MINUTES
OF A REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION
August 12, 2008

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Ramirez at 7:00 p.m. on Tuesday, August 12, 2008, in the Council Chamber, City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL:

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

Absent: None

Staff: Planning Director Marc Grisham, Senior Planner Dana Hoggatt, Assistant Planner Kristi Vahl, Senior Civil Engineer Alfredo Hurtado, and Administrative Assistant to Director Kathy Comtois

POSTING OF AGENDA:
The agenda was posted at City Hall on Thursday, August 7, 2008.

PLEDGE OF ALLEGIANCE:
Commissioner Garcia led the Pledge of Allegiance.

DELETIONS/WITHDRAWALS/CONTINUANCES:
Planning Director Marc Grisham reported that the application for the Eneaan Theater, AP-08-521 (UP, DR, VA, SR), would be continued to the meeting of August 26, 2008.

COMMENTS FROM THE AUDIENCE:
There were no comments from the audience.
PRESENTATIONS:

There were no presentations.

CONSENT:

Item 1: Minutes of Meeting, July 8, 2008

Item 2: East Street Estates House Plans. Extension of Approval of DR-00-05 and VA-00-01.

A request by Anthony Keslinke of Chattel Properties to extend the time period to exercise design review approval for the construction of eight 1,777 square foot single-family detached houses on eight lots totaling 0.63 acres, and a variance to allow those houses to be built with smaller front, side and corner side yard setbacks than required by the Zoning Ordinance. The property is located east of East Street, between East Eighth and East Ninth Streets, and is zoned RS-4 (Single-family Residential, 4,000 square foot minimum lot size) District. APNs 085-183-032 through-039.

MOTION:

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

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

PUBLIC HEARINGS:

There were no Public Hearings.

COMMISSION CONSIDERATIONS:


A request for the Planning Commission to initiate proceedings for the revocation of a use permit (Planning Commission Resolution No. 1901) allowing a cardroom and full alcoholic beverage service for the La Hacienda Bar located at 301 East Tenth Street in the CS-D (Downtown Service Commercial) District. APN 085-182-009.
Planning Director Marc Grisham reported that staff had received a letter from the business owner’s attorney. The letter was dated August 12, 2008, and copies of the letter had been provided to the Commission.

Mr. Grisham recommended that the Planning Commission take public testimony and then continue the item to the September 23, 2008 Planning Commission meeting to allow the City Attorney time to respond to the letter and to ensure that a representative from the City Attorney’s Office would be present at that meeting.

Associate Planner Kristi Vahl advised that staff had received, via email, another letter dated July 18, 2008, and that copies had been provided to the Commission. She presented the staff report dated July 22, 2008, and recommended that the Planning Commission initiate proceedings for the revocation of the use permit approved by Planning Commission Resolution No. 1901, allowing a cardroom (which was obsolete) and full alcoholic beverage service for the La Hacienda Bar.

Commissioner Diokno reported that he would have to recuse himself from the item. He left the dais and the Council Chamber at this time.

Commissioner Wegerbauer asked staff to clarify the action before the Commission, to which Ms. Vahl explained that the action before the Commission was only to consider the initiation of revocation proceedings. No action was being taken on the use permit at this time.

Lieutenant Dan Callahan representing the Pittsburg Police Department explained that the Police Department had experienced numerous problems with the facility relating to criminal activities due to its location along Tenth Street and the clientele frequenting the facility. That activity had caused concern for the Police Department, which had spent hours on Friday and Saturday evenings addressing issues in the parking lot and the surrounding area. He reported that he had personally conducted surveillance and had made several arrests, inside and outside of the bar, relating to drug use and prostitution.

Lieutenant Callahan noted that the bar had closed down following the issuance of notices of violation from the City to the business owner. He stated that since the bar had shut down, there had been no complaints from the community relating to loitering, alcohol use, prostitution and drug use, which spoke volumes to what occurred when the bar was open as opposed to when it was closed.

