MINUTES
OF THE REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION
April 10, 2007

A regular meeting of the Pittsburg Planning Commission was called to order by Vice Chairperson Ohlson at 7:02 P.M. on Tuesday, April 10, 2007 in the Council Chambers, City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL:
Present: Commissioners Diokno, Garcia, Harris, Ramirez, Thomas, Vice Chairperson Ohlson
Absent: Chairperson Tumbaga
Staff: Planning Director Melissa Ayres, Assistant Planner Leigha Schmidt, Assistant Planner Kristi Vahl, Project Planner Ali Endress, and Senior Civil Engineer Alfredo Hurtado.

POSTING OF AGENDA:
The agenda was posted at City Hall on Friday, April 6, 2007.

PLEDGE OF ALLEGIANCE:
Commissioner Ramirez 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. Minutes – March 27, 2007

MOTION:

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

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

PUBLIC HEARINGS:

Item 1: Mazzei Ground Fuel Tank. AP-07-423 (UP)

An application filed by Robert Eagan of Fuel Systems Consulting, requesting a use permit to establish a 4,000 gallon above ground tank with a single gas pump for private use by the Mazzei dealerships located on Century Court. The location of the tank and pump are at 3800 Century Court and the site is zoned CC (Community Commercial) District. APN 074-090-020.

Assistant Planner Kristi Vahl presented the staff report dated April 10, 2007. She recommended that the Planning Commission adopt Resolution No. 9701, approving Use Permit Application No. AP-07-423, as conditioned.

Commissioner Diokno spoke to the staff recommended condition for the tank to be double lined and inquired whether or not that would increase the height of the tank.

In response, Ms. Vahl suggested that the tank would not be more than four inches above the screened wall. She was uncertain the height would be increased and suggested that the applicant clarify that issue.

PUBLIC HEARING OPENED

PROPOSANT:
RUSTY FIRENZE, representing the applicant, spoke to the height issue and noted that the tank would be double lined with screening above. There would be no increase in height. He affirmed, when asked, his agreement with the conditions of approval. Mr. Firenze noted that the only concern was a man door on the screening which involved a chain link gate and which would have vinyl slats to complete the screening that would match the masonry wall. If that was not acceptable, he could accept the condition as presented.

Ms. Vahl explained that staff had recommended a solid gate, although it was up to the Commission to make a determination.

Commissioner Diokno affirmed with the applicant that the tank would consist of a double steel material meeting UL-142 requirements.

Commissioner Ramirez also affirmed with the applicant that Condition 3 of Resolution No. 9701 would be acceptable if that was the direction of the Commission.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-07-423 (UP)

Motion by Commissioner Garcia to adopt Resolution No. 9701, approving AP-07-423 (UP), a Use Permit to construct an above ground fuel tank for private use by the Mazzei Dealerships, “Mazzei Above Ground Fuel Tank. AP-07-423 (UP),” with the conditions as shown. The motion was seconded by Commissioner Ramirez and carried by the following vote:

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

Item 2: Affinito Single Family Residence. AP-07-427 (UP)

An application filed by Al Affinito requesting: 1) a use permit to construct a 1,939 square foot two-story home on a substandard lot and 2) a variance to allow the second story of the home to exceed fifty (50) per cent of the total ground floor square footage, and to allow decreased building setbacks at the required front, side and rear yards. The subject site is a 4,547 square foot vacant lot located on the west side of Crestview Avenue, north of West Leland Road in the RM (Medium Density Residential) District, APN 087-042-016.
Project Planner Ali Endress presented the staff report dated April 10, 2007. She recommended that the Planning Commission adopt Resolution No. 9700 approving AP-07-427 (VA) and Resolution No. 9702 approving AP-07-427 (UP), as conditioned.

Commissioner Ramirez recalled when the application had initially been approved in 2004 that the architect had done a good job designing a home on an odd-shaped lot. At that time, the Commission had reviewed all issues and had unanimously approved the application. He inquired of staff whether there were any changes to the 2004 approved plans.

Ms. Endress explained that the plans had not changed although the transportation and engineering fees in association with the project had increased since 2004.

Commissioner Thomas inquired whether or not the zoning standards had changed since 2004. She also inquired whether or not there were other recent approvals of similar development on substandard lots.

