MINUTES

OF A REGULAR MEETING
OF THE

PITTSBURG PLANNING COMMISSION

July 24, 2007

A regular meeting of the Pittsburg Planning Commission was called to order by Vice Chairperson Garcia at 7:00 P.M. on Tuesday, July 24, 2007 in the Council Chambers, City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL:

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

Excused: Chairperson Ohlson

Staff: Planning Director Melissa Ayres, Assistant Planner Kristi Vahl, Assistant Planner Leigha Schmidt, Project Planner Ali Endress, Assistant Planner Jason Burke, Senior Civil Engineer Paul Reinders, and Assistant City Engineer Keith Halvorson.

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, July 20, 2007.

PLEDGE OF ALLEGIANCE:

Doris Kelley 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, spoke to the condition of Herb White Way between Eighth and Tenth Streets where new homes were being built near the power station which she found to be a disgrace, particularly due to pot holes in the roadway.
Ms. Forsyth asked the Planning Commission to direct the Public Works Department to immediately address the condition of the street.

Commissioner Ramirez commented on the volume of underground construction occurring in the area which would likely have to be completed before any repairs could be made to the street.

Assistant City Engineer Keith Halverson reported that the City had a number of projects in the area with the final project to widen the roadway. That project was currently in the design phase and was approximately a year away. The City would be replacing all utilities, sewer, storm, and water and then would commence with the street work. In the meantime, he expressed the willingness to speak with the construction manager to see what could be done about the pot holes on a temporary basis.

PRESENTATIONS:

Traffic Update – Paul Reinders – Senior Civil Engineer

Senior Civil Engineer Paul Reinders presented the quarterly traffic update on numerous City projects currently under construction, planned or proposed.

CONSENT:


MOTION:

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

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

PUBLIC HEARINGS:

Item 1: Palace of Fine Foods. AP-07-453 (UP)

An application by Mark Bolourchi, requesting the approval of a use permit to operate a specialty food market to sell specialty foods and wines for off-site consumption, as well as on-site caviar, sea salt, and wine tasting, with an ancillary wholesale component that would be accessed via Cumberland Street. The site is located at 675 Railroad Avenue in the CP...
Project Planner Ali Endress presented the staff report dated July 24, 2007. She recommended that the Planning Commission adopt Resolution No. 9727 approving AP-07-453 (UP), as conditioned.

Commissioner Wegerbauer spoke to Page 2 of 6 of the staff report and the reference to a calendar of special tastings and events to be posted in a display case on the storefront. She clarified with staff that the calendar would also serve as the menu board. She questioned whether or not that would be illuminated since she did not see that the menu board would be clearly visible to pedestrians.

Ms. Endress noted that the menu board was required to be illuminated as part of the conditions of approval for the design review application.

Commissioner Diokno questioned whether or not Mechanic’s Bank adjacent to the proposed business was comfortable with the shared parking agreement and the loading activities that may occur for the business.

Ms. Endress advised that Mechanic’s Bank had negotiated the shared parking agreement with the applicant. As to the loading activities, she asked the applicant to clarify that situation.

PUBLIC HEARING OPENED

PROPONENT:

MARK BOLOURCHI, 5063 Commercial Circle, Suites A & B, Concord, agreed to the staff recommended conditions of approval. As to the loading activities for the business, he advised that he had spoken with representatives of Mechanic’s Bank who had no objections. He clarified that there would be few loading activities since many of the items to be sold would be sold in small packages.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-07-453 (UP)

Motion by Commissioner Ramirez to adopt Resolution No. 9727, approving AP-07-453 (UP), a Use Permit to allow a specialty foods market with ancillary wholesale sales and alcoholic beverage sales at 675 Railroad Avenue, “Palace of Fine Foods, AP-07-453 (UP),” with the conditions as shown. The motion was seconded by Commissioner Harris and carried by the following vote:
Item 2: Fast Stop Liquor Store. AP-07-454 (UP)

A request by Nirmal Mundeir for approval of a use permit to allow for the operation of a liquor store within the existing 2,800 square foot Fast Stop convenience store located at 1441 East Leland Road in the CC (Community Commercial) District. APN 088-570-002.

Assistant Planner Jason Burke presented the staff report dated July 24, 2007. He recommended that the Planning Commission adopt Resolution No. 9729, denying Use Permit Application No. 07-454 because all of the findings could not be made to approve the use permit.

