MINUTES
OF THE REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION
February 27, 2007

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Tumbaga at 7:00 P.M. on Tuesday, February 27, 2007 in the Council Chambers, City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL:

Present: Commissioners Diokno, Garcia, Harris, Ohlson, Ramirez, Thomas, Chairperson Tumbaga
(Commissioner Diokno arrived after roll call)

Absent: None

Staff: Planning Director Melissa Ayres, Assistant Planner Kristi Vahl, Senior Civil Engineer Alfredo Hurtado

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, February 23, 2007.

PLEDGE OF ALLEGIANCE:

Marti Aiello led the Pledge of Allegiance.

DELETIONS/WITHDRAWALS/CONTINUANCES:

Ms. Ayres reported that the applicant for agenda Item 2, Atlantic Plaza Remodel, had requested in writing that the item be continued to a date uncertain.

COMMENTS FROM THE AUDIENCE:

MARTI AIELLO, Pittsburg, stated that she had sent a letter to both the City Council and the Planning Commission regarding a recommendation she had made to extend the Pittsburg Historic District with an arch at Railroad Avenue and Pacific Avenue to read “Welcome to New York Landing Historic District.”
Ms. Aiello suggested that historic buildings south of Eighth Street, which had been part of the original historic district boundary line, could be identified with brass plaques. She had contacted staff to inquire of the status of the Historic Resources Commission which had not met for some time. She noted that the last time the Historical Society had met was four years ago. She recommended that a new Historic Resources Commission replace the former Commission. She suggested that would not hamper the City’s plans for the downtown, suggesting that the downtown buildings were worth preserving. She added that she had also recommended that the City focus on ethnic diversity through the use of different retailers owned by diverse ethnic groups. She asked the City to respond to her recommendations.

Commissioner Thomas thanked Ms. Aiello for the presentation, noted that she did not have a copy of the letter referenced, but stated that she found the ideas to be noteworthy. In response to the Chair, Ms. Aiello suggested that any historic buildings that had not already been designated as historic, such as those beyond Eighth Street and particularly the Seventh Day Adventist Church, would be worthy of designation as historic buildings. She also suggested that local schools and the Creative Arts Building, which had recently made improvements, were worthy of a historic designation which would be helpful to obtain grant funding. Further, the old Southern Pacific tracks had an old building that could be designated with a plaque as the oldest building in the City.

Ms. Aiello reiterated her request to expand the current historic district. She noted that the area from Eighth Street to the waterfront had been the designated Historic District in the 1980s. She reiterated that the Historic Resources Commission had not met in four years and she understood that body had been dissolved.

Planning Director Melissa Ayres explained that the City’s Municipal Code had provided for a Historic Resources Commission. The ordinance had been amended several times over the years, most recently to implement policies in the General Plan. The City had rescinded the last ordinance that would have made the Planning Commission the Historic Resources Commission. With that ordinance having been rescinded and the prior rules that had been in place before that again in place, it had stipulated that such a Commission would consist of the Planning Director, Recreation Director, Chair of the Community Advisory Commission (CAC), Chair of the Planning Commission, Chair of the Recreation Commission, President of the Historic Resource Society and possibly the manager of the Historical Society.

Ms. Ayres explained that the Planning Commission had last met as the Historic Resources Commission in 2006. The rescission of the ordinance had occurred six months ago and the Historic Resources Commission had not met since that time lacking any item to consider.

Ms. Ayres added that the City Council had initiated a study to consider revamping the ordinance again to remove staff from the Commission, which revisions were now at the
appropriate agencies for review and comment. The City Council was not expected to reconsider that issue until late spring.

Ms. Aiello stated that she would like to be a member of the new Historic Resources Commission, when considered, and would like to be informed when the City Council reconsidered the ordinance. She reiterated, when asked, that she would like to see an arch placed at Pacific Avenue and Railroad Avenue to attract people off of the freeway into the Historic District.

Commissioner Garcia noted that the City had designated the downtown as Old Town and the use of the term New York Landing had disappeared. He suggested that an arch reading “Welcome to Pittsburg” would be more appropriate.

