MINUTES
OF A REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION

March 11, 2008

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Ohlson at 7:06 p.m. on Tuesday, March 11, 2008, in the Council Chambers, City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL:

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

Absent: None

Staff: City Manager Marc Grisham, Deputy City Attorney Kit Faubion, Senior Planner Dana Hoggatt, Associate Planner Kristi Vahl, City Engineer Keith Halvorson, and Senior Civil Engineer Alfredo Hurtado

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, March 6, 2008.

PLEDGE OF ALLEGIANCE:

A.J. FARDELLA led the Pledge of Allegiance.

DELETIONS/WITHDRAWALS/CONTINUANCES:

There were no deletions, withdrawals, or continuances.

COMMENTS FROM THE AUDIENCE:

JUNE FORSYTH, Pittsburg, requested that the Commission consider a Tree Ordinance. She commented that many were of the opinion that eucalyptus trees along the Railroad Avenue Corridor gave character to the community. She was dismayed that so many of those trees had been removed, particularly from the Kentucky Fried Chicken restaurant site.
PRESENTATIONS:

There were no presentations.

CONSENT:

a. Planning Commission Meeting Minutes February 26, 2008

MOTION:

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

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

PUBLIC HEARING:

ITEM 1: City Initiated Hillside Regulations and Related General Plan and Zoning Amendments.

A public hearing on a City-initiated proposal to: 1) amend Title 18 (Zoning Ordinance) of the Pittsburg Municipal Code in order to establish new hillside development performance standards and amend the existing HPD (Hillside Planned Development) District regulations; 2) adopt new Hillside Development Design Guidelines; and 3) amend Chapter 2 (Land Use Element) and Chapter 4 (Urban Design Element) of the General Plan in order to modify certain hillside policies related to density bonuses and neighborhood commercial uses in hillside areas.

Associate Planner Kristi Vahl presented the staff report dated March 11, 2008. She recommended that the Planning Commission adopt Resolution No. 9747, recommending City Council approval of the proposed Title 18 amendments and guidelines relating to hillside development and proposed General Plan amendments.

Commissioner Diokno questioned whether not the HPD included those hills between State Route 4 and the Faria parcel. He questioned how the 500-foot elevation had come about.

Ms. Vahl explained that those parcels had portions of land above the 500-foot elevation, were zoned HPD and were required to comply with the HPD as were the Montreux and Thomas Ranch properties. The 500-foot elevation was in the General Plan adopted by the Council in 2001.
City Manager Marc Grisham explained that the 500-foot elevation could always be adjusted since it was an arbitrary number.

Commissioner Diokno spoke to the Negative Declaration and environmental documents and questioned the cut off point for the environmental report indicating when impacts could be too great.

Deputy City Attorney Kit Faubion explained that the Initial Study categories had a threshold of significance. An accumulative number had not been identified. The Initial Study had asked questions about each one of the resource areas, which had been compared to the threshold of significance. Staff had gone through the Initial Study and had evaluated the project and the changes that would occur with the project to determine whether or not there would be a significant effect. Many issues raised with respect to development in the hillsides were issues that had also been addressed in the General Plan when adopted and its environmental review when certified.

Ms. Faubion added that information in the General Plan Environmental Impact Report (EIR) was relevant to the hillside regulations, and in many cases the mitigation measures had been taken directly from policies in the existing and proposed regulations. Staff had reviewed each and had determined that mitigation measures from the General Plan had not been carried forward leaving a mitigation gap from the EIR. In those cases, mitigation measures had been proposed to be reinstated into the project.

PUBLIC HEARING OPENED

PROPOSED: City of Pittsburg

OPPONENTS:

ROSANNE NIETO, a member of the Concord Naval Weapons Station (CNWS) Advisory Committee, explained that former Concord Mayor Leilix had established a 350-foot elevation limit which would ensure that the communities around Concord would not be impacted by unattractive development. She commented on the volume of development along State Route 4 and how future generations would not have the same opportunity her family had to pick fruit.

Ms. Nieto read into the record correspondence from Kathy Gleason, Corporate Donation Coordinator for the Food Bank of Contra Costa and Solano and a member of the CNWS Neighborhood Alliance, dated March 6, 2008, asking that the City of Pittsburg preserve the Los Medanos ridgeline and hills adjacent to the CNWS.
RIC ONALFO, 1710 Walnut Meadows Drive, Oakley, commented on development in his neighborhood and suggested that what was happening in Pittsburg was appalling due to the volume of development. He did not want to see the hills developed since once developed, they would be gone forever.