PUBLIC HEARING OPENED

PROPOONENT:

NIRMAL MUNDEIR, Antioch, explained that he had filed the application since the local community desired that he provide full liquor service since similar providers were located too far away. He advised that over the past three years there had been no problems at the site, such as loitering, since he worked to provide a safe and clean environment. He expressed the willingness to continue to report to the adjacent church any problems that might arise. He noted that he had received a Certificate of Recognition from the church for those services. He added that he was aware of other liquor stores with liquor sales behind the counter with no problems.

Commissioner Ramirez recognized that the store had an excellent record, although he noted that the Police Department was not supportive of the application as a result of the hard liquor being proposed to be sold and the potential for loitering in the parking lot area. He pointed out that Winco Foods had recently received City approval and would also sell hard liquor and the Police Department was of the opinion there was adequate liquor sales in the area. As a result, a denial was being recommended by staff.

Mr. Mundeir suggested that it would be difficult to walk to Winco Foods where some of his business was from walk-in customers. He advised that the proposal to allow for the sale of liquor would create a source of revenue that would allow his business to remain open.
Commissioner Diokno clarified with Mr. Mundeir that his customers were primarily regular walk-in customers from the apartment and condominium complexes located nearby.

Mr. Mundeir added that he had owned the business for the past two years and had been initially reluctant to file for a full service liquor license, although due to customer requests he had decided to file for the request to allow the sale of liquor. The liquor would be located behind the counter and the site would remain well maintained. He added that the business was a family operated store and he was concerned with the safety of his family as well as the safety of the community.

Commissioner Harris pointed out that off-site liquor sales could result in loitering outside the area which might not be possible to be controlled by the applicant.

Mr. Mundeir explained that the liquor would be sold on-site for consumption off-site. He commented that he had two regular employees and was confident any problems would be addressed. The business currently sold beer and wine with no problems. He was only asking to sell hard liquor as well. If the City denied his application, he suggested that his business would not survive.

Commissioner Kelley was pleased that the site was kept clean, although she noted the proximity of the church and the junior college located a block away which she could see as a temptation for young people in terms of easy accessibility, which the applicant could not control.

Mr. Mundeir emphasized that he always checked identification when selling any alcohol.

DR. JASPREEET MUNDEIR, Antioch, understood the concerns raised by the Planning Commission. She emphasized that her parents had purchased the store two years ago and had invested a lot of money in the business. The business served the community with many customers who were walk-ins. She reiterated that many of their customers had asked that the business sell hard liquor. She understood the need to prevent the sale of alcohol to minors, emphasizing that identification was diligently checked. Her desire was to serve the community while also turning a profit on a family operated business where they had invested heavily.

Commissioner Harris explained that the economics of the business was not under the purview of the Commission.

OPPONENTS: None

PUBLIC HEARING CLOSED
Commissioner Diokno questioned why Winco Foods would be allowed to sell liquor while a small business would not be permitted to sell the same products, particularly where it would allow the business to survive. In response to the concern with the sale of alcohol to students at nearby Los Medanos College (LMC), he pointed out that the average age of LMC students was 26 years, not high school age. He noted that the store faced away from the street, would not attract attention and was well known in the immediate neighborhood. In his opinion, the City should allow the applicant to try to improve his business.

**MOTION: AP-07-454 (UP)**

Motion by Commissioner Ramirez to adopt Resolution No. 9729, denying AP-07-454 (UP), a Use Permit to allow the sale of hard alcohol in the existing Fast Stop Convenience Store located at 1441 East Leland Road, Fast Stop Liquor Store, AP-07-454 (UP), with the conditions as shown. The motion was seconded by Commissioner Harris and carried by the following vote:

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

Vice Chairperson Garcia identified the 10-day appeal period and that an appeal must be made in writing to the City Clerk.

**Item 3: Amendments to Historic Resources Regulations.**

A City-initiated proposal to amend Chapter 15.84 (Preservation of Historic Structures and Establishment of the Historical District), Chapter 18.36 (Design Review), and Title 19 (Sign Ordinance) of the Pittsburg Municipal Code to bring the Municipal Code into compliance with Historic and Cultural Resource goals and polices set forth in the General Plan.

