MINUTES
OF A REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION

February 10, 2009

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Ramirez at 7:00 p.m. on Tuesday, February 10, 2009, in the Council Chamber, City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL:

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

Absent: None

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

PLEDGE OF ALLEGIANCE:

Commissioner Ohlson 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:

1. Minutes of Meeting, January 13, 2009

MOTION:

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

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

PUBLIC HEARINGS:

Item 2: Alves Ranch. AP-08-516 (SUB, DR).

A continued hearing on a request for: 1) design review approval of architectural plans for various residential and commercial development; and 2) approval of a vesting tentative subdivision map to subdivide approximately 46 acres into four business commercial lots, 167 lots for single family dwellings, one 4.4 acre lot for 98 townhome/condominium units, and two more lots (one 3 acres and one 4.4 acres) for the future development of 239 and 295 condominium/apartment units. The project site is located on the north side of West Leland Road, immediately north of the existing Vista Del Mar Residential Development, and the site is zoned CO-P (Office Commercial with a Master Plan Overlay, Ordinance No. 08-1312) District and RH-P (High-Density Residential with a Master Plan Overlay, Ordinance No. 08-1312) District. APNs 097-700-002 and portions of 097-700-001 and -005.

City Manager/Planning Commission Secretary Marc Grisham reported that additional conditions, as identified in a February 10, 2009, staff memorandum, had been provided to the Planning Commission. The applicant had reviewed and was agreement with the recommended modifications to the conditions of approval. The Commission had also been provided with the color board for the project.

Associate Planner Kristi Vahl presented the staff report dated February 10, 2009. She recommended that the Planning Commission adopt Resolution No. 9784, approving Tentative Subdivision Map and Design Review Application No. 08-516, (SUB, DR), as conditioned, and subject to the conditions of approval as contained in the February 10 staff memorandum.
Commissioner Ohlson spoke to Page 26 of 29, *Engineering Conditions–LANDSCAPING*, Condition 102 (a) of Resolution No. 9784, and asked staff whether or not the condition would be applied to the multi-use trail along Leland Road, and whether the trail would consist of an asphalt or concrete material.

Ms. Vahl advised that the trail would be concrete.

Commissioner Ohlson also spoke to Page 12 of 29, *Planning General Conditions*: Condition 17 of the resolution and clarified with staff that the condition would only apply to the residential neighborhoods and not to the trail.

Commissioner Fardella referred to the prior discussions of the Commission, at which time Commissioner Diokno had requested a condition for a community center and a swimming pool. Commissioner Fardella noted that that condition had not been included as a condition of approval of the Vesting Tentative Subdivision Map.

Ms. Vahl explained that the recreation building had since been incorporated into the project and was depicted on the Tentative Map. The recreation building was also referenced in Condition 19 on Page 12 of 29 of the proposed resolution, which would require design review approval of the facility prior to its construction.

Commissioner Fardella requested addition of a specific condition requiring the recreation building and swimming pool.

Commissioner Ohlson spoke to Page 20 of 29, *Engineering Conditions–SUBMITTALS*, Condition 52, and inquired of staff when the condition related to the adequacy of water supplies would be complete.

Ms. Vahl understood that that verification had been completed and documentation would be required in writing before the filing of a Final Map, which was the reason for the condition.

Commissioner Garcia spoke to the Environmental Impact Report (EIR) for the project and the payment of fees for the intersections of San Marco/Leland Road, San Marco/State Route 4, and San Marco/Bailey Road, and the extension of Leland Road to Willow Pass Road into the City of Concord. He noted that there was no condition to require the payment of a fair share of the fees for those intersections.

Mr. Grisham explained that the Willow Pass Road connection was a regional road and would be part of the regional transportation fees to be collected by the City.

Ms. Vahl referred to Page 8 of 29, *General Conditions*: Condition 5, which stated that all of the conditions of approval from Resolution No. 9533, the previous Vista Del Mar
development, applied to the application. That condition would include any traffic mitigation measures. The applicant could verify what fees had or had not been paid.

