MINUTES

OF THE REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION

August 9, 2005

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Ralph Ramirez at 7:00 P.M. on Tuesday, August 9, 2005 in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, California.

ROLL CALL:

Present: Commissioners Dolojan, Garcia, Harris, Ohlson, Tumbaga, Williams, Chairperson Ramirez

Absent: None

Staff: Planning Director Melissa Ayres, Assistant Planner Christopher Barton, and Senior Civil Engineer Alfredo Hurtado.

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, August 5, 2005.

PLEDGE OF ALLEGIANCE:

Commissioner Tumbaga led the Pledge of Allegiance.

DELETIONS/WITHDRAWALS/CONTINUANCES:

Planning Director Melissa Ayres reported that public hearing Item No. 2, Mariner Walk Residential Subdivision, would be continued to the Planning Commission meeting of August 23, 2005. In addition, agenda Item No. 4 had been pulled for an indefinite period of time at the written request of the property owner.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.
PRESENTATIONS:

There were no presentations.

CONSENT:

a. Minutes – July 26, 2005

Commissioner Ohlson requested an amendment to the fourth paragraph on Page 14:

D. “Designated historic site” means a parcel or part thereof on which a designated historic building is situated, and any abutting parcel or part thereof constituting part of the premises on which the designated historic building is situated, and which has been designated pursuant to the provisions of this chapter.

MOTION:

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

Ayes: Commissioners Dolojan, Garcia, Harris, Ohlson, Tumbaga, Williams, Ramirez

Noes: None

Abstain: None

Absent: None

PUBLIC HEARINGS:

Item 1: Chili’s Minor Subdivision. AP-05-229 (MS-678-05)

Application by Jay Torres-Muga of Century Plaza Development Corporation requesting approval of a parcel map to subdivide a 10.26 remainder parcel into one 1.68 acre parcel (Parcel ‘A’ – “Chili’s”) and one 8.58 acre designated remainder located at the terminus of Delta Gateway Boulevard (west of an approved Outback Steakhouse Restaurant) in a CC (Community Commercial) District; Portion of APN 074-460-029.

Assistant Planner Christopher Barton presented the staff report dated August 9, 2005. He recommended that the Planning Commission adopt Resolution No. 9578, approving AP-05-229 (MS 678-05) with the conditions as shown.

Speaking to Condition No. 15 of Resolution No. 9578, Mr. Barton explained that the condition, as shown, would require the applicant to relinquish all abutter’s rights along Century Boulevard along the remainder parcel and along Parcel “A”. In speaking with
Mr. Barton recommended that the condition be modified to read:

15. With the exception of the northern driveway between Parcel “A” and the approved Outback Restaurant Parcel “B”, the developer shall relinquish all abutter’s rights along Century Boulevard along Parcel “A.” Relinquishment of abutter’s rights shall be reflected on the final Parcel Map submittal.

In response to Commissioner Ohlson, Mr. Barton clarified the definitions, as shown in Condition No. 14 of Resolution No. 9578, and clarified that the reference to PUE referred to a Public Utility Easement where PRUE referred to a Private Utility Easement. He also clarified that the first sentence of the condition should be modified to read:

14. The developer shall provide a 5’ PUE and a 10’ PRUE adjacent to the 5’ PUE along the frontage of Parcel A.

PUBLIC HEARING OPENED

PROONENT:

JAY TORRES-MUGA, Century Development Corporation, 4021 Port Chicago Highway, Concord, advised that there was agreement with the conditions of approval and with the proposed modifications to Condition Nos. 14 and 15. He expressed his hope that Chili’s would be open by the end of the year.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-05-229 (MS-678-05)

Motion by Commissioner Garcia to adopt Resolution No. 9578, approving AP-05-229 (MS-678-05), approval of Minor Subdivision Application No. AP-05-229 for a Tentative Parcel Map to subdivide a 10.26 acre designated remainder parcel into one 1.68 acre parcel (Parcel “A”) and one 8.58 acre designated remainder located at the terminus of Delta Gateway Boulevard for “Chili’s Minor Subdivision,” with the conditions as shown and with the modification to Condition Nos. 14 and 15, as identified.
The motion was seconded by Commissioner Williams and carried by the following vote:

Ayes: Commissioners Dolojan, Garcia, Harris, Ohlson, Tumbaga, Williams, Ramirez
Noes: None
Abstain: None
Absent: None

