MINUTES
OF A REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION
August 28, 2007

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Ohlson at 7:00 P.M. on Tuesday, August 28, 2007 in the Council Chambers, City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL:

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

Excused: Commissioner Ramirez

Staff: Planning Director Melissa Ayres, Assistant Planner Kristi Vahl, Administrative Secretary Fara Bowman, and Assistant City Engineer Keith Halverson.

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, August 24, 2007.

PLEDGE OF ALLEGIANCE:

June Forsyth led the Pledge of Allegiance.

DELETIONS/WITHDRAWALS/CONTINUANCES:

There were no deletions, withdrawals, or continuances.

COMMENTS FROM THE AUDIENCE:

JUNE FORSYTH, 20 Seapoint Way, Pittsburg, expressed concern with the fact that additional trees would be cut down in City Park resulting in the loss of more tree canopies in the community. She was dismayed that a park which had originally been created for residents to enjoy green space was now apparently intended to be a total sports park.
PRESENTATIONS:

There were no presentations.

CONSENT:

a. Minutes – August 14, 2007

MOTION:

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

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

CONTINUED PUBLIC HEARINGS:

Item 1: City initiated Hillside Development Performance Standards/Guidelines

A City-initiated proposal to amend Title 18 (Zoning Ordinance) of the Pittsburg Municipal Code to establish new Hillside Development Performance Standards and amend the HPD (Hillside Planned) District regulations, and to adopt new Hillside Development Guidelines.

Planning Director Melissa Ayres explained that the City Council had initiated the study and had requested a recommendation from the Planning Commission on developing hillside policies. She referred to Policy 2-P-22 of the General Plan. “Revise the City’s Hillside Preservation Ordinance to reflect General Plan policy direction. Revisions may include but are not limited to designating protected ridges, creeks and other significant resource areas along with daylight plane, or setback standards, defining protected view sheds, Designating location and density of Low Density Hillside residential development based on slope stability and visual impacts, provision of well designed hillside projects that provide larger family oriented lots, and protection of significant ridgelines and incorporation of hill forms into project design.” The policies had been adopted after the HPD District in the Zoning Ordinance. The City Council had directed the Planning Commission to incorporate those policies into a new set of zoning standards to be created into a document for a formal public hearing and analysis under the California Environmental Quality Act (CEQA). She then turned the staff presentation over to Kristi Vahl, Assistant Planner.
Kristi Vahl presented the staff report dated August 28, 2007. She recommended that the Planning Commission provide direction on each of the issues identified in the staff report.

Commissioner Diokno spoke to the issue of cluster housing which had not been defined. He inquired of staff whether or not a specific figure had been attached to cluster housing. He wanted to see the definition of cluster housing included in the final document.

Ms. Vahl explained that there was no minimum number of houses that would be required for cluster housing. The Commission had been asked, as part of the issues identified in the staff report, to define a minimum lot area for the clustered units.

Ms. Ayres pointed out that as defined in Attachment 1, Planning Commission OPTIONS (Voting Sheet), one of the options for the Planning Commission to consider had been a need to define the density levels for cluster development. The concept of cluster housing was to take development off of areas with development potential because of soils analysis or view issues, while allowing that housing potential to be shifted to an area where the environment would be more sustainable for that density without reducing the overall density. Ms. Ayres added that where and how much cluster housing would be allowed in a specific development would be determined by the Planning Commission when reviewing an actual subdivision plan. Under the subdivision process, the Commission would review whether or not such development in a specific location would be appropriate.

Ms. Vahl added that there was an overall maximum cap of density in an entire project area.

Commissioner Diokno sought a maximum cap on clustered housing in any specific development area.

Ms. Ayres noted that the Planning Commission may consider that as another issue, although under the Subdivision Map Act, during review of a subdivision the Planning Commission would already be asked whether it could find that the site was physically suitable for the density and design of the subdivision being proposed, before approving a subdivision.

Commissioner Wegerbauer questioned the type of homes the guidelines would allow. Having met with Land Use Consultant Loving and Campos, she had been presented with the same PowerPoint presentation that had been given to the Planning Commission in 2006. One of the developments highlighted in that presentation had been a certain style of homes the guidelines would stipulate, such as garages facing the street.
Commissioner Wegerbauer also understood that staff had reviewed the design guidelines of 19 other communities. Of those communities, she inquired of staff which had created guidelines that were similar to those proposed for use by the City of Pittsburg.

