MINUTES
OF THE REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION
October 24, 2006

A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Tumbaga at 7:00 P.M. on Tuesday, October 24, 2006, in the City Council Chambers, City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL:

Present: Commissioners Diokno, Garcia, Ohlson, Thomas, Chairperson Tumbaga

Excused: Commissioners Harris, Ramirez

Absent: None

Staff: Associate Planner Dana Hoggatt, Associate Planner Christopher Barton, General Manager Pittsburg Power Company Garrett Evans, and Senior Civil Engineer Alfredo Hurtado

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, October 20, 2006.

PLEDGE OF ALLEGIANCE:

Commissioner Garcia 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 – October 10, 2006

Commissioner Ohlson requested the following amendments to the minutes. To the last sentence of the second paragraph on Page 10:

He [Vice Chairperson Ohlson] noted that bicyclists preferred that the bicycle racks be located no farther from the main entrance of a building than the closest normal (non-ADA accessible) automobile parking stall.

To the third paragraph on Page 10:

Speaking to the drawing C-5, Vice Chairperson Ohlson, requested clarification from staff on the placement of the straw fiber rolls and the placement of the stakes.

Commissioner Thomas requested an amendment to the first sentence of the fourth paragraph on Page 5:

REVEREND HENRY PERKINS and DEACON ALEX BROWN, First Baptist Church, 375 15th Street, offered a visual presentation of the proposed design of the interior and exterior of the church through a PowerPoint presentation.

MOTION:

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

Ayes: Commissioners Diokno, Garcia, Ohlson, Thomas
Noes: None
Abstain: Chairperson Tumbaga
Absent: Commissioners Harris, Ramirez [Excused]

PUBLIC HEARINGS:

Item 1: WinCo Foods. AP-06-380 (UP/DR)

Application by Melanie Schuster of BRS Architects requesting a use permit to operate a grocery store within an existing building and design review approval of architectural plans for a façade remodel of the building at 2400 North Park Boulevard. The project site is zoned CC (Community Commercial) District. APN 088-151-034.
Associate Planner Dana Hoggatt presented the staff report dated October 24, 2006. She recommended that the Planning Commission adopt Resolution No. 9671, approving Use Permit and Design Review application AP-06-380, with the conditions as shown.

Commissioner Garcia referenced Use Permit Condition 6 of Resolution No. 9671 and commented that the existing drawings had shown a median strip at the east side of the site which he understood would have to be opened up or totally removed.

Ms. Hoggatt explained that the site plan had shown a new median installed where there was currently an east/west access. Use Permit Condition 6 would require the applicant to maintain the current median configuration and not extend that median.

Commissioner Diokno requested clarification from staff in that the site plans had shown north, east, and south elevations, while Design Review Finding C 1 of Resolution No. 9671 had indicated that the design would carry throughout the west elevation, which was connected to Home Depot.

Ms. Hoggatt commented that the staff review of the elevation drawings had found that the Home Depot building was at a different height than the subject building which was slightly lower and where there was a west elevation.

Commissioner Diokno suggested that condition be clarified and that the design be carried throughout the north elevation.

Ms. Hoggatt noted that the staff recommendation was just for the three elevations because the north elevation was not as prominent or as visible from the public right-of-way, although it would be visible from California Avenue. She also clarified that the design elements of the WinCo site had been borrowed from a future application currently under staff review for four vacant pads to the west of the current Staples building. One of the pads consisted of a large empty lot located immediately west of the Staples building. The developer for that project had identified three other pads, one to the east of Burger King, one to the north of Burger King and a proposed gas station at the intersection of California Avenue and Loveridge Road. That project did not have the same architect as did WinCo, although the Project Planner for the subject application had encouraged WinCo to incorporate some of the design elements of the other proposed project.

PUBLIC HEARING OPENED

PROPOONENT:

LOUIE HORSEMYER, BRS Architects, 1010 So. Allante Place, Suite 100, Boise, Idaho, representing WinCo Foods, concurred that he would comply with the permit conditions and design review as recommended. He clarified that at the north elevation from California
Avenue the building had a single slope and the entire back was a gutter system to deposit rain water into the storm drain.

Mr. Horsemyer added that along the western elevation there was a 20-foot setback before Home Depot, which was exposed and where a new cornice detail would be installed. He noted that behind that area and up over the roof was not visible to anyone from the ground. If exposed, the cornice could be done on the west side farther back. He presented the building elevations with the cornice detail added at this time.