VERONICA CORRIEIA, representing her father, Jose Rodriguez, the business owner of La Hacienda, recognized the concerns, although she suggested that the Police Department was over exaggerating. She noted that her father’s attorney had submitted a letter requesting the City not revoke the business license for her father’s business, which was her father’s only source of income. She suggested that some of the issues were things that could be found in any other bar or location. She understood that the City was
working to remodel the downtown area, although she suggested that the City should be more considerate of the business owner who has been in business for some time. She noted that the letter from her father’s attorney had more detail and should be read by the Commission.

Ms. Corriea also understood that some of the problems with prostitution had resulted in the arrest of those approached by the prostitutes and not the prostitutes themselves, which she questioned.

In response to Commissioner Harris as to how long her father had owned the business, Ms. Corriea explained that her father had owned the bar for the past fourteen and a half years. During that time, he had never been asked to upgrade the property. She understood that the business had been closed for the past two months as a result of the City’s action. She clarified that her father had not refused to upgrade his property but he did not have the funds to do so. She reiterated that the business was his only source of income, and with the business closed at this time, he could not conduct any upgrades. She understood that an architect had viewed the property and had recommended upgrades desired by the City that would cost over $100,000. Her father had made lighting improvements on the side of the facility and was willing to make the parking improvements being required by the City, but he would not be able to complete all of the other improvements being required by the City.

Commissioner Garcia noted that some of the improvements had been required since 1983 and had not been completed.

Ms. Corriea noted that her father did not own the business at that time and was unaware of those requirements. Her father had made some improvements to the site with permits since the time he had purchased the facility.

Commissioner Harris pointed out that the economics of the situation were not an issue before the Commission and that the conditions of approval were required to be met.

Ms. Corriea suggested that realistic improvements could be done, although an architect who had walked through the inside and outside of the facility had made suggestions for improvements during which time numerous Police Officers had also been present, a situation she characterized as harassment.

Commissioner Garcia suggested that the business owner should speak with the Realtor from whom he had originally purchased the business, noting that the purchase of the facility also included conditions of approval of the use. He recognized that it may be possible that those requirements had not been disclosed at that time. He questioned the suggestion that the Police Department was harassing the business owner.
Ms. Corriea questioned the implication from the Police Department that her father was selling drugs. She suggested that her father was doing the best possible in his situation. She pointed out that the City had desired to purchase the property although her father had not agreed to sell. She suggested that the City was harassing her father and she would like to see a realistic solution benefiting the City and her father.

Commissioner Wegerbauer stated that Commissioners were also residents of the City. She was dismayed with the acknowledgement of drugs and prostitution issues in the area of the facility. She commented that the Commission had to review what had been tied to the use permit. She noted that the Commission had considered a similar possible use permit revocation for another restaurant in the City, wherein certain conditions imposed on the approved use permit had not been met. She emphasized that there were reasons for the imposition of certain conditions that would benefit the community and the business owner. With the applicant being a resident and a business owner, she was also dismayed that the applicant appeared to almost accept the problems surrounding the business, which was a concern to all residents.

Ms. Corriea reiterated her question as to why the prostitutes had not been arrested as had the men involved. She restated that her father was willing to redo the parking lot but she did not want the City to come up with anything else that had to be done.

Commissioner Wegerbauer asked staff if the closure of the business was the business operator’s option or the requirement of the City.

Ms. Vahl stated that she was unaware that the business had closed. She noted that the closure could have been related to building enforcement issues, since she understood there were other issues beyond those of the Planning Department.

Mr. Grisham explained that the Commission would be dealing with the conditions in the original use permit that had not been addressed and that involved more than the parking lot. As to why the City had not gotten to the issue sooner, he explained that the City had recently started an aggressive program of reviewing all approved use permits. He reported that staff was finding that many businesses had not met their original conditions of approval. He cited another business on the same street that for several years had also not met the original conditions of approval. He emphasized that the Commission had indicated during its review of the situation with the Mehran Restaurant that businesses would have to abide by their conditions of approval.

