A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Jack Garcia at 7:00 P.M. on Tuesday, September 28, 2004 in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

Present: Commissioners Dolojan, Gordon, Ohlson, Ramirez, Tumbaga, Chairperson Garcia

Excused: Commissioner Williams

Staff: Director of Development Projects Randy Jerome; Planning Director Melissa Ayres; Associate Planner Ken Strelo; Associate Planner Noel Ibalio; Assistant Planner Dana Hoggatt; Assistant Planner Christopher Barton; and Senior Civil Engineer Alfredo Hurtado.

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, September 24, 2004.

PLEDGE OF ALLEGIANCE:

Commissioner Ohlson led the Pledge of Allegiance.

DELETIONS/WITHDRAWALS/CONTINUANCES:

Planning Director Melissa Ayres reported that Item No. 2, Vista Del Mar Development, AP-03-033, would be continued to the Planning Commission meeting of October 12, 2004 due to a public noticing error. The item would be renoticed to the public.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.
PRESENTATIONS:

There were no presentations.

CONSENT:

b. Empire Business Park Master Sign Program.
c. Stoneman Plaza Freestanding Sign and Sign Exception. AP-04-128.

MOTION:

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

Ayes: Commissioners Gordon, Ohlson, Ramirez, Tumbaga, Garcia
Noes: None
Abstain: Commissioner Dolojan
Absent: Commissioner Williams

PUBLIC HEARINGS:

Item 1: Hunter Paine Expansion. AP-04-129 (UP).

Public hearing on an application by Hunter Paine Enterprises requesting approval of a use permit to operate a limited manufacturer that produces Lexite™, a 100 percent recyclable material currently used to replace wood in many applications, in 118,968 square feet of an exiting 318,000 square foot building located at 701 Willow Pass Road, Suite 7. The site is zoned IP-0 (Industrial Park with a Limited Overlay) District. APN 085-280-002.

Associate Planner Ken Strelo presented the staff report dated September 28, 2004. He recommended that the Planning Commission adopt Resolution No. 9520, approving Use Permit No. 04-129, with the conditions as shown.

Commissioner Ohlson spoke to Section VII, Biological Resources related to impacts to endangered, threatened or rare species or their habitats, as shown on Page 4 of 4 of the Mitigation and Monitoring Plan (MMP), and the reference to “ruderal-annual grassland habitat.” He requested clarification from staff on the intent of that language.

Mr. Strelo explained that the term referred to disturbed land where grasslands would occur naturally. The MMP had been written for the site although the project would be located in an existing building. The subject application would therefore have no impact on the MMP.

PUBLIC HEARING OPENED
PROPOSENT:

RICHARD WENNING, Hunter Paine Enterprises, LLC, One Arbor Way, Lafayette, stated
that he had read and was in agreement with the staff recommended conditions of approval.
He had nothing further to add to the discussion.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-04-129 (UP)

Motion by Commissioner Ramirez to adopt Resolution No. 9520, approving Use Permit
Application No. AP-04-129 (UP), to allow limited manufacturing in 118,969 square feet of
an existing 318,000 square foot building located at 701 Willow Pass Road, Suite 1, “Hunter
Paine Expansion,” with the conditions as shown. The motion was seconded by
Commissioner Tumbaga and carried by the following vote:

Ayes: Commissioners Dolojan, Gordon, Ohlson, Ramirez, Tumbaga,
       Garcia

Noes: None

Abstain: None

Absent: Commissioner Williams


Public hearing on an application by William Lyon Homes and Alves Ranch LLC, (applicant)
pertaining to a 293 acre site commonly known as Alves Ranch, requesting 1) that the General Plan Land Use Element be amended to shift the designated
Public/Institutional classification on 11 acres southwest of its current location and amend
the text in the General Plan Policy 2-P-87 reapportioning the 1,100 permitted units across
the property; 2) that the property be rezoned to PD (Planned Development District); and 3) that a vesting tentative map be approved to subdivide the 293 acre site into 543 single
family residential lots, four high density residential lots, one business commercial lot, one
school site, and several additional lots for open space and/or public purposes. APN 097-

As earlier reported, the item was continued to the Planning Commission meeting of

Item 3: Marina Boulevard Minor Subdivision. AP-04-151 (MS-677-04).