Commissioner Ohlson reported that the property owner of the auto body shop to the east had approached him and had raised a concern that he had problems with rubbish blowing from the subject property onto his property, which rubbish was snagging on the weeds in the vacant lot in between. That property owner sought a fence along the east side of the subject property to prevent rubbish from entering his property.

Mr. Horsemyer suggested that with compacters nothing would sit outside other than the delivery of products on wooden pallets by truck which would be cycled every other day when the pallets would be removed. He stated that nothing would be on the ground uncovered or uncontained.

Commissioner Ohlson recommended a condition that an employee be directed to remove rubbish from around the area.

Mr. Horsemyer stated that WinCo Foods wanted to be a good neighbor and would be more than happy to comply with such a requirement.

Commissioner Diokno understood that the business would be a 24-hour operation. He inquired whether or not the existing lights in the parking lot would be at full strength throughout the parking lot during the mornings and evenings.

Mr. Horsemyer explained that the photometrics for all their stores was such that security would be provided in the parking lot 24 hours a day. The existing light fixtures had shields and the light was contained down to the service which would be preserved.

Commissioner Thomas was pleased to see the business come to the City. She expressed her hope there would be a local hiring of employees, to which Mr. Horsemyer confirmed that at least 95 percent of the employees would be hired locally.

OPPONENTS: None

PUBLIC HEARING CLOSED
MOTION: AP-06-380 (UP/DR)

Motion by Commissioner Thomas to adopt Resolution No. 9671, approving AP-06-380 (UP/DR), a Use Permit for a grocery store within an existing building and design review approval of architectural plans for a façade remodel at 2400 North Park Boulevard, APN 088-151-034 for “WinCo Foods. AP 06-380 (UP & DR),” with the conditions as shown and with an additional condition that rubbish blown from the east be picked up as needed. The motion was seconded by Commissioner Garcia and carried by the following vote:

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

Chairperson Tumbaga identified the 10-day appeal process on a decision of the Planning Commission in writing to the City Clerk.

Item 2: Mount Diablo Recycling Center. AP-06-339 (UP/DR)

Application by Roger Wilson requesting a use permit and design review approval to demolish a 72,864 square foot section of an existing 176,818 square foot building and replace it with a new 82,611 square foot building section and to establish a large recycling facility on the property. The project is located at the Contra Costa Waste Service, Recycling Center and Transfer Station on a 4-acre portion of an 11.05 acre parcel located at 1300 Loveridge Road, in the IG (General Industrial) District. APN 073-200-014.

Associate Planner Christopher Barton presented the staff report dated October 24, 2006. He recommended that the Planning Commission adopt Resolution No. 9669, approving Use Permit application AP-06-339, as conditioned, and Resolution No. 9670, approving Design Review application AP-06-339, as conditioned.

Mr. Barton identified two letters received this date from Anderson & Bonnifield and USS-POSCO Industries regarding the application. He also took the opportunity to identify typographical errors in the staff report including the first bullet point on Page 4 of 10, and a misspelling on Section 3. Approval, Condition 9 of Resolution No. 9670. He clarified that Section 2. Findings, 2, o., of Resolution No. 9669 should be amended to read:

\[\text{o. will involve the use of power driven processing, including aluminum foil can compacting, plastic shredding, or other light processing activities which is necessary for efficient temporary storage and shipment of material.}\]

Commissioner Ohlson spoke to the correspondence received from USS-POSCO and Anderson & Bonnifield and suggested that the application should be deferred at this time pending an opinion from the City Attorney on the concerns raised in both letters.
Ms. Hoggatt explained that the staff recommendation was to approve the project as conditioned.

Mr. Barton advised that he had spoken with staff of the Redevelopment Agency (RDA) who had consulted its Legal Counsel on both letters and who had made it clear it was not the intention of the RDA to get in the way of a use permit consideration by the Planning Commission for the property.

Mr. Barton reported that the RDA had no objection to the establishment of a recycling facility on the site even though there was a Unified Development Area (UDA) that included the site. While the USS-POSCO letter suggested that no action be taken until the UDA, of which the property was a part, was developed further, the RDA confirmed it was not its intent to hold up a recycling center on the parcel. He clarified, when asked by Commissioner Ohlson, that he was not suggesting the letters be ignored, but that they be taken into consideration by the Planning Commission. He reiterated the opinion of RDA Legal Counsel that the project could move forward.

Ms. Hoggatt added that both letters were part of the public hearing and the Planning Commission was to consider both letters, although the staff recommendation remained the same, to approve the project with the conditions as shown.