Assistant Planner Leigha Schmidt presented the staff report dated July 24, 2007. She recommended that the Planning Commission recommend that the City Council adopt the proposed amendments to Chapter 15.84 (Preservation of Historical Structures and Establishment of the Historic District), Chapter 18.36 (Design Review) and Title 19 (Sign Ordinance) of the Pittsburg Municipal Code, as listed in the resolution.

Planning Director Melissa Ayres reported the receipt of correspondence dated July 24, 2007, signed by Linda Johnson, Frank Gordon, and Tom La Fleur regarding the proposed action.

Commissioner Ramirez spoke to the concentration of historic resources in the downtown
area particularly in the New York Landing District, although he acknowledged the potential for historic resources located throughout the City. He inquired of staff what other historic structures were located outside of the New York Landing District.

Ms. Schmidt advised of a church located on Leland Road as part of the old Stoneman Avenue development which was over 50 years of age. In the event a development proposal was to be proposed for that site, as an example, would require evaluation as a potential historic resource per the State Historic Resource Regulations.

Ms. Schmidt explained that the General Plan included a policy encouraging the expansion of the boundaries of the Historic Resources Ordinance to include the entire City where as structures aged they would become eligible as historic resources.

Commissioner Diokno inquired whether or not the Historic Resource Ordinance would apply to buildings on school property, to which Ms. Ayres explained that while in theory that would be accurate and the General Plan had shown the old school as a potential historic property, State law also allowed school districts to exempt themselves from local jurisdictions. That decision had been made by the Pittsburg Unified School District (PUSD) regarding the old school site in old town.

PUBLIC HEARING OPENED

PROONENT:   City of Pittsburg

OPPONENTS:

TOM LA FLEUR, 51 Lake Street, Pittsburg, representing the Pittsburg Society for the Preservation of Historical Resources, commented on the fact that the downtown was being branded as “Villagio” characterizing it as a unique setting, which had been done more than once in the past in the hope that would bring business and prosperity to the downtown. He stated that had not occurred, other than the recognition of something special in the downtown, a 1925 commercial district with unique ambience.

Mr. La Fleur spoke to Little Italy in the Bronx and in Manhattan, as examples of areas that had retained their ambience. When considering a building of historic resource, he asked that the entire building and not just the exterior of the building be considered. He cited as examples the California Theater, which had a beautiful building interior and the Mecca Restaurant.

Mr. LaFleur also suggested that the City should have its own Historical Resources Commission (HRC) and not the Planning Commission serving as the HRC, since that was not the interest of the Planning Commission, which charge he suggested was too broad. If the Planning Commission were to become the HRC, he would ask that the Commission become aware of the standards of the Department of Interior and be educated on the resources related to historical resources.
Mr. LaFleur (erroneously) stated that the Planning Commission had been the HRC since 2004. He questioned whether any Commissioner had received a copy of the Department of the Interior Rehabilitation Standards or had met as the HRC since that time. He emphasized that protection was needed for all buildings in the Historic Resource District and not just those that had been listed as historical resources. He questioned the ability to de-list a historic building, as outlined in the ordinance, which could make it easier for development to move forward without preserving the resource. He cited the Scampini Building as an example, which had involved many studies and which had indicated that the restoration of the façade would only cost $25,000. He asked that the Planning Commission take its charge as the HRC seriously.

Vice Chairperson Garcia noted that the HRC had met in the past and had been comprised of the Chair of the Planning Commission and members of the downtown area. Oftentimes when meetings had been scheduled only the Chair of the Planning Commission had been present, resulting in the lack of a quorum. He noted that it was rare for the Planning Commission not to have a quorum.

Mr. LaFleur noted that the Chair of the HRC had passed on and had not been replaced in five years. He suggested that the HRC would have functioned better if the City had supported it.

Vice Chairperson Garcia suggested that the Planning Commission had interest in all that it did and would do a good job when serving as the HRC.

In response to Commissioner Harris, Mr. LaFleur found the California Theater to be a building with a beautiful façade, although he found the most beautiful part of the building to be its interior auditorium.