Ms. Endress advised that the zoning standards had not changed since 2004. Staff was of the opinion that all the required findings could be made to approve the use permit application.

Planning Director Melissa Ayres explained that the City received applications to build on substandard lots two to three times a year, which applications required a use permit to ensure that the home would fit the lot. In this case the lot was unique, triangular and odd-shaped with a minor variance request. The lot was also surrounded by apartment buildings and two churches and was too small to build anything other than a single family home.

Commissioner Ramirez recalled that the original approved submitted in 2004 had included landscaping plans, although the staff report had indicated that no landscaping plans had been submitted at this time.

Ms. Endress advised that she had no plans for landscaping on file although there might be plans on file with the Building Division. She could review the City files to determine whether or not the landscaping plans were on record, and if so, would be used as the current landscaping plans.

PUBLIC HEARING

PROPOSED:

ALFRED AFFINTO, Pittsburg, spoke to the background and history of the lot established when the City had decided to widen Crestview Avenue 40 years ago with the thought that
there would be three north/south streets in the City. Since that time, the City had grown considerably and the third south street had been moved to Range Road. In an effort to conserve on expenditures, the City had purchased only a piece of the land. What was left had been zoned for Single Family Residential. Mr. Affinito noted that the lot had remained vacant for some time. In considering the disposition of his estate, he had decided to do something nice on the property. He had an architect who had developed a plan along with a landscaping plan and those plans had been filed with the City. The only reason that the plans had returned to the Planning Commission was that he had been unaware of the one year time limit to file for a building permit.

Mr. Affinito commented that prior to engaging in the proposal he had met with the Pastors of both churches on each side of the property and both had not been interested in purchasing or developing the lot.

Mr. Affinito took this opportunity to thank Ms. Endress for her work in the processing of the application.

Mr. Affinito commented that in speaking with the Planning Director, he understood there was pending change to the Zoning Ordinance related to similar situations which would involve administrative approval as opposed to Planning Commission approval in the future, which would have meant that he would not have had to pay $1,100 to bring the project back to the Commission. He supported that Zoning Code change.

In response to Commissioner Thomas, Ms. Ayres clarified that the property would not be required to be deed restricted as an affordable housing unit.

Mr. Affinito clarified that as a practical matter the home would to be relatively affordable due to the size of the lot.

OPPONENTS:

PASTOR MARICE BATES, Mount Zion Baptist Church, Pittsburg, presented the Planning Commission with correspondence identifying the church’s concerns with the proposal. He explained that the church had existed for the past 50 years, 40 years plus in the Crestview Drive area, and the church had once owned the property adjacent to the City Gym which was now occupied by the Hindu Center.

Pastor Bates explained that approximately four years ago he had met with the property owner because the church had an interest in the property at that time, although the bid to acquire the property had been unsuccessful and there had been no further communication with the property owner.
Pastor Bates noted that the west side of the property was located on a block on the west side of Crestview Drive where there were religious institutions, with the subject property located between two existing churches and property formerly known as the City Gym.

Pastor Bates suggested it was odd to approve a single family home on the subject property, although allowed by zoning, since it could be a potential problem for the church. He stated that the church had two parcels of land; one where the church was located and another that was addressed as Knox Avenue where a home had recently been demolished in anticipation of building a multi-purpose community center. He advised that those plans had come about as a result of the loss of a bid for the City Gym property.

Commissioner Harris noted that the project had previously been approved in 2004 and had the property owner not allowed the approvals to lapse the home would have been built. The property owner had the right to request new approvals and if the church was interested in purchasing the property, the church should negotiate with the property owner privately.

Pastor Bates advised that he had not been aware of the proposal nor had he received a public hearing notice in 2004 or the church would have been present at that time.

Commissioner Thomas clarified that Pastor Bates would like to meet with the property owner to discuss the status of the property. She found the home plans to be attractive, although she had concerns regarding the placement of a single family home between two churches. In her opinion, she would like to see the church meet with the property owner to reach some sort of agreement to possibly reach a win-win solution.