Commissioner Garcia spoke to Section 3. Approval, Condition 5 of Resolution No. 9670 and recommended that the transformer proposed on the Loveridge Road frontage be placed aboveground rather than underground. He recommended an aboveground transformer since they were less trouble and easier to replace. There could also be landscaping planted around the transformer to screen it from view.

Commissioner Garcia also suggested that Section 3. Approval, Condition 7, of Resolution No. 9670, which would require that the chain link fence along the eastern frontage be replaced with a wrought iron fence material, would not fit the area given the existing fencing material in the immediate area. He suggested that a slatted fence material would be more appropriate.

Commissioner Garcia also noted that USS-POSCO had sold the subject land to the recycling center and knew that use would occupy the site. He did not see that the City would throw out that business because of USS-POSCO. He was prepared to take action on the proposal at this time. He did not agree that the item needed to be continued pending an opinion from the City Attorney, if that were the recommendation.

PUBLIC HEARING OPENED
PROPOENENT:

ROGER WILSON, Architect, 1250 Addison Street, Berkeley, representing Mount Diablo Recycling Center, commented that he had been working with staff for some time and was in agreement with the conditions of approval.

Mr. Wilson clarified that the property had large doors directly facing Loveridge Road, where some latticework similar to what was against the building in a combination of tube steel and stainless steel cable had been proposed. That latticework would be planted with vines to form a screen providing a nice architectural feature softening the elevation to screen the doors.

As to Section 3, Approval, Condition 7, of Resolution No. 9670, Mr. Wilson recognized the staff intent for a more upscale fence for the building. He expressed a desire to work with staff for a more appropriate fencing material that could be a combination of wrought iron and chain link.

Mr. Barton expressed the willingness to work with the applicant to resolve that concern. Given the use, he agreed that a wrought iron fence might not be the most appropriate material.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-06-339 (UP)

Motion by Commissioner Garcia to adopt Resolution No. 9669, approving AP-06-339 (UP), a Use Permit to establish a large recycling facility within an 82,611 square foot addition to an existing building located at 1300 Loveridge Road for “Mount Diablo Recycling,” with the conditions as shown. The motion was seconded by Commissioner Ohlson and carried by the following vote:

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

MOTION: AP-06-339 (DR)

Motion by Commissioner Garcia to adopt Resolution No. 9670, approving AP-06-339 (DR), Design Review approval to demolish a 72,864 square foot section of an existing 176,818 square foot building and replace it with a new 82,611 square foot building section
for use as a large recycling facility and installation of wall signage at 1300 Loveridge Road for “Mount Diablo Recycling,” with the conditions as shown and with amendments to Condition 5 that the applicant be allowed to install an aboveground transformer with landscaping, and to Condition 7 to allow the fencing design to be worked out between the applicant and staff.

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

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

Chairperson Tumbaga identified the 10-day appeal process on a decision of the Planning Commission in writing to the City Clerk.

Ms. Hoggatt requested that items 3 and 4 be considered concurrently.

**Item 3: Amendment to West Tenth Street Overlay District. (RZ)**

A City initiated proposal to amend the West Tenth Street CSO (Service Commercial with a Limited Overlay) District (Ordinance No. 1171) for the purpose of adding “Utility, major” as a permitted use, subject to limitations, and to allow an increased maximum height limit permitted in that zone for a major utility. Properties located within this district are generally 560 West Tenth Street through 650 West Tenth Street. Assessor Parcels: 085-270-016, 085-270-018, 085-270-019, 085-270-020, 085-270-022, 085-270-025, 085-270-026, 086-270-029, 085-270-032, 085-270-035, 085-270-036, 085-270-038, 085-270-040, 085-270-043, 085-270-044 and 085-270-045.

**Item 4: Trans Bay Cable Project. AP-04-157 (DA)**

The Planning Commission is being requested to make a recommendation to the City Council to adopt an ordinance approving a development agreement between Trans Bay Cable LLC, and the City of Pittsburg to facilitate the construction of the Trans Bay Cable Project. The development agreement would apply to the following parcels: 085-270-018, 085-270-019, 085-270-025 and 085-270-035.

Associate Planner Dana Hoggatt presented the staff report dated October 24, 2006, for the Amendment to the West Tenth Street Overlay District. She recommended that the Planning Commission adopt Resolution No. 9673, recommending City Council approval of an amendment of the overlay district for West Tenth Street.

General Manager Pittsburg Power Company Garrett Evans presented the staff report dated October 24, 2006, for the Trans Bay Cable Project. He recommended that the
Planning Commission adopt Resolution No. 9672, recommending City Council approval of a development agreement between the City and Trans Bay Cable, LLC. Commissioner Ohlson clarified with Ms. Hoggatt that Exhibit A, was part of the staff report for the Amendment to the West Tenth Street Overlay District and that it identified the current land use regulations. Attachment 3 of Item 3 was identified as the current ordinance, with Exhibit A, the current land use regulations/matrix, as a component of that ordinance.

