MINUTES
OF A REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION

February 24, 2009

A regular meeting of the Pittsburg Planning Commission was called to order by Vice Chairperson Diokno at 7:00 p.m. on Tuesday, February 24, 2009, in the Council Chamber, City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL:

Present: Commissioners Fardella, Garcia, Kelley, Ohlson, Wegerbauer, Vice Chairperson Diokno

Excused: Chairperson Ramirez

Staff: City Manager/Planning Commission Secretary Marc Grisham, Planning Manager Dana Hoggatt, Associate Planner Kristi Vahl, Senior Civil Engineer Alfredo Hurtado, City Engineer Joe Sbranti, and Administrative Assistant to Director Kathy Comtois

PLEDGE OF ALLEGIANCE:

Commissioner Wegerbauer 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:

Item 1: Minutes of Meeting, February 10, 2009

Commissioner Wegerbauer requested an amendment to the last sentence of the fifth paragraph of Page 6 of the February 10, 2009, minutes, as follows:

Also, as the economy evolved and electrical vehicles were used, she [Commissioner Wegerbauer] asked if the appropriate power supply would be provided within the residential garages.

Commissioner Fardella requested an additional sentence to the first paragraph of Page 15:

He [Commissioner Fardella] felt the risk to public safety far outweighed any income to the City that Mr. Henderson referred to.

MOTION:

Motion by Commissioner Wegerbauer to adopt the Consent Calendar, as amended. The motion was seconded by Commissioner Fardella and carried by the following vote:

Ayes: Commissioners Fardella, Garcia, Kelley, Ohlson, Wegerbauer, Diokno
Noes: None
Abstain: None
Absent: Chairperson Ramirez

PUBLIC HEARING:

Item 2: Empire Business Park Minor Subdivision. AP-08-570 (MS).

An application by Davis & Associates, requesting approval of a minor subdivision to split one approximately 36-acre parcel into three separate parcels at 701 and 735 Willow Pass Road. The project site is zoned IP-0 (Industrial Park with a Limited Overlay, Ordinance No. 07-1284) District. APN 085-280-009.

Associate Planner Kristi Vahl presented the staff report dated February 24, 2009. She recommended that the Planning Commission adopt Resolution No. 9788, approving Empire Business Park Minor Subdivision, AP-08-570 (MS), as conditioned. She added that she had presented the Commission with a memorandum dated February 24, requesting an amendment to Section 4. Decision, Subsection A, General Project Conditions, Condition No. 2, to clarify its intent.
Commissioner Ohlson questioned whether or not bicycle lanes would be provided as part of the 12-foot dedication when construction had been completed on that segment of Willow Pass Road, to which Ms. Vahl explained that frontage improvements had already been built with no bicycle lanes.

Planning Manager Dana Hoggatt noted that Willow Pass Road along that segment had been identified in the General Plan, which was based on the most recent adopted County-wide Bicycle Action Plan, as a Class III bike route and not a Class II bike lane.

Commissioner Ohlson also spoke to General Plan Policy 8-P-20, which had called for a trail on the PG&E right-of-way that abutted the property. He asked whether or not the developer would be constructing or contributing to that multi-use path when constructed.

City Manager/Planning Commission Secretary Marc Grisham noted that the trail would be inside the PG&E right-of-way where the developer would not have to contribute to or construct the improvements for a trail.

Commissioner Fardella spoke to the February 24 memorandum presented by staff regarding a revision to Section 4, Decision, Subsection A, General Project Conditions, Condition No. 2, and asked staff to clarify the reason for the revision.

Ms. Hoggatt advised that the revised condition was a typical condition of approval for all projects. Resolution No. 8931 was an older resolution. The standards related to storm water quality requirements and the threshold at which the storm water requirements would be triggered had changed and were now lower than what was specified in Resolution No. 8931. The indemnification language in Resolution No. 8931 had also been updated and included in Resolution No. 9788, the resolution now before the Commission.

PUBLIC HEARING OPENED

PROPOSENENT:

DAVE ISAKSON, Project Engineer, 2255 Ygnacio Valley Road, Walnut Creek, noted that the original intent was for a lot line adjustment, although the City had preferred a parcel map, which required the tentative map process now before the Commission. He added that nothing had been planned to be built, developed or widened other than the dedication of the 12-foot wide right-of-way which would be done prior to the Final Map. He affirmed, when asked, that he had read and was in agreement with the staff recommended conditions of approval, as amended.

In response to Commissioner Fardella as to the status of future plans for the property, Mr. Isakson understood that the property owner had received some interest in the second building.
OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-08-570 (MS)

Motion by Commissioner Garcia to adopt Resolution No. 9788, approving a tentative map to subdivide an approximately 36-acre parcel into three separate parcels at 701 and 735 Willow Pass Road, "Empire Business Park Minor Subdivision, AP-08-570," APN 085-280-009, as conditioned and as amended. The motion was seconded by Commissioner Ohlson and carried by the following vote:

Ayes: Commissioners Fardella, Garcia, Kelley, Ohlson, Wegerbauer, Diokno
Noes: None
Abstain: None
Absent: Chairperson Ramirez

COMMISSION CONSIDERATIONS:

There were no Commission Considerations.