Public hearing on an application by the Redevelopment Agency of the City of Pittsburg
requesting approval of a tentative map to consolidate 17 parcels consisting of 4.2 acres
into 3 lots on the north side of Marina Boulevard between West Second Street and Fifth
Assistant Planner Christopher Barton presented the staff report dated September 28, 2004. He recommended that the Planning Commission adopt Resolution No. 9514 approving Minor Subdivision Application No. AP-04-151 (MS-677-04).

Commissioner Ohlson spoke to the new parking lot and inquired whether it had been considered for the Elks Lodge proposal or whether it was an additional parking lot that had been added to the downtown.

Mr. Barton explained that the public parking lot for Parcel A had been in process for some time. Since it was situated 300 feet from the front door of the proposed Elks Lodge, it had been found to be outside of the walkable range for a person who might patronize the Elks Lodge. Staff had therefore not included those numbers in the analysis for parking in the downtown.

Mr. Barton also clarified that the Minor Subdivision was actually MS 677-04, not MS 676-05 as shown on the agenda.

PUBLIC HEARING OPENED

PROONENT: City of Pittsburg Redevelopment Agency

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-04-151 (MS 677-04)

Motion by Commissioner Gordon to adopt Resolution No. 9514, approving Tentative Parcel MAP-04-151, to consolidate 17 parcels consisting of 4.2 acres into three lots on the west side of Marina Boulevard between West Second Street and Fifth Street for “Marina Boulevard Minor Subdivision (MS 677-04).” The motion was seconded by Commissioner Dolojan and carried by the following vote:

Ayes: Commissioners Dolojan, Gordon, Ohlson, Ramirez, Tumbaga, Garcia

Noes: None

Abstain: None

Absent: Commissioner Williams

Item 4: Willow Brook Residential Development. AP-03-79 (Tract 8810, DR).
Continued public hearing on a request for approval of a vesting tentative map and architectural plans in order to construct 54 single-family detached houses and 6 duet (single family attached) houses on lots ranging in size from 2,160 to 5,360 square feet on a developed property that is currently used for vehicle storage and that is located at 1055 North Parkside Drive; APNs 086-020-017, 086-020-018, 086-020-019 and 086-020-020.

Assistant Planner Dana Hoggatt presented the staff report dated September 28, 2004. She recommended that the Planning Commission adopt Resolution No. 9518, adopting the Mitigated Negative Declaration and Mitigation and Monitoring Program, and approving Vesting Tentative Map Application No. 03-79 (Tract 8810), with the conditions as shown and adopt Resolution No. 9519, approving Design Review Application No. 03-79, for architectural plans for the proposed houses, with the conditions as shown.

Ms. Hoggatt further advised that Condition No. 40 of Resolution No. 9518 should be revised to reflect that the developer would be required to install a continuous curb, gutter, and sidewalk between the Willow Brook development and the curb and gutter at the front of the property at 855 North Parkside Drive.

Commissioner Ohlson spoke to Condition No. 24 of Resolution No. 9518, and the reference to corrosivity testing. He requested clarification from staff as to the definition of that language.

Ms. Hoggatt stated that the term related to the disintegration of metal or rusting, due to corrosion. The condition was to ensure that the underground utilities would not fail.

Commissioner Ohlson also spoke to the checklist in the Vesting Tentative Map and the reference to the Burlington Northern Santa Fe (BNSF) railroad as being located immediately to the north of North Parkside Drive, while the vicinity map had shown the Atchison Topeka/Santa Fee (ATSF) railroad as being immediately adjacent to North Parkside Drive.

Ms. Hoggatt acknowledged that the maps had been mislabeled. The northern railroad was actually the BNSF and the one closest to North Parkside Drive was the Union Pacific Railroad.

Commissioner Ohlson also commented that during the last City Council meeting, which he had attended, the Council had made clear that it did not want any subdivisions to escape the affordable housing program that the City had yet to adopt.

Chairperson Garcia noted that the project would include an affordability component with the duet development.

Commissioner Ohlson recommended that a more stringent affordable requirement be imposed on the project.
Ms. Ayres explained that the applicant would be providing 15 percent of the units as affordable housing. The Commission could not impose an ordinance which had not yet been adopted. The General Plan policy stipulated that the Commission review the projects on a case by case basis. The proposal being considered by the Commission had been negotiated with the developer for a Planned Development rezoning application which had been considered by the Commission at its last meeting. The Vesting Tentative Map was consistent with those conditions which would require that the developer set aside nine units. To do something different now would be inconsistent with what the Commission had previously recommended.

