A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Ramirez at 7:00 P.M. on Tuesday, October 25, 2005 in the City Council Chambers, Civic Avenue, Pittsburg, California.

ROLL CALL:

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

Absent: None

Staff: Planning Director Melissa Ayres, Associate Planner Ken Strelo, Associate Planner Christopher Barton, Assistant Planner Leigha Schmidt, and Senior Civil Engineer Alfredo Hurtado.

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, October 21, 2005.

PLEDGE OF ALLEGIANCE:

Commissioner Williams 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 11, 2005
- b. Mehran Restaurant. AP-04-178 (UP) - Resolution of Denial

Commissioner Garcia spoke to the presentation by the City's Senior Civil Engineer on Pages 2 through 5 of the October 11 minutes and requested that the references to the discussion of the "Bailey Road Bypass" be corrected to read Buchanan Road Bypass (BRB).

Planning Director Melissa Ayres advised that the Engineering Department had requested an amendment to the second sentence of the fifth paragraph on Page 22, to read:

> The traffic signal would not be warranted before 2025, the long term horizon.

Commissioner Ohlson requested that Consent Calendar Item b, Mehran Restaurant be removed from the Consent Calendar for separate action.

**MOTION:**

Motion by Commissioner Garcia to adopt the Consent Calendar, consisting of the approval of the minutes of the October 11, 2005 meeting, as amended. 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

As to the second Consent Calendar item, Commissioner Ohlson stated that since he was not in favor of the Resolution of Denial for the Mehran Restaurant, he asked that a separate vote be taken on the item.

**MOTION:**

Motion by Commissioner Garcia to adopt the Resolution of Denial for the Mehran Restaurant, AP-04-178 (UP). The motion was seconded by Commissioner Dolojan and carried by the following vote:

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

Chairperson Ramirez rearranged the agenda to consider Item 3 at this time.

COMMISSION CONSIDERATIONS:

Item 3: Changed Life Church Freestanding Sign and Exceptions Request.
AP-05-236 (SR)

Application by Keston Huntington of Savage Signs requesting approval to install a 10 foot high internally illuminated freestanding sign with 56 square feet of sign area including an electronic reader board at 1411 East Leland Road. Included in this application is a request for exceptions to sign height and total sign area standards. The site is zoned CC (Community Commercial) District; APN 086-171-007-7.

Assistant Planner Leigha Schmidt presented the staff report dated October 25, 2005. She recommended that the Planning Commission adopt Resolution No. 9591, approving Sign Review and Exception Application AP-05-236 (SR), subject to modifications.

Commissioner Williams inquired whether or not the church was in agreement with the staff recommended modifications, to which Ms. Schmidt advised that the church was not in agreement with the recommended revisions.

PUBLIC HEARING OPENED

PROPOneNT:

KESTON HUNTINGTON, Savage Signs, 5776-C Sonoma Drive, Pleasanton, presented the Commission with handouts on the Religious Land Use and Institutionalized Persons Acts, and affirmed that the church disagreed with the staff recommendations and wanted a fair and reasonable resolution. She suggested that the staff recommendations to modify the sign proposal violated the Religious Land Use Act passed by Congress in 2000, prohibiting less than equal treatment to religious organizations by government regulations including zoning, as shown in the information provided to the Commission.

Ms. Huntington also provided the Commission with examples of approved sign exceptions, including proposals that had been approved for Walgreen’s, which proposal had included a reader board, and the Harley Davidson store. The church wanted the same treatment as other businesses in the community. She questioned why churches were being treated differently from other businesses. She emphasized that the church did not want to be discriminated against. It wanted to be allowed the opportunity to be compliant with the law and the Religious Land Use Act.

Ms. Huntington added that Walgreen’s had two monument signs and unlimited wall signs. She questioned the fact that the staff analysis had compared the church to that business. There was also a monument sign for the Los Medanos Shopping Center at the corner of
Leland Road.
Ms. Huntington pointed out that the church was located 150 feet back from the street and was obstructed by the shopping center buildings. She also suggested that the staff recommendation to remove the wall signs would be unfair and discriminatory in that the signs should be allowed to be visible to the public and passing motorists so as to direct people to the front door of the church. She emphasized that the church had been active in the community and should be represented as such.

In response to the Chair, Ms. Huntington advised that staff had recently been informed of the Religious Land Use Act information.

Senior Pastor SCOTT BROOKS, Changed Life Church, concurred with Ms. Huntington’s comments. He expressed his hope that the Commission would approve the request for signage. He referenced a number of stories from scripture and commented on the need for strong and vibrant churches that would produce within its membership a strong and lively faith which would in turn give back time and again into the community at-large. He suggested that the church, if allowed to function, would change lives in the community for the better. He asked that the sign be approved as proposed to allow the church to reach the 21st century generation and continue in partnership with the City to make the City a better place to live.

 Commissioner Garcia commented that he had not been in agreement with the City’s outdated Sign Ordinance for some time. He had no issue with the sign proposal as is. He emphasized the need to update the City’s Sign Ordinance.

Commissioner Williams concurred with Commissioner Garcia and thanked the church for bringing information on the proposal in the hope that the right choices would be made.

Commissioner Dolojan commented that the City’s Sign Ordinance was required for uniformity and was not an affront to religion. He recognized that the Sign Ordinance was in need of modification. He emphasized that the City had offered equal treatment to all religious organizations.

