision, Condition of Approval 12 of Resolution No. 9517, and commented on his understanding that any vehicle dismantler would generate hazardous waste.

Ms. Vahl clarified that the use permit would not allow any vehicle dismantling and was strictly intended for vehicle storage.

PUBLIC HEARING OPENED

PROPOSENT:

DAVID CHEE, representing Mike Fernandes Towing, 650 West Tenth Street, Pittsburg, affirmed that the applicant had read the conditions of approval and was in agreement with those conditions. He added that the front area of the business had been enclosed with slats in the fence to screen the interior from public view. Photographs were provided to the Planning Commission. It was also noted that six trees had recently been added to the east side of the yard.

OPPONENTS: None
PUBLIC HEARING CLOSED

After a motion had been made to adopt the use permit approving Resolution No. 9715, staff explained that the use permit application number had been incorrect on the agenda description, the staff report and Resolution No. 9715, and should be corrected to read AP-06-395.

MOTION: AP-06-395 (UP)

Motion by Commissioner Thomas to adopt Resolution No. 9715, approving AP-06-395 (UP), a Use Permit to establish a 34,000 square foot vehicle towing and storage yard at 566 “D” West Tenth Street, “Fernandes Tow Yard AP-06-395 (UP),” APNs 085-270-043, --044, -032 and -029, as conditioned. The motion was seconded by Commissioner Ohlson and carried by the following vote:

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

Noes: None

Abstain: None

Absent: Commissioner Ramirez

Item 2: Bon Ami Bakery (372-380 East Tenth Street). AP-07-420 (UP)

Application by Juan Alvarado requesting a use permit to establish a commercial bakery with ancillary retail sales in an existing warehouse space at 372-380 East Tenth Street in the D (Downtown) District with a Service Commercial land use designation. APN 085-183-011.

Assistant Planner Leigha Schmidt presented the staff report dated May 8, 2007. She recommended that the Planning Commission adopt Resolution No. 9714 approving AP-07-420 (UP), as conditioned.

Commissioner Diokno understood that the access to the rear of the business would be through an alleyway three buildings down.

Ms. Schmidt explained that the alley offered one-way access with the entrance from East Tenth Street west of the tenant space. Traffic traveling east along Tenth Street would turn into the one-way alley, drive down the entire row of multi-tenant buildings and then access the rear alley. She noted that the tenant spaces had been in existence for years and would be accessible for garbage trucks. While the property lines had blurred and fences had to be pulled in to allow trucks to turn in, it was accessible for trucks to access the area. She acknowledged that extremely large trucks would not be able to access the rear area.

PUBLIC HEARING OPENED
PROPOSTENT:

JUAN ALVARADO, 2177 Peachtree Circle, Pittsburg, stated that he currently owned the business in the City of Concord and sought approval of a use permit to relocate the business to Pittsburg. He explained that he had operated the business for the past 13 years and had purchased the building for his operation. Deliveries would be made with mini-vans while larger trucks would deliver supplies. There was an adequate area for in-house deliveries. He also affirmed that he had read and was in agreement with the staff recommended conditions of approval.

Commissioner Diokno inquired of the number of employees associated with the business, to which Mr. Alvarado advised that there would be a total of 26 employees associated with the business operating 24-hours a day. Different employees would work in the morning and evening periods. As to the loading/off-loading restrictions in front of the building, he noted that it would not hamper the business since most deliveries occurred in the morning between 5:00 and 8:00 A.M.

Commissioner Garcia affirmed again with the applicant his agreement with the staff recommended conditions.

Mr. Alvarado reiterated, when asked by the Chair, that the business would be relocating from its current site in Concord. The bakery would bake traditional French pastries including the baking of Cardinale bread, a former business in Pittsburg.