SALVATORE EVOLA, 4334 Inverness Drive, Pittsburg, advised that he was not speaking for or against the proposed ordinance. Given that the matter would be forwarded to the City Council and since there were several existing exclusive rights to negotiate in the City as well as some that had become Disposition and Development Agreements (DDA), he inquired of staff whether or not staff would be meeting with those parties with DDAs with the City or an exclusive right to negotiate, to discuss how the changes to the ordinance might or might not affect those projects. He noted that the company of which he was employed had an exclusive right to negotiate on a project in the downtown.

Ms. Ayres advised that staff could make that effort. She clarified that the primary process difference in the regulations that had been proposed was that a Historic Resources Permit would not be required. Design review approval would be required. The intent was to streamline the process and include findings in the design review criteria that would have been reviewed under the Historic Resources Permit. The changes were not changing what was done, but how it was done.
RAY O’BRIEN, Bay Point, a member of the Bay Point Historical Society, understood that a building in the historical district may be destroyed if the character of the historic district was retained.

Ms. Schmidt explained that the ordinance would include the addition of a procedure whereby a property owner or anyone could request an amendment to rescind a Historic Resource designation. Findings must be made to amend the designation. As an example, if there were a number of contributing buildings and a property owner wanted to amend the designation regarding one building, the HRC would have to make the finding that the designation of Historic District status would still remain despite the loss of that building. There would also have to be due diligence on the part of the HRC to make that finding, and it should be within a property owner’s right to ask for an amendment provided the district would not lose its Historic Resource status.

JUNE FORSYTH, 20 Seapoint Way, Pittsburg, spoke to the new development at the corner of Tenth Street and Railroad Avenue and the Vidrio development, which had expressed concerns over rising building costs. She questioned whether or not the developer of the building at the corner of Tenth Street and Railroad Avenue had complained of increased building costs. As a taxpayer, she questioned the City’s continued investment in the Vidrio development and why one company was complaining of rising costs and not another.

Ms. Ayres expressed a willingness to speak with Ms. Forsyth on the matter at a later time since the comments were not related to the action before the Planning Commission at this time.

PUBLIC HEARING CLOSED

Commissioner Diokno stated that the Planning Commission remained interested in historic significance in the downtown. He expressed his hope that staff would schedule a workshop for the Planning Commission to understand some of the more intricate rules related to the designation of a building as a historic structure.

MOTION:

Motion by Commissioner Kelley to adopt Resolution No. 9726, recommending that the City Council adopt amendments to Chapter 15.84 (Preservation of Historic Structures and Establishment of the Historical District), Chapter 18.36 (Design Review) and Title 19 (Sign Ordinance) of the Pittsburg Municipal Code related to Historic Resource Regulations. The motion was seconded by Commissioner Ramirez and carried by the following vote:
Item 4:  City Initiated Hillside Development Performance Standards and Design Guidelines and Amendments to the Hillside Development District.

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. (Continued from June 26, 2007.)

Assistant Planner Kristi Vahl presented the staff report dated July 24, 2007. She recommended that the Planning Commission provide direction on each of the issues as identified in the staff report.

Ms. Ayres reported that an e-mail dated July 23, 2007 had been received from Kathy Gleason, stating she represented the 800 members of the Concord Naval Weapons Station Neighborhood Alliance.

PUBLIC HEARING OPENED

PROPOSER: City of Pittsburg

INTERESTED SPEAKERS:

JUNE FORSYTH, Pittsburg, stated that she had spoken on numerous occasions on the topic. She commented that over 3,000 households had voted to spend more money on Landscaping and Lighting Districts (LLD) in order to retain landscaping. She commented on the number of trees that had been removed from the community and noted that many had voted to keep the City and its hills beautiful. She asked that the ridges not be covered with homes.

RAY O’BRIEN, Bay Point, commented that during the June 26 Planning Commission meeting the residents of the region had presented ideas and concerns with no substantive response from the Commission on those comments. He questioned whether or not there would be any serious discussions on the ramifications of the proposal before the Planning Commission. He reminded the Commission of the serious infrastructure problems in
Central and East Counties including employment centers. He asked the Commission to set a conceptual framework that would embody a hillside protection plan, considering regional impacts of population increases, increases in traffic, air pollution and water demands.

Mr. O’Brien suggested that the proposed ordinance would result in regional impacts affecting the quality of life and the City’s natural environment. If there were no negative impacts as a result of the proposed ordinance, he asked that the community be so informed. If there were impacts, he asked that they be addressed now and not when development occurred when it would be too late.