Commissioner Garcia expressed concern that the condition could be missed. He requested that the original conditions for Vista Del Mar be added to the subject application to ensure the fair share contribution for those intersections.

Mr. Grisham suggested that the conditions could be referenced and that fair share contributions would be reviewed as part of the project.

Assistant City Manager/City Engineer Joe Sbranti explained that all fees had been prepaid by William Lyon Homes after the approval of the Development Agreement (DA), although staff could confirm that information. He explained that the calculation of the fair share of the payment of fees had been done in detail as part of the DA at that time. Fees had been prepaid by William Lyon Homes for its portion of the development.

Commissioner Ohlson also referred to Page 11 of 29, Planning General Conditions: Condition 13 (b) of the resolution and clarified with Ms. Hoggatt that the abbreviation $L_{dn}$ related to the measurement of noise where there had been an adjustment made to take into account times, such as at night, when people tend to have an increased sensitivity to noise.

Commissioner Fardella understood that the abbreviation referred to the comparison of the din during the day and the measurement of the noise above the din, where in the evening the din was low and in the afternoon it was higher. He took this opportunity to clarify that a "shrike" as identified in the EIR was a bird. He commended the thoroughness of the species included in the EIR, although he noted the invasion of moles in his neighborhood when the William Lyon Homes development had occurred, which species had not been included in the EIR. He otherwise expressed his appreciation for the mitigation measures that applied during construction.

PUBLIC HEARING OPENED

PROPOSENENT:

PETER HELLMAN, Alves Ranch LLC, P.O. Box 548, Concord, introduced the project team and the property owner who was present in the audience. He agreed that a condition could be added related to the provision of a recreation center. As to the traffic mitigation fees, he understood that the fees had been paid as part of the original development for William Lyon Homes in exchange for the construction of West Leland Road through the project. He commented that many changes had been made to the plans in response to comments from the Commission and the City staff.
The project represented a massive investment in the City with more than $250 million in new assessed valuation at build out, and with over 1,000 residents to be housed and including 123 price restricted units.

The project would also create five new residential neighborhoods, one business park with its own unique architectural statement along with over 900 new jobs at build out.

Mr. Hellmann characterized the project as a substantial financial commitment to the City. He affirmed, when asked by the Chair, that he was in agreement with the project conditions of approval as modified by staff.

Commissioner Diokno thanked the applicant for the changes to the plans and for a project he found to be friendlier for the neighborhoods. As to the business park component, and acknowledging that the applicant had created a pedestrian environment for the residential component, he pointed out that the same had not been included for the business park area. There would be four parcels with a building in the middle with no consideration for how people on the ground would interact. He recommended that the two northern buildings be moved closer to the street with the parking behind on the northern side, which would move the buildings away from State Route 4 and create a more pedestrian environment. He added that there could also be a public space between Lots 159 and 158 if that revision was made.

ED NOVAK, William Hezmalhalch Architects, 6111 Bollinger Canyon Road, Suite 495, San Ramon, commented that they had not envisioned a retail plaza for the business buildings. The intent was for office commercial buildings with a predominance of office space with the thought for a pedestrian link on public streets B and M, which would tie into the main drive of each of the parking areas. While the pedestrian nature of the site plan could be improved, the buildings would not have to be moved closer together to achieve that intent. He pointed out that a communal plaza had been envisioned between Lots 159 and 160 to tie those two buildings together.

Mr. Hellman noted that Street B was continuous through the project and ultimately would connect all the way to the Pittsburg/Bay Point BART Station to the east. Street M also had six-foot wide sidewalks on both sides, east to west. Lots 159 and 160 were approximately 30 feet apart with the intent to create a semi-public space.

Commissioner Diokno suggested that the applicant was missing an opportunity to improve the pedestrian environment.