JUNE FORSYTH, Pittsburg, understood that affordable housing had been planned to be built along Tenth Street near the Enean Theater not far from the bakery. She questioned whether or not home development could be affected by the business since there could be noise impacts associated with the business that could affect any residential development.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-07-420 (UP)

Motion by Commissioner Garcia to adopt Resolution No. 9714, approving AP-07-420 (UP), a Use Permit to allow a commercial bakery with ancillary retail sales at 372-380 East Tenth Street for “Bon Ami Bakery, AP-07-420 (UP),” APN 085-183-011, as conditioned. The motion was seconded by Commissioner Thomas and carried by the following vote:

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

**Item 3: Sky Ranch Residential Subdivision RZ-02-21, SUBD 8475 and DR-02-48**

Application by Discovery Builders, Inc., requesting 1) the prezoning of 166.5 acres located south of the Highlands Ranch subdivision to RS (Single-Family Residential) District; 2) approval of a vesting tentative map to subdivide the land and portions of Highlands Ranch (Tract 7217) into 415 single-family residential lots ranging in size from 8,000 square feet to 2.9 acres, with related infrastructure improvements; and 3) design review approval of the house plans for Tract 8475. The Commission is also being requested to consider appropriate zoning for the City-owned water tank site located south of Highlands Ranch. APNs 089-050-067 and 042 (and portions of Highlands Ranch).

Planning Director Melissa Ayres presented the staff report dated May 8, 2007. She noted that staff had also received letters regarding the project from the Greenbelt Alliance, the City of Antioch and the Sierra Club, all dated May 8, 2007.

Ms. Ayres added that since the application had been filed with the City, the Planning Commission had adopted a resolution recommending several changes to the Zoning Ordinance to bring it into compliance with the General Plan. That action had been considered by the City Council on May 7, 2007, at which time the City Council had introduced a new Zoning Ordinance that was expected to be adopted on May 21, 2007 and which would become effective 30-days after that time. The ordinance would effectively remove the RS District zoning designation with a minimum lot size of 6,000 square feet, which the applicant had requested. It would create an entirely new series of categories with a new RS-6-O (Single Family Residential) District which would more clearly define the 6,000 square foot lots.

Ms. Ayres reported that the Planning Commission had been provided with a six-page document of last minute changes to the project conditions of approval per discussion with the developer and staff. Speaking to that six-page document of revised conditions, Page 5 of 6 for proposed changes to Condition 19 of Resolution No. 9711, she identified a further revision as follows:

19. Except as expressly stated in these conditions of approvals, the applicant shall pay all existing fees applicable to this subdivision and subsequent applications and permits in the amount in effect at the time the applicable fee is due.

City Engineer Joe Sbranti requested further amendment to the same condition as follows:

19. Except as expressly stated in these conditions of approvals, the applicant shall pay all existing fees applicable to this subdivision and subsequent applications and permits in the amount in effect at the time the applicable fee is due. **Fees not**
Ms. Ayres explained that the intent of that modification was that the City could not pass a new rule and apply it to a project after it had been deemed complete. There had been a recommendation to delay a decision on the application until the Hillside Performance Standards had been adopted and applied to the project, although even if the action was delayed State law would not allow those performance standards to be applied to the subject project.

Mr. Sbranti also noted that Engineering and Planning Department staff had worked cooperatively with the developer on the project resulting in the imposition of a significant number of conditions of approval. The developer had also voluntarily agreed to adhere to new standard details recently adopted by the City Council, including current park dedication and traffic fees.

Ms. Ayres recommended that the Planning Commission take the following actions:

1. Adopt Resolution No. 9710, recommending that the Council prezone the project site and the adjacent City water tank site to RS-O (Single Family Residential District – with an overlay district) establishing larger minimum lot sizes and allowing City water tanks as a permitted use in the district.

2. Adopt Resolution No. 9711, approving a Vesting Tentative Map for Sky Ranch II (Subdivision 8475) as conditioned.

3. Adopt Resolution No. 9712, approving Design Review Application No. DR-02-48 as conditioned.

In response to Commissioner Ohlson, Ms. Ayres reiterated that under State law, a Vesting Tentative Map carried certain rights at the time a map was vested and the moment and application had been deemed complete. After an application was filed and referred out to other agencies, comments were typically received. If additional information was needed, once received, the application was deemed complete. The developer had the right to expect the rules that would be applied to the project were those in effect at the time the application was deemed complete.

In this case, the Inclusionary Housing Ordinance could not be applied, although General Plan policies in place prior to that time could be imposed and had been evaluated in the Environmental Impact Report (EIR), which was where the mitigation measures had originated to bring the project back into compliance with those policies.