**Item 2: Mariner Walk Residential Subdivision. AP-04-126 (GP, RZ, PD Permit, Subdivision 8869, DR)**

Application by Donald Reber of The Olson Company requesting: 1) an amendment to the General Plan Land Use Diagram in order to change the designation of five acres currently designated as Park to Downtown Medium Density Residential; and to change 3.8 acres currently designated as Downtown Medium Density Residential to Park and amend the Downtown Element and the Open Space, Youth and Recreation Element to reflect this change accordingly; 2) a rezoning of the 15.6-acre site to PD (Planned Development) District and approval of a P-D permit; 3) approval of a vesting tentative map in order to subdivide the 15.6-acre site for purposes of development of a 3.8-acre public park, a clustered single-family development of 123 units with public roads and a 1.6-acre privately-maintained linear parkway; and 4) design review approval of architectural floor plans and elevations for the proposed single-family houses to be build within the project. The property is partially developed with a five-acre park and is located west of Herb White Way and north of West Eighth Street; APNs 085-130-006, 185-143-001 through -006, 085-142-001 through -006, 085-141-002 through -005, 085-141-009 and 085-141-007.

As earlier reported, the public hearing was continued to August 23, 2005.

**Item 3: General Plan Annual Report**

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

Ms. Ayres presented the staff report dated August 9, 2005. She recommended that the Planning Commission recommend that the City Council accept the report.

PUBLIC HEARING OPENED

PROPOSENT: City of Pittsburg

Speaking to the General Plan Policy Matrix, (Land Use Element), Page 2, Policy, 2-P-59, as shown, Commissioner Garcia questioned the extension of Garcia Avenue to Railroad Avenue as being unfeasible. He recommended that the logical place to extend Garcia Avenue would be to Bliss Avenue. He recommended that the policy be modified as such.
Ms. Ayres explained that the policies, as shown, were in the General Plan and could only be amended by the City Council through a General Plan Amendment process. The purpose of the public hearing was only to report on the status of the implementation of the General Plan policies. She added that the entire circulation of the block between Leland Road, State Route 4, Railroad Avenue and Harbor Street would be studied as part of the Transit Town Project with the Planning Commission to make recommendations to the City Council on the ultimate circulation plan for that block.

Commissioner Garcia also referenced Policy S-P-65 and suggested that the City of Pittsburg should have some responsibility in working with Los Medanos College and the City of Antioch to undertake a study exploring the viability of a street connection between Leland and Buchanan Roads along the eastern edge of the college at the border of the two cities, since the City of Pittsburg had closed off the exit out of the back parking lot of the college. He pointed out that in the near future, the City of Pittsburg would have to consider an extension of the left turn lane into Century Boulevard which was currently a bottleneck during commute and heavy traffic periods and which impacted Leland Road.

Commissioner Garcia otherwise agreed with Policy 4-P-66 to revise the City’s sign ordinance.

Ms. Ayres noted that work had been included in the Planning Department’s two year work program.

Commissioner Garcia spoke to Policy 8-P-1, and commented on his understanding that there was an agreement that the City would have two acres of park land to be built by a developer since the City was unable to maintain its parks. He recommended an amendment to that policy as well.

Ms. Ayres explained that the General Plan would allow the City to accept two acre turnkey parks, although the ratio of park land the City would like overall in the community was five acres per 1,000 residents. When a developer built a two acre park, that developer was looking at the value of the five acres, giving the City two acres of land and taking the other three acres in dollars and building the park.

Ms. Ayres reiterated that the policy could only be amended through a General Plan Amendment. She noted that there was a study being prepared through the Engineering Department with a landscape firm for an Open Space Master Plan. When completed, there might be some recommendations from the study which could result in potential amendments to the General Plan.

Commissioner Ohlson spoke to Policy 4-P-65, and questioned how that policy would be met if Caltrans were to build a sound wall along State Route 4 impacting the views of the Civic Center.
Commissioner Ohlson recommended that the status of that policy be amended to reflect that while the City was doing its best to implement that policy, Caltrans was not cooperating with the City.

Ms. Ayres commented that she could not confirm that Caltrans was not cooperating with the City. It was possible that the City had supported and approved the sound wall design. She reminded the Commission that the meeting minutes would reflect the concerns with that policy status.

Senior Civil Engineer Alfredo Hurtado expressed his uncertainty as to whether or not a sound wall would be built on that side of the freeway where the Civic Center was located. He did understand that there were plans in the future for a different entrance/exit onto Railroad Avenue.

