A regular meeting of the Pittsburg Planning Commission was called to order by Vice Chairperson Garcia at 7:00 P.M. on Tuesday, December 11, 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, Associate Planner Dana Hoggatt, Assistant City Engineer Keith Halverson, and Senior Civil Engineer Alfredo Hurtado.

**POSTING OF AGENDA:**

The agenda was posted at City Hall on Friday, December 7, 2007.

**PLEDGE OF ALLEGIANCE:**

Commissioner Ramirez led the Pledge of Allegiance.

**DELETIONS/WITHDRAWALS/CONTINUANCES:**

There were no deletions, withdrawals, or continuances.

**COMMENTS FROM THE AUDIENCE:**

There were no comments from the audience.

**PRESENTATIONS:**

There were no presentations.
CONSENT:

a. Minutes - November 27, 2007

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, Garcia
Noes: None
Abstain: Commissioners Diokno, Wegerbauer
Absent: Chairperson Ohlson

PUBLIC HEARING:

Item 1: Harbor Park Minor Subdivision. AP-06-370 (MS-676-06)

An application by Chris Nelson of Renova Partners on behalf of Pittsburg River Park, LLC requesting approval of a tentative map to subdivide a 20.5-acre parcel into four parcels located at 420 East Third Street (former Johns Manville site). The property is in the CP (Pedestrian Commercial) and RMD-O (Medium Density Residential with a Limited Overlay, Ord. No. 1284) Districts; APN 073-050-001.

Associate Planner Dana Hoggatt presented the staff report dated December 11, 2007. She advised that Resolution No. 9742 had been revised to reflect discussions between staff and the developer. The revisions were identified. With those revisions, she recommended adoption of Resolution No. 9742 approving MS 676-06, as conditioned and as amended.

Commissioner Diokno inquired of the background of the berm at the property to which Ms. Hoggatt explained that the berm contained fill from within the parcel that had been contaminated. The berm would be capped with two feet of clean fill, be landscaped and be fenced. It would be inaccessible to residents or anyone living or working in the area.

Commissioner Diokno inquired whether or not the berm had been a design decision made by the developer, a condition imposed by the then Planning Commission, or had been based on cost.

Planning Director Melissa Ayres clarified that the berm had been part of the developer’s proposal to the Department of Toxic Substance Control (DTSC) as part of the remediation for the property to bring it to residential standards. She understood that the developer had hauled off a lot of contaminated soil from the site and the berm was what was left of the contaminated soil to be stored at the site.
Ms. Ayres commented that the decision related to the berm had been part of a remediation plan through the DTSC which staff was comfortable with since the material had come from the area. Rather than dumping that material into another community, she stated it was appropriate to be placed as the berm. She added that the contaminated material was not light enough to risk airborne and would not contaminate the water either. As long as it was capped, it would not go anywhere. Ms. Ayres also advised that the landscaping to be installed would consist of ground cover that would not be an attractive nuisance to encourage anyone to climb over the fence. It would provide an effective and protective barrier.

Commissioner Wegerbauer expressed concern with the ability to maximize the overall on-street parking. Given the efforts to create a pedestrian environment in the downtown with current and planned development, she questioned whether or not parking could be provided on the main route of the subject site.

Ms. Hoggatt referred to Section D of the Subdivision Map as depicted on Page 5 of the staff report that she described as the longest internal access road between Parcels A and C within the boundaries of the subdivision. She noted that section would include on-street parking on both sides of the street. Of the perimeter streets of Harbor and East Third Street, she stated that East Third Street would accommodate on-street parking although she was unsure of the parking space configuration. Harbor Street would not accommodate on-street parking. Ms. Hoggatt explained that in discussions with the City’s Traffic Engineer, Harbor Street was not desirable for on-street parking since it was a truck route and would not be a safe route to be getting in or out of a vehicle. Temporary parking for special events could be accommodated along Harbor Street with barriers and detour signs. Ms. Hoggatt also commented that Parcels A, B and C would be subject to future development where the Commission would then have the opportunity to consider the parking details for those parcels.

Commissioner Wegerbauer reiterated the City’s efforts to provide pedestrian access to special events in the downtown. While recognizing that future proposals would offer an opportunity for additional discussion, she wanted to know what could be done now in the tentative map process to ensure plans for future parking availability. She would like to see Harbor Street include an option for temporary parking.