Commissioner Ohlson reiterated that during the prior City Council meeting, several Councilmembers had expressed a strong desire to impose an affordability component on all subdivisions. He suggested it would not be unreasonable to impose on the project the requirements that the Council might adopt in October.

Chairperson Garcia noted that the developer must build the project, as submitted, based on the draft resolutions in the staff report.

Ms. Ayres added that the development would consist of 15 percent affordable units, which was what the redevelopment area had targeted. The City Council would review the subject project on October 18 prior to the potential adoption of the Inclusionary Housing Ordinance. The City Council at that point could decide whether or not it wanted to impose something more restrictive than the Commission had already recommended to the Council.

Commissioner Ohlson recommended the item be continued until after the adoption of the Inclusionary Housing Ordinance.

Commissioner Tumbaga understood that Commissioner Ohlson wanted something in the resolution to ensure that the developer would build the 15 percent affordability component.

Commissioner Ohlson wanted the development to use the descriptive terms stated by a Councilmember to avoid escaping the Inclusionary Housing Ordinance the City planned to create. While he understood that the project would include 15 percent of affordable housing, he reiterated that the Council was adamant that inclusionary housing be included.

Chairperson Garcia reiterated that a 15 percent affordable housing component had been included in the development and was a part of the draft resolutions of approval. He questioned what else could be done.

On the question of whether or not any of the staff recommended conditions of approval had included an affordability component, Commissioner Ramirez identified Condition No. 44 which addressed the issue of the percentage of affordable units. For the benefit of the
audience, he read Condition No. 44 in its entirety at this time.

Commissioner Gordon commented that the Commission could only impose a requirement consistent with the current requirement for 15 percent based on Redevelopment Law. The issue of the inclusionary zoning could not be included since the City did not have an ordinance in place at this time. As such, the best that could be done would be to impose the 15 percent affordable component.

Commissioner Tumbaga commented that she was pleased to see Condition No. 44, which she suggested was the first of its kind related to affordability.

Commissioner Ohlson again recommended that the item be continued until after the City Council’s adoption of the Inclusionary Housing Ordinance. He also pointed out that the grading season would end on October 1 and that the developer could not move forward with any grading until the grading season had reopened.

When asked to clarify the applicability of the proposed Inclusionary Housing Ordinance to the subject application, Ms. Ayres explained that the ordinance, once adopted by the City Council, would go into effect in 30 days. It was anticipated that the Council would adopt the Inclusionary Housing Ordinance on November 15, 2004 and 30 days later it would become legal. The Council recognized that any development between now and then would be considered on a case by case basis. The subject matter before the Commission was a Vesting Tentative Map which could include additional rules.

Ms. Ayres further explained that from her understanding the City Council at its most recent discussions had been looking to include some form of affordability in every development application. She was confident that the Council would be very happy with the requirement that the Commission had recommended.

PUBLIC HEARING OPENED

PROONENT:

DAN BOATWRIGHT, Castle Companies, 12885 Alcosta Boulevard Suite A, San Ramon, agreed with the conditions as proposed by staff including the amendment identified by staff during the staff presentation. While he had previously committed a 10 percent affordability component, he stated the direction from the Council was clear that 15 percent was preferred. He had agreed with that 15 percent affordability component.

Commissioner Dolojan expressed his appreciation to the developer’s commitment to affordable housing in spite of the lack of an ordinance that would impose such a requirement.

OPPONENTS: None
PUBLIC HEARING CLOSED

MOTION: AP-03-79

Motion by Commissioner Tumbaga to adopt Resolution No. 9518, approving AP-03-79, and a Vesting Tentative Map for a 62-lot single-family residential subdivision on 7.4 acres located at 1055 North Parkside Drive, for 'Willow Brook Residential Development," with the conditions as recommended by staff. The motion was seconded by Commissioner Ramirez and carried by the following vote:

Ayes: Commissioners Dolojan, Gordon, Ohlson, Ramirez, Tumbaga, Garcia
Noes: None
Abstain: None
Absent: Commissioner Williams

MOTION: AP-03-79

Motion by Commissioner Tumbaga to adopt Resolution No. 9519, approving AP-03-79, Design Review approval of architectural elevations and floor plans and site landscaping plans for "Willow Brook Residential Development," with the conditions as shown. The motion was seconded by Commissioner Ramirez and carried by the following vote:

Ayes: Commissioners Dolojan, Gordon, Ohlson, Ramirez, Tumbaga, Garcia
Noes: None
Abstain: None
Absent: Commissioner Williams

Commissioner Tumbaga stepped down from the dais as a result of a potential conflict of interest with the next agenda item for Fort Knox Reconsideration.