DAVID CAMPOS, 4321 Golden Hill Drive, Pittsburg, a lifetime resident, commented that when he chose the community in which to set up his dental practice, he had chosen Pittsburg due to the hillsides. Having attended all but one of the public hearings on the subject discussion, he suggested that the Commission had squandered its chances to preserve the hillsides and had not done what the Council had requested.

JUNE FORSYTH, 20 Seapoint Way, Pittsburg, stated that while she was not opposed to some development in the hills, she wanted that development to be thoughtfully and environmentally considered so that the soft outlines of the ridges would be preserved. She suggested that the Commission had taken out any protections suggested by planners and citizens who had repeatedly approached the Commission in 2007 to request the protection and preservation of the hillsides. She questioned the Commission’s lack of preservation and urged the Commission to safeguard the last remaining asset in the community.

Ms. Forsyth suggested that the See no Companies owned most of the land under consideration, the last visually beautiful and undeveloped lands in Pittsburg, and had a history of ignoring environmental issues. She requested that grading requirements be included in the regulations in order to protect future residents from slope and soil instability. She requested fewer homes, suggested that estate homes be limited to two to the acre on developable land not including the roads, and requested that horizontal and vertical setbacks be reconsidered and reinstated. She also suggested that the proposed James Donlon Boulevard Extension would not relieve traffic but would provide an opening to build more homes on the hills adding more congestion to the hillside areas. She asked the Commission not to allow the development of the hills without careful planning and proper protections.

Ms. Forsyth further recommended that the Commission not consider examples of other cities that had permitted building on ridgelines in the past, such as what had occurred in the City of Antioch where that City had allowed the developer to build in violation of its hillside ordinance. She urged the Commission to show leadership and preserve its ridges to retain the character of the community and add value to future homes.

JOYCE GUNN, 120 Herring Drive, Pittsburg, urged the preservation of the hillsides for future generations. She pointed out that the hillsides had been included on the City’s logo and that many enjoyed the hillsides year round. She supported the creation of a true hillside development plan allowing future generations to have the same opportunities that current residents enjoyed.
A.J. FARDELLA, 209 Havenwood Circle, Pittsburg, Director of the Oak Hills Community Group, advised that he would provide written comments to the Commission. He commented that he had been involved with Save Our Hills for the past 10 years and had been opposed to development when the property was not located within the City limits. With the land now within the City limits, he stated there should be an overall plan for the future. He noted that the 500-foot elevation had been discussed at length and although the developer had not been pleased with the outcome of those discussions, he recalled that those discussions had occurred in 2003. He added that the process had been ongoing for some time. He acknowledged the efforts of the community, staff, and the Commission and recognized that the City Council had the option to make changes to the regulations.

Mr. Fardella suggested that density bonuses were limiting and that any development with a density bonus in the hillsides would be unattractive. He suggested that the limit of 3 units per acre would really only allow 2.5 units per acre on the Faria property. In terms of grading, he noted that the Commission had maintained the same process for peer review and an engineering report as for any other development in the City, which would lead to safer development. He asked the Commission to move forward to the next step.

ANNETTE JENKINS, 315 Avalon Circle, Pittsburg, commented that she and her family had moved to Pittsburg because of the hills, which they continued to enjoy. Having been involved with the community for some time, she suggested that there were many more residents opposed to hillside development than those currently present in the audience.

DENNIS LINSLEY, 1063 Westmont Court, Pittsburg, presented written comments dated March 11, 2008. Speaking to the CEQA Initial Study Checklist, he noted the failure to consider traffic and transportation as a potentially significant impact. He commented that public services, utilities and service systems, which the study had indicated would not be affected by hillside development would, in fact, be seriously impacted. He questioned the assertion that many of the impacts had been avoided or mitigated in an earlier EIR or Negative Declaration since there had been no changes to circumstances that would substantially increase the significant effects, and since the document had not considered incorporating the highest points and the most visually prominent portion of the southwestern Los Medanos hillsides, and had not considered the significant increase in traffic that would require additional services which would be a significant change to the circumstances warranting further review under the CEQA process.
Mr. Linsley noted that the documents had indicated that significant impacts to visual character would be mitigated by adding a statement to ensure that prominent views would be preserved to the maximum extent possible and by clustering development in small valleys or behind other ridgelines, although the regulations had not included that statement.