Commissioner Ohlson also clarified with staff that the purpose and intent of the highlighting of land use regulation L-38 on Page 5 of Exhibit A was to identify the text that had been added as a result of adoption of Ordinance 1171, and the fact that Exhibit B was also part of Attachment 3 of Item 3. He also clarified with staff that the map depicting the boundaries of the existing overlay district for which the Commission was being asked to consider recommending an amendment was identified as Attachment 5 of Item 3. Attachment 4 of Item 4 was noted as highlighting specifically the Trans Bay Cable project area, that fell within the boundaries of the overlay district.

Ms. Hoggatt reiterated the two separate actions before the Commission as staff had reported during the staff presentation.

Commissioner Ohlson further clarified the total acreage of the project site as 7.5 acres while the project would only build on 5.4 acres.

Speaking to Page 14, Section 9. Transfers and Assignments, 9.02, TBC’S Right to Assign or Transfer of the Development Agreement (DA), Commissioner Ohlson requested clarification from staff on the intent of that section.

Mr. Evans explained that the assignment and transfer of its rights as part of the DA could be to a different financial entity although the restriction on the project site would not allow conveyance of the project site. Both legal and financial assignments could occur without a transfer of the property.

Commissioner Diokno commented on the number of businesses on the subject site that could be affected. He questioned how those businesses would be relocated or compensated.

Mr. Evans explained that the project proponent, Trans Bay Cable, had been in discussions with the property owners and tenants to negotiate potential relocation or other packages, as appropriate.

In response to Commissioner Garcia, Ms. Hoggatt explained that the limitation that was being recommended for the increase in height would only apply to a Major Utility use, which meant that existing businesses in the district would not be allowed to attain a height of 65 feet. She added that all of the properties currently within the boundaries of the
overlay district would be subject to the amendment, although the limitations were written where an increase in height from 35 feet to 65 feet would only apply to Major Utility uses. There were no other major utilities in the area. The DA would not affect the existing property owners other than the properties that Trans Bay Cable planned to build upon.

In response to Commissioner Thomas, Mr. Evans understood that eight businesses would be affected by the project.

CHRISTIAN HACKETT, Trans Bay Cable LLC, advised that the businesses that would be affected included K & S Towing, Small Ventures, Fernandez Towing, S.L. Evans, Talavera Bus Lines, Star Auto, and Redwood Painting, which involved a lease.

Commissioner Thomas clarified with Mr. Hackett that Trans Bay Cable LLC was currently in negotiations with those businesses and would assist them fairly. She supported the project and saw it as a win-win for the City. She otherwise expressed concern with the number of power outages in the City and questioned whether or not the project would help to alleviate those problems.

Mr. Evans explained that the City had an overabundance of power he described as a transmission congestion problem in getting that power to San Francisco, with power from the East Bay and other plants feeding into the Pittsburg PG&E plant. He noted that the California Independent System Operators (ISO) controlled rolling blackouts for each section of the State. The project would not change the problems with rolling blackouts in Pittsburg, although the City and County of San Francisco would have an additional power line into that area to possibly prevent blackouts.

Commissioner Ohlson inquired of the noise levels of the transformers when the Trans Bay Cable project was operational. He inquired whether or not the First Baptist Church, which had recently been approved for a project in the area, would notice the noise from the transformer.

JOAN LAMPHIER, Contract Planner for the City of Pittsburg, explained that the environmental documentation had included a noise analysis for the transformer. She reported that the noise levels were such that it would be necessary to construct a sound wall around the transformer to mitigate the noise to meet local standards at the street level. With that sound wall, she advised that the First Baptist Church would not notice the sound from the transformer.

Ms. Lamphier reiterated in response to Commissioner Thomas that the First Baptist Church would not be impacted at the property line as a result of the transformer since a sound wall would be erected. The structure itself would be visible. She noted that the church had been noticed and that the applicant had done extensive noticing of all property owners within 300 feet, along with notices on the City’s website. Further, extensive public noticing had been conducted in the local newspaper.
Mr. Evans reiterated that the First Baptist Church had been notified by mail. Ms. Lamphier clarified that public hearing notices had been sent to both the property addresses and the mailing addresses of all affected property owners.