Item 5: Fort Knox Reconsideration.

Planning Commission reconsideration of its revocation of Use Permit Nos. UP-97-02 and UP-98-10 for the property located at 3865 Railroad Avenue in the CO-O (Commercial Office with a Limited Overlay) District. (Public hearing closed. Item continued from the August 24, 2004 meeting) APN 088-072-062.

Associate Planner Noel Ibalio presented the staff memorandum dated September 28, 2004. He recommended by minute order that the Planning Commission rescind Planning Commission Resolution No. 9504.

Mr. Ibalio reported that staff had inspected the site this date. He verified that the wall had
been completed and the landscaping was due to be planted with the irrigation to be in place. There was some debris from the construction of the wall which had yet to be removed.

As to the status of the conditions of approval for the U-Haul truck rental, the Commission was presented with a memorandum dated September 28, 2004 listing the status of those conditions. Mr. Ibalio noted that most of the conditions have been met. The speed bumps had been installed. In discussions with the applicant, it was determined that the applicant would pave and stripe the area where the U-Haul trucks would be parked. The applicants had identified an area to be reserved for the staging area for the construction debris since an addition had been planned on the east side of the site.

PUBLIC HEARING OPENED

PROPOONENT:

JOHN CAMPAGNA, representing Fort Knox Storage, 260 Lakewood Road, Walnut Creek, verified that the speed bumps had been installed. Signs would be installed within the next few days. Now that the irrigation was in place, the landscaping would be immediately installed.

Mr. Campagna added that he had spoken with resident Pete Carpino regarding the concerns with the hours of operation for the business. In speaking with Mr. Carpino and the neighbors he understood that matter had been resolved.

Chairperson Garcia acknowledged that the applicants had made a lot of progress. He otherwise understood that there were problems in obtaining the building permits for other work proposed to be done on the site.

Mr. Campagna referenced correspondence dated September 20, 2004, which had been included in the staff report, identifying problems the applicants had obtaining permits for the building at the northeastern corner of the property and for the water meter and relocation of the water line. He understood that no permits had yet been issued for that work.

Mr. Ibalio advised that the plans were currently in the plan check process.

Mr. Campagna stated that in the meantime they were staging and clearing the asphalt from the rear awaiting the permits to be able to continue with the other improvements.

Chairperson Garcia recommended that the applicant consider placing a fence around some of the landscaping and the existing transformer until all of the work had been completed to ensure the landscaping could take hold. He otherwise agreed that the wall appeared to be good.
Commissioner Ohlson commented that he too had viewed the site this date and that the wall appeared to be nice and strong.

Mr. Ibalio advised that the requested changes to the conditions for the U-Haul operation would be presented to the Commission at a later date for either action by the Commission through a Consent Item or through a Minute Order.

Ms. Ayres clarified that an amendment to the conditions of the approved use permit for the U-Haul truck rental would require a new public hearing before the Planning Commission.

PUBLIC HEARING CLOSED

MOTION: AP-03-79

Motion by Commissioner Ramirez to rescind by minute order, Planning Commission Resolution No. 9504. The motion was seconded by Commissioner Gordon and carried by the following vote:

Ayes: Commissioners Dolojan, Gordon, Ohlson, Ramirez, Garcia
Noes: None
Abstain: None
Absent: Commissioner Tumbaga [recused], Commissioner Williams

Commissioner Tumbaga returned to the dais at this time.

COMMISSION CONSIDERATIONS:

Item 6: Brenden Theaters Wall Sign and Sign Exception. AP-04-149 (DR).

Application by Alan Ford for Fluoresco Lighting and Signs requesting design review approval of sign plans for an internally illuminated 454 square foot channel letter wall sign, and requesting sign exceptions for individual sign face area and maximum total sign area, in order to identify an existing cinema theater complex located at 4085 Century Boulevard, CC (Community Commercial) District; APN 074-460-001.