Ms. Vahl advised that an earlier draft of the ordinance had been worded in a way to require hills to be of a sloped design, although the ordinance had since been changed with homes not being required to be built on sloped lots. In terms of the architectural design, the home designs would be up to the developer’s proposal. The City had development design guidelines to guide some of the styles of the homes, to among other things, promote the use of natural materials to ensure that the homes blend into a hillside setting. There were also varied setbacks to decrease the visual impacts of garages, as an example.

Ms. Vahl commented that of the 19 communities staff had reviewed, the City of Brea had larger areas of rolling hills. She cited the City of Fremont as another example with similar characteristics. She also advised when asked by Commissioner Wegerbauer, that several cities that staff had reviewed had implemented vertical setbacks.

Commissioner Wegerbauer questioned how staff had come to the proposed vertical setback limitations. She asked for an example.

Ms. Ayres noted that the consultant had prepared a report, “Hillside Development Case Studies”, which had been provided to each Commissioner and that included a summary table listing each of the 19 cities studied and where each city had fallen in each of the key categories, including ridgeline preservation. She explained that vertical (not horizontal) setbacks were an industry standard and that 17 of the 19 cities had included the preservation of ridgelines.

As to the option of absolute elevation and when an HPD permit would be required, Planning Commission OPTIONS (Voting Sheet), Ms. Ayres explained the reasoning behind the staff recommendation. She stated it was not the intent for a development all below the 500 foot elevation to have more stringent review process than other developments in standard zoning districts. As an example, she noted that the ordinance could be written such that if all of the land above the 500 foot contour on the property was left untouched in the plan, no HPD permit would be required, with the exception of land zoned HPD, which would still require an HPD permit.

Given the public concerns related to landslides, Commissioner Wegerbauer questioned how the issue of grading would be handled in the document. She understood that the original document had requirements that would not have resulted in the safest method of grading. She inquired whether other city had successfully implemented the grading plan provided in the guidelines presented by staff.
Ms. Vahl stated that one of the recommendations on the Planning Commission voting sheet was that there be no development within visually sensitive areas which were typically located on the northern facing slopes and therefore the most susceptible to landslides and soil instability.

Ms. Ayres explained that the City's Grading Ordinance applied to land regardless of the topography. One of the earlier drafts of the ordinance had included information regarding lessons learned from the hillside areas and the need to ask for additional information earlier in the process during the evaluation of a project.

Commissioner Garcia commented that the Loving and Campos PowerPoint presentation had not included a discussion of cluster homes. What had been included was estate housing that the developer had recommended for its land with nothing smaller than an 8,000 square foot lot or larger. The developer had recommended 3 units to the acre and no density bonus.

Commissioner Garcia added that the 100-foot vertical setback restrictions had come about from the design of the Oak Hills 5 Subdivision due to the nearby landfill. Staff at that time had decided that a 100-foot setback should protect the homeowners and the ridgelines. In addition, the issue of grading had been addressed on a case-by-case basis during the review of applications. He suggested that a good example not to follow was the Oakland Hills area where the fire years ago had devastated the area since emergency apparatus could not reach the area given the lack of adequate street standards. He would rather see proper grading with wider streets. He pointed out that the City's Grading Ordinance already protected homes in that regard.

PUBLIC HEARING CONTINUED

PROPOONENT: City of Pittsburg

INTERESTED SPEAKERS:

DENNIS LINSLEY, Pittsburg, expressed his desire to protect the visual nature of the hillsides. He suggested the issue of grading was appropriate to address in that the City of Concord had publicly raised concerns with the grading along the higher hillside areas along State Route 4, which was something he did not want to see happen in Pittsburg. He would like to see the preservation of the natural topography while still coming up with a way to preserve the viewpoint.

TOM KENZULAK, 1932 Calaveras Circle, Antioch, supported residential development on the hillsides. He suggested the City consider upper level single-family homes, not cluster development. He suggested that there was an opportunity to create fine neighborhoods in the hillside areas where the homes would have amazing views of the City and the Delta, providing a higher-end
housing product for the City. He added that the property owners should be allowed to develop single-family residential projects in the hillside areas in accordance with the density specified in the existing General Plan.

JUNE FORSYTH, 20 Seapoint Way, Pittsburg, was not opposed to development on the hillsides although she expressed a desire to see tasteful development that would not grade down the ridges. Ms. Forsyth noted that 17 of the 19 cities staff had reviewed had preserved their ridgelines, including the cities of Fremont and Moraga. She further suggested that the concept of situating garages in the front of homes was old fashioned and not community friendly.

Speaking to the August 28, 2007 staff report, specifically Attachment 1, Planning Commissioner OPTIONS (Voting Sheet), Ms. Forsyth recommended that the Commission consider the following options: Option 1.A.2, retaining a modified version of the existing slope/density calculation; Option 2 A, allowing no development; Option 3 C, allowing a density of 7.25 dwelling units per acre (du/ac); Option 4A, removing the density bonus completely, Option 5C, requiring a 200 foot vertical setback, and Option 6, which she suggested should require a 300 foot elevation applicability.