As to Policy 7-P-54, Commissioner Ohlson understood and affirmed with staff that the status of the project, although shown as implemented, had in fact not been implemented at this time. The status would therefore be modified as such.

Commissioner Ohlson agreed with Commissioner Garcia’s suggestion that Policy 8-P-1 be modified with a General Plan Amendment to reflect reality. He also recommended that the status be modified from “ongoing” to “in dispute.”

Referring to Policy 9-P-19, Commissioner Ohlson requested that the Planning Commission determine a reasonable standard for the removal and replacement of trees.

Ms. Ayres recommended that such a guideline would be more appropriately located in the Planning Commission design guidelines rather than in the zoning ordinance.

With respect to Policy 13-P-1.5 of the Housing Element, Commissioner Ohlson questioned the status shown since he understood that the Planning Commission had discussed second units already as part of the zoning code update.

Ms. Ayres explained that the Planning Commission had a study session on proposed wording for the second unit chapter of the comprehensive zoning code update and had provided comments to staff but that it had not yet been adopted. Staff would be bringing several sections to the Commission for comments. Phase I comments would be bundled together for a formal public hearing with recommendations to the City Council. Ms. Ayres added that it was a one time thing to adopt a revised ordinance, which would not be done on an ongoing basis. As such, the status as shown was accurate.

Commissioner Williams spoke to Policy 13-P-1 and commented that the City of Walnut Creek had recently accepted applications for 25 homes marketed in the $800,000 range and which would set aside affordable housing at a cost of $238,000. She questioned why
the City of Pittsburg did not employ similar programs. She asked how an $800,000 home could be sold for $238,000.

Ms. Ayres advised that the City’s Inclusionary Ordinance required developers to set aside a certain number of units affordable to very low income households too. Depending on the product and location, six percent of the total units must be affordable to Very Low Income and nine percent either to Low or Moderate Income households. There had been several projects approved under the Inclusionary Ordinance, or prior to the adoption of the ordinance, although none had yet been built. Once constructed, there would be similar actions in the City of Pittsburg.

Ms. Ayres commented that the Walnut Creek development was likely for units that were affordable for Very Low Income households. The first project that would likely come on line in Pittsburg with affordable housing would be a Castle Company development.

Commissioner Garcia added that developers increased the prices for the remainder of the units in a subdivision in order to make the affordable units affordable.

Chairperson Ramirez spoke to the last page of the document which had listed the Regional Fair Share Housing Allocation 1999-2006 Status Update. He specifically referenced the pending projects for 2005-2006 with a listing for Mercy Housing and inquired of staff the details of that development.

Ms. Ayres explained that Mercy Housing was a Non-Profit housing corporation considering a vacant lot on Leland Road north of the college which had been identified in the Housing Element as a key housing opportunity site for Low Income Housing. She also clarified that the Montecito Subdivision, as identified on the list, was formally San Marco Meadows and had been resubmitted under a new name.

Commissioner Tumbaga spoke to Policy 13-P-3.1, (B), and requested that the status in that case be amended to read:

B. **On going. City provides Redevelopment funds to La Raza Centro Legal, Inc. to provide counseling services to the citizenry of Pittsburg.**

And that Policy 13-P-13.1, (D) be amended to read:

D. **Ongoing. Pacific Community Services was funded from Redevelopment funds.**

E. Commissioner Tumbaga also understood that there was a policy in the document regarding lead based paint which she could not locate. She understood that there had been some educational outreach programs on lead funded by the Community Development Block Grant (CDBG) Program.
Ms. Ayres explained that the issue with lead based paint had been listed in Policy 13-P-4.2 (A).

Commissioner Tumbaga suggested that the status of that policy could be modified to reflect that some money has been allocated to Pacific Community Services for lead paint education and outreach.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Williams to recommend City Council acceptance of the General Plan Annual Report on the status of the implementation of the General Plan, as modified. The motion was seconded by Commissioner Garcia and carried by the following vote:

Ayes: Commissioners Dolojan, Garcia, Harris, Ohlson, Tumbaga, Williams, Ramirez
Noes: None
Abstain: None
Absent: None

COMMISSION CONSIDERATIONS:

Item 4: Mazzei Freestanding Sign Exception. AP-05-209
Application by Matt Mazzei requesting a sign exception to install three freestanding signs (one 47 foot high and two 36 foot high) in three different locations at the Mazzei Auto Dealership in Century Auto Mall. The exception would allow 1) all three signs to exceed the maximum allowable height of 15 feet; 2) all three signs to exceed the maximum allowable square footage of 75 square feet per sign; and 3) installation of the 36 foot high sign proposed to be located along the north property line (adjacent to Century Boulevard), which does not have direct access to the site. The site is zoned CC (Community Commercial) District and is located at 3800 Century Way. APN 074-090-023.