Pastor Brooks noted that the property was located on three acres with a 29,000 square foot building. The church was also looking for uniformity. The sign would be classy and would represent the City. While he recognized City code, he noted that many churches in the City had been unable to expand existing facilities. He also recognized that a smaller church would not warrant such a tall sign. He pointed out that a monument sign would be warranted two blocks in any direction of the church location since the church was obstructed by existing buildings and was not clearly visible from all directions. Pastor Brooks also clarified, when asked, that there was existing lettering on the building which was not illuminated along with an existing temporary plywood sign.

Commissioner Tumbaga understood that the church had a good track record of its good
works without a sign.
ALFERN WEBB, Poppy Way, Antioch, a member of Changed Life Church, commented
that although the church had been somewhat successful with the existing signs, the church
would like to make the site more visible. She noted that when she had first tried to locate
the church, it had been difficult to find. The sign proposal was necessary for people to be
able to locate the church.

TINA DRUMMER, 480 Central Avenue, Pittsburg, commented that the church provided a
Loaves and Fishes program and had used flyers and signage to promote church activities
in order to reach those in need. She suggested that the sign, as proposed with the reader
board, would reach those in need.

OPPONENTS: None

PUBLIC HEARING CLOSED

Commissioner Garcia supported a motion to approve the application. He asked staff how
that could be done with a resolution that contained the staff recommended modifications.

Planning Director Melissa Ayres suggested that a motion could be made to approve the
freestanding sign, as proposed by the applicant, with the resolution to then be modified to
reflect any changes. She asked that if a motion was made to approve the sign proposal as
submitted, that the maker of the motion refer to the findings to approve the sign and include
any reasons to approve the larger sign so that those findings and reasons could be
included in the resolution.

Commissioner Ohlson asked that the temporary banner be removed at such time as the
permanent sign was installed.

Ms. Ayres understood that the existing plywood sign and banner would be removed and be
replaced with the permanent sign.

Commissioner Tumbaga was not opposed to a sign, although she questioned the height
and size of the sign. She supported the staff recommendations.

Commissioner Dolojan suggested that Condition No. 5 for Resolution No. 9591 could be
amended to reflect that the freestanding sign not exceed 10 feet in height.

Commissioner Garcia made a motion to approve Resolution No. 9591, approving
Freestanding Sign Exception and Request AP-05-236 (SR), with the sign to be approved
as submitted by the applicant based on the fact that the building was set back considerably
as traffic traveled east to west or west to east; based on the fact that the church was not
clearly visible due to a large parking lot in the front, as well as being obstructed by the Los
Medanos Shopping Center which blocked the church from the west, and Wal-Mart and the
pizza parlor blocking the church from the east; and based on the fact that exceptions had been provided to other businesses in the community.

Commissioner Garcia added that when the permanent sign was installed, the applicant shall remove the banner and temporary sign.

Commissioner Williams seconded the motion.

Ms. Ayres clarified that standard conditions had been included in Resolution No. 9591 that should be preserved. She advised that Condition No. 2 should be deleted since it had recommended that the size of the sign be reduced and that a non-electronic reader board be installed.

As to Condition No. 3, Commissioner Garcia suggested that the sign be installed, as proposed, where it would be underneath a tree. As a result, he suggested that Condition No. 3 would have to be modified or eliminated.

Speaking to Condition No. 4, Ms. Ayres recognized that the illegal freestanding sign and banner were to be removed when the permanent sign was installed. She recognized that Commissioner Garcia supported the building wall sign. She recommended that a building permit be obtained for that sign, if needed. She added that the remaining conditions in the resolution were standard conditions of approval that would remain.

MOTION: AP-05-236 (SR)

Motion by Commissioner Garcia to approve Resolution No. 9591, approving Freestanding Sign Exception and Request AP-05-236 (SR), Freestanding Sign and Sign Exceptions for Changed Life Church located at 1411 East Leland Road, with the sign to be approved as submitted by the applicant based on the fact that the building was set back considerably as traffic traveled east to west or west to east; based on the fact that the church was not clearly visible due to a large parking lot in the front, as well as being obstructed by the Los Medanos Shopping Center which blocked the church from the west, and Wal-Mart and the pizza parlor blocking the church from the east; and based on the fact that exceptions had been provided to other businesses in the community, with the conditions as shown and as modified.

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
PUBLIC HEARINGS:

Item 1: East Leland Subdivision II. AP-04-179 (GP, RZ/PD Plan)
Application by Todd Callahan of KB Homes requesting that 1) the General Plan land use designation on two vacant sites made up of six parcels totaling 7.5 acres located at the intersection of East Leland Road and Gladstone Drive be changed from Business Commercial to Medium Density and 2) the zoning classification for those same parcels be changed from CO (Office Commercial) District to PD (Planned Development) District along with approval of a PD Plan in order to accommodate a 65-unit small lot single family residential development with private recreation and open space areas. APNs 088-521-020, 021, 022, 046, 047 and 048.

Associate Planner Ken Strelo presented the staff report dated October 25, 2005. He recommended that the Planning Commission receive presentation, open the public hearing, and allow public testimony deliberate on the General Plan Amendment, rezoning and PD Plan in order to provide staff with direction, and then continue the public hearing to the next regular Planning Commission meeting scheduled for November 8, 2005.

Commissioner Williams understood that the project would enhance the City’s inclusionary housing requirement, to which Mr. Strelo affirmed that the project would provide more Moderate, Low and Very Low income units depending on the option chosen by the developer. It was his hope that the units would be Moderate and Low income affordable units due to the design of the project. The project was proposed to consist of detached single family homes for an infill development on small lots. There were other projects in the City with similarly sized lots. In this instance, the lots would be half the size, similar to those in older neighborhoods.

Commissioner Dolojan spoke to the staff recommendations and alternatives as outlined in the staff report. He questioned whether or not the applicant was aware of the alternatives to the project design.