PUBLIC HEARING OPENED

PROONENT:

SAM WEHN, Babcock and Brown, 2 Harrison Street, San Francisco, representing the Trans Bay Cable Project, presented a PowerPoint presentation on the project. Mr. Wehn reported that the project would consist of a 400 megawatt DC direct current, connecting the PG&E substation in Pittsburg with a PG&E substation in Potrero in San Francisco. The DC would act as a generator and would create a situation where the California ISO (Cal ISO) could deliver the quantity of megawatts needed in the San Francisco area.

Trans Bay as the developer would transfer the ownership of assets to the City of Pittsburg’s Municipal Utility with Cal ISO to receive the transmission rights and which would schedule the power across the DC line. Babcock and Brown would finance the project and would have no operational control of the project from that point on.

Mr. Wehn explained that the development was expected to go to commercial operations in the fourth quarter of 2009 or the first quarter of 2010. The process started by Cal ISO involved commissioning the San Francisco stakeholders group, which had met over the past two years, to evaluate a number of alternatives supporting the need for reliable service to San Francisco. The Trans Bay Cable project had been selected on September 8, 2005, as the long term reliable solution for San Francisco.

At that point, the project was considered by the Federal Energy Regulatory Commission (FERC) for a rate structure approval followed by an evaluation under the California Environmental Quality Act (CEQA), which had been headed by the lead agency, the City of Pittsburg. The project also required approval from the City of San Francisco, which must approve the lease of the DC cable in San Francisco Bay, as well as the Port of San Francisco, along with approval from the Regional Water Quality Control Board (RWCQB) for any remediation at the site.

The project would connect an AC connection into the PG&E converter station in Pittsburg with a line laid to the converter station, and at that station convert to a direct current. The cable would then travel under the Bay to be buried between three and six feet below the bottom of the Bay. At the Potrero Substation, another converter station would convert the direct current back to AC and connect the AC into the PG&E substation. The cable route was identified with review and assistance from various involved agencies. The cable would be located in an area with limited activity to avoid all channels, except when...
crossing a channel at which point the cable would be at a 90 degree angle.

The cable would consist of a power, return and fiber optic cables, with the fiber optic cable used to communicate between the two converter stations and provide data to Cal ISO. The cable would be wrapped together with a dimension and diameter of about 10-inches once the three cables were wrapped and inserted into the Bay. The cable would be installed through the use of a hydro plow, inserting the cable at the required depth off of water jets. The majority of the cable would be inserted from a ship with a portion of the installation to be done from a barge. The layout of a typical converter station was identified as was the layout of the proposed east-west configuration along West Tenth Street.

Mr. Wehn advised that the City had evaluated the project environmentally. The impacts had been determined to be less than significant. Mitigation for the identified impacts would be required and had been identified in the Final Environmental Impact Report (FEIR). The project would reduce transmission system losses, transmit power over lines and create a loop around the East Bay.

Mr. Wehn also identified the milestones for the project. He noted that further approvals for the project would include approval from various agencies for discretionary authorization. The next steps would include the financial closing, engineering and construction.

Commissioner Thomas clarified with Mr. Wehn that the installation of the cable would be as described and be fully automated. The only time a diver would go into the Bay would be if there were problems with the hydro plow.

Commissioner Garcia spoke to the FEIR and noted that the land was filled. Previous discussions of the EIR had included a discussion of pile driving, which he had opposed. He recommended drilling rather than pile driving since there was a subdivision across the street. In his opinion, it would be better for the piers to be bored and filled with concrete. He reiterated his recommendation that no pile driving be done in the area due to the nearby residential development located across the street from the property.

Mr. Wehn advised that he would take that recommendation under advisement. He otherwise responded to the Chair that he had read and was in agreement with the conditions of approval in the two resolutions.

Commissioner Ohlson questioned when the project would be large enough to go between stations and not substations.

Mr. Wehn explained that he did not have an answer to that question at this time.

As to whether or not the U.S. Army Corps of Engineers had been consulted on the project...
in response to Commissioner Diokno, Ms. Lamphier advised that the applicant had met with the U.S. Army Corps of Engineers and there would be no dredging as part of the proposal and no future plans to deepen the water way where the cable would be placed. She acknowledged that the Army Corps of Engineers did have future plans for the main channel.

Mr. Wehn added that the channels were approximately 60 feet deep. There was no chance where the cable would be placed that dredging and extending the depth of the channels would impact the cable.