Pastor Bates suggested that was possible, although he noted that during a breakfast meeting with the property owner in the past such discussions did not appear to be successful. He reported that he had received a letter from the property owner’s realtor which appeared to pressure the church to sell its lot to allow access to the property on the south side. He had also received telephone calls from someone who wanted to speak with the church to show them the plans for the home, although that had not occurred. He asked that the project decision be deferred to allow the church to discuss the matter with the property owner.

REVEREND AL WATERS, Associate Minister/Youth and Young Adult Director, Mount Zion Baptist Church, was interested in further discussions with the property owner. He explained that the church was eager to complete a multi-purpose facility that had been outlined in the correspondence presented to the Commission. He noted the need for services in the Lido Square area, which the multi-purpose facility would provide. He outlined the numerous activities and services the church would like to provide, most of which were not currently offered in the area.
Reverend Waters also spoke to the church’s unsuccessful effort to participate in the bid process for City owned property. He urged the Commission to delay a vote on the matter at least 30 days to allow discussions with the property owner.

ANTHONY BUTLER, Pittsburg, echoed the comments and also pointed out that when the project had originally been approved the church had not been present, but should have been considered to allow the Commission to make an informed decision. He disagreed that the findings could be made to approve the project, he disagreed with the staff analysis that the project would not impact its surroundings, and he suggested that approval of the variances could impact the church given that there was an existing easement that could be affected. He added that approval of the variances would also reduce the existing space between the subject property and church property located directly behind affecting the church’s plans for future improvements. He disagreed that a home on the property would be suitable and he too asked that the item be delayed to allow a beneficial resolution to both parties.

DEACON JUNIOR RILEY, Pittsburg, endorsed the comments offered by other speakers.

DORIS HALL, Pittsburg, a member of Mount Zion Baptist Church, commented on the changes in the community and stated that the church wanted to move with the City. She supported the congregation and her Pastor and asked the Commission to consider their request.

Du’PRAISEA SMITH, 2698 Placer Drive, Oakley, commented that since the church did not have any recreational facilities it planned to build one and it would provide a place for activities and things that would keep youth busy.

REVEREND MARIO HOWELL, Pittsburg, stated that he had been a business owner in Pittsburg and was also a member of the Mount Zion Baptist Church. He too spoke to the City’s recent efforts in the downtown. As to the current proposal, he suggested it would not fit given its location in the middle of churches and other commercial buildings. He suggested that if the property owner wanted to be a good neighbor he should donate the property to the church.

DEBRA JONES, a member of Mount Zion Baptist Church, opposed the development of the home and noted that the church was a young one with many activities, one of which was an annual block party which served the church and the entire community. If a home were permitted, she suggested those activities could be too disruptive to the occupant of the home.

REBUTTAL:
Mr. Affinito commended the church for its efforts. He emphasized that he had tried diligently and repeatedly to work with the church and had tried to meet with the Pastor in the past to reach some sort of agreement. However, the church had waited a long time to raise its concerns. He noted that there were many instances where single family homes were situated adjacent to churches. Mr. Affinito commented that he could be subject to a lawsuit if a contract offer he had for the property was not considered. He reported that his real estate brokers had made calls to the church in the past with no response. He stated that he would rather sell the property to the church although he had an offer on the property and that possibility was no longer an option. He emphasized that the application had been fairly made and he would rather not have to pay some of the transportation fees to build roads in other cities. He emphasized that he had done his best, had offered to purchase some of the church property in the past, but again had no response from the church over the years.

Mr. Affinito asked the Commission to consider the proposal and take action. If the church wished to negotiate for the property, he pledged to do his best to work with the individual he was under contract with to consider that possibility.

Commissioner Thomas affirmed with Mr. Affinito that he had an offer on his property and would speak with that individual to see if he could be released from that contract.

Mr. Affinito reiterated that four years ago when discussions had initially occurred on the possible purchase of the property at that time the church did not have the funds to purchase the property.

Commissioner Thomas inquired whether or not the property owner would be willing to meet with the church to discuss the matter.

Mr. Affinito reiterated that he would have to speak with his Real Estate Broker and the individual he had under contract to determine whether or not he could be released from the existing contract to sell the property.