Assistant Planner Hoggatt presented the staff report dated September 28, 2004. She recommended that the Planning Commission deny the request for the wall sign and sign exception. If the Commission desired to approve the project, the Commission must adopt a resolution and make the required findings that the proposed exception conforms as closely as practicable to the sign size, number and placement regulations; the proposed exception is not inconsistent with the intent and purpose of the sign regulations of PMC Title 19; and that the sign had been designed under strict adherence to the sign regulations of Title 19 and would be architecturally incompatible with buildings on-site, would not
provide adequate identification of the site because of the site’s location, configuration, vegetation or building layout, or because a sign placed in conformance with Title 19 would be architecturally incompatible with the building identified or a violation of the nonconforming master sign program for the property.

PROPONE NT:

WALTER IKINGER, Director of Engineering and Construction for Brenden Theaters, 600 J Street Martinez, commented that the sign company representative was not yet present. He explained that the purpose of the increase in the square footage for the sign had been to satisfy customer’s request for a more pleasurable, colorful and bright place to attend theaters and so that the sign would be visible from State Route 4. The choice of the sign had been done by the theater owner who had chosen the lighting for many of Brenden’s theaters.

Mr. Ikinger commented that the theater had been built in 1990 when it had enjoyed a better visibility. Recently, with new development, the view of the theater had been obstructed and competition in Antioch had increased.

Chairperson Garcia questioned whether or not the applicant was willing to negotiate a smaller sign.

Commissioner Ohlson inquired of the financial status of the theater, to which Mr. Ikinger explained that the theater was not doing well and had been working over the past year to increase attendance, including more lighting and increases in marketing and maintenance for the interior and exterior of the building.

Some of the existing lights around the building had the wattage increased to be brighter. Brenden Theaters had also flooded the area with coupons and promotional giveaways.

Commissioner Ramirez inquired what type of sign the Concord Brenden Theater complex enjoyed in comparison to the Pittsburg site.

Mr. Ikinger commented that the Concord Brenden Theater was doing well but it was located in the downtown of that community with a closed captive audience in the downtown. In that instance, there was no visibility from the freeway.

Commissioner Ramirez stated that he had patronized the theater recently and from the time it had first opened. He characterized the general condition of the theater as poor, particularly related to the conditions of the restrooms. He suggested that the interior of the theater would also have to be improved to increase patronage.

Commissioner Tumbaga suggested that the theater would be more attractive with a brighter entrance as opposed to a larger sign. She commented that the entire area in front
of the theater was too dark and was not inviting, nor was it comfortable or safe for those walking from the parking lot to the theater. She also expressed her displeasure with the marketing efforts which had identified the theater as being located in the City of Antioch, as opposed to being in the City of Pittsburg.

In response to Commissioner Ohlson, Mr. Ikinger advised that Brenden Theaters had four locations in California with its two newest sites located in the State of Nevada. The Pittsburg location was Brenden’s smallest theater.

Chairperson Garcia commented that he had recently visited the site and had found the existing sign obstructed from different locations. He found the building to be strange in size, since it was rectangular with one corner rounded. The front could actually run from the glass enclosure all the way down to the railroad tracks, or it could run from the front all the way to the corner which lengthened. He noted that the Target Store had eight to ten doors at the opening. The remainder of that building was solid with no windows. If that were the case, the Target Store would be only entitled to a sign at a certain size. Best Buy was in the same situation with a very large sign. He welcomed a compromise and agreed that the four foot tall by four foot wide letters for the sign would be too large.

Chairperson Garcia recommended three foot tall and wide letters for the sign.

Ms. Hoggatt explained that the building frontage had been defined in the Sign Code as either a glass enclosed showroom or part of the building that had a customer entrance from a public space. Since the side walls of the theater building were not customer entrances it was not in definition, the building frontage.

Chairperson Garcia reiterated the signage that had been allowed for Target and Best Buy. In this instance, he suggested that the wall that extended past the glass at the customer entrance could be calculated for sign area since the lobby inside the theater extended past the glass, just as when one entered the Target Store.

Commissioner Tumbaga inquired why signage could not be placed on the Century Plaza pylon since it would allow better freeway visibility than signage on the building.