Mr. Grisham also commented that the elevation of Lot 159 and the orientation to the freeway would provide excellent visibility and signage for that building. He emphasized that the traffic along State Route 4 would not go away. Lot 159 had the best views of the Delta which would be better without views of a parking lot. The name of the business
would also be seen prominently on the northwest corner. Visibility of the building would also be very good from the Pittsburg/Bay Point BART Station.

In response to an inquiry from Commissioner Diokno as to the major tenant’s signage on the buildings, Mr. Hellman advised that a sign application would have to be brought back for subsequent review.

Commissioner Garcia asked who would build the project and whether or not the property was for sale. He also asked whether or not the applicant would object if a future property owner was required to agree to the project conditions of approval, as approved.

Mr. Hellman noted that the conditions would run with the land, although he was not opposed to such a condition on the project. As to when the project would commence construction, he acknowledged that due to the current market conditions, the start of construction was unknown. The project was not currently for sale.

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

Mr. Hellman commented that a condition required a pre-wired satellite location that would not be visible from any public spaces.

Ms. Vahl verified that Engineering Conditions–SUBMITTALS, Condition 60 of Resolution No. 9784 had addressed satellite dishes which would be controlled by the project CC&Rs.

Commissioner Wegerbauer noted that she was not opposed to satellite dishes being visible as long as they were not all over the place.

Mr. Hellman advised that the applicant would be in agreement to provide a 220V outlet in the garages.

Commissioner Ohlson thanked staff for the inclusion of Planning General Conditions, Condition 9 (e), of Resolution No. 9784.

OPPONENTS: None

PUBLIC HEARING CLOSED

Commissioner Diokno suggested that the slope and vegetation for the commercial buildings would block any views of the signage. He reiterated his recommendation that the use of vehicles be discouraged wherever possible to improve the pedestrian environment.
Commissioner Wegerbauer made a motion to adopt Resolution No. 9784, as conditioned and as amended by staff per the February 10 memorandum.

Commissioner Fardella asked that an additional condition be imposed to ensure that a recreation center would be built.

Commissioner Diokno asked that the recreation center be built concurrently with the first phase of construction.

Commissioner Fardella agreed to the amendment to his recommended condition.

Mr. Hellman asked that such a condition be tied to the first 100 units and the completion of Streets B and M to West Leland Road, since it would be too difficult for that work to be done as part of the first phase.

Commissioner Fardella recommended an additional condition reflecting Mr. Hellman’s request.

On the motion, Commissioner Diokno stated that he liked the project and suggested that the benefits would outweigh any of his objections.

**MOTION: ** AP-08-516

Motion by Commissioner Wegerbauer to adopt Resolution No. 9784, approving Design Review of Architectural Plans and approving a Vesting Tentative Map, Tract 9235, to subdivide 46 acres into four Business Commercial lots, 167 lots for Single Family Dwellings, one lot for 98 Condominium Units, and two more lots for the future development of 239 to 295 Condominium/Apartments, for the “Alves Ranch, AP-08-516 (DR, SUB),” as conditioned and as revised by the February 10, 2009, staff memorandum and including the following additional condition:

- The recreation center shall be built concurrently with the first 100 units.

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

Ayes: Commissioner Diokno, Fardella, Garcia, Kelley, Ohlson, Wegerbauer, Ramirez

Noes: None

Abstain: None

Absent: None

**Item 3: General Plan Annual Progress Report.**

The City’s annual report identifying its progress in implementing the General Plan.
Planning Manager Hoggatt presented the staff report dated February 10, 2009. She recommended that the Planning Commission direct staff, by minute order, to submit the General Plan implementation annual progress report to the City Council.

Commissioner Diokno understood that a senior development that had been approved at Cumberland and Tenth Street would be moved from its original location to a new location opposite of Saint Peter Martyr Church.

Ms. Hoggatt explained that Domus Development, the developer for the Los Medanos Senior Apartments Development, was now considering building senior units on Block C, the southernmost block of the former Vidrio development.

Commissioner Diokno expressed his preference for public spaces in front of Saint Peter Martyr Church to enhance the area. He suggested that the senior housing development would have fit nicely on that block where originally proposed.