Reverend Howell suggested that if the Commission determined that the property owner could not build the home he would then be out of the contract. He suggested that the decision was up to the Planning Commission. He also suggested that if the property owner wanted to sell the property to the church it should be sold at market value and not be increased with the knowledge that a church was interested in the purchase of the property.

Mr. Affinito again reiterated that he had an existing contract on the property at market value and had the responsibility to speak with the individual under contract to determine whether or not he could be released from that agreement. He disagreed that the Planning
Commission should just deny the request in that there were no grounds to do so.

In response to Commissioner Diokno as to when groundbreaking was anticipated for the development of the single family home, Mr. Affinito explained that the buyer/builder of the property was ready to break ground immediately.

Ms. Ayres added that building permits were ready to be issued.

PUBLIC HEARING CLOSED

Commissioner Garcia explained that the Planning Commission could not prevent the property owner from building on his private property since the property was zoned for a single family residence and the project met all the zoning requirements. The variance, if approved, would not represent a special privilege that could not be enjoyed by other property owners. He pointed out that the lot had been created by the City’s past mistake by not purchasing all the property. He did not believe that the development of the home would affect the church and its future plans. The church would have the same setbacks and if the home was built it would not reduce the size of the church property.

Commissioner Thomas commented that she wished that there had been earlier communication between all parties. She expressed her hope that the property owner and the church could have a dialogue to possibly reach a solution, and if not, both parties would know they did the best they could. She agreed that the Planning Commission could not prevent the property owner from building on his property, although she inquired whether or not the application could be postponed to the next Planning Commission meeting to allow that dialogue to occur.

Commissioner Diokno acknowledged that the church’s plans for numerous services were needed in the City and he agreed there was a lack of such services. He too agreed that the home would not prevent the church from building on its own property. He suggested that the church had a good reputation and when the annual block party was held the church could invite its neighbors. He saw no reason to deny the property owner the right to build on his property.

Commissioner Ramirez inquired of Mr. Affinito if the Planning Commission were to delay a decision for 30 days to allow the property owner to meet with the church whether or not it would affect his existing contract on the property.

Mr. Affinito advised that it would leave an opening for his buyer where there could be a perception that efforts were being made to defeat the contract. He gave his word that he would meet with the church immediately and would speak with his Real Estate Broker to see what could be done.
Reverend Waters reiterated the suggestion that the Commission could deny the proposal and had the right to delay its decision to allow the church to meet with the property owner. He suggested that a 30 day delay was fair. He reiterated that 18 months ago, the church would have liked to have been present when the project had first been considered.

Commissioner Thomas recognized the applicant’s status in the community and the need to be fair to everyone. While the Commission could consider a delay where the church could meet with the property owner to see what could be done, she questioned whether or not that would be acceptable to the property owner given that he had a legitimate buyer for the property and had expended a great deal of money on the project thus far.

Mr. Affinito stated that he did not have that opportunity for a delay. Staff had worked hard to get the application before the Commission for consideration. He again gave his word that he would meet with his Real Estate Broker to further discuss the matter.

Pastor Brooks suggested that the church was not being given the opportunity to be heard and he questioned why the matter could not be delayed to allow the church the opportunity to meet with the property owner.

Commissioner Harris emphasized that the property was zoned for single family residential development and the project was compliant with that zoning. The property owner had the right to build as long as the project met all the zoning requirements and all applicable fees had been paid.

Vice Chairperson Ohlson explained that the Planning Commission’s purview was to ensure that it followed the General Plan. Based on the General Plan, the owner of the property had the right to develop the property as a single family residence. The project was again before the Planning Commission because of the variance setback request, which he described as a minor request. He suggested that it was reasonable to build a church activity center in the area. Referencing earlier comments, he disagreed that the application was a done deal. He expressed his hope that the church would be able to negotiate privately with the property owner.

MOTION: AP-07-427 (VA)

Motion by Commissioner Garcia to adopt Resolution No. 9700, approving AP-07-427 (VA), Variances to allow the second story (780 square feet) of a new home on a substandard lot to exceed 50 percent of the total ground floor square footage (1,145 square feet) of the home, and a decrease in the required front, side and rear yards of a proposed single family home located on the west side of Crestview Avenue, north of West Leland Road for “Affinito Single Family Home. AP-07-427 (VA),” with the conditions as shown. The motion was seconded by Commissioner Ramirez and carried by the following vote:
Ayes: Commissioners Diokno, Garcia, Harris, Ramirez, Ohlson
Noes: None
Abstain: Commissioner Thomas
Absent: Chairperson Tumbaga

Given that Commissioner Thomas advised that she had not intended to abstain from the vote on the motion, the Planning Commission made a motion to reconsider the vote.