Ms. Aiello spoke to the background of the name New York Landing and recommended its use.

Commissioner Ohlson stated that he had a copy of the Historic Resources Commission bylaws that he could provide to Ms. Aiello. He recommended that she appear before the City Council to request that the Historic Resources Commission convene a meeting.

Ms. Ayres explained that she would review when it was appropriate to bring the Historic Resources Commission together. She stated that the Seventh Day Adventist Church building was listed on the Historic Resource list.

Commissioner Ramirez referenced the code related to the formation of the Historic Resources Commission and noted it included the City Planner, Recreation Director, Chair of the Planning Commission, Chair of the CAC, Chair of the Recreation Commission, President of the Pittsburg Historical Society and the Curator of the Pittsburg Historical Society.

Ms. Ayres reiterated that the ordinance that had been rescinded was the one that had made the Planning Commission the Historic Resources Commission and which had been done as a result of a settlement of a lawsuit.

In response to Commissioner Ohlson, Ms. Aiello explained that she had provided photographs with her correspondence to the City Council and the Planning Commission. She also recommended an electronic sign near the freeway advertising local community events such as the Seafood Festival or local high school games.

Ms. Ayres reported that the City had approval for an electronic reader board sign in the Vista Del Mar development near State Route 4 and had been in negotiations with Clear Channel for another billboard in exchange for their building and maintaining said sign.
Commissioner Ohlson understood that the City’s Sign Ordinance would prohibit an archway and the ordinance would have to be amended to allow that to occur. Since the City would be holding a Sign Ordinance Workshop on March 16 at 10:00 A.M., he suggested that Ms. Aiello attend that workshop to provide input.

Ms. Ayres advised that the discussion of the City’s Sign Ordinance would only be on the regulation of neighborhood signs and commercial businesses and not City signs themselves.

**PRESENTATIONS:**

There were no presentations.

**CONSENT:**

a. Minutes – February 13, 2007

**MOTION:**

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

Ayes: Commissioners Diokno, Garcia, Harris, Ohlson, Thomas, Ramirez, Tumbaga
Noes: None
Abstain: None
Absent: None

**COMMISSION CONSIDERATIONS:**

**Item 1: CIP – General Plan Consistency Review**

Pursuant to Section 65401 of the State Government Code, the Planning Commission is asked to determine whether the projects in the proposed Five Year CIP conform to the City’s General Plan. *(Continued from 2/13/07)*

Assistant Planner Kristi Vahl presented the staff report dated February 27, 2007. She recommended that the Planning Commission adopt Resolution No. 9687, finding that the proposed Five Year CIP is in conformance with the City’s General Plan.

Commissioner Ohlson thanked the Commission for delaying the item to allow him to speak with the Traffic Engineer and the City Engineer to address his concerns. He reported that staff had resolved his concerns with the exception of one issue. Commissioner Ohlson
spoke to Attachment 2, Street Projects, Five-Year Capital Improvement Projects (CIP) 2006/7 through 2010/11, Item No. ST-3, Harbor Street Rehabilitation (N of California Avenue) (Contract 2006-03).

Ms. Ayres explained that the Traffic Engineer had contacted the consultant who was designing the street overlay project and who had checked the dimensions, reviewed the slopes and concerns with the underpass and determined that a Class II bike lane could be striped on Harbor Street north of California Avenue. She explained that could be done without changing the curb line for the sidewalks, with the exception of the west side of the street, north of Army Street where they would have to remove on-site street parking the business relied on and which was a policy decision that would be up to the Council to determine.

Commissioner Diokno understood that the action before the Planning Commission was only to approve the plans for the projects and not consider how they would be funded.

Ms. Ayres affirmed the Commission was not considering funding and noted that the item before the Commission was only to report to the Council whether or not the CIP program was consistent with the General Plan.