Mr. Strelo noted that the alternatives had not been discussed with the applicant and were not what staff had recommended. The applicant would likely not prefer any of the three alternatives, but would want what was being proposed. The alternatives had been raised by the City Council/Planning Commission Land Use Subcommittee and had been included in the staff report for informational purposes. Commissioner Garcia understood that the Chair had attended the subcommittee meetings. He inquired of the Chair’s impressions of those discussions.

Chairperson Ramirez commented that the discussion revolved around a mix of ideas. He favored leaving the site as a Business Commercial designation as opposed to a Single Family Residential designation. Planning Commissioner Gordon at that time had been opposed to that recommendation. The subcommittee had discussed the available options...
with the City Manager who was supportive of the developer’s proposal.

Chairperson Ramirez added that one of the owners of the property had attended the subcommittee meetings and had commented that he had owned the land for 25 to 30 years with no offer to purchase the property. That property owner had recognized that the project would offer an opportunity to sell the property.

PUBLIC HEARING OPENED

PROPONENT:

RAY PANEK, Vice President Forward Planning, KB Homes South Bay, 6700 Koll Center Parkway, #200, Pleasanton, spoke to the history of the development and the background of the subcommittee meetings. He suggested that there was some agreement around the idea that the site was not an optimum one for Commercial or Office uses and that a well designed residential development could be appropriate. A Councilmember had suggested during the subcommittee meeting that one side of the property could be Commercial with one side Residential, although the surrounding land owners had a concern with the adjacent office use.

Through the insistence of the subcommittee, Mr. Panek reported that a community meeting had been held and had been attended by half a dozen people, mostly those who lived along the Gladstone Drive corridor and who had been noticed of the workshop. Concerns had been expressed with respect to access and traffic. KB Homes had moved forward with a traffic study, which study had been included in the staff report. The traffic study had required no mitigation other than City fees and an adjustment to the traffic calming device on Gladstone Drive.

The subcommittee had also discussed the best place to locate the residential and office uses with a preferred focus for such uses in the redevelopment areas as long as they were not dealing with the jobs to housing balance issue where the subject property could best be converted to a residential property.

Mr. Panek explained that the project would consist of 65-single family detached homes, similar to the Stanford Place development also built by KB Homes. The property site was bisected by Gladstone Drive and KB Homes would be able to provide more parking on the site than the Stanford Place development. The project would have four parking spaces per unit and two recreation areas on each side of the project serving those living in the development. The project would be managed by a Homeowner’s Association (HOA).

Commissioner Williams understood that the community had participated in the process. She questioned whether or not the developer had deviated from the initial plan that had been discussed with the community.
Mr. Panek clarified that the only change to the plans had been a refinement to the plan related to the C-3, post construction water treatment requirements so that staff was comfortable that the development would meet those requirements. He anticipated no subsequent changes to the site plan.

Commissioner Garcia spoke to the Stanford Place property which had been built by KB Homes and the fact that he had asked that a traffic signal along Piedmont Way be installed prior to the occupancy of those homes. There was no signal on Piedmont Way and Leland Road, and he would like to see something happen soon, particularly with an increase in traffic that could be generated at that intersection.

Mr. Panek noted that there had been some design issues with that traffic signal in that a fourth arm had to be special ordered and was on back order causing a delay in installation. The subcontractor was scheduled to do the work in one shot to avoid a piecemeal approach to that work.

Commissioner Garcia questioned that process since the conduit and bolts could be installed so that when the equipment was received it could be installed. He questioned doing that portion of the work after the equipment had been received.

Mr. Panek expressed the willingness to submit a schedule on the traffic signal to staff to further clarify that issue.

Commissioner Dolojan questioned whether or not the applicant had considered the alternatives identified in the staff report. He preferred the second alternative. He also pointed out that Gladstone Drive was currently closed to through traffic which could be impacted by additional residential development.

Mr. Panek stated that the applicant would like to build the project that had been proposed and which he described as appropriate, offering a nice frontage on Leland Road, a transition to the college and open space. He recognized, when asked, that Gladstone Drive was closed to through traffic, although he suggested that could go either way regardless of a single family or commercial development.

Commissioner Garcia questioned whether or not soils testing had been done since the west side of the property had a liquefaction problem. Commissioner Garcia noted that years ago a commercial building had been proposed on the site which had involved a requirement to build a special foundation. It was his understanding that if residential development was built, sound walls would be proposed between the doctor’s offices, the college and the hospital driveway.

Mr. Strelo explained that an acoustical study had been prepared by a third party with recommendations on wall heights that would bring the external noise averages during the
day and night to acceptable levels as required by the General Plan. It would also include mitigation measures whereby a number of units within two rows of East Leland Road would have to install HVACs which would allow the windows to be closed so that the internal noise decibels would be 45 dBA or below with the HVAC able to be run for health precautions.

Mr. Panek added that the developer would prepare an additional noise study that would address instantaneous noises, such as one time incident noises, which would be done as a matter of course as a supplement report, above and beyond the City’s requirements.

In response to Commissioner Harris, Mr. Panek advised that the units would be the same as those built on East Leland Road KB development and which would likely be a minimum of four and four since three and three was too small. The windows facing walls would be located with an active side and non-active side of the buildings to ensure no privacy issues with the placement of the windows.

Mr. Panek further clarified that the site would allow them to provide drive aprons to allow two cars to be parked in addition to the two car garage. Sixty percent of the units would have a full drive. There would be on-street parking for guests. There would be over four parking spaces per unit, as opposed to the Stanford Place development which provided 3.57 parking spaces per unit. There would be a premium associated with the lots with two parking spaces in the driveway apron.