Commissioner Diokno understood that Mitigation Measure 82, as shown for Resolution No. 9711, would then be negated and would not apply to the project.
Ms. Ayres clarified that there were certain provisions in the laws dealing with health and safety issues related to keeping current with State and Federal laws. Americans with Disabilities Act (ADA) compliance, as an example, could be applied. The City could not impose a new Day Care or Inclusionary Housing Ordinance however, after the project had been deemed complete.

Commissioner Diokno also understood that the new minimum square footage would negate the lot sizes.

Ms. Ayres explained that all of the lots would be a minimum of 8,000 square feet. There were several that were even larger with the exception of 42 lots that were being recommended as Moderate Income units. Those lots could be reduced to 6,000 square feet. The total number of parcels included those units that were being recommended for elimination by the water tank since there were opportunities to change some of the other lot sizes, although they must be a minimum of 8,000 square feet.

Commissioner Thomas requested assurance from the City Engineer that the project was safe.

Mr. Sbranti stated that every precaution had been taken to ensure that the project adhered to current standards. In some instances, the standards in place at the time the project had been deemed complete were not those in place today. The developer had agreed to adhere to the more current standards which in some cases would provide for better ADA compliance, street safety as built into the current standard details, and those traffic mitigation measures as outlined in the EIR.

Commissioner Ohlson referenced the letter received from the City of Antioch, which had addressed Condition 57 of Resolution No. 9711. The City of Antioch had recommended that the condition be revised to request that the developer build no more than 353 units unless building Standard Oil Avenue from Buchanan Road down to Delta Fair Boulevard on the side of Los Medanos College. Antioch had also asked that the developer build no more than 353 units unless a professional traffic count had been prepared for Ventura Drive between certain limits. He inquired whether or not Pittsburg had responded to that letter.

Ms. Ayres stated staff had only just received the letter and had not. She noted that there were several alternatives listed in the EIR, including the completion of the Buchanan Road Bypass (BRB). She acknowledged that none of those alternatives offered a connection from Standard Oil Road through to Delta Fair Boulevard.

Commissioner Ohlson stated that he had made a request of the City of Antioch five years ago to place bicycle lanes on their portion of Standard Oil Road, although Antioch had refused.
Commissioner Garcia expressed concern with the correspondence from the City of Antioch in that the City had the opportunity to add those requested items to its own developments in Southeast Antioch. Many years ago Antioch had recommended an interchange at Century Boulevard and Standard Oil Road, which had later been dropped. He objected to Antioch’s request that Pittsburg open the BRB at the edge of the Antioch City limits in the short term since it would flood Ventura Drive with numerous vehicles from the Black Diamond subdivision in Antioch.

Commissioner Garcia noted that the project would be conditioned to provide another right or left turn for the City of Antioch on Somersville Road, while many of the prospective buyers for the new development would likely not travel to Antioch but down Buchanan Road. He emphasized that Pittsburg had received no assistance from any city to the east or west on any projects those communities had designed that would have impacted Pittsburg.

Commissioner Garcia expressed concern that the staff report had indicated that Pittsburg would have to request that the Joint Powers Authority be approached to solicit funds for two additional lanes for the BRB. He would rather see all of the funds the project would generate remain in Pittsburg to build part of the BRB.

PUBLIC HEARING OPENED

PROPOUNDER:

SALVATORE EVOLA, Discovery Builders, Inc., 4061 Port Chicago Highway, Concord, thanked staff for their help on the project and throughout the application process. He reported that the project had originally come before the City and had been approved by the Planning Commission in 2000. At that time, the environmental document was a Mitigated Negative Declaration which had not been approved by the then City Council. The EIR for the project had been certified in November 2006 and the developer was in agreement with all conditions of approval, as amended. The development would provide an affordable housing component and 8,000 square foot lots.

INTERESTED SPEAKERS:

DOUG ADAMS, 2246 Mt. Whitney Drive, Pittsburg, a member of Local 302 IBEW, expressed his support for the project. He understood that the development would have a project labor agreement which would provide for several local jobs. He also understood that the development would benefit the City by providing new homes with a new appearance.