DOUG MESSNER, Sierra Pacific Properties, explained that the Century Plaza pylon sign was being negotiated with those tenants that had a contractual right to have signage on the pylon, including Toys R’ Us, which had yet to respond to the property owner. He stated that Sierra Pacific Properties were also negotiating with several other tenants who had first right to be on the sign. Until the situation with those who had the right to be on the sign was resolved, no signage rights could be offered to any other tenants. He otherwise commented that the landlord supported the Brenden Theater signage and was of the opinion that with the continued development in Antioch and Brentwood the new signage would renew interest in the Pittsburg theater.
Having reviewed the site, Commissioner Gordon noted that the signs on the south and west sides of the building were fabric signs. He commented that those signs appeared to be faded out.

Mr. Ikinger noted that those signs were banner signs that were new signs.

Commissioner Gordon agreed with the Chair that the building was massive and that to allow only 200 square feet of signage, even if consistent with code, was inappropriate. Commissioner Gordon commented that the existing signage appeared small as compared to the size of the building, and although visible from westbound State Route 4, it was not visible for eastbound traffic. He questioned whether or not anything could be done to use neon around the building to brighten the décor of the entire building. He pointed out that other theaters in the area, including the Concord Brenden Theater and the Regal Cinema in Antioch enjoyed bright neon. He expressed his hope that the City could be somewhat flexible in its regulations to allow something on the outside of the building.

Ms. Hoggatt explained that the applicant had requested the installation of large wall sconces along the side of the building which would be considered under a separate design review application. Neon had also been proposed along the building fascia as part of the signage proposal.

Commissioner Tumbaga suggested that the letters of the proposed sign were out of scale and too large. She recommended that the letters be reduced in size and not be quite as tall.

Chairperson Garcia reiterated his recommendation for three foot tall and wide letters which when illuminated would represent a good compromise and which would reduce the total square footage to approximately 300 square feet.

Ms. Hoggatt noted that if the length and spacing between the letters were the same as what had been proposed, that would result in an approximate 345 square foot sign.

Commissioner Tumbaga recommended that the letters be brought closer together, which Ms. Hoggatt noted would decrease the overall length of the sign.

Mr. Ikinger commented that he had discussed a number of iterations with City staff. He added that the applicant was hard set on the design as is.

ALAN FORD, Flouresco Lighting and Signs, 1290 Waterfall Way, Concord, spoke to the proposal for the three wall sconces on each side of the building entrance at the lower level adjacent to the “B” in the Brenden sign copy and the “s” in the Theaters sign copy. As to the south and the west elevations, nothing had been proposed for those elevations.
When asked how long it would take to return a complete package of the proposal to the Commission for consideration if the item were continued, Ms. Hoggatt advised that all of the improvements that had been requested were on the plans presented to the Commission. She reiterated that the design elements for the sconces had not been included in the application at this time. Since there was no recommendation of denial for the sconces, that element could be considered by the Commission at a future date or could be considered through a separate application through an administrative approval.

Commissioner Gordon understood that the applicant would have to return to the corporate offices to see whether or not a compromise was possible so that the project could be reviewed in its entirety.

Commissioner Tumbaga expressed a willingness to support a continuance of the item based on the three foot tall and wide letters, and a sign with an overall shortened length.

By consensus, the Commission agreed to consider signage with three foot tall, three foot wide letters with the length of that sign to be shortened.

When asked if staff would be supportive of such a sign, Ms. Hoggatt explained that she could not make the required finding that conformed to the sign size criteria. If a smaller sign in height and or length were considered that would decrease the amount of the exception.

Ms. Hoggatt added that if the Commission was of the opinion that such a proposal conformed to the sign size criteria, a smaller sign would conform more so than would the current proposal.

Ms. Ayres suggested that if the applicant was of the opinion that the direction being proposed by the Commission was something the applicant could support, the Commission could approve the sign with 3 feet high letters now to streamline the process. The sconce design elements could be approved through an administrative design review. As to the use of the neon, she was uncertain if that would require design review approval. If the Commission desired to see a revised proposal altogether, the project could be rescheduled once staff received the revised information from the applicant. She suggested that the applicants modify the sign plans to show how a three foot sign with the letters closer together might appear on the building.

Commissioner Gordon made a motion to continue the item for two weeks with staff to work with the applicant to make the required findings.