Mr. Grisham noted that the senior housing project being discussed would be brought to the Planning Commission on March 10.

Commissioner Diokno spoke to Page 6 of the General Plan Annual Progress Report, Southwest Hills, Action Policy, 2-P-91, and asked staff of the status of that policy.

Ms. Hoggatt explained that staff was working on the development of a master plan for the BART owned property and privately owned properties within the vicinity. As of 2008, staff was in the process of selecting a consultant to draft that plan, which would be brought to the Planning Commission in the future and which was the reason the status was shown as partially implemented.

Commissioner Diokno also referred to Page 8 of the Action Policies under Hillside Development. While he recognized that the City did not have a Hillside Ordinance in place as yet, considering potential development of the hills around the golf course below the 900 foot elevation in the General Plan, he expressed a preference to see the elevation be lowered to 300 feet.

Ms. Hoggatt advised that such a recommendation would involve an amendment to the General Plan, which would require a separate study and public hearing.

Commissioner Diokno understood that there was an expense for an Environmental Impact Report (EIR) for the Hillside Ordinance, which the City Council had tabled. He asked staff whether the entire process would have to be redone for a final Hillside Ordinance or whether the City could build on the work that had already been completed.

Mr. Grisham explained that a full EIR would be required, although all of the background information could be used. Any change in the elevation would require a General Plan
amendment and an initiation of the General Plan amendment process. If that was put forward, the City would be challenged in terms of the level of environmental review. The highest point of the golf course property was 400 feet and some development would occur over 300 feet.

Mr. Grisham pointed out that while absent a Hillside Ordinance, any project in the hills would require a full EIR and extensive review prior to any Planning Commission or City Council approval.

Commissioner Wegerbauer thanked staff for the report. She spoke to Page 17, Economic Development, Action Policies, 6-P-11 and 6-P-12, and asked for clarification from staff as to the status of implementation of the Economic Development Plan.

Ms. Hoggatt explained that there were some policies in the Economic Development chapter and some programs in place that could have been outlined more clearly, such as loans to support business and the pending enterprise zone program, which had been outlined in the General Plan and were functions of the City’s Economic Development Department.

Commissioner Fardella complimented staff and the City Manager on the progress thus far given the current economic situation.

Commissioner Garcia commented that there was a Hillside Ordinance that had been in place years ago and which had been approved by the Planning Commission at that time when Commissioners and Councilmembers had visited different cities.

Ms. Hoggatt explained that the HPD (Hillside Planned Development) District was currently in effect. She added that staff would have to research the adoption of any zoning amendment beyond the HPD District.

Commissioner Ohlson also commended the accomplishments of the City. He offered the following comments on the General Plan Annual Report:

- West Central, Page 5, Action Policy 2-P-78, as compared to West Leland, Action Policy 2-P-83, suggested that a small bridge across the canal could connect to the trail and noted that the Open Space chapter of the General Plan had suggested a trail on the PG&E power line right-of-way running from Tenth Street to the Delta Anza Trail;

- Willow Pass Road, Page 9, Action Policy, 4-P-45, wanted to ensure that City standard design guidelines were followed with bike lanes on that major arterial;

- Street System and Traffic Standards, Page 19, Action Policy, 7-P-5, under the status should include bike lanes on Harbor Street.
• Bikeways and Pedestrian Movement, Page 21, Action Policy, 7-P-44, change the status from implemented to "ongoing" since the Contra Costa Transportation Authority (CCTA) was still working on the Countywide Bicycle and Pedestrian Plan.

PUBLIC HEARING OPENED

PROPOONENT: City of Pittsburg

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Garcia to direct staff by minute order to submit the General Plan implementation annual progress report to the City Council for acceptance, as discussed and as amended. The motion was seconded by Commissioner Kelley and carried by the following vote:

Ayes: Commissioners Diokno, Fardella, Garcia, Kelley, Ohlson, Wegerbauer, Ramirez

Noes: None

Abstain: None

Absent: None

COMMISSION CONSIDERATIONS:

Item 4: New Mecca Café Expansion. AP-08-582 (AD, OD, SR).