A.J. FARDELLA, 331 Whispering Oaks Court, Pittsburg, speaking for himself and as the Director of the Oak Hills Community Group, noted that the Greenbelt Alliance had information on soils and the ridgelines and had maps showing only those areas under discussion. He pointed out that the soil types were all over the City in areas already developed and which had successfully survived the 2005 rains. He suggested that non-graded lots in the hills were a recipe for disaster. He suggested that having water draining out into the streets into a storm drain system had been tried and true and that the developers in the area familiar with the soils had a history of success with their developments.

Mr. Fardella advised that he had been given a tour of the area under discussion. He presented the Commission with a photograph of a large crack above an area where there had been no peer review and which he identified as the Vista Del Mar development. He suggested that development would likely cave in in the future. He noted that he had a web site with a photo gallery of his tour of the area. He identified his website at this time. He suggested the slides in that area were a result of a geological engineer’s recommendation for a grading plan that had been flawed. Peer review had several recommendations to that developer and he suggested that those who had pushed the development through had received a large contribution to their campaigns.

Mr. Fardella understood that no grading has occurred in the Vista Del Mar development at this time due to the fact that the developer had realized there was a problem. He urged a safe and appropriate development of that property.
MIKE LENGYEL, Pittsburg, recognized that the City did not own the hillsides but he urged the City to do what it could to protect those hillsides. He pointed out that the citizens were taxpayers who paid for the infrastructure for any development in the hillsides. He recommended the establishment of a conservation easement purchased by the East Bay Regional Park District (EBRPD) or the Ambrose Recreational Park District to protect the hillsides.

Mr. Lengyel also commented on the 2007 City Manager’s Budget Message which had indicated that the City had been unable to balance its budget for the past two years and for the next two years and that residential development would demand services the City would not be able to provide. He spoke to the community services that could be cut or severely impacted by budget cuts as a result of more residential development. He sought the protection of the City’s hillsides.

PHILLIP WOODS, Principal Planner, City of Concord, advised that the City of Concord’s interest and focus was on the future application of the Pittsburg Hillside Development Performance Standards to those hillside areas directly east of the Concord City limits to the Los Medanos Hills, which defined the geographic border between Pittsburg and Concord. He commented that over the past several months elected officials and staff from Pittsburg and Concord had participated in the Los Medanos Working Group, consisting of joint discussions to share information, discuss issues and identify ways the Hillside Development Performance Standards and Guidelines would avoid and mitigate views and impacts to the City of Concord.

Mr. Woods stated that the group had discussed the areas consisting of the first set of ridgelines along the Concord city boundary, open space areas designated as open space in the Pittsburg General Plan, and others protected by the proposed hillside ordinance. He noted that the City’s General Plan policy stated that a greenbelt buffer would be established to include all lands between the City of Concord border and the first set of ridges including the tops of the same ridges running parallel to the common border. Concord was still in the process of determining whether or not the greenbelt buffer, yet to be determined, would adequately address Concord’s concern for negative visual impacts.

Mr. Woods explained that one of Concord’s main concerns was that one of the highest ridges visible from Concord would not be protected since Pittsburg might not consider it to be part of the first series of ridges. The City of Concord requested that the standards and policies addressing hillside protection be applied to the highest ridge areas.

Mr. Woods advised that the City of Concord would be following the Planning Commission’s recommendations for the Hillside Development and Performance Standards and Guidelines to determine whether or not those guidelines would address Concord’s concerns for negative visual impacts. Concord also requested that any agreements by the Los Medanos Hills Working Group be reflected in the final Hillside Development Standards and Guidelines to ensure that new
development in hillside areas is sensitive to the natural topography and protects the viewsheds from throughout Concord.

In response to Commissioner Diokno, Mr. Woods advised that the working group had not yet reached a consensus on its discussions. He expressed his hope that a consensus could be achieved during the next few meetings.

Ms. Ayres explained that staff was waiting for the Planning Commission to give direction to staff on that issue. Staff from both cities would then use that information to map where the greenbelts, Habitat Conservation Plan (HCP), open space and views protected through ridge protection direction provided by the Commission were located. The map would then also show which identified viewsheds in each jurisdiction (Pittsburg and Concord) still had the potential for development that would be visible either from State Route 4 in Pittsburg, or from State Route 4 in other key locations within Concord. Such information would be provided to the working group of Pittsburg and Concord, which would make a recommendation to the Planning Commission and the City Council on additional changes it would like to see.