Commissioner Williams commended the developer for the proposed housing development which would provide affordable housing opportunities that were needed in the community.

BRUCE BAUER, Colliers International, 1850 Mt. Diablo Boulevard, Walnut Creek, stated that he had been working on the project since 1999 in an effort to find a buyer for the site. During that time, he had two buyers and two residential builders interested in the property. He commented on the difficulty of finding a user for the site and emphasized that they now had that opportunity. He advised that one of the sellers who owned a portion of the property had been appointed by the courts and represented the property as a receiver. Any sales of the proceeds generated from that owner’s portion of the property would be dispersed to former employees, contractors and suppliers of Los Medanos Hospital who had been waiting for years to be reimbursed. It was his hope that this opportunity could fulfill those efforts.

Commissioner Garcia commented that the majority of the subcommittee was in favor of rezoning the property. While he had initially been opposed, he now supported the rezoning of the property.

Commissioner Harris concurred with Commissioner Garcia’s comments.

Commissioner Dolojan suggested that a mixed use would offer a good plan for the property. He too had originally opposed the rezoning of the property and had suggested
that it remain commercial since he wanted some chance for increasing employment in the City. He would only support a rezoning of the property if it were to contain some mixed use with some commercial development on the Leland Road side of the site.

Commissioner Tumbaga liked the affordable housing concept and design, although she agreed with Commissioner Dolojan that the Leland Road border should remain a commercial designation.

Commissioner Ohlson concurred with the concern for the absence of commercial development in the proposal. In his opinion, the General Plan should remain as is. He pointed out that Leland Road ran through the community from Bay Point to Antioch, and was one of four arterial streets in the community. He would like to see the property be retained for Commercial or Office development, particularly with an educational institution, medical offices and hospital clinic immediately adjacent along the street. If there were housing on each side of the street, he could have been swayed, although he did not believe that housing should be placed in the middle of what could be a nice Commercial, or Office development. He otherwise recognized the property owner and developer’s desire to develop but preferred to wait until the proper project had been proposed.

Commissioner Ohlson suggested that the City should be concerned with its growth requirements. He suggested that the General Plan was correct. He would argue to maintain the existing General Plan designation.

Commissioner Williams commented that many of the issues had been addressed in the past. She noted that most of the populace would like the opportunity to move into affordable housing. Housing prices had escalated and many homes were no longer affordable for many, including first time buyers. Based on that, she would support the staff recommendation and the developer’s proposal since it would provide more housing for those who would otherwise not have the opportunity to be a homeowner.

Chairperson Ramirez commented that he had been a member of the subcommittee and had originally been in favor of retaining the General Plan designation for Commercial. Since that time, he was willing to compromise for a mixed use, Planned Development Plan with some Commercial and Residential which would offer a nice mix.

Commissioner Harris asked that when the item was returned to the Commission that it include information on the site plan, building elevations and amenities for review. Mr. Panek affirmed that information would be provided.

Chairperson Ramirez advised that the public hearing would remain open. The application was continued to the Planning Commission meeting of November 8, 2005.

Chairperson Ramirez declared a recess at 8:28 P.M. The meeting reconvened at 8:35
Item 2: Harbor Park General Plan Amendment. AP-05-223 (GP)

Application by Chris A. Nelson of Pittsburg River Park LLC, requesting an amendment to the General Plan Land Use Diagram in order to change the General Plan land use designations on a 20.5 acre site from Park (approximately 2.3 acres) and Marine Commercial (approximately 18.2 acres) to Downtown High Density Residential (10.5 acres), Downtown Medium Density Residential (9.0 acres) and Downtown Commercial (1.0 acres), located at 420 East Third Street (the former Johns Manville property at the corner of East Third Street and Harbor Street) Park and Marine Commercial General Plan Land Use Designation, APN 073-050-001.

Associate Planner Christopher Barton presented the staff report dated October 25, 2005. He recommended that the Planning Commission recommend Council approval of proposed General Plan Amendment Application No. AP-05-223, to amend the Land Use Diagram in the Land Use Element of the General Plan with additional amendments necessary to revise the Downtown Element for consistency with the requested revisions to the Land Use Element.

Commissioner Williams spoke to the staff presentation which had neglected to mention the number of negative impacts from hazardous materials, and which included not only asbestos, but petroleum, hydrocarbons and volatile organic compounds found to be present on the site. The staff report had also stated that the development of the site with residential units would pose a significant health risk to future residents and construction workers unless the soils on the site were first remediated to the satisfaction of the Department of Toxic Substances Control (DTSC).

Commissioner Williams expressed concern with that issue and preferred to see those issues be resolved before the project moved forward. She commented that there had been no mention in the staff report regarding a significant removal or attempt to make the property free of contamination. She inquired of staff whether or not efforts would be made to reduce those hazards.

Mr. Barton noted that the report being referenced was the Initial Study which included the Mitigation Monitoring Program (MMP). The applicant had been working with the DTSC to develop a plan to clean the site. The finer details of that plan remained to be completed. The developer could clarify the status of that process. The MMP detailed the toxic materials on the site. As identified in the staff report, the site would be cleaned to a residential standard, meaning that it would be certified for residential health for development and the applicant had agreed to remove all of the hazardous material under the property which would be done before any building occurred.

Commissioner Williams expressed her hope that staff would monitor that issue to ensure a full resolution of the issues.
Commissioner Dolojan understood that toxic substances dissipated over time.