Mr. Linsley questioned who would determine ‘the maximum extent possible.’ Given the Commission’s history, he suggested it was likely the developer would indirectly make that determination, which would not offer any protection. He suggested that the document hid the need for an EIR behind its questionable conclusions. He sought a full and complete EIR. He suggested that the Commission would likely pass the document on to the City Council regardless of citizen comments. He expressed his hope that the City Council would do a better job than the Commission had done.

CHRISTINA WONG, East Bay Field Representative, Greenbelt Alliance, 1601 North Main Street, Walnut Creek, noted through a show of hands that many in the audience sought a stronger hillside protection ordinance. She referred to Findings 6 and 7 of Resolution No. 9747 where the HPD had been found to be within the general welfare and good practice to implement the General Plan and was what the community wanted to ensure that the regulations would provide clear guidelines on what would occur. She stated that the public disagreed that the HPD represented what the community wanted. She noted that her written correspondence to the Commission cited all of the meetings in 2007 where the majority of residents had been opposed to the ordinance and had sought stronger protections.

Ms. Wong suggested that if the Commission desired to represent the public it should go back to the documentation and review all public comments and know that the ordinance did not speak for the public since it had removed vertical setbacks, grading requirements, and would allow 3 units per acre in visually sensitive areas, all issues opposed by the community. She added that the regulations would increase traffic and ruin the beauty of the hillsides.

Ms. Wong also noted that the document would not abide by several General Plan policies, specifically Policy 10-G-6, which had not been included in the documentation. She urged the Commission to change the ordinance to make it better.

Ms. Wong took this opportunity to announce that the Greenbelt Alliance would be sponsoring an outing to the Black Diamond Mines on April 12, to point out the hillsides for residents. She urged Commissioners to participate and learn the implications of the ordinance.

RAY O’BRIEN, Bay Point, expressed his hope that the Commission would not make a final decision at this time on the guidelines since the Negative Declaration had only been made public on March 6. He suggested it would be inappropriate to vote on the
guidelines and revisions to the City planning code when the public had little time to comment on a City held position that development on the hillsides would have little impact on the geological and natural environment. Given that the public comment period on the documents would end on March 28, he questioned a rush to judgment on a civic process that he found to be emblematic in the way the City did business to favor a particular developer.

MIKE LENGYEL, Pittsburg, echoed the comments made by the previous speaker. He asked the Commission to listen to the comments from the public, although he was not confident that anything would change. He commended Ms. Wong from the Greenbelt Alliance for her work to better the City. With respect to the guidelines, he suggested that the recommendation from staff was See-no-friendly. He commented that there were three See-no-friendly members of the Commission and he asked those Commissioners to recuse themselves from the discussion. He referred to the comments of a resident that the City was blocked in on all sides although he disagreed since the City was in the process of annexing the Mirant property. He questioned the City’s efforts to build estate homes, which was not a requirement and since Pittsburg was a middle class community.

TROY BRISTOL, Save Mount Diablo, 1901 Olympic Avenue, Walnut Creek, advised that Save Mount Diablo sought a strong hillside protection ordinance. He requested that Pittsburg’s ridgelines be preserved intact in a natural state so that residents could continue to enjoy a spectacular backdrop to the City. He urged the Commission to add vertical and horizontal ridgeline setbacks into the regulations, to include a slope density chart to ensure a gradual transition from dense development to open spaces, that there be no development or grading visible from Central County across the watershed line, that there be no development or grading allowed in natural areas with slopes greater than 30 percent and no development allowed in visually sensitive areas. He stated that 3 units per acre was too dense. He urged that those regulations be put back into the HPD for true hillside protection.

MICHAEL SARABIA, Bay Point, commented on new development in Bay Point years ago where some of the homes had begun to slide down the hill. He questioned the Commission possibly creating the same problems since guidelines were not always followed. He noted that the City would be liable for the consequences. He asked legal staff to review the document and delay action on the guidelines. He suggested that any delay to the developer would not be consequential given the current real estate market. He also suggested that there could be opportunities to merge the interests of the cities of Concord and Pittsburg to the benefit of both communities. He urged the Commission to consider such a proposal.

WILLIE MIMS, Pittsburg, representing the Black Political Association (BPA), supported the preservation of the hillsides. Referring to Attachment 1, Item 6 and the statement that there was a community need for the adoption of hillside regulations, he asked if that need was being expressed by the community.
Mr. Grisham advised that the reaction was to the General Plan document and the fact that within the General Plan there were statements relating to hillsides, although the City did not have a hillside ordinance. Whether or not the ordinance was strict enough was what was being discussed.

Mr. Mims also commented on the Initial Study checklist, Item 12. He questioned the statement made in that section. He also questioned whether or not the statement of less than significant impact meant that no homes would be built on the hillside based on the checklist.