In response to Commissioner Garcia as to whether or not the most affected landowner had participated in the working group discussions, Ms. Ayres reported that Councilmember Evola participated in the working group meetings.

CHRISTINA WONG, East Bay Representative, Greenbelt Alliance, 1601 North Main Street, Walnut Creek, advised that she had submitted several letters, which had raised a number of concerns with the proposed performance standards and guidelines. She suggested that a slope calculation density would be appropriate given the steepness and instability of the soils. She commented that the cities of Concord and San Ramon prohibited building on slopes above 25 percent. Due to the recent landsides in Pittsburg, she suggested the development should be lower to protect the ridgelines. She suggested that the vertical setback was typical and was a standard used in hilly areas. She also suggested that the ordinance had been written to include loopholes, would not protect the hills, and was not a hillside protection ordinance but a development manual.

Ms. Wong commented on the recent developments in the downtown and in the hillsides that would affect existing traffic. She noted that the developments were not near transit and would add additional vehicle trips affecting global warming. She asked that the development remain smart, safe and not be allowed in the landslide prone hillsides.

LOUIS PARSONS, representing Discovery Builders, 4061 Port Chicago Highway, Concord, explained that the guidelines were City initiated and had not been initiated by the developer. The guidelines would be unique in that they would impact property owned almost exclusively by Discovery Builders. Having submitted a number of letters and having Discovery Builders Land Use Consultant provide a
PowerPoint presentation to both the City Council and the Planning Commission, he expressed his hope that the Planning Commission would consider all information provided.

Mr. Parsons commented that based on what he anticipated would ultimately be drafted and provided to the developer for formal comment it was likely the developer would continue to have concerns with the density restrictions, site development standards, ridge preservation standards and design guidelines. Mr. Parsons expressed concern that the guidelines and standards would not provide the property owner/applicant realistic standards for hillside development and may curtail the discretionary authority of the Planning Commission as it reviews projects.

In response to Commissioner Wegerbauer as to Attachment 1, the Planning Commission Voting Sheet on Options 1 through 6, as to Option 1, Mr. Parsons commented that the General Plan called for a gross density of 3 units per acre subject to an approved HPD. He suggested if the developer was tasked to come up with a site plan that staff would support, it would make the process easier since it would involve discretionary approval. In terms of flexibility and site design, he requested an overall 3 units per acre with the understanding that open space would be incorporated and that certain topographical elements would be preserved.

Commissioner Wegerbauer inquired of the developer’s desired flexibility for planning within visually sensitive areas, with the understanding that there would be estate housing with the preservation of some of the ridgelines.

Mr. Parsons stated that the visually sensitive areas had been defined in an exhibit in the General Plan from certain viewpoints along State Route 4. When the developer proceeded with a site plan for a portion of a property that may include a section of that visually sensitive area that would have to be accounted for and analyzed by staff based on the site plan. Additional analysis would also be done through CEQA. Given those guidelines, the developer would design accordingly. As to the options before the Planning Commission if there were rigid requirements, he stated that would make design more difficult for the developer. He sought a basic guideline indicating that consideration would be given to visually sensitive areas as HPD applications were submitted. Mr. Parsons added that he was uncertain how to respond to the City of Concord’s concerns with how visually sensitive areas would be defined since that would be from different points of view.

Ms. Ayres understood that Concord had selected different public vantage points that Concord valued. The City of Pittsburg representatives on the group were discussing the public value of various selected vantage points. She went on to note that when the Planning Commission offered direction to staff and staff was able to create a draft document, Concord had agreed to use its GIS capabilities to map the document which would be brought back to the Commission for review with a formal ordinance for consideration. Ms. Ayres emphasized that the Commission may
have as many public hearings on the document as needed in order to make an informed recommendation to the City Council.

In response to Commissioner Wegerbauer as to how the developer would address the provisions of affordable housing, Mr. Parsons advised that the developer would be required to comply with the City’s Affordable Housing Ordinance, although in his opinion the southwest hills would be an inappropriate location to place high density or clustered development. Mr. Parsons went on to comment in relation to the option relating to density bonuses that that would not be necessary since the developer had no plans to request density bonuses and would like to be allowed to proceed with the HCP development consistent with the General Plan designation for the area. As to the vertical setback option, he suggested that instituting a vertical setback requirement of something defined as “all other ridges” was arbitrary. Currently in the General Plan, a 150-foot horizontal setback was required only from designated major and minor ridges and no vertical setback was required.