Mr. Adams also commented that the BRB was a long time coming and now was the opportunity for a project to do something good.
JUNE FORSYTH, 20 Seapoint Way, Pittsburg, did not want to see developers squaring off the rounded hills for flat ridges where the homes would sit on the ridges. She suggested that the Hillside Development Standards should include land above 350 elevation, not 500 to 900 feet. She questioned how many City employees in the Planning and Redevelopment Departments lived in the City and she questioned whether or not City employees represented the City’s best interests. She also commented that the *New York Times* recently had an article which had researched the benefits of planting trees. She stated that for every dollar spent there were five dollars in benefits. She noted that copies of the article could be made available to the Planning Commission. She suggested that the Planning Commission should act as a trustee for the hills.

MIKE STOIBER, State Farm Insurance, 130 East Leland Road, Pittsburg, a Member of the Board of Directors Pittsburg Chamber of Commerce, speaking on behalf of the business persons in Pittsburg, commented that executive style homes were lacking in the community. With new industry coming to the City, he stated that executive style housing would provide a place to live while improving the City’s tax base. He noted that the subject site had few trees and with new development would add more landscaping and trees. The development would also provide eight lanes of traffic serving the City and hopefully reducing the traffic problems in the community. He suggested that the development would bring higher income families which would benefit the community and local businesses.

ROBERT GREEN, Pittsburg, requested that the Planning Commission not recommend that the City Council prezone the property which was currently not within the City limits. He questioned how the City could claim property that was not within the City limits and suggested that could set a bad precedent. He suggested that the Hillside Development Standards under discussion should be in place prior to the approval of the project with the developer to then work with the City to meet those guidelines. He also suggested that the benefits of the BRB would be negated by going through the proposed development. Additionally, he asked that staff clarify the recommended changes to Condition 19 of Resolution No. 9711, since there was a perception that the developer was trying to avoid paying fees.

TOM KSENZULAK, Pittsburg, President, Pittsburg Chamber of Commerce, stated that the City had been waiting for some time to bring such development to the community which would support the new businesses envisioned for the downtown. He concurred that the community lacked the component of disposable income families who would have more boats in the marina and who would patronize local businesses.

DENNIS LINSLEY, Pittsburg, commented that the Hillside Development Standards would likely be approved in early July and that such a delay would not be significant given the timing of the development. Even if the developer were to agree to comply with those standards, he stated there could still be executive homes, which he agreed should be made available in the community while also protecting the views of the hillsides.
CHRISTINA WONG, Greenbelt Alliance, asked that the Planning Commission vote no on the development since it would be built on land susceptible to soil creep landslides according to the project EIR. She too asked that the Hillside Development Standards be finalized and approved prior to any action on the development. She stated that she had copies of all articles in the Contra Costa Times regarding the recent landslides in the San Marco and Vista del Mar developments, which had illustrated how the landslides had affected those families on an emotional and financial level. She did not want to see that happen with the subject development which would impact the City on many levels.

Commissioner Thomas agreed that at one point she had concerns with the development, although she had information from the City Engineer that there would be the same problems experienced in the other referenced developments. Given the San Marco development situation, she stated it would behoove the City and the developers to ensure that the same problems did not occur. She emphasized that the Planning Commission would do its best for the community. She was confident that staff was working to ensure that all issues would be covered.

Ms. Wong suggested that with more information from the Hillside Development Standards, there would be more information regarding the stability of the homes. The Greenbelt Alliance had also suggested that those standards include a soils analysis to ensure that the hills were safe for development.

DALE PETERSON, Martinez, representing the IBEW members who resided in Pittsburg, expressed support for the development. He noted that in 2000, the project had only included a Mitigated Negative Declaration which the members of the IBEW had opposed. The developer had later agreed to prepare an EIR, which had been done and which EIR had been certified. He stated that now was the opportunity for residents of the City and young apprenticeships to work on the project. He urged support for the development.