Ms. Faubion explained that the item was a checklist item, a routine question on every Initial Study, which was asking if a project had the potential to induce growth where it might not otherwise occur. As mentioned in the response to that item, it was not the ordinance itself that would be inducing the growth; rather, it was the fact that the General Plan identified the area for Low Density Residential development, which would bring the growth to the hillside area. She stated that the ordinance would be consistent with that General Plan designation and would provide some details as to what that growth may look like. The response for less than significant had been based on the fact that growth inducement had been addressed in the General Plan EIR and that General Plan designation that would bring the growth to the hillsides.

Mr. Mims stated that he had a problem with Negative Declarations in that they could not mitigate the degrading and destruction of land in any way.

RICHARD STRAUB, Antioch, commented that he had been born and raised in the City of Pittsburg. He recalled the history of the community and the past farm and cattle lands near Kirker Pass Road over the hill on Shell Hill, which was now full of homes. Given the current recession, he recommended that the developer build in the State of Nevada where he was already building and spend his money in that area and leave the Pittsburg hillsides alone. Once the recession ended, he suggested that the development of more homes could be discussed.

ROBERT GREEN, 141 Encinal Place, Pittsburg, suggested that the goal of the City Council when it had requested that the Commission discuss the regulations was for estate homes in the hills. He suggested that the guidelines were far from that. He opposed 3 units per acre and questioned the definition as estate homes. He suggested that a full EIR should be prepared as part of the CEQA process. He also understood that the Oak Hills Community Group was comprised of one person and that Mr. Fardella had never participated in Save Our Hills. He was disappointed that the City planners and the City Attorney did not live in the City and were making decisions for the City.
CHRISTINA ARMOR, Community Conservation Organizer for the Sierra Club, advised that she was present on behalf of Sierra Club members in the Delta Group Region who would like to see the preservation of open space and natural habitat. She asked the Commission not recommend the ordinance to the City Council. She stated that the ordinance did not provide the proper protections the community would like to see and was actually an instruction manual on how to pave over the hills.

LOUIS PARSONS, Discovery Builders, 4061 Port Chicago Highway, Pittsburg, thanked the Commission and staff for all the work over the years on the proposed ordinance. He explained that over the years the developer had submitted numerous letters and presentations outlining the developer’s concerns with the documents. The developer remained concerned with certain components of the guidelines, such as implementation of the guidelines in terms of its practicality and feasibility on a specific plan, since the guidelines were untested.

TIM DONAHUE, Chair of the Delta Group of the Sierra Club, stated that he had watched the process and recognized that the hillside issue had been a concern in the Bay Area for some time. He questioned the proposal for estate type homes, noting the numerous vacant homes on the market. He questioned whether estate homes would be built in Pittsburg or Antioch. He pointed out that many estate homes located in the cities of San Ramon, Alamo, and Danville were now vacant. He suggested that the developer was pursuing the guidelines to make money and leave the problems with the cities, such as what had occurred in Antioch and Brentwood. He stated that a full EIR should have been prepared, not a Negative Declaration, which was not stringent enough with no specifics on what would be approved following what guidelines.

JoANN PICO, 3958 Alta Vista Circle, Pittsburg, commented on her family’s history in the East Bay and their enjoyment of picking fruit in the former Antioch and Brentwood fields. While she supported managed growth, in her opinion future generations would never be in estate homes. She suggested that the removal of the land and the hills would take away the opportunity for future generations to have a better life.

The following individuals did not wish to speak but offered the following written comments:

ROBERT SILVA, Pittsburg, “Please protect our remaining hills from the destruction that is going on now. We need more soil studies & environment impact studies to prevent future landslides and less houses per acre, than what has been proposed. Also, what is the rush to push an ordinance through without making certain that all the proper studies have been done first?”

JUDITH SILVA, Pittsburg, “Development is not always good. Water etc. will be a problem in near future. Over building is not good. Looking at hills from LMC the hills are beautiful but I always think how long will this last. Traffic will always be a problem and is not thought through before development. 500 ft. or 900 ft. too high. Protect our hills!”

Planning Commission Minutes
March 11, 2008
PUBLIC HEARING CLOSED

Commissioner Diokno commented on the length of time for the City to prepare the Negative Declaration and Initial Study while the public had only four days to review the information. He made a motion to continue the discussion of the City-initiated Hillside Regulations and Related General Plan and Zoning Amendments. On the motion, Mr. Grisham advised that the Commission may continue the item if it wanted to continue review although it would have to address the closure of the public hearing.