MOTION: Reconsideration of AP-07-427 (VA)

Motion by Commissioner Garcia to reconsider a motion to adopt Resolution No. 9700 approving AP-07-427 (VA), Variances to allow the second story (780 square feet) of a new home on a substandard lot to exceed 50 percent of the total ground floor square footage (1,145 square feet) of the home, and a decrease in the required front, side and rear yards of a proposed single family home located on the west side of Crestview Avenue, north of West Leland Road for “Affinito Single Family Home. AP-07-427 (VA),” with the conditions as shown. The motion was seconded by Commissioner Ramirez and carried by the following vote:

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

MOTION: AP-07-427 (VA)

Motion by Commissioner Garcia to adopt Resolution No. 9700 approving AP-07-427 (VA), Variances to allow the second story (780 square feet) of a new home on a substandard lot to exceed 50 percent of the total ground floor square footage (1,145 square feet) of the home, and a decrease in the required front, side and rear yards of a proposed single family home located on the west side of Crestview Avenue, north of West Leland Road for “Affinito Single Family Home. AP-07-427 (VA),” with the conditions as shown. The motion was seconded by Commissioner Ramirez and carried by the following vote:

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

MOTION: AP-07-427 (UP)
Motion by Commissioner Garcia to adopt Resolution No. 9702 approving AP-07-427 (UP), a Use Permit to construct a 1,930 square foot two-story home on a 4,547 square foot substandard lot located on the west side of Crestview Avenue, north of East Leland Road for “Affinito Single Family Home. AP-07-427 (UP),” with the conditions as shown. The motion was seconded by Commissioner Ramirez and carried by the following vote:

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

COMMISSION CONSIDERATIONS:

Item 3: Discovery Builders Billboard Sign Exceptions. AP-07-409 (SR)

An application filed by Salvatore Evola on behalf of Discovery Builders/Seeno Homes requesting approval of sign exceptions to alter sign faces on three 200 square foot billboard signs that were permitted by Planning Commission Resolution No. 9603. The split-face billboard signs would advertise subdivisions located within and outside of the City of Pittsburg in various zoning districts. APNs 074-090-025, 088-240-074, and 088-240-074.

Assistant Planner Leigha Schmidt presented the staff report dated April 10, 2007. She clarified that one of the three sign faces subject to the application had been removed since the applicant had filed the application in January and the application had not been amended with staff to reflect the removal prior to the drafting of the staff report and resolution.

Ms. Schmidt advised that staff had written a recommendation to the Planning Commission based on the application initially filed in January 2007. Staff was of the opinion that based on the April 10 staff report; the Planning Commission could not make the findings to approve the sign exceptions. While economic benefits associated with increased home sales in the region was a benefit to Pittsburg, the cities of Concord, Antioch, and Brentwood prohibited advertisement of subdivisions not located within their respective city limits.

Ms. Schmidt noted that General Plan policies would allow a larger freestanding sign to advertise regional commercial uses. Subdivisions were not commercial uses and had been given different definitions in the Municipal Code and in the City codes for the cities of Antioch, Brentwood and Concord.

Ms. Schmidt stated that staff had received correspondence dated April 9, 2007, which had been amended on April 10, 2007 from the applicant, and which had been provided to the Commission. The Commission had also been provided the amended application to allow a
decision to be made on new material provided by the applicant. The applicant now proposed to remove four of the temporary sign structures to be replaced with two double-sided, permanent monument signs in line with the staff recommendation.

Ms. Schmidt stated that the applicant had also agreed to limit the sign faces to 200 square feet, split the sign faces, remove the names of cities for subdivisions not located in Pittsburg from the sign faces, and had requested two double-sided billboard signs, with the applicant able to change the sign faces for as long as the signs remained.