MYRDELL DYBDAL, 4476 St. John Lane, Pittsburg, a long time resident with family in the area, read into the record General Plan Policy 4.1. She commented that she could not visualize more development in the hills, which she described as sprawl. Familiar with neighborhoods with hillside development such as the City of Berkeley, as an example, she noted that there were more trees in that case where the hillside development was not as obvious. She asked the Planning Commission to use restraint when making its decision.

REBUTTAL:

Mr. Evola again thanked staff for their hard work. He explained that in terms of hillside development and architectural style for development in Berkeley, 90 percent of the proposed homes would be situated on flat pads that would not sit off of the hills. Less than 5 percent would be sloped. In response to concerns with respect to landslides, he suggested that the City had done a good job in some of its responses in identifying the
causes. The subject development would be abutted on two sides by the same property owner and in the event there was a need for a grading easement or something else to remediate any type of slide, he stated that would be done.

Mr. Evola added in response to the request that the developer adhere to the Hillside Development Standards when effective in the future, that the developer was not in agreement given that the development had been ongoing since 2000, with the project deemed complete in 2004. He suggested that the developer was entitled to develop the property with the standards in effect at that time.

In response to Commissioner Thomas, Mr. Evola reiterated that the project had been vested before the adoption of the inclusionary housing ordinance, and the developer had worked with staff and was committed however, to providing an affordable housing component.

City Manager Marc Grisham stated that the Engineering and Planning Departments had done a good job with a complex project involving many issues. He explained that with the Vesting Tentative Map, through negotiations between staff and the developer, the project would pay current local traffic mitigation fees and fees relating to parkland dedication. The project would also be paying for the Police Public Safety Fee as had most new developments. Further, the project would be paying for not only the standard Landscaping and Lighting Districts (LLDs), but an additional LLD fee implemented on all new projects. From a fiscal standpoint, he stated that staff had done a very good job ensuring that the City would be adequately compensated if development were to take place.

Chairperson Tumbaga spoke to Condition 19 of Resolution No. 9711, as further amended by the City Engineer and a concern raised by a member of the public that the developer was attempting to avoid the payment of certain fees.

City Manager Grisham explained that the language that had been put in place for Condition 19 had to deal with the prior Vesting Tentative Map for the project and which was the reason the new language would ensure that while the fees had been raised to current levels, it recognized that the Vesting Tentative Map had fees that would be locked in. It did not mean that when the developer pulled building permits, that current inspection fees would not be imposed. It did not mean that Consumer Price Index (CPI) increases would not be incurred.

In further response to another concern that had been raised that the City must go through a prezoning process before any property could be brought into the City, Mr. Grisham explained that the current process was the appropriate step and approach in the prezoning process.

Ms. Ayres added in further in response to concerns raised by the public that in a typical
subdivision, the City’s Street Tree Ordinance required a development to install one tree per lot. The project would involve 8,000 square foot lots and the project would be conditioned to provide an average of one new street tree every 40 feet, in addition to those in the front yard landscaping. Also, Attachment 4 to the May 8 staff report which included a smaller version of the Subdivision Map had shown large expanses of land falling into large lots where much of the hillside would be visible from the lower elevations.

PUBLIC HEARING CLOSED

Commissioner Garcia commended the Engineering Department for its efforts with respect to the development. He pointed out that the park would be situated at the top of the subdivision. In response to the concerns with landslides at Vista del Mar, he emphasized that property was a considerable distance from the subject site. He was unaware of any other landslides in the community with the City having been able to build from Kirker Pass Road all the way to Meadow Lane with no other landslides.

Commissioner Ohlson clarified with staff that per Section 1. Background of Resolution No. 9711, letters J, K, M, O, and R had been addressed in the resolution with specific conditions of approval.

Commissioner Diokno commented that there had been landslides in the Kirker Pass Road corridor. He otherwise commended staff on the work that had been done on the application to ensure a good development as a result of the number of conditions that would be imposed. He recognized the time involved and the years of work and was pleased to see the explanation of the conditions. He also commended the developer for providing the needed housing in the City and the developer's agreement with the conditions of approval, as modified.

Commissioner Ohlson again speaking to Resolution No. 9711, Sanitary Sewer System, Condition 62, identified a typographical error on the last sentence. He also spoke to Condition 61 and requested clarification from staff on the intent of that condition since he understood that the cities of Antioch, Pittsburg and the community of Bay Point used the Delta Diablo Sanitation District (DDSD). If that was the case, he questioned how the City of Antioch had its own a collection system.