An application by Guillermo and Teresa Muniz of the New Mecca Café and Courtland Holman of the Redevelopment Agency of the City of Pittsburg, requesting design review approval of architectural plans to accommodate the expansion of the New Mecca Café, including: (1) remodeling of the façade of the historic Martinetti (306 Railroad Avenue) and Lazio (324 Railroad Avenue) buildings; (2) demolition of an existing 978 square foot, non-historic portion of the Lazio building and installing an 896 square foot addition behind the Martinetti building; (3) redesign of the parking and service area to the west of the buildings; and (4) addition of an outdoor dining area long Railroad Avenue in front of the Martinetti building. The application also includes a request for an outdoor dining permit and a sign exception to allow the addition of a new, painted wall sign to exceed allowable sign area and letter height for wall signs, and to exceed the total allowable sign area for the building by 42 square feet. The properties at 324 and 306 Railroad Avenue area located in the CP (Pedestrian Commercial, Area 1) District. APNs 085-105-009 and 085-105-016.
Mr. Grisham advised that a community study session had been held on the project which had been well accepted at that time.

Assistant Planner Ali Endress presented the staff report dated February 10, 2009. She recommended that the Planning Commission adopt Resolution No. 9785, approving AP-08-582 (AD, OD, SR), as conditioned.

Ms. Endress recommended that an additional condition be included in Section 3. Decision of Resolution No. 9785, Parking and Service Area Access, to appear after Condition 6 and to read as follows:

Loading and unloading associated with the New Mecca Café shall not occur along Railroad Avenue at any time.

Ms. Endress commented that the new condition had been discussed with the owners who were in agreement with that condition.

Commissioner Wegerbauer thanked staff for Section 3. Decision, Outdoor Dining, Condition 16, which would ensure that the outdoor patio areas were kept clean. She otherwise spoke to the north elevation of the Martinetti building, which had small square windows facing Third Street. She asked for consideration of natural light from the inside of the space or outside lighting on the building.

Ms. Endress explained that there were two existing street lights on East Third Street that would remain. She added that in order to accommodate Americans with Disabilities Act (ADA) accessibility requirements, there would be bulb outs to the sidewalk that would widen the sidewalk along Railroad Avenue on the northernmost end and potentially along the easternmost segment of East Third Street.

Commissioner Wegerbauer preferred to see more light shine out of the building out onto the street if possible. Alternatively, lighting could be placed on the outside of the building compliant with its historic design to ensure that sufficient lighting would be provided along that elevation for pedestrian traffic.

Mr. Grisham commented that engineering staff would review the adequacy of the lighting along Third Street back to the parking area and down to the Marina as well.

Commissioner Ohlson recommended that the new condition referred by staff be revised to read:

Commercial loading and unloading associated with the New Mecca Café shall not occur along Railroad Avenue at any time.
PROPOONENT:

JOHN COKER, 3788 Enea Drive, Pittsburg, explained that he was representing the owners Guillermo and Teresa Muniz. He advised that the goal of the project was that when one entered the dining area it would appear the same as it had been for years. The new portion of the restaurant in the Martinetti building would include a new kitchen.

Commissioner Garcia thanked the Muniz family for keeping the business operating in the worst of times. He verified that the applicant was in agreement with the conditions as proposed and as amended.

Commissioner Fardella commended the project and the many works of the business owner benefiting the City. He liked the project, found it to be exemplary and recognized that the restaurant was loved by the City. He had nothing but good things to say about the development.

OPPONENTS: None

Commissioner Diokno also expressed his appreciation for the work on the project. He pointed out that the project was a great example where a trash area had been enclosed and architecturally incorporated into the building.

Commissioner Wegerbauer commended staff and the applicant for a terrific project.