PROPONENT: City of Pittsburg

OPPONENTS: None

MOTION:

Motion by Commissioner Ohlson to adopt Resolution No. 9687, affirming conformance with the Five Year Capital Improvement Plan (CIP) with the City of Pittsburg General Plan, as amended. The motion was seconded by Commissioner Ramirez and carried by the following vote:

  Ayes: Commissioners Diokno, Garcia, Harris, Ohlson, Ramirez, Thomas, Tumbaga
  Noes: None
  Abstain: None
  Absent: None

Item 2: Atlantic Plaza Remodel. AP-06-389 (DR)

An application by Ryan Cox of Discovery Builders requesting design review approval to update the existing façade of Atlantic Plaza Shopping Center, construct a 1,288 square foot addition to Foods Co., add palm trees to the site landscaping, restripe several parking
stalls, and fix several portions of the curb. The 13 acre site is located in the CC (Community Commercial) District. APNs 088-121-015, 088-121-018, 088-121-028, and 088-121-029.

At the request of the applicant, Item 2 was continued to a date uncertain.

**Item 3: Initiation of a Tree Preservation Study**

The Planning Commission requested to agendize for discussion purposes the matter of whether to initiate a tree preservation ordinance study.

Planning Director Ayres noted item had been scheduled at the Commission’s request for discussion purposes and no staff report was prepared. She noted that the City had a Tree Ordinance as it related to street trees in public sidewalks and the Planning Commission had purview under design review of new projects to regulate trees. Should the Planning Commission determine that it would like staff to pursue a Tree Preservation Study, she recommended that the Commission, through the Chair, write a letter to the City Council requesting initiation of said study.

Ms. Ayres advised that the General Plan called for a Tree Preservation Study to be done during the life of the General Plan; although the staff work load was such at this time that there was no staff or additional funding for such a program. She noted that the City Council would be adopting an expanded work program for the Planning Department, to be considered at its March 19 meeting, and it would be an opportunity for the City Council to review the priorities for the Planning Department and consider staffing and funding as well.

Commissioner Diokno inquired if the Planning Commission were to pursue the ordinance after the completion of the other projects in the Planning Department, whether or not a new tree ordinance would be retroactive.

Ms. Ayres explained that an ordinance would only go into effect when adopted. She noted that the southwest hillsides had primarily grassland without any significant trees. Having toured the southwest hills, she had viewed very few trees.

As to the trees in City Park, Ms. Ayres clarified that those trees were not street trees. Street trees were located in the public right-of-way of a street and not on private or public land. The City’s current street tree ordinance does not apply to trees in parks but to those projects on City right-of-way land. She reiterated that the Planning Commission could already regulate trees on private developments that required design review approval.

As to the matter of the City Park trees, Ms. Ayres explained that the trees that had been removed had been identified for removal consistent with the provisions of the California Environmental Quality Act (CEQA). The City Council was aware of the trees being removed and an arborist report had also been considered in conjunction with improvement plans for the City Park project.
JUNE FORSYTH, Pittsburg, spoke to the previous Planning Commission item, the Five-Year CIP Plan where it had designated monies for the Enean Theater.

Ms. Forsyth stated that she was aware of three attempts to have the California Theater renovated and that the California Theater was older than the Enean Theater. She questioned why the City was putting money into a theater on Tenth Street only to surround it with Low Income housing. She questioned how the theater was expected to survive and suggested that the inclusion of Low Income housing would defeat efforts to improve Fifth to Eighth Streets. She expressed concern that no one was listening to those who lived in the downtown.

Ms. Forsyth otherwise spoke to the discussion of the Tree Preservation Study and noted that six years ago her husband had written to the then Mayor and had requested the consideration of a Tree Preservation Study, although he had received no response. She asked the City to consider a Heritage Tree Ordinance since the current Street Tree Ordinance did not consider private property or City parks.

Ms. Forsyth spoke to the number of trees removed from the Johns Manville property and City Park. She commented that one of the trees removed from City Park had been in existence for 100 years, and more trees were in danger of being removed from the Seeno/Muniz and Vidrio developments. She commented on the difficulty to replace matures trees that had provided shade with other tree species. She identified the number of trees that had been removed throughout the community which she suggested had not been replaced in kind.