Mr. Grisham advised that the item would be continued given the letter from the applicant’s attorney, to which the City Attorney would have to respond. He added that staff was working with a group of businesses along Tenth Street that had not met their required use permit conditions, and those businesses would likely come before the Commission in the next few months.
Commissioner Garcia commented that several years ago there had been a suggestion that, at the time of business license renewal, the business be reviewed to ensure compliance with the original conditions of approval. Had that process been in place in 1984 and had the conditions not been met for the subject business, it may have been shut down at that time.

Mr. Grisham explained that the list of approved use permits had been compiled in late 2005 with inspections having commenced in 2006. That process represented a major undertaking. He would like to reach a point of a built in review process and include on the actual building plans a list of the conditions of approval on the construction drawings.

**MOTION:**

Motion by Commissioner Garcia to continue the “La Hacienda Bar – Initiation of Use Permit Revocation” to the Planning Commission meeting of September 23, 2008. The motion was seconded by Commissioner Kelley and carried by the following vote:

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

Commissioner Diokno returned to the dais at this time.

**ZONING ADMINISTRATOR REPORTS:**

The Planning Commission acknowledged receipt of the following:

- **4. Notice of Intent to Exercise Delegated Design Review Authority:**
  Superior Car Wash G.W.E.T. System Fence. AP-08-542 (AD).
  Fermin’s Auto Body. AP-08-546 (AD).
  Palm Plaza Group – Phase 2. AP-08-551 (AD).

**PLANNING DIRECTOR/STAFF COMMUNICATIONS:**

**Marina Commercial Building – Plan Revision**

Mr. Grisham reported that there was a minor plan revision for the Marina Commercial Building. The project remained substantially in conformance with the approved plans. A window unit would be removed from the plans to allow a more attractive and balanced design. The project was due to go out to bid in September 2008 with construction to commence prior to the end of the year.
Commissioner Harris presented the Planning Director with a copy of a letter from Isakson and Associates. He asked the Planning Director to respond to that letter.

Mr. Grisham reported that the City had a contractor on board and was getting good bids for the rebuilding work from School Street all the way to Third and Harbor Streets, with the installation of Americans with Disabilities Act (ADA) ramps in appropriate locations. Mr. Grisham added that the work would also be done in conjunction with the Pittsburg Unified School District (PUSD) as related to bus and entrance improvements as part of the new high school currently under construction.

**COMMITTEE REPORTS:**

Commissioner Ohlson reported that the TRANSPLAN Committee had met in July with a presentation from the City of Concord on the Concord Naval Weapons Station (CNWS) Reuse Plan and with an update to the East County Action Plan and a discussion of the multi-modal transportation element of that plan. The consultant had been directed to do more work on the plan, which would be discussed at the next meeting on August 14.

When asked about an increase in bicycle issues on the streets, Mr. Grisham stated that law enforcement had been stepped up to deal with those not obeying traffic rules. He also advised, when asked, that the motorized scooters frequently used by seniors were allowed to be operated on sidewalks.

Commissioner Diokno asked the City to publicize the need to increase safety measures for the use of such alternative modes of transportation.

Chairperson Ramirez advised that the Committee Assignments had been designated and a copy of those assignments had been provided to each Commissioner. For the TRANSPLAN Committee, he reported that Commissioner Ohlson would remain the Primary Appointee with Commissioner Kelley as the Alternate. The Land Use Subcommittee would be comprised of the Chair and Commissioner Wegerbauer as the Primary Appointees with Commissioner Diokno as the Alternate.

Mr. Grisham stated for the record that the second meeting in September had been scheduled for September 23.

**PLANNING COMMISSIONERS COMMENTS:**

There were no comments.
ADJOURNMENT:

There being no further business, the meeting adjourned at 7:40 p.m. to a Regular Meeting scheduled on August 26, 2008, in the City Council Chamber at 65 Civic Avenue, Pittsburg, CA.

MARC S. GRISHAM, Secretary
Pittsburg Planning Commission