He commented that the developer had not conducted any analysis on its 600 acre piece of property to determine the impacts of a 100 vertical setback requirement. The developer supported the horizontal setback as defined in the General Plan.

Commissioner Wegerbauer inquired whether or not the developer would support a vertical setback requirement for those ridges that were higher and more visible.

Mr. Parsons explained that the ridges would have to be clearly defined since all ridges would not have a vertical setback. He noted that the General Plan had defined significant ridges and that certain preservation language had already been included in the General Plan, specifically preservation of a major ridgeline along the border of Concord and Pittsburg that had been adopted in January 2007 as part of Measure P. He reiterated his opinion that additional restrictions would make the land undevelopable.

Commissioner Wegerbauer inquired of the developer’s concerns with structured development and orientation in terms of grading and site design layouts.

Mr. Parsons advised that the PowerPoint Presentation from Discovery Builders Land Use Consultant had shown that the goal of the guidelines was that homes be designed to conform to the existing hillside topography. The homes were intended to be custom designs into the hills and the developer intended to use standard safe grading practices with flat padded lots and storm drains into the streets. The proposed guidelines would lead to sloped down custom homes into the hillside topography with a ditch to capture the storm drain in the rear private areas, with utility easements across the rear. If the areas could not be flattened out, he would be concerned with the development in the hills.

Mr. Parsons suggested that the guidelines were not the structured development standards desired. Rather, he would like to see standards that would allow for
sound present day grading practices taking into consideration topography and open space.

Commissioner Harris pointed out that the developer would have civil engineers who would address any soils and grading issues.

ALBERT SEENO, III, Discovery Builders, 4061 Port Chicago Highway, Concord, explained that the issue before the Commission had not been created by the developer, but had been initiated by City staff. He recognized there were concerns that the issue had been residual from the approval of Measure P and the reinforcement of the County’s vote in November 2006. In his opinion, staff was trying to clean up the General Plan. He suggested that some of the recommendations being made by staff would remove discretion from the Planning Commission and the City Council. He pointed out that the current process worked and involved the submittal of a map and the preparation of an Environmental Impact Report (EIR).

Mr. Seeno noted that in 2002 he had retracted a proposal to build on property which was not within the City limits, but was within the Urban Limit Line (ULL), requiring prezoning and hillside planned development. The property had already been designated for housing in the General Plan and was already governed by performance guidelines. He opposed the addition of text that would take away all of the discretionary powers of the Planning Commission and the City Council and prevent his project from obtaining a deemed complete application, one of the steps required for the environmental documents.

Mr. Seeno questioned the fact that the Planning Commission had been asking questions that staff had not answered. He believed that Discovery Builders was the only landowner in the City that would be affected by the proposed Hillside Development Performance Standards and Guidelines. He emphasized that as part of Measure P, over 40 acres of an 800 acre piece of property would be preserved.

Mr. Seeno again emphasized that no specific development was under consideration at this time. He expressed a desire to reach a point where he could bring a development proposal before the City but noted that could not be done the way the document had currently been written. He added that the developer had been working with associated wildlife agencies and would comply with a Memorandum of Understanding (MOU) approved by the Pittsburg City Council to provide a buffer next to the City of Concord to protect those ridges and hills running parallel to the Concord Naval Weapons Station. He emphasized that the developer would continue to work with City staff.

Commissioner Diokno noted that the guidelines being proposed were not being directed solely against Discovery Builders. They were intended to cover the entire hills, even those that were not presently located within the City limits that could in
the future come into the City. He questioned Mr. Seeno’s belief that the proposed
guidelines were too onerous for the developer to comply.

Mr. Seeno understood that the guidelines were intended to cover all of the hills,
although the language in the proposed guidelines would further restrict already
restricted development in the hills. In his opinion, the guidelines would be too
onerous.

Commissioner Garcia pointed out that the Discovery Builders property was the
primary property that would be impacted by the proposed guidelines, with the
exception of a small piece of property off of Kirker Pass Road and the top of the
Thomas Ranch property since properties beyond the ULL could not be changed
within the next 25 years.

Commissioner Diokno noted that the ULL was flexible and could be changed by the
County Board of Supervisors based on a five-year review process. Not intending to
target any developer, his intent was to consider the entire hills not just property
owned by Mr. Seeno, since property in the future could be annexed into the City
and would be subject to the proposed guidelines.

Commissioner Wegerbauer recognized that Discovery Builders worked in a number
of cities. She also understood that guidelines varied according to the type of hills
within a city’s limits. Based on the developer’s experience building in surrounding
communities, she questioned whether or not the developer had faced similar
guidelines or had proposed a development similar to what was under consideration
for Pittsburg.