Ms. Hoggatt explained that individual temporary special events were evaluated by the City Engineer through a special event permit process. As to the boundaries of the tentative map, two streets would accommodate on-street parking within the existing and proposed easements that would go along with the map. Beyond that it would be subject to the individual review of each parcel once entitlement applications had been filed.
Commissioner Wegerbauer questioned whether or not there could be an option to make Harbor Street as wide as possible in order to provide on-street parking for special events.

Ms. Ayres noted that the street had adequate width for a travel and parking lane. The City Engineer would like to stripe that route for two travel lanes. Through the special events permit process, the City Engineer, Traffic Engineer, Public Works and Police Departments could plan on-street parking in a safe way. She noted that there would still be travel lanes in both directions even with temporary parking provided for special events.

PUBLIC HEARING OPENED

PROONENT:

CHIRS NELSON, Renova Partners, LLC, 55 Hawthorne Street, Suite 555, San Francisco, stated that the developer had last been before the Commission in 2005. He thanked City staff and the various managers of the City Departments for working cooperatively on the proposal. While he was happy with the progress made on the tentative map and the conditions of approval which had been proposed in the past, he asked that Technical Condition, 27(a), be eliminated from Resolution No. 9742.

Mr. Nelson advised that the condition referred to something that was inappropriate to the venue and involved a specific process through the DTSC, which would be followed and which the developer had worked with the City in the past. The issue, as referenced in the condition, did not involve property that was owned by, controlled by or had developer permission to access at this time either through the DTSC, the City or their investors.

Mr. Nelson commented that he would like to cooperate with the City to see the issues with respect to the Eighth Street Linear Park be resolved, although there was a process in place that they needed to go through in partnership with the City. He advised that the developer had meetings with the City on the issue and had brought Johns Manville to the table on that same issue. The land referenced in Condition 27(a) involved land owned by the City’s Redevelopment Agency through a donation of land by the railroad. The Eighth Street Linear Park had been built on top of the former railroad bed, with apparent contamination, although its origin was uncertain.

Ms. Hoggatt clarified that staff preferred to retain the condition, although if the applicant was willing to give some assurance of some alternative means to ensure that portion of the Eighth Street Linear Park was dealt with within the next 30 or so days, staff would be comfortable with the elimination of that condition.

Commissioner Garcia expressed concern that a trench had been dug along the park and the contamination had not been found at that time. The park had been built over potential toxic waste. Uncertain who was responsible, he remained very concerned given that the park was used frequently by children and those who resided in the area.
Commissioner Ramirez questioned how the applicant could be held responsible for the clean up of toxic waste on property it did not own.

In response to Commissioner Diokno, Mr. Nelson explained that the berm had been intended as a sound and visual barrier. The berm was approximately 95 percent complete and had served as a good sound barrier. The berm would be landscaped, deed restricted and accessed only by those required to conduct maintenance on the landscaping. The berm had been widened from 50 to 85 feet. As to the decision for the berm, he acknowledged it had been an economic decision in that the developer would not have been able to develop the property, purchase the property and demolish the existing structures and conduct cleanup if it had to haul everything away.

In working with the City and the DTSC, Mr. Nelson explained that the berm solution allowed the encapsulation of the materials which would be covered by two feet of clean soil, a geo-grid material over the top for erosion control of the subgrade and a marker layer. The property would have a deed restriction and there would also be an Operations and Maintenance Plan for the maintenance and inspection of the berm, with reporting to the DTSC. There would also be a contingency plan in place in the event of any emergency, all agreed to through previous conditions of approval.

Commissioner Diokno found the site to be a difficult one to build upon. If the applicant had previously agreed to conditions related to the construction of the berm, he found that to be acceptable.

Commissioner Wegerbauer inquired how Condition 27(a) had come about.

Mr. Nelson explained that the developer had hired a consultant when the property had been purchased to conduct due diligence on the property. The consultant had assured the developer at that time that there were limits to the contamination known to be deposited at the site by Johns Manville. The developers had applied for a grading permit and clean up plan through the DTSC and had received interim approval. The developer was working through that process. The contamination extended beyond the property.

Mr. Nelson explained that in August 2006, the developer had learned of the issue and had notified the City, the DTSC, Johns Manville, and their insurers. At that time, the developer had coordinated a meeting with Johns Manville, the City and the DTSC to discuss responsibilities.

Mr. Nelson reported at that time that the DTSC had gone on record indicating that its authority with Pittsburg River Park, LLC was on the 20.5-acre parcel it owned and that the developer did not own the other parcel. The DTSC was of the opinion that it was not the developer’s responsibility to remediate contaminants within the Eighth Street Linear Park.
abutting the project site. While the City was not pleased with that determination, the developer had agreed all along regardless of responsibility that it would help in the coordination of the issue.