KRISTINA LAWSON, Miller Starr & Regalia, Walnut Creek, representing the property owners of 570-588 West Tenth Street, commented that the property would be affected by the DA and the project with a portion of the property where the converter station would be located. She thanked the EIR Consultant, the City and the project proponent for the consideration of previous comments that the alternative location was environmentally superior, a preferable location for the project and the only site fully consistent with the CEQA mandate to minimize environmental damage where feasible. She was pleased that the West Tenth Street Alternative 1 Converter Station site had been selected. She supported the project as a whole including the DA and the Zoning Amendment.

MIKE LENGYEL, Pittsburg, inquired when the EIR would be brought to the Planning Commission for consideration.

Ms. Lamphier advised that the Planning Commission would consider the FEIR as part of its recommendation although the City Council would consider whether or not to certify the document at its meeting on November 6. The FEIR was not on the agenda for the Planning Commission to take action although it was to be considered as part of the decision-making process.

Mr. Lengyel suggested that the City consider the cable as an opportunity to place a mitigation fee on the power system. He suggested that the City should not make a land use decision when it had not considered the health impacts from power generation. He had not seen the DA and was uncertain that had been addressed. He expressed his hope that there was a mitigation, condition or clause in the DA stating that “City staff prior to allocation of final costs and rate adjustment by the Federal Energy Regulatory Commission (FERC) shall report to the Planning Commission and the City Council on the feasibility of collecting an air impact health mitigation fee on mega wattage passing through this cable to fund studies, facilities, or programs to reduce the effects of air pollution locally.”

Mr. Lengyel suggested that such a fee could be used on trails, trees, creeks and other facilities to reduce asthma and bad air. He suggested that the project would permanently
transfer the pollution at the Bay View Hunters Point neighborhood to the City of Pittsburg. He noted the number of power stations in the City and stated that for each megawatt, there was a great deal of pollution generated each year. He noted that residents of San Francisco were concerned with their pollution and he asked that be considered as well.

In response to Commissioner Ohlson, Mr. Lengyel acknowledged that he had seen the FEIR.

DAVID FIERBERG represented San Francisco Community Power, 467 Texas, San Francisco, a non-profit organization that supported energy reliability and self-sufficiency in San Francisco by working with small businesses and people to increase their ability to develop energy efficiency programs by purchase of energy efficient appliances. Mr. Fierberg stated that the group opposed the Trans Bay Cable project. He noted that Trans Bay Cable was one option to deal with the reliability questions in San Francisco while there were many options to deal with electrical reliability. He suggested that the project would not enhance the electrical reliability in the City and County of San Francisco. He suggested that the cable was not reliable. He described it as one large extension cord that could be disrupted or turned off.

Mr. Fierberg stated that the City and County of San Francisco was in the process of implementing an electrical reliability plan that called for a variety of smaller generation plants, as well as demand reduction and co-generation, leading to a more electrically reliable and sustainable plan for the City and County of San Francisco.

Mr. Fierberg suggested that Babcock and Brown, in connection with FERC and Cal ISO, was calling for a degree of electrical reliability that was not there until 2012. He questioned the statement that the project would be completed by 2010. He noted that all electrical reliability modeling had shown no need until the year 2012 when the gap at that time in San Francisco would be only 50 megawatts.

Mr. Fierberg suggested that the cable was more than the City of San Francisco needed or would use. He suggested that the project would place a burden on all ratepayers in the PG&E system for an unnecessary and very expensive project. He also suggested that the City of San Francisco did not appear in the project milestones and he questioned the ability to site a transformer on land in the City of San Francisco without City approval.

Commissioner Thomas asked what information Mr. Fierberg had based his statements upon.

Mr. Fierberg explained that San Francisco Community Power had contracted with the Rocky Mountain Institute, an Energy Think Tank, which had conducted a series of modeling of the demand for the City and County of San Francisco as to what could actually be produced in concern with the City and the work of the San Francisco Public
Utilities Commission (PUC).

JOE BOSS, 934 Minnesota Street, San Francisco, representing the Dog Patch Neighborhood Association, had led to the last historic district to be recognized in San Francisco and that was located approximately 600 feet from the proposed site. Speaking to the EIR, he questioned the fact that the original site would require the demolition of two historic warehouses. He noted that the FEIR had moved the site 500 feet west to an area that did not have historic buildings, although the ultimate site that had been chosen dictated that the site could only be used for Light Industrial, while the project was a Heavy Industrial use. He too noted that there had been no reference to the City of San Francisco in the timeline of the presentation.

Mr. Boss also noted that the Draft EIR for the eastern neighborhoods and several others would be out in the next four to five months. Until the DEIR had been distributed, he stated that workshops were underway with the community and the San Francisco Planning Commission to finalize the various land uses.