STUDY SESSION:

Item 3: Draft General Plan Amendments Related to the Measure J Growth Management Program.

A request for the Planning Commission to review draft amendments to the Growth Management Element of the General Plan in order to incorporate the provisions of the Contra Costa Transportation Authority’s Measure J Growth Management Program.

Ms. Hoggatt presented the staff report dated February 24, 2009. She requested that the Planning Commission review the draft Growth Management Element of the General Plan revisions and provide comments to staff.

Commissioner Ohlson requested the following amendments to the draft Growth Management Element:

- Page 1 of 21, amend the last sentence of the first paragraph to read:

  *It provides policy framework to ensure that sufficient opportunities for housing are provided in the City and that transportation systems for motorists, bicyclists, pedestrians and transit, are constructed in proportion to new urban development.*
• Page 2 of 21, adjust the reference in the last paragraph to the "Pittsburg General Plan Update: Existing Conditions and Planning Issues Report (June 1988)," to a more recent date.

• Page 3 of 21; change the reference to the General Plan in the first paragraph to reflect that the City's most recent General Plan had been adopted in "2001."

• Page 4 of 21, separate the first paragraph into two separate paragraphs to reflect information on the County's Urban Limit Line (ULL) and the City's ULL.

• Page 9 of 21, revise Policy 3-G-8 to read:

Require the provision of new and improved pedestrian, bicycle, and transit facilities to serve all users of new development projects.

• Page 9 of 21, add a sentence to Roadway Level of Services Standards, Policy 3-P-3, as follows:

Level of Service (LOS) standards must include all roadway users.

Commissioner Garcia disagreed with the recommended changes to Policy 3-P-3 in that he could not see there would be a backup of bicycles.

Commissioner Ohlson suggested that the change was necessary, not that bicycles would back up traffic but that the road be built with a provision for bicyclists. He noted that by definition, the LOS was only for vehicles. With an analysis of the road for cars, everyone else was being left out. He was concerned for all citizens, not those just driving cars.

Ms. Hoggatt explained that as shown on Page 12 of 21, there were policies on pedestrian transit and bicycle facilities. Staff could revise the policies to address the concerns and possibly create a term to describe the level of comfort experienced by pedestrian and bicycle users.

Mr. Grisham pointed out that the reference of LOS was a term used by Caltrans and making a change to the unique definition for LOS would be a concern since standards were being measured based on the terminology. Creating a unique definition would be better to address all users.

Commissioner Ohlson continued his recommended revisions to the draft Growth Management Element:
• Page 10 of 21, revise Policy 3-P-45 to read:

Prepare, adopt and implement a Transportation Systems Management ordinance, or resolution, with the purpose of ensuring attainment of adopted traffic levels of service standards, for all road users, including vehicles, pedestrians and bicyclists.

Mr. Grisham pointed out that such a change would create similar concerns as the recommended changes to Policy 3-P-3. He recommended that the change be put into a separate section.

Commissioner Ohlson requested further amendments to:

• Page 12 of 21, revise Policy 3-P-7 to read:

As part of the development approval, ensure that adequate routes for pedestrians and bicyclists are provided within new development projects or any roadways altered because of the new development. (revised Transportation Policy 7-P-34).

• Page 13 of 21, revise the first sentence of Policy 3-P-10 to read:

Prepare, and adopt and periodically update a five-year Capital Improvement Project (CIP) that describes City-sponsored capital projects necessary to maintain and improve operations for traffic, pedestrians, and bicyclists within the City.

• Page 14 of 21, revise the second paragraph of Policy 3-P-13 to spell out “Contra Costa County” since the County bordered the City on the west side.

Mr. Grisham pointed out that Contra Costa County was a neighboring jurisdiction and it did not have to be called out.

Commissioner Ohlson withdrew his recommended change to that policy. He offered a final revision as follows:

• Page 14 of 21, add a sentence to the end of the paragraph for Development Review, Policy 3-P-15 to read:

Such studies must consider all the transportation needs of all citizens using the public right-of-way by any mode.

Commissioner Garcia disagreed with the recommended change to Policy 3-G-8 and the use of the term “require” because some development may not require that policy.

Ms. Hoggatt recommended the use of the term “encourage.”

Mr. Grisham affirmed that the term “encourage” would be acceptable to the Commission.
Commissioner Fardella thanked Commissioner Ohlson for his recommended revisions and recognized his advocacy for the bicycle community. He suggested that there could be a term integrated into the discussion that would be used when addressing traffic and travel in general on roadways, and that would encompass cars, bicycles and pedestrians. He recommended “all kinds of traffic” as that term.