MOTION: AP-08-582

Motion by Commissioner Garcia to adopt Resolution No. 9785, granting Design Review, Outdoor Dining Permit, and Sign Review approval for exterior renovations, and construction of an Addition, Outdoor Dining Area, Related Site Improvements, and a Painted Wall Sign at 306 and 324 Railroad Avenue for “New Mecca Café Expansion, AP-08-582 (AD, OD, SR),” as conditioned and as amended. The motion was seconded by Commissioner Ohlson and carried by the following vote:

Ayes: Commissioner Diokno, Fardella, Garcia, Kelley, Ohlson, Wegerbauer, Ramirez

Noes: None

Abstain: None

Absent: None

Mr. Grisham noted that the architectural contract for construction drawings would be brought back at the next meeting of the City Council. Construction of the project was anticipated during the summer. He was pleased that the Planning Commission had moved the project forward.

A City-initiated request for the Planning Commission to initiate proceedings for the revocation of a use permit (Contra Costa County Land Use Permit 2069-88) allowing a wrecking yard for the JM Enterprises, located at 1215 Willow Pass Road in the IP (Industrial Park) District. APN 096-091-002 and 003.

Mr. Grisham presented the staff report dated February 10, 2009. He recommended that the Planning Commission initiate proceedings for the revocation of a use permit (Contra Costa County Land Use Permit 2069-88) allowing a wrecking yard for the JM Enterprises, located at 1215 Willow Pass Road in the IP (Industrial Park) District. He clarified for the record that although the staff report had indicated that a site plan had not yet been received, staff had received a copy of the site plan, which would be reviewed by staff. He emphasized that the item before the Commission was not consideration of a revocation of the use permit, but initiation of use permit revocation proceedings. The Commission was to set a date for the revocation proceeding.

PROPOSITION: City of Pittsburg

OPPONENTS:

STEVE HENDERSON, Walnut Creek, identified himself as the representative for Margherita Molino and Jim Molino, the applicants. He noted that there were others present in the audience who were employed by JM Enterprises. He suggested that the process was premature and that the revocation recommendation had been based on a failure to comply with the demands set forth in a December 19, 2008, letter from the City with a submittal deadline of 7 business days. While the date of submittal had been missed, a site plan had been submitted including items that had been discussed during a staff meeting in December.

Mr. Henderson suggested that there had been a predetermination on the part of the City to shut down the business. He referred to a photograph of the site, which had been attached to documentation before the Commission and which he suggested was not representative of the current condition of the site. He suggested that none of the issues of revocation of the use permit involved public safety. The State Water Board had been to the site within the last three weeks to ensure compliance, although the staff report had indicated that representatives from the City had attempted a compliance check at the end of January 2009. He suggested that that was really a reference to two Pittsburg Police Officers who had been to the site at that time to assist the individuals from the State Water Board. His client was not aware, nor informed, that the visit was a re-inspection by the City.
Mr. Henderson commented that he had become involved with the situation in October 2008, although the issues had started in April 2008. He referred to an April 10, 2008, letter from a Pittsburg Police Officer, which had included a number of conditions his client had been working to bring to compliance. When he had first become involved in the matter in October, the matter had been set for a Nuisance Abatement Hearing which was to take place in October. That date had been dropped with no reason known to his client. He suggested it was related to the fact that the property was subject to a Conditional Use Permit (CUP) the City had inherited from the County.

Mr. Henderson suggested that for the past several months his client had difficulties in the process on the basis that the use was not subject to a conditional use permit but was rather a non-conforming use. While it had been suggested that his client had not complied with the requirement for a cement wall for three quarters of the area of the property during the period from April through October 2008, his client had been told by the City that the fencing was fine. He suggested that the resolution before the Commission would lead toward revocation, not examination or continuation.