Mr. Boss spoke to the Association of Bay Area Governments (ABAG) requirements for the City of San Francisco and the fact that some of the areas that were formerly industrial were being rezoned to Light Industrial or Residential. He questioned the FEIR finding that there was no cultural impact. He noted that the project sponsors were aware that the zoning would change and that other PG&E sites were zoned Heavy Industrial. He questioned whether or not the Planning Commission would be making a recommendation to the City Council and he urged the Commission to indicate the lack of site control for a useable piece of property.

RUTH BAXLEY, Pittsburg, commented that as a resident of Pittsburg for the past two years in the development located across the street from the subject site, she had experienced four to six blackouts, which were not rolling blackouts as defined by PG&E. Not familiar enough with the project to be opposed to it, she commented that if she knew more, she would be. She had recently purchased her home and while she was not speaking for all the residents in her subdivision, she was confident it was not something the residents would have wanted when purchasing his/her homes.

Ms. Baxley recognized that Tenth Street needed to be developed, although she would prefer the development of services, such as a grocery store, flower market or even a sidewalk. She suggested that a power plant would not enhance the area. She clarified with staff the definition of an overlay district and clarified that there would be no building on the subdivision side of the street. She questioned the potential impacts to the health, safety, noise, property values and integrity of structures of nearby residents.

In response to Commissioner Thomas as to how she had been notified of the public hearing, Ms. Baxley advised that she had received notification of the public hearing by mail.
Ms. Lamphier clarified that the overlay district would apply only to the north side of Tenth Street. As to the concerns with potential impacts to the residential use, she advised that the FEIR had evaluated the potential impacts with detailed discussions on air quality, noise impacts, dust, and operational impacts. The project included mitigation measures such as a sound wall around the transformer, so that at curb side the noise level would meet City standards. Also as to any potential health risks, she reported that the environmental analyses had identified no direct health impacts as a result of the project.

Ms. Lamphier added in further response to Commissioner Thomas that open houses had been held with residents in the area and she had spoken with Ms. Baxley during one of those meetings, at which time the project had been explained to the residents. Ms. Lamphier suggested that prior to construction another open house identifying the timeline for the project might be beneficial.

MARIANA KOSTADINOVA, Pittsburg, also a resident who resided directly across the street from the subject site, opposed the development and stated that like her neighbor she would not have purchased her residence if she knew such a development was being pursued. She emphasized that this was her first home in America.

CHARLES DEL MONTE, 943 Douglas Court, Clayton, owner/tenant of 620 West Tenth Street, Pittsburg, recognized that the EIR had identified the proposed site configuration along Tenth Street as the preferred site. He noted that his property would be adjacent to the project where there would be a 64-foot tall building not much farther than 35 feet off of Tenth Street in the north/south. He had no issue with the height ordinance.

As to the DA, Mr. Del Monte inquired whether or not it was available for public review. He noted that he had no lease or purchase agreement for his property although he had been contacted by Trans Bay Cable. He understood that the demolition of properties could take five to six months with a 27-30 month construction schedule.

Mr. Evans advised that the DA was public record and could be provided. He added that the demolition was within that window at some point, as described. Based on that schedule, the current businesses that would be affected by the project would be required to vacate around August 2007.

Mr. Del Monte stated that he had a field and shop operation and had concerns with finding a new site within that time schedule. He had been at the current site for many years. While he recognized that the power industry must move forward and the project had a number of positives for the City, he stated it would greatly impact his business in terms of the timing for the project schedule.
Mr. Evans again clarified the timeframe for the demolition, construction and design of the project and reiterated the ongoing negotiations with the affected businesses.

Commissioner Thomas inquired whether or not Mr. Del Monte had been involved in any negotiations for his property.

Mr. Del Monte acknowledged that he had met with the applicant to negotiate a purchase of his property but had not yet reached agreement. His concerns were with the timeline for the project in terms of the demolition and construction.

DON SILVA, Dublin, owner and operator of 630 and 640 West Tenth Street, Performance Mechanical for over 20 years, a general contractor who worked on power plants, noted that the location of the facility would surround his property.

Mr. Silva questioned whether or not his property would be affected by any noise impacts, particularly impacts to his employees. While the noise could be mitigated at the street level, he emphasized that his property would be completely surrounded by the project. He sought more information on that issue and sought a copy of the FEIR and DA to address that concern.

ROBERT RAY, Project Manager, URS Corporation, noted that as stated in the FEIR, the City’s noise standard at the location was 75 decibals, with Ldn as the qualifier, and that the project would be required to meet the noise standard at the property line with mitigation, which was the sound wall previously identified. He pointed out that the specific analysis for the West Tenth Street Alternative 1 site should refer to the DEIR, with the findings summarized in the FEIR.