As earlier reported, the application was pulled indefinitely at the request of the applicant.

Item 5: Planning Commission Reports to the City Council

Ms. Ayres presented the staff report dated August 9, 2005. She recommended that the Planning Commission review and approve the year end goals/accomplishments report for
fiscal year 2004-2005 and the draft list of goals and objectives for fiscal year 2005-2006. She requested that the Commission provide additional direction with respect to other planning issues and concerns it would like to address this year.

Commissioner Ohlson referenced Attachment 1, Draft Planning Commission Year End Report to the City Council FY 2004-2005, Objectives, No. 8, as shown and inquired of staff why the Pittsburg Bay Point/BART Specific Plan status was on hold.

Ms. Ayres explained that Seecon owned a large portion of the land that would be affected by the Pittsburg/Bay Point BART Specific Plan. Seecon had submitted a preliminary plan different than Council direction on completing the Specific Plan. The Planning Commission had expressed some interest in the concept which had been forwarded to the City Council for consideration. However, the applicant withdrew the application before the Council had an opportunity to provide any guidance on plan redirection.

Ms. Ayres noted that staff was currently busy with updates to the comprehensive zoning code but would like to go back and determine the direction the City Council would like to take on the Specific Plan, later this fiscal year.

Commissioner Ohlson recommended as a Planning Commission goal for the next year compliance with respect to the current Urban Limit Line (ULL) unless amended by the voters.

Commissioner Garcia pointed out that the City had to follow the ULL regardless so that a policy did not have to be in place.

Commissioner Ohlson withdrew his recommendation.

In response to Commissioner Tumbaga, Ms. Ayres explained that the goals and objectives, as identified, included some which had been carried over from the previous year. As to the items which had shown a status as being completed, staff had not identified a project to replace them since the comprehensive zoning code would be so time consuming. She suggested that the goals and objectives could be amended at another time during the year if the Commission so wished. If that required significant staff time, Ms. Ayres suggested that staff would have to have direction from the City Council that the project was a priority.

Commissioner Garcia referenced the Pittsburg/Bay Point BART Specific Plan and commented on his understanding that BART had eliminated the job creation requirement from the project so that the Specific Plan was no longer worth the studies that had been prepared since it had to create jobs in the transit area. Absent that requirement, he suggested that the process might have to start from the beginning.
Ms. Ayres noted that BART did count the office ridership, even though Metropolitan Transportation Commission (MTC) wanted residents. She emphasized that both agencies would have to be satisfied.

Commissioner Garcia pointed out that with a transit village development there would be more riders, although the jobs would not be created. He did not see that a large high rise in East County would ever be built adjacent to the freeway creating potential jobs.

Commissioner Ohlson pointed out that high rise office development had developed in the areas of Walnut Creek and Concord after BART had been built. He asked the Commission to think positively about eBART possibilities.

JAY TORRES-MUGA, Seecon, explained that Seecon had made a presentation to the Planning Commission on its conceptual plan and vision for the West Coast Transit Village. He reported that staff had a different vision which had prompted Seecon to withdraw its proposal. He stated that the area was still important and he encouraged continued discussions on potential development.

**MOTION:**

Motion by Commissioner Garcia to approve the FY 2004-2005 year end report and direct staff to submit the report to the City Council. The motion was seconded by Commissioner Tumbaga and carried by the following vote:

- **Ayes:** Commissioners Dolojan, Garcia, Harris, Ohlson, Tumbaga, Williams, Ramirez
- **Noes:** None
- **Abstain:** None
- **Absent:** None

Motion by Commissioner Garcia to approve a report to the City Council on the Commission’s goals and objectives, issues and concerns for fiscal year 2005-2006 and direct staff to submit the plans to the City Council on or before September 1, 2005, as discussed. The motion was seconded by Commissioner Tumbaga and carried by the following vote:

- **Ayes:** Commissioners Dolojan, Garcia, Harris, Ohlson, Tumbaga, Williams, Ramirez
- **Noes:** None
- **Abstain:** None
- **Absent:** None
STAFF COMMUNICATIONS:

There were no staff communications.