MARGE BARRY, 866 Central Avenue, Pittsburg, spoke to the potential impacts from air pollution as a result of additional development and commented on the increased costs for health care. She noted that citizens had been taxed so that more schools could be built due to overcrowding, which would increase with more development. She also spoke to the potential impacts to water sources and commented on the potential for drought conditions which could lead to water rationing. She asked the Commission to consider hillside protection since the hills, once gone, could not be replaced. She further commented on the potential for fire danger when building in the hillsides.

ANNETTE JENKINS, 315 Avalon Circle, Pittsburg, strongly opposed building in the hillsides which she would like to see preserved for future generations. She advised that the Village at New York Landing was establishing action groups and felt strongly about living in the community and enjoyed the hills and the water. She stated that she had spoken to no one in her neighborhood in support of hillside development.

ROBERT GREEN, Pittsburg, suggested that many residents were unhappy with current projects in the Southwest Hills area. He asked the Commission to protect the hillsides and not allow them to be paved with more development. He commented that no other area in the Bay Area would allow such development in the hills. He spoke to the City logo, with images of an anchor, the water, and a hill but which did not depict development on the hills. He encouraged everyone to visit the saveourhills.org website for additional information.

CHRISTINA WONG, East Bay Representative, Greenbelt Alliance, 1601 North Main Street, Walnut Creek, suggested that the ordinance had been written with loopholes, would not protect the hills, and was not a hillside protection ordinance but a development manual. She would like to see a strong hillside ordinance that would protect the hills.

Ms. Wong advised that she had 163 signatures of Pittsburg residents who would like to see the hills be protected. Speaking to the issues identified in the staff report, she suggested that the slope density calculation maximum density of two units per acre would permit too much development and would treat the hillsides as flat not taking into account any slopes. The ordinance would also only apply to those hillsides above 500 feet, although there were
hills below 500 feet zoned HPD. She suggested that the ordinance could be stronger if the elevation of the applicability was revised to 200 feet.

Ms. Wong also suggested that the ridges be protected and that an increase in the vertical setbacks would protect more of the ridges. She opposed any development in visually sensitive areas. She commented on the amount of homes already approved in the City, some under construction and some not yet under construction that would add to existing traffic, air pollution and infrastructure. Also, with future development of the Concord Naval Weapons Station, she suggested that this was a quality of life issue in that once the hills were paved over they would be gone forever. She urged the development of a strong Hillside Ordinance.

CHRISTINA AMOR, Community Organizer, San Francisco Bay Chapter, Sierra Club, spoke on behalf of the many members of the community of the local Sierra Club Chapter, Save Our Hills and the Greenbelt Alliance who had reached out to educate the community on the development of the hillsides. She stated that she had gathered over 300 comments and signatures from supporters who would like to see strong protection of the hillsides. She provided the comments and signatures to staff at this time.

Ms. Amor suggested that residents did not want the hillsides developed and residents were tired of traffic in the entire region and were of the opinion that more development would equal more traffic. She emphasized the need to protect the hillsides and urged the Commission to respect the opinions of the residents who were saying no development in the hills.

TROY BRISTOL, Save Mount Diablo, submitted a letter dated May 22, 2007 from Save Mount Diablo, outlining its opinion on the proposed Hillside Performance Standards and Design Guidelines, which letter he read into the record at this time.

LECH NAUMOVICH, representing the California Native Plant Society, suggested that this was the opportunity to protect the hillsides. He noted that one developer owned 80 percent of the hillsides, the same developer who was suing the City on a number of issues. He commented on the recent landslides that had occurred in the San Marco development which he hoped would not occur again. He particularly thanked Commissioner Diokno for his comments and proposals on the regulations which had been outlined in writing. He asked the Commission to consider that developers were on the side of more homes and exceptions. He stated that he had rarely seen a development proposal that was compliant with General Plan guidelines.

DE WITT HODGE, Pittsburg, asked that the Commission consider the risks versus the benefits of hillside development. He questioned why the City was considering the ordinance, noting the current landslides in the San Marco neighborhood. He commented that during the time he had lived in the area he had heard nothing good about people living in the hillsides. He questioned how the City would limit its liability to potential risks due to
landslides, erosion, and water quality to the Delta.