Ms. Faubion advised that if the Commission continued the item and would like to take additional testimony, the public hearing would have to be reopened.

Without a second to Commissioner Diokno's motion, the motion failed.

Commissioner Wegerbauer commented that she had presented the Commission with a list of recommendations she would like added to the Design Guidelines. While she was new to the process and had been a member of the Commission since July 2007, she emphasized that she had listened to the feedback from the community and acknowledged that she was one of many residents of the City. Recognizing that many were of the opinion they did not want development in the hills, she stated that the hills had been zoned for housing. The land had been annexed into the City through the vote of the residents. She was saddened that many were of the opinion the City would not attract buyers for estate style homes. As a four-year resident of the City, she stated it was a great place to live.

Commissioner Wegerbauer requested that the following regulations be added to Exhibit C, Pittsburg Hillside Design Guidelines:

- A variety of home styles are to be provided; for example, if one phase of the development provides four models, there are to be a variety of approximately three exterior styles available within each of the four models. This is to be implemented by use of different architectural details and by varying building materials, roof slopes, window and trim treatments. This is intended to give the impression of a wide variety of floor plans.

- Those areas near the ridges and in the viewsheds are reserved for unique estate style homes with special effort given to design, and build exclusive estate style housing that is unique both inside and outside. This is to be implemented through housing designs in these areas and should take into consideration that the homes will be viewed from 360 degrees as well as from below and above. Therefore, attention to and use of architectural details, materials and beautifying elements should be applied to all sides of the house, not just the front façade.
Those areas near the ridges and in the viewsheds are appropriate for parcels larger than the minimum 10,000 square foot lot size. This is to be implemented through consideration of designing an exclusive estate style home that is placed to minimize grading while also providing some useable exterior living space around the house.

Mr. Grisham advised that any action on those recommendations could be incorporated into the document as well as additions or deletions. He requested that be done through a formal motion.

**MOTION:**

Motion by Commissioner Wegerbauer to add the following regulations to Exhibit C, Pittsburg Hillside Design Guidelines:

- A variety of home styles are to be provided; for example, if one phase of the development provides four models, there are to be a variety of approximately three exterior styles available within each of the four models. This is to be implemented by use of different architectural details and by varying building materials, roof slopes, window and trim treatments. This is intended to give the impression of a wide variety of floor plans.

- Those areas near the ridges and in the viewsheds are reserved for unique estate style homes with special effort given to design, and build exclusive estate style housing that is unique both inside and outside. This is to be implemented through housing designs in these areas and should take into consideration that the homes will be viewed from 360 degrees as well as from below and above. Therefore, attention to and use of architectural details, materials and beautifying elements should be applied to all sides of the house, not just the front façade.

- Those areas near the ridges and in the viewsheds are appropriate for parcels larger than the minimum 10,000 square foot lot size. This is to be implemented through consideration of designing an exclusive estate style home that is placed to minimize grading while also providing some useable exterior living space around the house.

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

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

Noes: None

Abstain: None

Absent: None

Planning Commission Minutes

March 11, 2008
Commissioner Garcia commented on the issue of the 500-foot elevation, which went back to the 1990s when the Council at that time had visited many cities in the area. He added that past minutes would show that Councilmember Parent had made that recommendation. The City had a hillside ordinance at one time, but he was uncertain whether or not it had been followed.

Commissioner Garcia commented that the hillside ordinance was not new and had been considered for the past 15 years or more, but had been deferred and returned many times. After the adoption of the General Plan in 2001, it had again been considered.

Commissioner Diokno commented that would reinforce his perspective that the 500-foot elevation was an arbitrary number since the City Council and Planning Commission in years past had not studied the matter in as much detail as the current Council and Commission had using current technology such as Google and topographical maps. He suggested that elevation was arbitrary and could be changed.

Commissioner Diokno proposed to lower the 500-foot elevation to 300 feet. He commented that the Montreaux and Thomas Ranch properties, much of which were already under 500 feet, had already been included in the HPD. If the elevation was lowered to 300 feet, it would ensure the land in the far western hills between State Route 4, the Faria property and Concord was provided the same protections.

If the City of Pittsburg were to proceed with plans to annex the community of Bay Point, Commissioner Diokno suggested that the 300-foot elevation would also offer the protection to the Bay Point hills that were under 300 feet and would include those hills not currently within the City limits. He also suggested that land located behind Stoneman Park and the golf course, which provided the current dramatic backdrop of the hillsides while currently outside the Urban Limit Line (ULL), could be a likely parcel to be annexed into the City in the future.