Ms. Hoggatt noted that the term typically used was “multi-modal.”

Commissioner Ohlson accepted that term as recommended.

Vice Chairperson Diokno noted that the future was unknown and that term could be incorporated in the future. He recommended the use of the term “motorized multi modal.”

Ms. Hoggatt explained that the term multi-modal had been used for car, foot, bus and the like and that using the term “motorized” would exclude pedestrian traffic.

Vice Chairperson Diokno referred to Page 5 of 21, Policy 3-G-3 and recommended the following revision to that policy:

*Provide a range of development intensities, with the highest intensities in Downtown, and in areas approximate to transit and services, and lower intensities in hillsides and at the City’s southern edge (Land Use Goal 2-G-4)*.

**ZONING ADMINISTRATOR REPORTS:**

The Commission acknowledged receipt of the following:

4. **Notice of Intent to Exercise Delegated Design Review Authority:**
   Assembly Masters Façade Remodel. AP-09-587 (AD).

Commissioner Ohlson clarified with staff that the description of the item had referred to 274 East Tenth Road and should be corrected to read 274 East Tenth Street.

Mr. Grisham reported that the operator for La Hacienda had appealed to the City Council but had withdrawn the appeal and would reopen the business as a restaurant subject to conditions imposed by the Police Department and Planning Division. The business would retain its beer and wine license. The hours of operation would change.

Mr. Grisham added that the City now had a business license and business permit process. The business permit carried specific conditions where failure to meet those conditions could revoke the right to do business at the specific location.
Commissioner Fardella expressed his hope that the new process would be beneficial for the City. He understood that La Hacienda would eliminate its bar, would serve beer and wine only, and would reopen as a restaurant. He agreed that the use of the building for a restaurant would be better than the closure of the business.

In response to Commissioner Wegerbauer who operated a business out of her home, Ms. Hoggatt affirmed that the home based business involved a home occupation permit. She added that the home occupation permit carried specific conditions that worked similar to a business permit.

Mr. Grisham noted that unlike business licenses, the business permit process was intended to be an enforcement tool.

**STAFF COMMUNICATIONS:**

5. **Subdivision Ordinance Update – Phase One**

Ms. Hoggatt explained that staff had drafted revisions to Title 17 of the Municipal Code in order to be consistent with State law. The Subdivision Ordinance Update – Phase One, was a clean-up item that would be presented to the City Council for adoption.

Commissioner Ohlson requested the following revisions to the draft Subdivision Ordinance amendments:

- Page 28 of 72, recommend for Section 17.20.070, “Expiration of Tentative Map,” Subsection B.1, “Statutory Extensions,” that the numbers referenced in the second to last paragraph match.

- Page 30 of 72, recommend for Section 17.20.090, “Vesting Tentative Maps,” Subsection C.4.a, that there be a maximum time period to ensure no de facto time extension.

- Page 41 of 72, revise the last sentence of Section 17.32.020, “Park Dedication,” Subsection E.2.d, to read:

  *Park sites should be designed so that at least 80 percent of the site has slopes of less than three percent and must be available for year-round use.*

Mr. Grisham commented with respect to the last recommendation that Highlands Ranch Park, as an example, had a soccer field that was almost always in use but that was located at the bottom of a stormwater detention basin where there would be times it would not be available.
City Engineer Joe Sbranti explained that Highlands Ranch Park had a 50 percent credit for the area within the detention basin. The bottom of the detention basin had been available for the past two to three years with no loss of service in terms of the use of the field.

The same methodology had been used for other parks such as the future San Marco Park, with a Memorandum of Understanding (MOU) with Discovery Homes for the construction of the park, and with some partial credit for trails in some slope areas, full credit for the flat areas, and zero credit for the mitigation areas.

Commissioner Ohlson further referred to Page 42 of 72, F. Fees in Lieu of Land Dedication, and noted that he had a typographical change he would provide to staff in writing.

COMMITTEE REPORTS:

There were no Committee Reports.

PLANNING COMMISSIONERS’ COMMENTS:

Commissioner Fardella reported that the District IV Challenger Little League would be holding a Jamboree on April 26 from 9:00 a.m. to 3:00 p.m. at City Park, with an international exchange of special children from Guaymas, Mexico. He took the opportunity to thank Brad Nail who had provided assistance in lodging for the participants at the Hampton Inn Suites Grand Opening and recognized that the property owner had made a substantial investment in the City.

Commissioner Ohlson reported an abandoned motor home located on Bliss Avenue across from the U-Haul store.

ADJOURNMENT:

There being no further business, the meeting adjourned at 7:58 p.m. to a Regular Meeting scheduled on March 10, 2009, in the City Council Chamber at 65 Civic Avenue, Pittsburg, CA.

MARC S. GRISHAM, AICP, Secretary
Pittsburg Planning Commission

Planning Commission Minutes
February 24, 2009