Mr. Barton commented that asbestos would remain as long as it was not disturbed. He was uncertain of the status of the other hazardous compounds and suggested that the applicant clarify that issue. He verified that the clean up of toxics would be monitored through the MMP, which would involve the City and inspectors the developer would hire to clean the property. The State would oversee the clean up and the developer would have a consultant implement a clean up plan to be monitored on site with reports to the City and the developer. The City would not issue building permits. A grading permit would only be issued for the clean up, with no risk with the start of construction until the property had been cleaned to the certifiable standards of the DTSC. The applicant was only proposing the General Plan Amendment at this time with no development plans having been submitted at this time.

Ms. Ayres added that the City would not take liability whether the property was clean or not. The developer was responsible to have an inspector on site to ensure that the developer followed the DTSC approved remediation plan, with a letter to be submitted to the DTSC and the City certifying that the property had been remediated to those standards. She noted that the developer had already received a permit from the Bay Area Air Quality Management District (BAAQMD) to demolish the existing buildings where much of the asbestos was located and which would be done regardless of the approval of the General Plan Amendment request.

Ms. Ayres added that cleaning the property to DTSC standards did not mean hauling everything off of the property and removing it to another community. The pollution had been created in Pittsburg and the remediation plan being proposed to the DTSC would involve the creation of a berm along Harbor Street which would be encapsulated, such as the site belonging to USS POSCO, where it would be safe and not filtrate into the water system. The berm would be approximately 50 feet wide 10 feet high and would serve as a buffer between the residential and commercial development on the other side of Harbor Street. The berm would be part of the HOA for the property and would include deed restrictions and low groundcover. All utilities would come through the streets and driveways in clean fill to ensure no contamination of the soil.

Commissioner Ohlson understood that the site constituted a large percentage of the Marine Commercial designation of the General Plan. He inquired of the percentage of the property as it compared to the total percentage of Marine Commercial in the City.

Mr. Barton advised that as shown on Page 6 of 10 of the staff report, the current acreage for Marine Commercial was 59.1 acres. If the General Plan Amendment was approved, the Marine Commercial designation would be reduced to 40.9 acres.
Ms. Ayres pointed out that the Elks Lodge had been built on Marine Commercial zoning designation property with land around the Marina that was also designated Marine Commercial.

Commissioner Ohlson commented that the General Plan Amendment, if supported, could impact the City’s international trade stance by significantly reducing the amount of Marine Commercial available in the City. He expressed concern with a change in the General Plan that could affect the City’s international trade and he sought an opinion and assurance from the City’s Economic Development Director in that regard. Since the property was located adjacent to the river he suggested that it should remain a designation that would significantly involve the river.

Mr. Barton reported that the numbers in the staff report reflected a combination of the Marine Commercial sub areas combined.

Chairperson Ramirez understood that the property facing East Third Street would have a Commercial designation.

Ms. Ayres affirmed that General Plan designation and noted that the applicant’s ultimate goal, if the General Plan Amendment was approved, would be to build live/work developments to allow commercial businesses on the ground floor with residential above. Commissioner Garcia commented that the logical place for docks was on the USS POSCO property which involved an old foundry and open hearth that had been removed and which were all vacant. He would rather see the City work with USS POSCO to do something with that property. In his opinion, there was land located near the water that would be more logical for the City to consider.

Ms. Ayres explained that there was a large site east of that property, identified as Site LA owned by USS POSCO which had a partial brown field. The City was promoting development of that site and USS POSCO who was looking for partners to redevelop that site. The City’s Economic Development Director had conversations with the Port of Oakland which had a need for a storage area for containers. One of the ideas was that if a business park was created, perhaps in Site LA, there could be areas considered in partnership with the Port of Oakland to create storage areas with containers brought either by ship or by truck. Ms. Ayres stated that the Marine Commercial designation would allow more than heavy types of commercial and would include villages, mixed use areas, enjoyment of parks and amenities in the area, as well as hotels as an option.

One of the issues that was being reconsidered was that there were two sides of the property that had residential viewing down onto the property, and there was a question as to whether or not views should be of boat docks and repairs and the like. If Harbor Street was created as a physical barrier, there could be industrial on one side and the berm could
act as a noise and visual barrier separating out the residential. Such development would also help support the retail desired to be created in the downtown.

Ms. Ayres explained that 7,000 units were needed to make commercial downtown viable. The subject development would offer that opportunity to expand housing without jeopardizing the types of uses that might end up on the site.

Commissioner Ohlson understood that USS POSCO had the right to develop its land as it saw fit and if there were no plans to develop the old foundry site there was little the City could do since the City did not own the property. The City did have oversight control over the subject property. He preferred that the General Plan designation remain as is for the subject property.

Commissioner Harris stated that he lived close to the property and had been looking at the building and the garbage across from the property for years. He inquired of staff whether or not the plan being proposed would remain the same or be changed. He also noted that the plan had shown trees along Harbor Street with a greenbelt area. He questioned whether or not lawn would be installed on the berm.

Ms. Ayres reiterated that the berm would be planted with groundcover that would discourage people from walking over it. There may be a wrought iron fence but no solid wall around the berm. The design review details of the development were not before the Commission at this time and would be submitted to the Commission at a later date further into the process.

PUBLIC HEARING OPENED

PROONENT:

CHRIS A. NELSON, Renova Partners, LLC, 55 Hawthorne Street, Suite 555, San Francisco, explained that Renova Partners was a national brown field development company which purchased distressed assets, contaminated property, and idle and underutilized land and repaired it through environmental clean up and entitlements. Renova was not a builder but a land developer and generally partnered with builders and vertical developers.