Commissioner Ohlson commented that unless staff could support the application he could not support it.
Chairperson Garcia recommended that the item be continued to the next meeting on October 12, 2004. In the meantime the applicant could work with staff to address the Commission’s recommendations and to allow the applicant to resubmit the entire package.

Mr. Ikinger was in agreement with a continuance as discussed.

OPPONENTS:   None

MOTION:     AP-04-149 (DR)

Motion by Commissioner Gordon to continue AP-04-149 for Brenden Theaters wall sign and sign exception at 4085 Century Boulevard to the Planning Commission meeting of October 12, 2004. The motion was seconded by Commissioner Tumbaga and carried by the following vote:

   Ayes:     Commissioners Dolojan, Gordon, Ohlson, Ramirez, Tumbaga, Garcia
   Noes:     None
   Abstain:  None
   Absent:   Commissioner Williams

Item 7:  Planning Commission Bylaws.
Consideration and submittal of proposed Planning Commission Bylaws to the City Council as required in Council Resolution No. 04-10044.

Ms. Ayres presented the staff memorandum dated September 28, 2004. She recommended that the Commission review the revised bylaws and direct staff to forward the bylaws (with any new amendments suggested by the Commission) to the City Council on its behalf for review and approval.

Ms. Ayres identified a revision that had been proposed to Article 4. Officers, Section 2, regarding the appointment of Chair and Vice Chair which would be revised so that the appointment of the Chair and Vice Chair were based on the order that the motions were made for appointment as opposed to through a highest vote.

The Commission accepted that revision.

Commissioner Gordon spoke to the last sentence of Article 5. Meetings, Section 6, Attendance Requirements. He recommended that the last sentence be revised to read:

Examples of excessive absences include three (3) consecutive unexcused absences; four (4) unexcused absences occurring within a one year period or six (6)
consecutive excused absences occurring within a one year period.

Ms. Ayres commented that she had taken the information directly from the City Council resolution.

Commissioner Gordon commented that the way the section had been written did not make sense.

Ms. Ayres advised that she could make that recommendation to the City Council while acknowledging that it was inconsistent with the City Council resolution for how unexcused absences had been measured.

Commissioner Ohlson requested a policy in the bylaws to deal with how to handle agenda items after 11:00 P.M. He recommended that the Planning Commission follow the policy followed by the City Council. He also noted that the Antioch City Council stipulated that new public hearings were not to be considered after 10:30 P.M.

Commissioner Gordon expressed concern with that recommendation and suggested that those in the audience waiting to address his/her item(s) should be allowed to offer comment even if the item was considered after 11:00 P.M.

MOTION:

Motion by Commissioner Gordon to forward the Draft Planning Commission Bylaws, as further revised and as discussed, to the City Council for its review and approval. The motion was seconded by Commissioner Ramirez and carried by the following vote:

Ayes: Commissioners Dolojan, Gordon, Ohlson, Ramirez, Tumbaga, Garcia
Noes: None
Abstain: None
Absent: Commissioner Williams

STAFF COMMUNICATIONS:

Ms. Ayres reported that the City Attorney would be providing mandatory training for all City Commissions on the Brown Act and Conflict of Interest regulations on Tuesday, October 5, 2004 from 6:30 to 8:30 P.M. in the Council Chambers.

COMMITTEE REPORTS:

There were no Committee Reports.
COMMENTS FROM COMMISSIONERS:

Commissioner Tumbaga spoke to the letter included in the Commission packets which has been sent to Wal-Mart regarding violation of the conditions of approval. She thanked staff for the letter.

Commissioner Dolojan spoke to the new parking spaces which had been painted green in the downtown and which had a 24-minute time limit. He recommended that a 15-minute time limit be imposed to ensure that the parking spaces would be available to those patronizing the businesses in the downtown.

When asked by Commissioner Gordon if staff had received any response to the Wal-Mart correspondence, Ms. Ayres advised that staff had received no comment on the letter.

Chairperson Garcia referenced a single family residence at 742 Stoneman Avenue where it appeared that a flea market was being operated out of the property. He asked that the property owner be notified by Code Enforcement that a flea market could not be operated out of a residential area.

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:31 P.M. to a regular meeting of the Planning Commission on October 12, 2004 at 7:00 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

MELISSA AYRES, Secretary
Pittsburg Planning Commission