LOUIS PARSONS, representing Discovery Builders, 4061 Port Chicago Highway, Concord, advised that the developer had requested that certain portions of the ordinance be amended or deleted. With no final document before the Commission at this time and absent the form of the final document, he suggested that staff had not taken into account the concerns of the developer and those of their professional land planning consultant.

Mr. Parsons suggested that the staff report had implied that the Hillside Performance Standards had been triggered by the 2005 new Urban Limit Line (ULL) boundary, although he stated that was not accurate in that the provisions were separate from that action. There was an agreement that was part of the passage of Measure P where City staff would embark on a General Plan study to incorporate elements of the agreement into the General Plan. He stated that the developer had met with staff on numerous occasions where many policies and exhibits had been revised in the General Plan to comply with the provisions of the agreement of Measure P as per the approval of City Council Resolution No. 07-1700.

Mr. Parsons reiterated that the developer had concerns with the density restrictions, development standards, ridge preservation standards, design guidelines, density calculations and the HPD submittal requirements. He pointed out that the City had an ordinance in place that the developer was already having difficulty complying with and the proposed ordinance would further convolute those regulations. He sought Hillside Performance Standards and Guidelines with realistic standards for hillside development and suggested that the proposed ordinance would not provide those regulations.

MIKE LENGYEL, Pittsburg, suggested that the ordinance was inadequate to protect the hillsides. He otherwise spoke to the appointment of Commissioner Wegerbauer to the Planning Commission and commented on his understanding that she worked for Main Street Properties, which had been employed by the City. He questioned how Commissioner Wegerbauer could sit on a City Commission.

Ms. Ayres suggested that Mr. Lengyel speak with the City Clerk on the appointment of Commissioner Wegerbauer. She clarified that Commissioner Wegerbauer did not work for the City but for a private corporation. She added that the City Attorney had reviewed the appointment and had found no conflict.

Mr. Lengyel added that the nomination of Commissioner Wegerbauer had been made by the developer majority of the City Council. He expressed concern with that action given the consideration of the proposed hillside ordinance.

At this time, Mr. Lengyel read from the June 18, 2007 City Manager FY 2007/2008 Budget Message, which he presented to the Commission, and which had indicated that additional residential development would cause a deficit in the City’s budget and diminish City...
services. He opposed further development of the City’s hillsides given the potential for landslides and asked for the least restrictive of the proposed options.

A.J. FARDELLA, 331 Whispering Oaks Court, Pittsburg, speaking for himself and as the Director of the Oak Hills Community Group, advised that his neighborhood had lived in the hills for years. He commented that he had campaigned against Measure P although it had ultimately been adopted. He suggested that the General Plan should apply in this case. He suggested that strengthening the guidelines was an attempt to overturn an election that had been lost. He expressed concern with the guidelines which called for homes along the contours of the hills and which had not addressed runoff from the hills.

Mr. Fardella suggested that the current landslides had not occurred because of the Seeno Corporation but because of the Vista Del Mar development encroaching too far into the land already developed by Seeno. He could find no history of any Seeno development ever having a landslide in its developments, other than the referenced landslide area. He asked that the new Commissioners be provided a copy of a letter he had previously submitted to the Commission.

Mr. Fardella otherwise asked that the Commission support the later action on the agenda for a proposal to prezone Ambrose Park as Open Space since he would be unable to remain until the completion of the meeting agenda.

MIKE KERR, 33 Loftus Road, Bay Point, questioned the destruction of the aesthetics and ambience of the hillsides for the development of hillside mansions. He requested that the developers concentrate on quality infill and develop the old town and waterfront areas, and he recommended that Pittsburg join with the City of Concord on the Reuse Project for the Concord Naval Weapons Station in protecting valuable open space. He suggested that the ordinance should only protect the hillsides from development which should be the goal of the Planning Commission.

RANDY HERNANDEZ, Pittsburg, commented that the proposed ordinance had mentioned the standards of 20 other communities which had built on hills. He questioned how many of those communities had hillsides like Pittsburg’s hills, without trees. He questioned comparing Pittsburg to different communities in that the views of other areas might not be as affected as would the Pittsburg hills. He pointed out that it would take many years for trees planted on the hillsides to hide any development.

ROBERT SILVA, Pittsburg, did not wish to speak although he provided the following written comments: “I would like to go on record as being opposed to any more development/destruction of our beautiful Pittsburg hills.”