Chairperson Ohlson seconded the motion and commented that since the City of Concord had a 350-foot hillside ordinance it would be reasonable to parallel the regulation of that neighboring community.

Commissioner Diokno suggested that 300 feet was a reasonable compromise. While 350 feet would be adequate for the City of Concord, Pittsburg had many foothills in front of the 500-foot elevation that would be impacted by the amendment and left out if under the 350 foot level.
MOTION:

Motion by Commissioner Diokno to reduce the 500-foot elevation defining the Hillside Planned Development District (HPD) to 300 feet. The motion was seconded by Chairperson Ohlson and FAILED by the following vote:

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

Commissioner Diokno spoke to Exhibit C, Pittsburg Hillside Design Guidelines, Page 2, II. Fence and Wall Design, and recommended an additional regulation as follows:

- In developments where homes separated by at least 40 feet, strong encouragement should be given to designs that do not use fences or walls to delineate property lines but instead take advantage of natural features, landscaping, architectural design and site planning, which includes angling of the building and placement of the windows to provide the desired privacy.

In response to Commissioner Wegerbauer, it was noted that in the event a property owner desired to build a fence that could be addressed in the project CC&Rs.

Commissioner Garcia pointed out that single family residential developments did not have CC&Rs.

Mr. Grisham suggested that such a regulation as worded would not be a mandate but would be something where such a design could be considered. With that language, there would be some flexibility.

MOTION:

Motion by Commissioner Diokno to add to Exhibit C, Pittsburg Hillside Design Guidelines, the following additional regulation:

Page 2, II. Fence and Wall Design:

- In developments where homes separated by at least 40 feet, strong encouragement should be given to designs that do not use fences or walls to delineate property lines but instead take advantage of natural features, landscaping, architectural design and site planning, which includes angling of the building and placement of the windows to provide the desired privacy.
The motion was seconded by Commissioner Garcia and passed by the following vote:

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

Noes: None

Abstain: None

Absent: None

Commissioner Diokno requested clarification from the City Attorney on the legal strength of the use of the term “encourage,” to which Ms. Faubion explained that the General Plan policies used the term “encourage” in contrast “require” or “ensure.” General Plan policies that used the terms “require” or “ensure” were interpreted as mandatory policies that must happen and were implemented as standards.

Ms. Faubion explained that to encourage was something that the City encouraged and development should do it, unless there was a good reason not to do it. A developer may want to make a case that encouraging policy should not be implemented through a project and it would be explained to the Commission and it would be up to the Commission to either agree or disagree to attach it as a condition of approval to a project.

Commissioner Diokno also spoke to the use of the term “restrict,” as shown on Attachment 2, Pittsburg 2020 Selected Goals and Policies, Page 2, Policies, Land Use Policy 2-P-24. He questioned how restrictive that term could be to a development.

Ms. Vahl explained that the policy was mandatory and was in the ordinance with that policy specifically for major and minor designated ridgelines.

Commissioner Diokno requested that the first sentence of that policy be strengthened and amended to read:

\[ 2-P-24 \quad \text{Ban development on minor and major ridgelines (as identified in Figure 4-2).} \]

Ms. Faubion explained that the policy was an existing policy in the General Plan and a change would require a General Plan Amendment (GPA). She clarified that certain GPAs had been identified in the project, proposed by staff and noticed to the public for review by the Commission at this time. If the Commission wanted to go further, the Commission could recommend that the City Council initiate a GPA. She clarified that the proposed amendment was beyond the scope of the Commission at this time and for this project.
Commissioner Diokno asked for a consensus on the matter.

Mr. Grisham suggested an action should be through a vote approach.

Commissioner Diokno made a motion to amend Attachment 2, Pittsburg 2020 Selected Goals and Policies, Page 2, Policies, Land Use, the first sentence of Policy 2-P-24 to read:

2-P-24 Ban development on minor and major ridgelines (as identified in Figure 4-2).

Mr. Grisham again recommended that the motion be a recommendation that staff initiate a General Plan Amendment that would require the future action of the Commission.

On the motion, Commissioner Garcia suggested that the proposed amendment to the policies should be a separate agenda item for future discussion at the next meeting of the Commission. He agreed that the amendment was beyond the scope of the business before the Commission at this time.
Mr. Grisham acknowledged that staff could agendize the matter for discussion at the next meeting.