Mr. Nelson identified a partner of the project present in the audience as Trammel-Crow Residential, a pre-eminent multifamily residential developer, members of the development team with Renova Partners, and representatives from Discovery Homes, another potential partner. He added that Renova Partners was currently in contract with Trammel-Crow to purchase the multifamily portion of the land and was about to enter into contract with Discovery Homes. During the process of reviewing the property, he stated that the developer had consulted with the City, City Manager, Redevelopment Director, staff, and
other management, and regulatory agencies.

Mr. Nelson recognized the concerns with a change in the General Plan and commented that there was redevelopment land in the area that was available for Marine Commercial which would blend in well with the proposed Commercial on East Third Street.

Mr. Nelson explained that the property had been purchased from Johns Manville in October 2004, and the developer had approached the City and DTSC with conceptual plans. The City had been provided with a conceptual design plan for remediation of the site. The clean-up would entail the removal of waste inside the southeastern portion of the site and another area in the middle of the Medium Residential area. The soils that would be impacted at the site would be consolidated on site in the berm.

Mr. Nelson stated that the current demolition project would abate the majority of the asbestos hazards at the site since the bulk of the asbestos material was not underground and would not be left on site. It would be placed in roll off bins, removed from the buildings, pipes, and electrical conduits and taken to an approved landfill. The sustainability aspect would be through the consolidation of the material on-site in a safe encapsulated area, with no hauling of dirt through the City and neighborhoods.

Mr. Nelson added that nearly everything on the site that was not in the soil would be recycled. All of the concrete would be recycled for reuse on site, a majority of the bricks that could not be reused would be recycled, garbage would be removed from the site, and a warehouse would be shipped to Mexico and rebuilt.

Mr. Nelson also explained that the complement of the Downtown Commercial element of the project would allow people in the downtown either working or residing in the area to walk to services along East Third Street.

Mr. Nelson advised that Renova Partners was currently working with the DTSC. A clean up Removal Action Work Plan had been submitted to that agency. Once the plan had been approved by the DTSC for release to the public, it would be released for public comment along with a California Environmental Quality Act (CEQA) document that would evaluate the environmental impacts of implementing the clean up. Once the plan had been approved, the developer would move farther into the detailed design of the clean up. The plan included clean up alternatives, such as leaving the site as is.

Cognizant of the City’s concerns for leaving the site as Marine Commercial, Mr. Nelson advised that the developer had consulted with potential Marine Commercial tenants and had found one tenant that would be interested in the site. That tenant would involve a dredge spoils company which would have trucks, with back up sirens and a potential storage of dredge and tall buildings, which would not be compatible with the area. The proposed project would take the blighted area with large buildings with contamination away and create a nice new village.
Mr. Nelson stated that following the approval of the plan, the developer would write a
design document, the Remedial Design and Implementation Plan, which would lay out
more of the details of the clean up. The developer had met with a number of City staff to
address concerns and the staff report had called out many highlights of the plans, including
some of the mitigation measures that would be imposed.

Mr. Nelson explained that demolition was occurring now through possibly early March. In
the meantime, there would be continued public review and approval from the DTSC, and
opportunity for public comment on the plan, with the clean up implemented next April or
May.

Chairperson Ramirez inquired how the southeastern area of the site, which also had
waste, would be cleaned.

Mr. Nelson recognized that one of the main issues was the asbestos in the soils from over
a period of time when the site was in operation and with asbestos materials having been
deposited on the ground through manufacturing. The pond area had been the primary
disposal area for excess liquids from the asphalt production process. Once the pond had
no longer been needed, it had been filled.

The interim action would be to address the majority of the hydrocarbons in the pond area.
Through environmental studies free phase petroleum had been found floating in the ground
water and in the fill. A significant portion would be removed through a piping array and
through permits from the BAAQMD through the use of a vacuum enhanced extraction to a
tank truck, to be transferred to a licensed facility. The excavation of the pond would be
done to remove as much as possible to obtain a clean closure from the DTSC in the area
where homes would be built. The next step would be to remove whatever was left in terms
of petroleum in the fill and which would be done when the pond was removed.

The contamination would then be placed on the berm, covered with an indicator layer of
material over the waste soil. On top of that would be an indicator layer, two feet of clean
soil material suitable for landscaping. In working with environmental engineers who
designed landfill covers and covers for waste units, and the City’s landscaping department,
an appropriate groundcover would be designed which would prevent erosion and human
activity.
There would also be signage asking that people not climb on the berm. Fences would
prevent some access. The exact details of the fencing around the berm had not been
finalized at this time.

Commissioner Williams questioned how the organic compounds would be remediated so
as not to pose any health and safety risks to anyone and to ensure that children were
protected. She also questioned what exposure had occurred to citizens given the condition
of the property while recognizing that the property had been purchased in its current
Mr. Nelson advised that there had been soil samples collected on the site and monitoring wells to monitor the ground water. The primary concern that would be addressed would be the petroleum hydrocarbons. The volatile organic compound detections had been sporadic and had generally been found to be low levels and not a principal concern at the site. They had not been found widespread in the soil and would not be a lingering issue at the site. All material in the pond would be removed from beneath those places where people would live and those people would not be directly exposed to any contaminants from ground water into the soil and into the homes. Once developed, the site would not represent a vapor intrusion risk.

Mr. Nelson added that the assurance of public health would be required. The developer would be required to follow the guidelines of the DTSC with all work to be approved by the DTSC. The developer had hired an environmental and engineering consultant to implement those plans. All work would be submitted to the City to verify that the DTSC had signed off on the clean up.

Mr. Nelson acknowledged that there might have been some exposure in the past when the site had been used as a factory, although it was currently safe for industrial use. The primary area of contamination had been covered with asphalt, buildings and concrete. The plan would address the lingering contamination responsibly through consolidation and monitoring. A land use covenant would be filed with the County and the DTSC would be responsible to ensure that the berm was monitored and maintained and that the public was protected at the site.