Mr. Seeno explained that his firm had been involved with infill development in the
City of Concord, which projects were located on smaller subdivisions and consisted
of five to eight lots. Those projects had also involved slope density calculations on
a case by case basis. Those properties also involved building on natural
topography (existing contours) and homes like those that were currently being built
in Lawlor Estates, an approved subdivision located in Pittsburg. He stated that they
had not built such a development on a larger scale and he was unaware of such
projects built on a larger scale.

Mr. Seeno noted that the previously approved 415-unit Sky Ranch Subdivision in
Pittsburg had involved some 20 to 30 split level lots with upper and lower pads. His
firm was also involved in a project in the City of Oakland located on 80 acres of
dense hillside land consisting of over 30 units per acre. In that case, all soils under
the surface had to be remediated with contour grading. He added that the cities of
Concord, Lafayette and Walnut Creek also had hillside regulations in place.

PUBLIC HEARING CLOSED
Commissioner Wegerbauer expressed a desire to see flexibility in the proposed hillside regulations. She commented that she had some questions in writing she would like considered. Speaking to Attachment 1, Planning Commissioner OPTIONS (Voting Sheet), she questioned why the Commission was being asked to consider options that were more restrictive than what already existed.

Ms. Ayres reiterated that the General Plan adopted in 2001 included polices which called for amendments to the existing previously adopted HPD District Development regulations to implement the policies in the General Plan as development standards. The goal was to provide enough direction to the developer from the beginning about what type of development the City wanted to see in the hills to avoid the need to have expensive plans continuously be amended. She characterized the intent as proactive planning rather than reactive planning.

Commissioner Diokno commented that although the developer had indicated that he would comply with the ridge protections in place that would not preclude a future developer on future land to do whatever was wanted.

Commissioner Garcia emphasized that the City had managed to build on the hills for the past 30 years. San Marco had been built above 500 feet with additional rules and regulations. All projects that had been approved in the hills had been based on the project, as submitted, with the Commission having agreed in the past on the protection of the major ridgelines. He cited Bailey Estates as an example of a development that had saved some of the lower ridgelines and which had built a project around those ridgelines while single loading streets in sensitive areas of the development.

Commissioner Garcia stated that if he were to vote on Attachment 1, Planning Commissioner OPTIONS (Voting Sheet) at this time, he would support Option 1 (3 du/ac. max base density. As to the issue of affordable housing, he suggested that would increase the cost of the other homes in the subdivision.

Commissioner Diokno questioned using the communities of Concord and Walnut Creek as examples of building on hillsides. He noted that the San Marco development had eliminated existing hill tops and he was of the belief that more restrictive guidelines should be put in place.

Commissioner Wegerbauer reiterated that she recommended the regulations be made more flexible. She supported guidelines and not standards since that would offer more flexibility for development.

Chairperson Ohlson recommended that hillside performance standards be put in place. He sought input from the Commission on each of the six options as outlined in Attachment 1.
The Planning Commission debated and discussed at length Attachment 1, Planning Commissioner OPTIONS (Voting Sheet) at this time to address the six issue points, outlined by staff in the August 28 staff report.

**Option 1 - Max/Base Density:**
- Commissioner Diokno - Option A.2  [Retain modified existing slope/density calculation]
- Commissioner Garcia - Option B  [Allow a maximum of 3 du/ac]
- Commissioner Harr is - Option B
- Commissioner Kelley - Option B
- Commissioner Wegerbauer - Option B
- Chairperson Ohlson - Option A.2

**Option 2 - Visually Sensitive Areas:**
- Commissioner Diokno - Option C  [Allow .5 du/ac in visually sensitive areas]
- Commissioner Garcia  - New Option E  [Protect visually sensitive areas/case by case basis]
- Commissioner Harris - New Option E
- Commissioner Kelley - New Option E
- Commissioner Wegerbauer - New Option E
- Chairperson Ohlson - Option A  [Allow NO development in visually sensitive areas]

**Option 3 - Clustered Areas:**
- Commissioner Diokno - New Option D  [Allow 2 du/ac overall or 5,000 sq. ft. minimum lots]
- Commissioner Garcia - Option C  [Allow 7.25 du/ac or 5,000 sq. ft. minimum lots]
- Commissioner Harris - Option C
- Commissioner Kelley - Option C
- Commissioner Wegerbauer - [Discouraged clustered areas but supported a guideline that would allow a clustered area if in a certain type of topography with minimum 5,000 square foot lots.]
- Chairperson Ohlson - New Option D