Based on the applicant’s letter and the new plans, Ms. Schmidt stated that if the Commission decided to approve the application the Commission should direct staff to prepare a resolution for approval subject to conditions.

PUBLIC HEARING OPENED

PROPONEET:

AYMAN SHAHID, Discovery Builders/Seeno Homes, Marketing Department, 4061 Port Chicago Highway, Concord, stated that the application was compliant with the City’s Sign Ordinance per a diagram he presented to the Planning Commission. He advised that the developer was willing to install the signs at its cost and would minimize the number of signs along State Route 4 east/westbound. He suggested that the signs would benefit the City and he looked forward to complying with most of the staff recommendations, with the exception of the square footage requirement.

Commissioner Garcia referenced the applicant’s letter dated April 10 and inquired whether or not the applicant would be in agreement if the Planning Commission were to direct staff to prepare a resolution of approval subject to the April 10 correspondence, and subject to staff recommended conditions.

Mr. Shahid expressed his hope that Planning Commission approval would not be required with every change to the sign face. He pointed out that the developer had several subdivisions in the City and would continue to build in the City for several years.

JOHN WILLSIE, Discovery Builders/Seeno Homes, Marketing Department, 4061 Port Chicago Highway, Concord, requested that if the Commission were to approve the application subject to the staff recommendations that the item be continued given that the current sign code was being revised. He was uncertain how the requested or modified signs would fit within a revised sign code and he did not want to return for approval if the proposal did not comply with the revised sign code.

Ms. Ayres stated, when asked, that she was not opposed to a continuance if a majority of the Commission was in support of the plans submitted this date by the applicant. She
would rather see the Commission consider that plan rather than deny the plan that had been filed with the application.

Commissioner Diokno inquired of staff if the item were to be continued whether or not it should be continued until after the finalization of the sign code update.

Ms. Ayres clarified that the signs were currently in violation of the City code and the only way to bring them into conformance would be for the applicant to reinstall signs that had been removed or to remove the signs entirely.

Commissioner Diokno questioned why the applicant could not conform to the City sign code in terms of the size of the signs.

Mr. Willsie commented that the request included a minor variance on the size of the sign face, which was currently 160 square feet. The sign proposal was for 200 square feet.

Mr. Shahid explained that conformance in terms of the sign size could be reviewed, although the signs were currently non-conformant since the developer’s website had been listed on the bottom of the sign structure which had added square footage and which had led to the sign exception request. Due to the speed of traffic on State Route 4, he stated that a reduced sign face could decrease the visibility of the sign along that route.

Ms. Ayres clarified that the Planning Commission had already granted an exception for the size of the signs. The issue was the copy on the signs and the original concept of the sign structure quality for signs that would be in existence for many years.

Commissioner Diokno commented that he was troubled by the letter from the applicant and the suggestion that the applicant be allowed to change the sign face without additional permits, fees or other approvals from the City.

Ms. Ayres understood that the applicant wanted the flexibility to change the sign copy. She explained that Planning Commission approval was not required for the two off-site signs which had been approved at a staff level.

Mr. Willsie advised that the developer was willing to invest considerable sums to take down the more temporary designed sign and install a more substantial structure in line with designs discussed with staff. He suggested that would more appropriately represent the image the developer would like to project to the community.

Mr. Willsie added that he would also like to replace the four existing signs as shown on the information before the Commission with two permanent structures designed similar to the elevation presented. He recognized that there were certain guidelines that would be
required to be followed. He suggested that with those guidelines the developer should have the freedom to change the sign faces without resubmitting an exception application.

Vice Chairperson Ohlson suggested that the developer should be required to follow the Municipal Code. He noted that neighboring cities did not permit off-site signs for developments that were not within their city limits. He could not make findings that would support the alteration of the signs. He suggested that the developer had been flippant with how those signs had been built and he supported the resolution that staff had recommended for enforcement, with enforcement as well with the new sign ordinance when completed.

Mr. Willsie referenced the staff report which had stated that there shall be no off-site subdivision signs advertising subdivisions not located within the City. He suggested that language was from the end of a sub paragraph that was within the Sign Ordinance dealing with exempt temporary signs. He suggested the intent of the ordinance was while the Municipal Code recognized an exemption for subdivisions advertising on site, as long as it was within the City they could not use that section for exempt temporary signs to advertise an outside of the City limits subdivision. He added that the sign code had a list of prohibited signs. He suggested it was a mischaracterization to suggest that they could not have signs that advertised developments outside of the City limits.