Commissioner Garcia understood that the applicant would be required to meet City and State standards for the clean up of toxins to ensure a clean site for development.

Mr. Nelson reiterated that the DTSC would oversee the clean up and the developer had agreed to ensure to the City’s satisfaction that the clean up had been done properly. Planning staff would be kept apprised of the process. No building permits would be issued until the DTSC certified that the site was clean for development. A consultant who would be in communication with the City to ensure that the City was apprised of all that was occurring, with health and safety oversight provided during construction to ensure no releases of dust or asbestos off-site, and with on-site workers protected. Mr. Nelson reported that he was also trained in environmental clean up and had the proper health and safety training to walk the site and call out whether or not something was occurring that could be a concern. There would be multiple layers of checks and balances during the process. The oversight company was a third party, an engineering company separate from the developer.

Mr. Nelson also clarified that there was another parcel owned by the developer but which was not part of the application. The developer would like to file a conservation easement,
give the property to the City for a park and would like to work with the City on a possible passive recreation park.

Commissioner Garcia questioned the City’s intention whether or not to widen Third Street since he understood it could not be widened because of Johns Manville.

Ms. Ayres explained that staff had spoken with the applicant to widen Third Street to full street standards to the west with a wider radius at Harbor and Third Streets, which was currently too sharp for turns.

Commissioner Garcia agreed that the berm was a good idea and since asbestos was a natural substance it was probably in the ground already.

Commissioner Tumbaga expressed concern that a warehouse earlier referenced by the developer would be shipped to Mexico. She questioned how it would be known whether or not that item was contaminated.

Mr. Nelson advised that the steel and wood that was not contaminated would be shipped to Mexico. The steel could not be contaminated since it was bare steel. The warehouse building had a shell and a roof consisting of transite panels, a mixture of concrete and asbestos. Once the panels were removed, they would be left with the steel and concrete which was not contaminated. The wood on the roof was covered with a thick layer of asphalt, emulsion, sand and asbestos used for fire protection and which would be removed prior to the reuse of the wood. Bricks would be pulled off of the buildings and would be reused where possible. Excess bricks could be crushed to an inch and reused on the site for filling the pond to be excavated.

Commissioner Ohlson pointed out that Third Street had been listed in the General Plan as a future bicycle facility and he expected that the road would be wider than it currently existed to allow for bicycle lanes on either side.

Commissioner Dolojan affirmed with the developer the intention to provide an opportunity to enhance pedestrian access to the waterfront and the downtown. The developer also noted the intent to provide a link to the Eighth Street Linear Park and the downtown that would be acceptable to the City and the HOA.

INTERESTED SPEAKERS:

RAYMOND PENROD, 4790 Canopy Lane, Oakley, stated that his father had passed away five years ago from Miesothelioma. Having spoken to a representative from the Environmental Protection Agency (EPA), he suggested that there was no safe level of asbestos exposure. He expressed concern with the removal of any asbestos and expressed concern with any exposure to the community. It was his hope that the applicant
would follow EPA regulations as to the asbestos removal. He asked that the air be tested to ensure that the asbestos had been removed appropriately.

JUNE FORSYTH, 20 Seapoint Way, Pittsburg, was pleased to see the blighted buildings being removed from the community. As a resident of the past 10 years she had seen only empty blocks with no development. Since the area was a truck route, she suggested that the berm could address any noise impacts. She suggested that Marine Commercial uses were not needed in the area. She agreed that homes should be built in the area since the City was spending millions in redevelopment funds to enhance its downtown and recreational areas.

Ms. Forsyth referenced the site plan and suggested that the development might not allow sufficient parking. She recommended that the developer remove some homes in the middle of the development to provide a play area for children. In her opinion, the new homes coming to the area could support struggling businesses along Railroad Avenue in the downtown. She suggested that the area of Tenth Street could better handle marine repair. She otherwise requested clarification of the location of the park.

Ms. Ayres clarified that the General Plan had called for a linear park along the west ends of the property and along the length of the property where the applicant was requesting a General Plan Amendment. The linear park would connect the development to a City designated park. The applicant had proposed to remove the Park designation since it was sloped. Rather than connect at that location to the Eighth Street Linear Park, staff had asked the developer to include a wider meandering sidewalk along the Harbor Street frontage linking to the Eighth Street Linear Park and to a future marine commercial village.

Ms. Forsyth asked that the vacant land in front of the site where dumping of waste had occurred should also be tested. She suggested that homes would create more jobs and she understood that 7,000 people were needed in the downtown to attract a supermarket which would be a benefit to the downtown area. She understood that a new bank would be coming to the downtown. She supported the proposed development and stated that she did not want to see docks and warehouses in the area. She otherwise inquired of the size of the units that had been proposed.

Mr. Barton clarified that there was no development proposal at this time. The plans were conceptual only.

KIM FORTUNE, 295 Avalon Circle, Pittsburg, displayed photographs of her neighborhood and expressed concern with the density being proposed since there appeared to be two lots to each lot in her neighborhood. She suggested that the site plan was not complementary or sensitive to the existing surrounding residential development. She opposed the Medium Density that had been proposed and suggested that Low Density would be more appropriate and more in character with the development to the west.
Ms. Fortune questioned the lack of a continuation of development down the street. She commented that the Third Street streetscape was located across the park, where High Density had been proposed and which she opposed given the streetscape on the other side of the street with one story homes. She generally liked the plan and agreed it was sensitive along Harbor Street, although she suggested that should be the High Density area. She recommended that the Medium Density area be changed to Low Density to be more sensitive to the homes in the area.