**Option 4 - Density Bonuses:**
- Commissioner Diokno - Option A  [Remove density bonus provisions completely]
- Commissioner Garcia - Option A
- Commissioner Harris - Option A
- Commissioner Kelley - Option A
- Commissioner Wegerbauer - Option A
- Chairperson Ohlson - Option A
Option 5 - Elevation Below Visible Ridges:

- Commissioner Diokno - Option A [Require 100 foot vertical setback]
  [Protect the ridgelines as much as possible; altering or defiling the ridges for roads to be highly discouraged with the exception of the Buchanan Road Bypass (BRB); when possible the road should follow parallel to a ridgeline rather than through the ridgeline].
- Commissioner Garcia - Option D [Eliminate the vertical setback]
- Commissioner Harris - Option D
- Commissioner Kelley - Option D [w/Ridgelines to be defined]
- Commissioner Wegerbauer - Option D [w/Ridgelines to be defined and flexibility in some areas on a case by case basis]
- Chairperson Ohlson - Option A

Option 6 - Absolute Elevation:

- Commissioner Diokno - New Option C [Lower the elevation to 200 feet]
- Commissioner Garcia - Option A modified. [Keep as drafted to cover all lands shown on the applicability map, except that it should only apply to properties above 500 foot Hillside Development Plan; to be worked out between developer and Pittsburg Engineering Department to prevent landslides and appropriately address drainage]
- Commissioner Harris - Option A
- Commissioner Kelley - Option A
- Commissioner Wegerbauer – Undecided
- Chairperson Ohlson - Option A

Option 7 - Grading: (Added to Attachment 1, Planning Commission OPTIONS (Voting Sheet))

- Commissioner Diokno - New Option B [No additional grading in clustered areas]
- Commissioner Garcia - New Option A [Follow City’s grading standards]
- Commissioner Harris - New Option A
- Commissioner Kelley - New Option A
- Commissioner Wegerbauer - New Option A
- Chairperson Ohlson - New Option A

Commissioner Diokno otherwise commented that he would support rural fencing material in the hillsides, with chain link fences more suitable for urban areas. He encouraged the developer to actually design something without fences. He also recommended that the City’s Hillside Performance Standards include the following statement “Encourage green building that would lessen the imprint on the environment by lowering energy use and greenhouse gases through the use of
construction methods, materials and building designs that would seek to accomplish the energy goals as stated by California’s Governor."

At this time, the Chair added **Option 8 - Green Building** to Attachment 1, Planning Commission OPTIONS (Voting Sheet). All Commissioners, with the exception of Commissioner Harris supported Commissioner Diokno’s statement related to green building standards.

Commissioner Garcia expressed his appreciation to staff for their hard work on the document.

Commissioner Wegerbauer thanked the Commission, staff and the members of the public for the continuation of the item to allow her to understand the issues. She noted that all of the items she had voted on were more guidelines than standards. She expressed her appreciation that some consensus had been reached on the numerous options.

Commissioner Diokno expressed his appreciation to the public for their attendance during the number of meetings as well.

Commissioner Kelley also expressed her appreciation to staff and the members of the public who had participated in the public hearings.

At this time, Ms. Ayres summarized the Commission’s consensus in each of the categories:

- **Option 1 - Max/Base Density:** Option B;
- **Option 2 - Visually Sensitive Areas:** No regulation on a specific density with review on a case by case basis;
- **Option 3 - Clustered Areas:** Minimum lot size in clustered areas of 5,000 square feet;
- **Option 4 - Density Bonuses:** Remove the density bonuses completely from the General Plan;
- **Option 5 - Elevation Below Visible Ridges:** Eliminate the vertical setback entirely and rely on the current General Plan policy regulating horizontal setbacks on designated major and minor ridges only;
- **Option 6 - Absolute Elevation:** Option A based on the applicability map.
- **Option 7 - Grading:** Eliminate the provisions of grading in the hillside documents, with the developer to follow the City’s Grading Ordinance, which may be further modified by the City.
- **Option 8 - Green Building:** Add a guideline to encourage green building techniques related to lowering energy and lowering greenhouse gases.
As to Option 6 - Absolute Elevation, Option A, Commissioner Harris explained that he supported Commissioner Garcia’s recommendation.

Chairperson Ohlson declared a recess at 10:00 P.M. The meeting reconvened at 10:05 P.M. with all Commissioners initially shown as present and excused.

**Item 2: Annual Report – General Plan Implementation Progress**

A public hearing on the City’s annual report identifying its progress in implementing the General Plan.

Assistant Planner Kristi Vahl presented the staff report dated August 28, 2007. She recommended that the Planning Commission recommend that the City Council accept the report.