Mr. Henderson reported that the business had been in operation for the past 30 years. It employed between 14 and 24 people with a gross income of over $1 million. The business served 50 to 100 people a day. He pointed out that the City had approved a residential development adjacent to the site that peered over the fence into the wrecking yard. He noted that many plans had been submitted to the City, suggesting that the City had not communicated well between the Planning and Building Inspection Departments. He added that the business had been cited for numerous violations. He suggested that the process would amount to a taking of his client’s property.

Commissioner Garcia understood that the site had been in violation since 1989. He assumed that building permits were required and he was curious to know if an inspection or final had ever been approved. Reviewing the photos of the site and the County resolution approved in 1989, regardless of the fence he stated there was to be a cement wall. The adjacent subdivision installed part of a cement fence on the east side of the property. He stated that other conditions had not been met. He emphasized that the problems with the site were not recent and had been ongoing for years.

Mr. Grisham commented that one of the issues was the original annexation of the property where the City had received no records of the site. When the City annexed properties, the uses transferred to the City. Adding to the confusion was that when the Mirant annexation had been completed by the City, the County had a file of records including a conditional use permit on the subject property. Based on the conditions on the site and the number of agencies involved, in his opinion it was appropriate to set the public hearing.

Commissioner Garcia pointed out that even with the annexation; conditions imposed by the County had not been met.
Commissioner Fardella suggested that the attorney had not been forthcoming with all the facts. He commented that he had seen satellite views of the site over time. He characterized the condition of the property as abominable. He found the action before the Commission to be appropriate and suggested that the owner had 20 plus years to comply with the conditions. He questioned the contention that the process was being moved along too quickly. Mr. Fardella indicated that he felt the risk to public safety far outweighed any income to the city Mr. Henderson referred to.

Mr. Henderson encouraged Commissioners to view the site, suggesting that many of the conditions had been met. He had dealt with many of the issues and had viewed the site in October and had found it remarkably improved. He recommended before the Commission set a date on a possible revocation of the use permit that Commissioners review the site. He reiterated that the resolution as drafted was for a revocation. He asked that those making the determination have a current viewpoint. He added that his client had spent over $600,000 on improvements to the property since the April 2008 letter from the City. The process of working with the State Water Board was ongoing. His client was willing to spend the monies to conform with all of the requirements, although he stated that the County had waived or approved variances to many of the conditions. He emphasized that there was no paperwork on file with the County or with the City.

SCOTT CIRIMLI, 2026 Bellfleur Drive, Walnut Creek, explained that he had been hired in April 2008 to help the applicant to comply with the April 2008 letter from the Pittsburg Police Department. As to the list of violations, he suggested that many of those issues had been addressed and that plans had been submitted to the City’s Building Department and to the County. Work had been ongoing since May 9, 2008, with back and forth on the plans. Plans had been submitted to the City on June 6, with a second submittal to the Fire Department at the same time. There had been no substantive feedback from the Fire Department until September 5, 2008.

Mr. Cirimli stated that a meeting had been held with City staff on December 16, 2008, to discuss the use permit issues, at which time several of the issues that had been complied with over the years had been identified including a fire access road, fence and water filtration system. During the December 16 meeting, he had asked City staff of the status of plans that had been submitted to the City on October 10. Those plans had not been distributed to the Planning or Engineering Departments by the December 16 meeting and he was uncertain why there had been such a gap in the timeframe.

The following individuals filled out speaker’s cards but deferred to speak:

Cheyvonne Molino, Pittsburg
Jim Molino, Pittsburg
Mary L. Thomas, Pittsburg
Rashelle Vasconcellos, Pittsburg
Commissioner Wegerbauer noted the need for all businesses to comply with conditions of approval, and if the applicant was willing to comply with those conditions, setting the revocation process forward should work fine since it would put everything in writing with dated requirements.

MOTION:

Motion by Commissioner Fardella to adopt Resolution No. 9786, initiating Revocation Proceedings for a Use Permit allowing a Wrecking Yard at 1215 Willow Pass Road for "JM Enterprises Initiation of Use Permit Revocation Proceedings. LUP-2069-88." The motion was seconded by Commissioner Wegerbauer and carried by the following vote:

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

Item 6: Initiation of a Study to Amend the General Plan in Accordance with Contra Costa County Measure J.