Commissioner Garcia made a motion for staff to meet with the applicant per the April 10 correspondence to work out a resolution satisfactory to both.

Ms. Ayres clarified that the action before the Planning Commission was either to approve, deny or continue the application. That clause could be added with a motion to continue the item, with the staff and the applicant to meet in the interim.

Commissioner Garcia made a motion to continue Resolution No. 9708 and to direct staff to meet with the applicant to address the applicant’s April 10, 2007 letter and to bring back a resolution as needed for consideration at the April 24, 2007 Planning Commission meeting.

In response to the Vice Chair, Ms. Ayres reported that a continuance would stay the enforcement action, and as long as the applicant was working diligently with the City, that would be acceptable to staff.

**MOTION: Continue AP-07-409 (SR)**

Motion by Commissioner Garcia to continue AP-07-409 (SR), Discovery Builders Billboard Sign Exceptions to the Planning Commission meeting of April 24, 2007, with staff directed to meet with the applicant to address the applicant’s April 10, 2007 letter and to bring back a resolution as needed for consideration at the April 24, 2007 Planning Commission
meeting. The motion was seconded by Commissioner Thomas and carried by the following vote:

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

Commissioner Garcia noted that the City of Antioch did not enforce its ordinance in that Antioch had signs advertising subdivisions in other cities.

**STAFF COMMUNICATIONS:**

The Planning Commission acknowledged receipt of the following Notice of Intent (to review/approve projects at staff level):

a. USA Service Station – Soil Remediation System AP-07-428 (DR)
b. El Matador Restaurant Plan Revisions – 95 Bliss Avenue

Ms. Ayres reported that the East Bay Community Foundation had asked to sponsor a bus tour of transportation oriented developments (TODs) around the area for all City Council, Planning Commission, staff and members of the public either on Saturday, May 12 or Saturday, May 19, from 9:00 A.M. to 3:00 P.M. to review physical improvements, and which could involve speakers. The Commission was asked to notify staff of his/her interest for either date.

Commissioner Harris left the dais at this time while staff identified Notice of Intent item b. due to a potential conflict of interest. After a brief comment period, Commissioner Harris returned to the dais.

Ms. Ayres also reported that code enforcement action would be addressed with Fort Knox Storage regarding a temporary fence that had been installed a year ago and which was to have been removed, along with the need to comply with conditions of approval including a requirement to double-stake trees and keep the landscaping maintained.

Ms. Ayres clarified, when asked, that Commissioners could attend meetings on the eBART Specific Plan, although Commissioners were to remain objective and just listen to the discussions since the matter would be coming back to the Planning Commission at a later date. As to whether or not Planning Commissioners would like to be involved in more stages of the eBART Specific Plan discussions, it was the consensus of the Commission to be informed of the status of discussions with Commissioners desirous to see the proposed goals and policies as part of a scheduled discussion item.
COMMITTEE REPORTS:

There were no committee reports.

COMMENTS FROM COMMISSIONERS:

Commissioner Thomas affirmed the special meeting schedule with staff and took this opportunity to commend Vice Chairperson Ohlson for his chairing of the meeting. She stated that as a member of many cultural organizations in the City, the perception of many residents was that the Planning Commission did not extend fair and equitable treatment to all cultural organizations. She commended the Commission for being fair.

Vice Chairperson Ohlson asked staff to notify Commissioners of any scheduling changes for special meetings or workshops. He advised that he would not be present for the Special Meeting scheduled for April 18.

Ms. Ayres explained that written comments could be provided on the topic to staff at any time.

ADJOURNMENT:

There being no further business, the meeting adjourned at 9:16 P.M. to Special Workshops on April 12, 2007 (Sign Code Update – 10:00 A.M.) and April 18, 2007 (Hillside Development Standards – 7:00 P.M.) and then to a regularly scheduled meeting on April 24, 2007, in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

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MELISSA AYRES, Secretary
Pittsburg Planning Commission