Ms. Lamphier stated that both the DEIR and FEIR were available on the City’s website.

OTONIEL MONROY, 212 Lowry Court, Pittsburg, expressed concern with his property values since his home faced Tenth Street. He questioned the potential noise level given that the current noise level in the area was high. He questioned whether or not the noise level associated with the project would be adequately mitigated.

PUBLIC HEARING CLOSED

Mr. Evans clarified that the City had held meetings and community workshops in the City of San Francisco. He added that the City of San Francisco would have a say on the lease as would the San Francisco Board of Supervisors.

Commissioner Garcia understood that the residents of San Francisco would have an opportunity to address their City and their County on this issue in the future.
Commissioner Ohlson asked that Mr. Lengyel’s formal statement be made a part of the record.

Commissioner Thomas trusted that staff would meet with the residents to better inform them of the proposal and to ease their concerns with the potential impacts to their properties.

Commissioner Diokno clarified with staff the intent of the action before the Planning Commission. He also clarified with staff that the actual design of the project would come back to the Planning Commission as a design review application, at which time the Planning Commission would have the discretion to impose conditions.

Ms. Hoggatt explained further that the overlay language would add Major Utility as a permitted use, with limitations, as noted.

Ms. Hoggatt also clarified in response to Commissioner Ohlson that there were additional steps that must be taken before the Planning Commission would be presented with a design review application. The overlay amendment would allow Major Utilities as a limited use but would not entitle the project at this time since there were many other steps that needed to be taken before the project could be approved by the City. “Utility, major” would be a permitted use subject to limitations. Assuming that the DA was approved and the FEIR was certified, a design review application would return to the Planning Commission but not a use permit if the applicant met the standards in the overlay district.

**MOTION: (RZ)**

Motion by Commissioner Garcia to adopt Resolution No. 9673, recommending that the City Council amend the West Tenth Street Overlay District, Ordinance No. 00-1171, with the conditions as shown. The motion was seconded by Commissioner Ohlson and carried by the following vote:

- **Ayes:** Commissioners Diokno, Garcia, Ohlson, Thomas, Tumbaga
- **Noes:** None
- **Abstain:** None
- **Absent:** Commissioners Harris, Ramirez [Excused]

**MOTION: AP-04-157 (DA)**

Motion by Commissioner Thomas to adopt Resolution No. 9672, recommending City Council approval of a Development Agreement (AP-04-157 (DA)) between the City and Trans Bay Cable, with the conditions as shown. The motion was seconded by
Commissioner Ohlson and carried by the following vote:

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

Chairperson Tumbaga identified the 10-day appeal process on a decision of the Planning Commission in writing to the City Clerk.

LEGAL COUNSEL ED GRUTZMACHER clarified that the items were both recommendations to the City Council and were not items that could be appealed, although the public may address the City Council on each item at the time of Council consideration.

STAFF COMMUNICATIONS:

There were no staff communications.

COMMITTEE REPORTS:

There were no Committee Reports.

COMMENTS FROM COMMISSIONERS:

In response to Commissioner Ohlson as to the time when Habitat for Humanity participants actually owned the home, Chairperson Tumbaga understood it was 20 years.

Commissioner Ohlson spoke to the EIR for the Trans Bay Cable project and requested clarification of the reference to the San Francisco site as the HWC Mitigated Converter Station. He was advised that reference was to Herrigan Weidenmuller, the property owner.

Commissioner Ohlson otherwise requested that staff provide a response either in writing or in person from the City Attorney when correspondence from an attorney was submitted prior to a Planning Commission meeting. He suggested that any letter from an attorney submitted to the Planning Commission for the record be provided an opinion from the City Attorney.

Ms. Hoggatt noted that the City Attorney was aware of the schedule of items for the Planning Commission. In this case, the Project Planner had forwarded the letters received on the Mount Diablo Recycling Center project to the City Attorney’s Office, which was the reason RDA Legal Counsel had offered an opinion.

Mr. Grutzmacher concurred that the City Attorney would defer to the RDA Attorney on the
Ms. Hoggatt added that oftentimes when correspondence was submitted at the last minute prior to a meeting, the Commission was asked to continue an item to allow further review of that correspondence. In this case, staff was comfortable with its recommendation to act on the applications.

ADJOURNMENT:

There being no further business, the meeting adjourned at 9:36 P.M. to a regular meeting of the Planning Commission on November 14, 2006, at 7:00 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

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MELISSA AYRES, Secretary
Pittsburg Planning Commission