Ms. Forsyth stated that trees combated climate changes and global warming, combated emissions from power stations, vehicles and other industry, enhanced property values, and contributed to the image of a community, quality of life and pride in the City. She noted that the City of Pleasant Hill had a Heritage Tree Ordinance which protected native trees and non-native trees, within certain regulations. Also, the cities of Walnut Creek and San Jose had Heritage Tree Ordinances. She asked the City to consider a Heritage Tree Ordinance.

Commissioner Harris commented that he lived on Hawthorne Street where there were two trees that had impacted his sidewalk which he had replaced on more than one occasion. He disagreed with the regulations that forced a property owner to obtain a permit to remove a tree from his/her property.

Ms. Forsyth suggested that an ordinance would prevent the unnecessary removal of trees. She recognized that some species were messy, although trees provided oxygen and helped in the prevention of global warming.

Commissioner Garcia opposed an ordinance that would require him to obtain permission to remove a tree from his private property. He stated that the City had more trees now with
commercial and residential development than it had when first incorporated. He was not opposed to the regulation of commercial and industrial property but opposed regulating private property owners and did not want to add more government regulations.

Commissioner Ohlson noted that Pittsburg had been designated a Tree City USA and the current ordinance only applied to street trees and those projects in the design review process. He suggested it was reasonable to also consider trees not covered in the design review process and in the City’s right-of-way. He would like to see the Commission send a letter to the Council requesting initiation of a Tree Preservation Study at its March 19 meeting.

Commissioner Diokno agreed that there were more trees now than before, although there was more industry, more smog, traffic and the like imposing greater impacts on the land. He characterized trees as a way of mitigating people’s presence. He agreed that the City’s ordinance needed to extend to other public lands and City parks. He was not opposed to sending a letter to the City Council requesting the initiation of a Tree Preservation Study.

Commissioner Ramirez agreed with the comments although he suggested that any study exclude residential properties.

As to whether or not such a study would extend to Los Medanos College, Commissioner Diokno clarified with staff that the college could be exempt from City regulations.

Commissioner Diokno noted his understanding that the land on the west side of the lake was public park way, although Ms. Ayres explained that the path was on the college property.

Commissioner Diokno recommended that any study include not only the current ordinance but all property within the City limits, excluding residential properties.

Commissioner Thomas concurred that any correspondence to the City Council should exempt residential properties.

Chairperson Tumbaga was not opposed to asking the City Council to consider a Heritage Tree Ordinance. She commented that once the study was underway there would be options to consider. She too agreed that trees on private residential property should be exempt.

Ms. Forsyth stated that the City of San Jose’s Tree Ordinance had included residential properties. She read into the record several sections of the San Jose ordinance and suggested that Pittsburg should consider including residential properties as well.

When asked by the Chair whether the current ordinance must be redrafted or amended, Ms. Ayres explained that the current street tree ordinance would have to be reviewed. She
noted that some ordinances exempted certain species of trees, limited tree removal to a
certain circumference, or required an arborist report to trim an oak tree, as an example.
The ordinance would have to be thought out, budgeted and the scope defined. If the
Commission wished to pursue a Tree Preservation Study, Ms. Ayres recommended a
motion to direct the Commission Chair to draft a letter to the City Council on behalf of the
Planning Commission to potentially consider the creation of a task force or the
establishment of a work program related to how to approach a Tree Preservation
Ordinance. She explained that the matter could be considered by the Land Use
Subcommittee or the Commission could ask the City Council to consider a Tree
Preservation Study in its work program and budget for such a study. The existing street
tree ordinance would have to be reviewed and evaluated and would be part of any study.

Commissioner Ohlson made a motion to authorize the Planning Commission Chair to write
a letter to the City Council requesting that the Council initiate a Heritage Tree Preservation
Study to be included in the next year’s work program, to be considered by the City Council
on March 19. Commissioner Diokno seconded the motion.

On the motion, Commissioner Thomas clarified the motion as stated and clarified that the
City Council would then decide whether or not the study was something it wanted to do.