Commissioner Diokno, again speaking to Attachment 2, Pittsburg 2020 Selected Goals and Policies, Page 3, Policies, Land Use, Policy 2-P-73, asked that Nortonville Road, which had been declared as open space, be removed from that section.

Mr. Grisham advised that the area of Nortonville Road was outside the ULL and could also be agendized for discussion at the next meeting.

Ms. Vahl explained that staff had conducted some General Plan Amendments related to the ULL and the greenbelt that had been put in place with some changes to the designations in the Nortonville Road area, which could be a correction item to review.

Referring to Attachment 2, Pittsburg 2020 Selected Goals and Policies, Page 6, Urban Design, Policy 4-P-21, Commissioner Diokno recommended that the use of the term “parallel” be revised to read “perpendicular” or “across the slope.”

Ms. Faubion reiterated that the policy was an existing General Plan policy and to the extent the Commission wanted to revisit some of the General Plan policies, those items would have to be agendized for discussion at a future meeting so that they could be properly noticed. Such changes could not be made at this time.

Also referring to Attachment 2, Pittsburg 2020 Selected Goals and Policies, Page 9, Health & Safety, Policy 10-P-3, the last bullet, Commissioner Diokno questioned if that policy would mean that the slope would be returned to its natural state.

Planning Commission Minutes
15
March 11, 2008
Ms. Vahl commented that section was speaking to contour rounding so that there would not be a straight slope going up and making the slope appear more natural, which had been translated into the Design Guidelines.

Chairperson Ohlson requested the following amendments:

- Exhibit A, Chapter 18.88 Hillside Development Regulations, Page 5, 18.88.050, Land use and structure development regulations, E. Decks, 1, amended to read:
  
  1. Size. Where decks are provided, they shall be a minimum of six feet (6') in width (measured perpendicular with the structure) to provide adequate usable area and to effectively break-up the mass of large structures.

- Exhibit A, A, Chapter 18.88 Hillside Development Regulations, Page 5, 18.88.080, Procedures for HPD Permit, 2, where the numbers in letters b and e should be parallel whether 100 or 150 feet.

Mr. Grisham noted that could be reviewed at 100 feet for all. He recommended the larger distance back from the bottom of the creek versus the lower number.

- Exhibit B, Chapter 18.56, Hillside Planned Development District (HPD), Page 4, HPD District: Additional Use Regulations, where the listing of Lh-1 through Lh-10 had not included Lh-3 and Lh-4.

Ms. Vahl explained that the numbers had been removed and the table had not been renumbered but would be amended.

- Exhibit B, Chapter 18.56, Hillside Planned Development District (HPD), Page 1, 18.56.40, Land Use Regulations, where the letter “T” had not been explained in the paragraph or in the subsequent chart on Page 2.

- Exhibit C, Pittsburg Hillside Design Guidelines, Page 2, II. Fence & Wall Design, d, as written, where Figure 6 in that section had now shown an undulating wall which had been defined as a curved wall.

Mr. Grisham suggested that a better exhibit could be provided and noted that undulating was not only curved but a situation where different breaks could be created in a single height wall.
Commissioner Diokno questioned whether or not staff had read the letter from the Greenbelt Alliance dated March 5, 2008. He requested reassurance from staff that the grading requirements in the ordinance would protect the City and future homeowners.

Mr. Grisham explained that the ordinance had initial grading standards, although the City went beyond that in terms of existing grading policies related to peer review and additional actions taken by the City. There were several additional items in the grading ordinance as part of the standard engineering conditions, such as those used for the Sky Ranch development.

Ms. Faubion summarized the proposed changes to the Design Guidelines and minor clarifications to the document. She also summarized a number of items to consider initiating a General Plan Amendment, which should involve a separate motion to agendize for a future meeting.

Mr. Grisham advised that staff would proceed and ensure that the proposed General Plan Amendments were agendized for the next meeting for discussion. He did not see that a formal motion was necessary to place those items on the next agenda.

On the motion, Commissioner Diokno commented it was clear that the document was not perfect, was not what he would have preferred and would not do enough to protect the hillsides and future homeowners while also protecting the visual resources as seen on the City’s logo. However, not passing the guidelines would mean that the existing regulations in the General Plan would guide development in the hillsides. He suggested that Pittsburg must go above and beyond and that the proposed HPD would set higher standards. He appreciated the comments from the public and expressed his hope that the public would not be disappointed with the process given it was clear that the votes were not present for what they desired. He reluctantly supported the resolution.