PUBLIC HEARING CLOSED

Commissioner Diokno thanked the public for their comments and noted that all information
would be taken into consideration during the deliberations of the proposed ordinance.

As a Pittsburg native, Commissioner Harris stated that he had seen no slides in the hills during his lifetime living in the community. He questioned prohibiting a property owner from building on his/her property. He was opposed to the proposed ordinance and emphasized that he had been opposed to the ordinance from the onset. Commissioner Ramirez commented that the Commission had studied the ordinance for some time and had attended numerous meetings with staff, the public and consultants in preparing the guidelines. Staff had prepared the information as shown in the staff report. He noted the numerous changes that had been made to the proposed ordinance over time during the numerous discussions.

Commissioner Wegerbauer stated for the record that she had a Minor in Planning from U.C. Berkeley. She had lived in the community for years, was available in the community to answer any questions, and was pleased to serve on the Commission since she had a real interest in planning. She advised that she had chosen to work with Main Street Properties Services, a retail leasing and development firm, since she had the opportunity to work in a number of cities.

Commissioner Wegerbauer commented that she had reviewed the information provided by staff, although she still had many questions before she could give any realistic direction. She spoke to the Old Town Design Guidelines and Principles as an example which had been reviewed by the Planning Commission and which were guidelines and not a mandate; a document appreciated in the industry allowing a retailer design flexibility.

Commissioner Kelley concurred with the comments and acknowledged the volume of information involved with the proposed ordinance guidelines. She stated that she had filled out Attachment 1, the Planning Commissioner Options Voting Sheet, and was ready to proceed if that was the direction of the Commission.

Vice Chairperson Garcia commented that he had been a member of the Commission for years and was proud of his work and the subdivisions he had supported in the hills. He pointed out that the City had an existing Hillside Ordinance and had the tools to build on the hills. He did not see that additional regulations were necessary.

Vice Chairperson Garcia explained that every project must have an Environmental Impact Report (EIR), with a project to be reviewed in total. He added that new development west of Bailey Road was primarily located in the Mt. Diablo Unified School District (MDUSD). He understood that the Pittsburg Unified School District (PUSD) had prepared a study that had indicated that the PUSD would not grow beyond its current population, which was the reason the PUSD could afford to build a new high school. It was noted that most of the new growth would occur in the MDUSD.

Vice Chairperson Garcia stated that he was disappointed with the Lyons Homes project at
Vista Del Mar, which in his opinion had been rushed through the City process. He noted that property was located on sandy soil and was prone to landslides. In his opinion, that project should have been studied more thoroughly. While he had voted for the project when it was before the Planning Commission, he thought he got as much as he could out of it to ensure that the City was protected.

Ms. Ayres explained that the existing Hillside Development Regulations only applied to the HPD District written before the General Plan had been adopted in 2001. Staff had been directed by the City Council at that time to take the policies in the General Plan and to implement those policies. One of those policies had been to revise the HPD to comply with the new policies in the General Plan. There were also policies in the General Plan recommending that the new rules apply to land above 500 feet irrespective of the zoning district. The current HPD did not cover those properties which was the reason staff was before the Commission now, to implement the General Plan adopted after the HPD had been crafted.

Commissioner Diokno added that as the downtown area was special with special design guidelines for downtown preservation, the hills were special as well and needed special consideration applicable to the hills. He questioned whether or not there were the votes on the Commission to support a new ordinance.

Commissioner Harris reiterated that he opposed the ordinance.

Vice Chairperson Garcia opposed the ordinance.

Ms. Ayres clarified that there was no ordinance before the Commission for consideration other than to discuss the various policy issues as contained in the staff report. The final document would come back to the Commission after it gave policy direction on issues before it. She asked the Commission to focus on the policy options before it at this time.

The Planning Commission addressed Attachment 1, Planning Commissioner OPTIONS (Voting Sheet), at this time to address the six issue points, which had been outlined by staff in the July 24 staff report.