MOTION:

Motion by Commissioner Ohlson to authorize the Planning Commission Chair to write a
letter to the City Council requesting that the Council initiate a Heritage Tree Preservation
Study to be included in the next year’s work program, to be considered by the City Council
on March 19. The motion was seconded by Commissioner Diokno and carried by the
following vote:

Ayes: Commissioners Diokno, Garcia, Ohlson, Ramirez, Thomas,
Tumbaga

Noes: Commissioner Harris

Abstain: None

Absent: None

Ms. Ayres added that any member of the public could address the City Council at its March
19 meeting, either through public comment or if the work program was identified as a
Consent Calendar item.

STAFF COMMUNICATIONS:

Ms. Ayres reported that the Commission had been given the annual Conflict of Interest
forms which must be returned by March 16, 2007. She also reported that a meeting of the
Land Use Subcommittee had been scheduled for March 5, with discussions to be held on
General Plan Amendments in conjunction with the zoning code update, and a review of a
project on Central Avenue. Another meeting had been scheduled for March 8 to discuss the Hillside Guidelines. The full Commission would be made aware of all discussions during a March 26 workshop. Ms. Ayres noted that another workshop would be held on Friday, March 16 from 10:00 A.M. to 2:00 P.M. to discuss the Sign Code Update with the Commission. The workshop will include a tour of signs in the community, and with the Commission to provide input on what areas of the Sign Code it would like to see updated.

Ms. Ayres also reported as to the use of the name “Old Town” versus “downtown,” that a consultant had been retained by the City to consider branding the downtown and the consultant recommending the downtown with an Italian theme. The report from the consultant was available at City Hall for review. A PowerPoint presentation that had been made to the City Council could be provided in writing to the Planning Commission in its packets.

Ms. Ayres added that the Commission had been provided with a copy of a letter received by Commissioner Ohlson as well as written responses to past Commission concerns, as outlined in an e-mail she had provided to the Commission.

COMMITTEE REPORTS:

There were no committee reports.

COMMENTS FROM COMMISSIONERS:

Commissioner Diokno apologized for being late due to a late flight, the weather and traffic.

Commissioner Thomas spoke to the display of art work in the Council Chambers and thanked all City staff for assistance on the display of the art work on behalf of a private sorority in honor of Black History Month. She particularly expressed her appreciation to one of the sponsors, Rosemary Tumbaga, for her help. She noted that this was the first time the City had a Black History Program at City Hall and if not for the City Manager, associated staff, auxiliary and sponsors it would not have been possible. She thanked everyone involved.

Chairperson Tumbaga advised that former City Clerk Lillian Pride had primarily been involved with the display of the art work at City Hall. She otherwise noted the problem with the dropping off of students at the inside left turn lane on School Street/Harbor Street which backed up traffic and which was a dangerous situation. She recommended a designated drop-off point in that vicinity.

Commissioner Diokno commented that the drop-off area on Harbor Street for the elementary school also involved letting children off on a busy street on Loveridge Road, which was also a dangerous situation.
Commissioner Thomas reported that she had received a telephone call regarding work being done in front of Hillview Junior High, where six students fell into the cement. She understood that there had been minor injuries and that the person in charge had indicated he would buy those students that had been involved new shoes and a new uniform. She had recommended that the incident be reported to the City and the Pittsburg Unified School District (PUSD).

Commissioner Ohlson spoke to the parking of vehicles in the red zone on Loveridge Road adjacent to Stoneman Elementary School which was also a bicycle lane. He had asked the City’s Traffic Engineer to paint the curb red. He clarified that bicyclists were not opposed to sharing the lane with the children.

Commissioner Garcia commented that the area was mostly painted red on the Central Junior High side.

Chairperson Tumbaga noted that the same problems with parents dropping off children had occurred on Harbor Street and Highlands as well. She suggested that all local schools be monitored since it was a growing problem.

Commissioner Garcia spoke to the corner of Atlantic Avenue and Harbor Street where a new water line had been installed and where the brick intersection had been torn up. While a temporary patch had been installed, a large hole had appeared on the side of McDonald’s Restaurant.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 8:23 P.M. to a regular meeting of the Planning Commission on March 13, 2007 at 7:00 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

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MELISSA AYRES, Secretary
Pittsburg Planning Commission