COMMITTEE REPORTS:

Commissioner Garcia reported that the TRANSPLAN Committee meeting had been canceled for the month of August, although the State Route 4 Bypass Authority and the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) would still meet on August 11.

COMMENTS FROM COMMISSIONERS:

Commissioner Ohlson reported that he had attended the Mayor’s Conference at which time a presentation had been made by the Vector Control Agency on West Nile Virus, with concerns expressed for the number of detention ponds in the County which were breeding grounds for mosquitoes, although they were part of the National Pollutants Discharge Elimination System (NPDES) requirements.

Commissioner Ohlson also reported that although two lanes were to be built on West Leland Road on the Alves property to the San Marco development by the beginning of this school year, he had learned that might not be feasible to meet that timeline since it could take up to two years to move the dirt before the lanes could be built.

Commissioner Ohlson referenced the pending Planning Commission applications and a pending project for Harbor Park General Plan Amendment. He questioned whether or not the Economic Development Director was aware of the proposal since he understood that the City had plans for the Marine Commercial designated zoning areas.

Ms. Ayres noted that the City must process any submitted application. Whether or not the General Plan Amendment was ultimately approved would be up to the City Council. She affirmed that the Economic Development Director was aware of the application.

Commissioner Garcia reiterated his request that the City’s Traffic Engineer consider reopening Gladstone Drive from Leland Road during non-commute periods, since the street, a public street paid by taxpayers, was currently closed. He pointed out that other neighborhoods would like the same convenience.

Commissioner Garcia also identified problems with the Fort Knox Self Storage site which had uncompleted landscaping and which was in need of weed abatement in front of the wall. He acknowledged that the landscaping on the side of the building on El Dorado Drive had been completed. He also noted that due to the volume of debris in the alleyway, emergency vehicles could be prevented from accessing the alley to reach the adjacent residential properties.
Commissioner Garcia further expressed concern with the condition of the empty lot in front of the storage facility which had been used to store a number of trucks and tractors for weeks at a time without a use permit.

Commissioner Ohlson reported on his understanding that a portion of Ventura Drive between Loveridge Road and Buchanan Road had been scheduled for speed bumps.

Commissioner Harris presented photographs of properties he had identified that were in need of code enforcement action, addressing such concerns as weed abatement, lack of landscaping, and debris on the properties along Herb White Way, Central Avenue, Harbor Street and California Avenue, Garcia, Freed Way and Garcia, and Loveridge Road and California Avenue, which was of particular concern since it was an entrance into the City. He added that the storage company on Harbor Street to the north prior to the overpass near Harbor Court had landscaping although Caltrans had not replaced the landscaping that had been removed as part of the overpass work.

Further, Commissioner Harris reported that the PG&E right-of-way had not been maintained and needed weed abatement. He urged the City to contact the applicable property owners to ensure the proper maintenance of those properties.

Ms. Ayres explained that the City had cameras placed in specific areas notorious for dumping which had a recording that dumping was not permitted and which could be moved around to certain areas when needed. Any time there was a concern with a particular site, she encouraged Commissioners to contact staff so that it might be possible to move the cameras to a hot spot area. She added that the Code Enforcement Division could be contacted directly and Commissioners could make written requests for code enforcement with a notation on the form that a response on the status of the request would be appreciated, if they wanted.

Ms. Ayres acknowledged the presence of the Assistant City Engineer, noting that the City Engineer was a key part of the Code Enforcement Team, which is an interdepartmental group with the Police Department.

Chairperson Ramirez reported that he and Commissioner Harris had attended a recent meeting at the Chamber of Commerce for the Old Town Committee, which meeting had been a disappointment.

Ms. Ayres reported that a Joint Workshop between the City Council and the Planning Commission had been scheduled for Monday, August 15 from 6:00 to 7:00 P.M. to discuss the Main Street design guidelines.
Commissioner Tumbaga advised that there were two homes located at the corner of Central Avenue and Harbor Street that were unattractive and where there was significant loitering. She expressed a desire to see those two corners cleaned up.

Ms. Ayres understood that the two homes in question had been identified in a neighborhood meeting as a concern and that action was to be taken.

Commissioner Williams reported that she would not be able to attend the August 15 Joint Workshop with the City Council.

Commissioner Dolojan reported that vehicles were being repaired in the area of Robinson to Atherton and that oftentimes the vehicles were double parked in the street causing an obstruction.

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:23 P.M. to a regular meeting of the Planning Commission on August 23, 2005 at 7:00 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

MELISSA AYRES, Secretary
Pittsburg Planning Commission