A City-initiated request for the Planning Commission to initiate a study to amend primarily the Growth Management Element of the General Plan in order to incorporate the provisions of Contra Costa County Measure J.

Ms. Hoggatt presented the staff report dated February 10, 2009. She recommended that the Planning Commission initiate a study to amend primarily the Growth Management Element of the General Plan in order to incorporate the provisions of Contra Costa County Measure J.

Commissioner Fardella affirmed with staff that if the General Plan was not amended in accordance with Contra Costa County Measure J, the City would receive no funds as part of Measure J.

PROPOSENT: City of Pittsburg

OPPONENTS: None

MOTION:

Motion by Commissioner Wegerbauer to adopt Resolution No. 9787, initiating a Study to Consider Amending the General Plan Growth Management Element in order to incorporate the provisions of Contra Costa County Measure J, and to make revisions to other chapters as necessary to ensure General Plan consistency. The motion was
seconded by Commissioner Kelley and carried by the following vote:

Ayes: Commissioner D'okno, Fardella, Garcia, Kelley, Ohlson, Wegerbauer, Ramirez
Noes: None
Abstain: None
Absent: None

ZONING ADMINISTRATOR REPORTS:

There were no Zoning Administrator Reports.

STAFF COMMUNICATIONS:

7. Lawlor Estates – Revisions to Approved House Plans

Mr. Grisham reported that at the request of the developer, two of the models would be scaled down. The models had been reviewed and approved administratively by staff since there was substantial conformity. He suggested that by scaling down the two models, some past concerns with the massing of the buildings would be addressed.

Mr. Grisham also reported that a training session had been scheduled for March 10, 2009, at 6:30 p.m., before the regular Planning Commission meeting, to review the new vote casting system.

Mr. Grisham referenced a memorandum that staff had provided to Commissioners regarding Commission term limits and expiration of terms. He reported that Chairperson Ramirez and Commissioner Garcia would reach term limits in Fiscal Year 2009. Commissioners whose terms would expire and were desirous to continue on the Planning Commission must submit an application that would be reviewed by the City Council.

Mr. Grisham added that while the League of California Cities Planners' Institute would be held in 2009, he had terminated all travel expenses within the City's system given the budget constraints and the significant downturn in the economy. A budget workshop would be held with the City Council on February 23. He stated that the budget was expected to be very conservative. He also reported that the City would receive approximately $1.1 million from the stimulus package and there were many things in process with the City’s Capital Improvement Program (CIP), with activities close to what had occurred in 2008.

COMMITTEE REPORTS:

Commissioner Ohlson reported that the TRANSPLAN Committee meeting scheduled for Thursday, February 12, had been canceled due to a lack of business.
PLANNING COMMISSIONERS' COMMENTS:

Commissioner Garcia reported that the California Restaurant, which had been closed in the Save Mart Shopping Center, appeared to have been abandoned. He noted that trash had not been picked up. He had spoken with a Police Officer who had recently been in the parking lot of the center and understood he would contact Code Enforcement. He also emphasized the need to clean the windows of the building since it was not clear the business was no longer in operation.

Commissioner Kelley referred to the short turn at Tenth Street into the downtown and noted the turn across the street was even shorter, which she believed raised a safety concern.

Commissioner Fardella reported that he had attended the Ambrose Park Master Plan meeting which had been well attended by Bay Point and Pittsburg residents. He had also attended a United States Secret Service Electronic Crime Task Force meeting at Stanford Research Institute.

Chairperson Ramirez reported that he would not be present for the Planning Commission meeting of February 24.

ADJOURNMENT:

There being no further business, the meeting adjourned at 9:11 p.m. to a Regular Meeting scheduled on February 24, 2009, in the City Council Chamber at 65 Civic Avenue, Pittsburg, CA.

MARC S. GRISHAM, AICP, Secretary
Pittsburg Planning Commission