PUBLIC HEARING OPENED

PROPOSENT: City of Pittsburg

Commissioner Garcia spoke to Attachment 1, Draft General Plan Annual “Progress” Report (through June 2007), and the references to the Hillside Zoning Study status as “in progress” throughout the document, which he recommended be modified to reflect that it was “ongoing on a case by case basis with conditions of approval as applicable.”

Ms. Vahl suggested that some of the status of polices which specifically called for amendments to the zoning ordinance should remain as worded, although other areas could be modified, as recommended.

Chairperson Ohlson offered the following recommendations to Attachment 1, Draft General Plan Annual “Progress” Report (through June 2007), General Plan Policy Matrix, Land Use Element, Policy 2-P-20, page 1 of 37:

- Consider revising the action polices in the General Plan since they were difficult to enforce;
- Page 3 of 37, Policy 2-P-56, add to the action policy a statement to separate the traffic access from the pedestrian street and connect the remainder of the City to the Railroad Avenue BART Specific Plan to bicycle lanes, trails and other facilities;
- Page 3 of 37, Policy 2-P-64, recommended the General Plan be revised to allow bike lanes on Railroad Avenue between Alvarado Avenue and State Route 4;
- Page 4 of 37, West Central Policy 2-P-78, revise the status to indicate that there would be a new school on Range Road which would have something to do with the cluster of schools in the area. Asked that in the future the language in the status “not implemented” be removed from the document;
• Page 4 of 37, West Leland, Policy 2-P-83, revise the status to indicate that the Contra Costa Canal could be bridged and would be inexpensive to build;
• Page 5 of 37, Northwest River, Policy 2-P-96, revise the status to reflect that Senator Torlakson was working to get the Delta Trail, a multi-use trail, through the area and that the City was cooperating with those efforts;
• Page 8 of 37, Urban Design Element, Key Corridors, Policy 4-P-44, revise the status to reflect the same status for Policy 4-P-41;
• Page 9 of 37, Mixed Use Areas, Policy 4-P-68, revise the status to read the “Pittsburg/Bay Point BART Station;”
• Page 15 of 37, Economic Development Element, Policy 6-P-17, revise the action policy reflecting a more positive statement and possibly bold format the statement;
• Page 17 of 37, Transportation Element, Bikeways and Pedestrian Movement, Policy 7-P-37, disagreed with the status as being implemented;
• Page 18 of 37, Transportation Element, Bikeways and Pedestrian Movement, Policy 7-P-47, revise the status to reflect that the City was working with Senator Torlakson on the Delta Trail;
• Page 20 of 37, Open Space, Youth and Recreation Element, Trails and Open Space, Policy 8-P-20, understood that the trail referenced in the second bullet had not been included in the new Parks Master Plan and should be included so that funds could be sought;
• Page 20 of 37, Waterfront Access, Policy 8-P-26, recommended that the status be revised to reflect that the Marina Master Plan had been completed prior to addressing rising sea levels due to global warming;
• Page 28 of 37, Public Facilities Element, Fire Protection, Policy 11-P-28, revise the status to reflect that the Bay Point Municipal Advisory Commission (MAC) had purchased a site for the relocation of Fire Station 86; and
• Page 28 of 37, Public Utilities, Policy 11-P-31, revise the action policy to reflect that PG&E owned the transmission lines and not Mirant, which only owned the plant creating the power.

OPPONENTS:  None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Garcia to recommend City Council acceptance of the General Plan Annual Report on the status of the implementation of the General Plan, with amendments to the following policies:
• References to the Hillside Zoning Study status as in progress be modified to reflect that it was ongoing on a case by case basis with conditions of approval as applicable, where appropriate, and modifications to the following polices as discussed:
  o Policy 2-P-96;
  o Policy 4-P-44;
  o Policy 4-P-68;
  o Policy 7-P-47; and
  o Policy 11-P-28.

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

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

**STAFF COMMUNICATIONS:**

There were no staff communications.

**COMMITTEE REPORTS:**

There were no committee reports.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Garcia took the opportunity to express his appreciation to former Associate Planner Christopher Barton for all of his work with the City of Pittsburg. He wished him well on his new endeavors.

Commissioner Diokno reported that there were no crossing guards at Delta View Elementary School. He understood that the City of Pittsburg had a contract for an outside contractor to provide crossing guards for Pittsburg Unified School District (PUSD) schools but not for the Mt. Diablo Unified School District (MDUSD) where the school was located.

Ms. Ayres expressed the willingness to review the matter.
ADJOURNMENT:

There being no further business, the meeting adjourned at 10:43 P.M. to a regularly scheduled meeting on September 11, 2007, in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

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MELISSA AYRES, Secretary
Pittsburg Planning Commission