Ms. Ayres reported that DDSD treated the sewage, although each city owned and maintained the transmission lines. In the event that Antioch refused to allow Pittsburg to transmit through its system, there were alternatives that could be put into place.

Commissioner Ohlson otherwise disagreed with building on the hills due to the potential for landslides. While some landslides could be repaired and although he would support the project, he remained concerned with the landslide potential. He would rather see homes on the hillsides and food grown on the flat lands.
Chairperson Tumbaga agreed with Commissioners Diokno and Ohlson. As a resident of a hillside where there had been problems that had later been corrected, she noted that the hills were constantly moving and with proper care and lacking the available land she expressed her hope to be able to maintain the ridges as they were without building all the way to the top.

MOTION: AP-02-21 (RZ)

Motion by Commissioner Garcia to adopt Resolution No. 9710, recommending that the City Council Prezone 166.5 Acres to RS-6-0 Single Family Residential District with an overlay district establishing larger minimum lot sizes and allowing City water tanks as a permitted use in the district for “Sky Ranch” AP-02-21 (RZ). The motion was seconded by Commissioner Thomas and carried by the following vote:

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

MOTION: SUBDIVISION 8475

Motion by Commissioner Garcia to adopt Resolution No. 9711, approving a Vesting Tentative Map to subdivide 166.5 acres into 415 single family residential lots, one detention basin parcel and one water reservoir parcel located at the terminus of Ventura Drive, south of the Highlands Ranch Subdivision for “Sky Ranch II Residential Subdivision (Tract 8475),” as conditioned and subject to Conditions 1 through 19 and as further modified by staff as reflected in the six-page document of revised conditions dated May 8, 2007. At the meeting the motion was seconded by Commissioner Harris and carried by the following vote:

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

MOTION: DR-02-48

Motion by Commissioner Garcia to adopt Resolution No. 9712, approving DR-02-48, Design Review approval of proposed home designs for a 415-lot residential subdivision to be located at the terminus of Ventura Drive, south of the Highlands Ranch Subdivision for “Sky Ranch II Residential Subdivision (DR-02-48),” as conditioned, and subject to conditions 1 through 8 as further modified by staff as reflected in the six page document of
revised conditions dated May 8, 2007. The motion was seconded by Commissioner Harris and carried by the following vote:

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

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

Ms. Ayres reported that the City Council had been scheduled to consider the prezoning request at its next meeting on May 21.

**STAFF COMMUNICATIONS:**

Ms. Ayres reported that there would be a Special Meeting of the Planning Commission on May 29, 2007 at 7:00 P.M. in the Council Chambers to consider policy direction for the Hillside Performance Standards. The Commission would also be asked to consider Planning Commission accomplishments and goals. She added that Planning Commission appointment renewals required a formal submittal for reapplication, with Planning Commission members to be appointed in July.

In response to the Chair, Ms. Ayres acknowledged that the Planning Commission had recently requested that the City Council consider the adoption of a Tree Ordinance, which the City Council had not included in this year’s work program. The request could be made again in future years. In addition, the Planning Commission had been provided with a copy of a letter from a member of the public regarding the Hillside Performance Standards.

Commissioner Garcia thanked engineering staff for the thorough staff report and conditions imposed on the Sky Ranch development.

**COMMITTEE REPORTS:**

There were no committee reports.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Ohlson spoke to the corner of Garcia Avenue and Freed Way behind Cromwells Welding where sand blasting appeared to be conducted. Since there were residential homes adjacent to that area and since sand blasting created a hazardous waste, he asked staff to review that situation.

Chairperson Tumbaga expressed concern with the traffic in front of Highlands Elementary School.
School where parents dropping off students were blocking the drives and where vehicles were oftentimes double parked on Harbor Street.

Ms. Ayres advised that the concerns would be referred to the appropriate department.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 9:07 P.M. to a regularly scheduled meeting on May 22, 2007, in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

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MELISSA AYRES, Secretary
Pittsburg Planning Commission