Mr. Nelson emphasized that the developer did not have permission from its insurers, did not own or control the land or have any reason in terms of the DTSC to actively dig that site. He noted that the first step would be an investigation to determine what was there and how much. From that point, there would be estimates on the costs to deal with the situation. The DTSC and the City was in the process and the final resolution was to either determine that the contaminants on that property were not that bad and could be covered up with a restriction on the use of the property or a determination that the contaminants should be removed.

Mr. Nelson pointed out that the Eighth Street Linear Park had a high voltage line running through it. He suggested that the use would not change where it would ever become a problem. He expressed the willingness to work out an agreement in writing with the City over the next month to address the issues as reflected in Condition 27(a). He could not guarantee that clean up would be done in 30 days, although based on the firm’s partnership with the City since 2004 when the property had been purchased, and since the developer still owned the entire property until it was sold along with another five acres across the street, there was a commitment with the City to continue to be partners. He was willing to prepare a written agreement mutually agreeable to everyone to facilitate the process.

Ms. Hoggatt advised that such an agreement would be acceptable in lieu of Condition 27(a).

A.J. FARDELLA, Director of the Oak Hills Community Group, 209 Havenwood Circle, Pittsburg, suggested that the City was fortunate to have the applicant, who based on his research, had the best credentials he had ever seen in terms of dealing with toxic waste sites and remediation. He also applauded the parking inquiries in that if the City experienced the success expected in the downtown, parking would be an issue. He commended the applicant and the proposal.

OPPONENTS: None

PUBLIC HEARING CLOSED

Commissioner Garcia explained that the issue of the berm had been discussed at length when the project had last been discussed by the Planning Commission. Having experience with toxins as a former employee with U.S.S. Steel, he noted that the contaminants, if covered and contained, would not be a problem. He added that the Commission at that time had been comfortable with the berm as opposed to a sound wall,
as a solution to that situation.

MOTION: AP-06-370 (MS-676-06)

Motion by Commissioner Ramirez to adopt Resolution No. 9742, approving AP-06-370 (MS-676-06), a Tentative Map in order to subdivide a 20.5-acre parcel into four parcels at 420 East Third Street for “Harbor Park Minor Subdivision. AP-06-370 (MS-676-06), “as conditioned, and with an amendment to Condition 27(a), as follows:

a. The developer shall work with and provide support to the City in establishing a plan to clean up the contaminated soils area located within the Eighth Street Linear Park, which abuts the project site.

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

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

COMMISSION CONSIDERATIONS:

There were no Commission Considerations.

STAFF COMMUNICATIONS:

Ms. Ayres reported that the December 26, 2007 Planning Commission meeting had been canceled due to a lack of items for consideration and that the next meeting of the Commission had been scheduled for January 8, 2008.

COMMITTEE REPORTS:

There were no committee reports.

COMMENTS FROM COMMISSIONERS:

Commissioner Wegerbauer requested that the Commission receive the staff report and draft ordinance for the Hillside Performance Standards and Design Guidelines for the January 8, 2008 meeting at least 10 days in advance, if possible. She also requested a status report on the timeline of the Citywide Sign Ordinance.

Ms. Ayres reported that a timeline for the Citywide Sign Ordinance could be provided to the Commission. She added that a draft copy of the Hillside Performance Standards and
Design Guidelines had been presented to the Commission to start reviewing over a month ago. The January 8 meeting would include a staff report summarizing the work to date along with a California Environmental Quality Act (CEQA) document indicating whether or not the documents would or would not have an environmental impact. In addition, the Commission would also at that time receive a resolution with a recommendation to the City Council for its consideration.

Commissioner Ramirez reported on the status of a field trip to the Calpine/Delta Power Plant, which had included a tour of the facility that he found to be interesting.

Vice Chairperson Garcia and Commissioner Diokno, who had also attended the tour of the Calpine/Delta Power Plant, agreed that the tour of the facility had been very interesting.

Commissioner Kelley requested a traffic study at Diane and California Avenues given the volume of traffic in that area making it difficult for residential traffic to exit the neighborhood.

Commissioner Diokno reported that he had attended the Grand Opening of the Entrada Center which was a nice addition to the downtown.

Chairperson Garcia wished everyone a Happy Holiday.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 7:44 P.M. to a regularly scheduled meeting on January 8, 2008, in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

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MELISSA AYRES, Secretary
Pittsburg Planning Commission