Chairperson Ohlson explained that he would not support the motion to approve the documents. He stated that the regulations were not strict enough. He supported a 100-foot vertical setback on major ridgelines, no grading permitted above 20 percent natural slopes, density based on a slope density calculation where the density would decrease as the slope increased, no development in visually sensitive areas defined as any area visible from State Route 4 or visible from the balcony of the Council Chambers, and no grading allowed on slopes described as very or highly erodable in the U.S.D.A. Soil Classification system. He also wanted to see the preparation of a complete EIR and suggested that the Commission should forward the document to the City Council after the end of the public comment period on the Initial Study and Mitigated Negative Declaration on March 28, 2008.
MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9747 recommending City Council approval of a City-initiated proposal to: 1) amend two policies in General Plan Chapter 4 and add two policies to General Plan Chapter 2; 2) adopt an ordinance amending Title 18 (Zoning Ordinance) by establishing new Hillside Development Regulations and amending the existing HPD (Hillside Planned Development) District Regulations; and 3) adopt new Hillside Design Guidelines, subject to the recommended changes proposed by Commissioner Diokno, Commissioner Wegerbauer and Chairperson Ohlson. The motion was seconded by Commissioner Harris and carried by the following vote:

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

STAFF COMMUNICATIONS:

The Planning Commission acknowledged the following:

1. Notice of Intent (to review/approve project at staff level):
   a. Chevron – E.V.R. Equipment Installation. AP-08-512 (DR)
      An application by Martin Weithman requesting design review approval of architectural plans to install Enhanced Vapor Recovery (E.V.R.) equipment consisting of an eight-foot tall tank and a nine-foot four inch tall screen enclosed in the front landscaped area of an existing service station located at 1235 California Avenue, CS-O (Service Commercial with a Limited Overlay, Ord. 02-1193) District. APN 073-190-029.

COMMITTEE REPORTS:

Chairperson Ohlson reported that the TRANSPLAN Committee would next meet in April and would not be meeting in March due to a lack of business.
COMMENTS FROM COMMISSIONERS:

Commissioner Diokno inquired whether or not the City's Sign Code prohibited signage advertising developments outside of the City limits. He cited the billboard located behind Avis Rental along State Route 4, which advertised a development in the City of Antioch.

Mr. Grisham understood that there were no restrictions on the billboard sign although he would review that situation.

Commissioner Wegerbauer requested that the digital reader board sign at Highland Park along Buchanan Road be updated since it continued to read Happy Holidays.

Mr. Grisham explained that he would follow up with the Recreation Department staff who programmed the reader board sign.

Commissioner Harris asked whether or not the buses for BART were required to be parked a certain distance from any entrance. He had recently been involved in an accident where a youth had run in front of the bus and in front of his vehicle damaging his vehicle. While no one was seriously hurt, he expressed concern with potential safety hazards with the way the buses had been parking when dropping off patrons.

Mr. Grisham suggested that the City Traffic Engineer could review that situation. He otherwise reported, when asked, that the Sign Code Update had been tentatively scheduled for Commission consideration during the first meeting in May.

Commissioner Ramirez commented on a letter the Commission had received from Reverend Ricardo Chavez of St. Peter Martyr Church. He inquired whether or not the City's Redevelopment Agency owned the property across the street from the church.

Mr. Grisham advised that both parcels across the street from the church were undeveloped and owned by the Redevelopment Agency. As to Reverend Chavez's request for the use of the vacant parcels for church parking, per the separation of church and state, there was plenty of parking in the downtown and the parking request would directly benefit the church. He expressed his hope that the Vidrio development would be completed. He explained that it would be difficult to change a use back to its original intent when changed to a park or parking lot. While the area may be used for overflow parking, it would not be allowed to be used for regular parking.

Commissioner Garcia added that the new elementary school in the downtown would have underground parking. He understood that the contribution for the gymnasium included the fact that it would be open on Sundays for the church to use.
Mr. Grisham affirmed that the Pittsburg Unified School District (PUSD) would be providing parking in the area. He also affirmed, when asked, that the materials for the League of California Cities Conference could be provided to Commissioners along with new 2008 Pittsburg t-shirts.

Commissioner Kelley inquired of the status of the completion of the lights on Stoneman Avenue, to which Assistant City Engineer Keith Halvorson responded that he understood that PG&E planned to have the lights installed this week.

In response to the Chair, Mr. Grisham suggested that any Commissioners desirous of attending the upcoming Planner’s Institute should contact staff so that the appropriate arrangements could be made.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 9:41 p.m. to a regularly scheduled meeting on March 25, 2008, in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

**MARC S. GRISHAM, Secretary**

Pittsburg Planning Commission