Speaking to Option 1, Max/Base Density, Commissioners offered preferences as follows:

- Vice Chairperson Garcia - Option B
- Commissioner Diokno – Option C
- Commissioner Harris – Option B
- Commissioner Kelley – Option B
- Commissioner Ramirez – Option B
- Commissioner Wegerbauer – [uncertain]

Option 2, Visually Sensitive Areas:
Recognition that new Commissioners might not be ready to address all of the options given the volume of information provided, and given the recent appointments to the Planning Commission, Vice Chairperson Garcia recommended that the item be continued to the next meeting of the Commission. He recommended that new Commissioners actually view the sites under discussion as well prior to the next meeting.

In order to have all Commissioners present it was recommended that the item be continued to the Planning Commission meeting of August 28.

MOTION:

Motion by Commissioner Ramirez to continue the City-Initiated Hillside Development Performance Standards and Design Guidelines and Amendment to the Hillside Development District to the Planning Commission meeting of August 28, 2007. The motion was seconded by Commissioner Diokno and carried by a roll call vote:

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

Vice Chairperson Garcia declared a recess at 9:39 P.M. The meeting reconvened at 9:47 P.M. with all Commissioners initially shown as present and absent.

Item 5: City initiated Prezoning of Ambrose Park.

A City-initiated proposal to amend the City’s Zoning Map to prezone Ambrose Park, located south of Highway 4 and east of Bailey Road in the unincorporated area of Contra Costa County, to OS (Open Space) District.

Planning Director Melissa Ayres presented the staff report dated July 24, 2007. She recommended that the Planning Commission adopt Resolution No. 9725, recommending that the City Council prezone Ambrose Park.

PUBLIC HEARING OPENED
PROPONENT: City of Pittsburg

OPPONENT:

MICHAEL KERR, Bay Point, was uncertain of the purpose of the action before the Commission. He opposed the potential loss of an asset from Bay Point to Pittsburg. He questioned the advantage to Bay Point as a result of this action.

PUBLIC HEARING CLOSED

Commissioner Diokno understood that the Ambrose Park Board of Directors had requested the action.

Ms. Ayres explained that the Ambrose Park Recreation District had expressed an interest in annexing the property into the City where there could be opportunities to match funds for park improvements. The City had resources to improve the park that would not have been available if not within the City limits. The action, if approved, would not prevent anyone from the unincorporated area from using the park. She noted that one of the conditions of annexation was to prezone the property per Local Agency Formation Commission (LAFCO) requirements.

Vice Chairperson Garcia added that the San Marco, Vista Del Mar and Oak Hills neighborhoods paid taxes into the Ambrose Park District.

MOTION:

Motion by Commissioner Ramirez to adopt Resolution No. 9725, recommending prezoning of Ambrose Park to OS (Open Space) District. The motion was seconded by Commissioner Kelley and carried by a roll call vote:

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

STAFF COMMUNICATIONS:

Ms. Ayres reported that the discussion of updating the Sign Ordinance had been deferred due to the recent appointment of two new Planning Commissioners and pending the completion of the Historic Resources Regulations and the Hillside Development
Performance Standards and Design Guidelines so as not to overload new commissioners.

**COMMITTEE REPORTS:**

There were no committee reports.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Kelley spoke to the number of dogs being walked unleashed in the community and expressed concern that oftentimes dogs were allowed to run wild in the City’s parks.

Commissioner Ramirez inquired of the status of the Frances Green Church project, to which Ms. Ayres reported that the Building Official had sent a letter to Ms. Green advising of the need to move forward and submit certain information to keep her permits valid, which she understood Ms. Green had provided to staff on time.

Commissioner Diokno read into the record a prepared statement, provided to staff, expressing his concern with the City Council’s recent approval of a consultant report regarding the Villagio project and the Old Town Italian theme village concept. While not disparaging the role of the Italian American community, he would rather have liked to see a more diverse concept representing all cultures in the community, suggesting an International Plaza instead.

Commissioner Harris explained that the Italian theme had recognized the past history of the Italian community, although he recognized that culture had diminished. He otherwise spoke to the improvements made to City Park and noted that while good for some in the community, in his opinion City Park was no longer a park for the entire community.

Vice Chairperson Garcia commented on the fact that old town Pittsburg had disappeared years ago and the downtown was now, in his view, the new downtown.

Commissioner Kelley inquired of the status of the Hampton Inn project. She was advised by Mr. Halvorson that the business operator planned to be open by October although staff was not confident that would occur this year.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 10:05 P.M. to a regularly scheduled meeting on August 14, 2007, in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.