OPPONENT:

MARK LEONARD, 288 Heron Drive, Pittsburg, opposed the General Plan Amendment and noted that there were no services for boats or storage available in the downtown. If the General Plan Amendment was approved, it would take away some of the Marine Commercial designations in the community. He preferred waiting to develop the site to see what might occur with Marine Commercial development. He requested that the General Plan Amendment designation remain as is.

PUBLIC HEARING CLOSED

Commissioner Tumbaga commented that the project was attractive in concept, although she questioned whether or not it was premature to amend the General Plan to accommodate the project at this time since it had not been available to anyone else until recently. She expressed concern that the City could be rushing forward to do a project for the sake of doing a project.

Commissioner Dolojan found the removal of the toxins to be a good thing to ensure that the property would not impact those living in the area. He found the project to be a good one since the applicant would be able to make the area safe for those who lived in the area.

Commissioner Ohlson suggested that the property remain as designated for Marine Commercial. He reiterated that he would have liked to have heard the opinion of the City’s Economic Development Director to learn of the possible trade implications if the General Plan was amended.

Chairperson Ramirez saw the developer as one to develop a wasteland with an exciting proposal with homes on property that was full of contaminants and vacant buildings. He recognized that improvements were already being made in the downtown and there were no other developers specializing in toxic waste removal who were interested in the property. He saw no reason not to change the General Plan to allow the development.

Commissioner Garcia suggested that if the General Plan was amended from Marine
Commercial, it would not limit the amount of Marine Commercial available in the City. He pointed out that USS POSCO had been close to closing not long ago due to the fact that it could not raise prices and other countries were able to ship product at less cost. He suggested that the only thing keeping USS POSCO in business was China, which continued to buy steel. He commented that sooner or later USS POSCO had to do something with its land.

Commissioner Garcia made a motion to approve Resolution No. 9595, as shown.

Commissioner Williams expressed concern that the project would impact residents. She questioned how many Commissioners had spoken to the community regarding the matter. She remained concerned with adequate community input. She sought more time to review the proposal and stated that she could not vote at this time based on the information provided.

Chairperson Ramirez pointed out that the public hearing allowed the opportunity for the public to be heard and some speakers had offered testimony.

Commissioner Tumbaga seconded the motion for discussion purposes.

Ms. Ayres clarified that the applicant had conducted outreach and had contacted many of the neighbors to the west and to the northwest of the property, and had received quite a turnout. She understood that the outreach discussions had involved many concerns although there was general support for the project. She also understood that there had been no strong opposition to the change in the General Plan during those discussions.

MOTION: AP-05-223

Motion by Commissioner Garcia to adopt Resolution No. 9595, recommending that the City Council amend the Land Use Element and Downtown Element of the General Plan for “Harbor Park General Plan Amendment” (AP-05-223). The motion was seconded by Commissioner Tumbaga and carried by the following vote:

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

STAFF COMMUNICATIONS:

The Planning Commission acknowledged the receipt of the Notice of Intent item as shown.

1. Notice of Intent (to review/approve at staff level).
a. Cingular Wireless - 355 Central Avenue. AP-05-262 (AD) 
b. City Park Recreation Building - 60 Civic Avenue

In response to Commissioner Ohlson, Ms. Ayres advised that the equipment shelter for Cingular Wireless would not appear like a tree but would generally be screened by the building due to its location.

Ms. Ayres reported that the applicant for Mehran Restaurant had planned to appeal the decision of the Planning Commission to deny a request for live entertainment, which appeal had tentatively been scheduled to be heard by the City Council on November 7.

Ms. Ayres also reported that the applicant for Black Diamond had been directed to expand the public hearing notice, with notices to be sent to everyone between Cumberland Street and Herb White Way from the water to the railroad tracks south of Tenth Street, consisting of 2,500 public notices. The notices would be sent both to those who owned properties and those who were occupants of properties in that area.

Ms. Ayres further reported that the City Council had selected MIG Consultants to prepare a Specific Plan, Ridership Development Plan for the Railroad Avenue BART Station. The same firm had also been selected to prepare new hillside performance standard guidelines in the event that Measure P passed in November.

It was also reported by Ms. Ayres that the next Planning Commission agenda would include a recommendation to the City Council related to zoning code amendments. She explained that when the Housing Element had last been adopted, the City Council had adopted an Interim Zoning Code. Since the City had been short staffed and due to the volume of work, staff had not been able to address the zoning code. Staff would bring a request to the City Council and the Planning Commission in the next month to incorporate the Interim Zoning Code as a permanent document in the Municipal Code since interim codes were only good for two years.

The Planning Commission would also be asked to address the bicycle rack policy, restaurant odor performance standards, and a process where the Planning Commission was to approve a PD Permit before the Council approved the PD zoning district. Staff would ask that the Planning Commission recommend the PD Zoning District and PD Permit with the Council to adopt one ordinance to adopt the PD District.

Further, as the result of a recent settlement agreement, it had been found that there were a number of polices in the Housing Element that would require revision.

**COMMITTEE REPORTS:**

Commissioner Ohlson reported that he had attended a recent TRANSPLAN Committee meeting where a report had been provided on Measure J. Staff of the Contra Costa
Transportation Authority (CCTA) had reported that it would be seeking a variable to fixed synthetic swap option bonding to lock in the long term low interest rate to bond Measure J funds to be used for projects up front resulting in significant savings overall. The TRANSPLAN Committee had also discussed the State Route 4 Strategic Planning Phasing Report. A consultant had been hired to determine how to continue the widening of State Route 4 with more federal and state money available, including monies from Measure J and local mitigation fees. Efforts were being made to encumber the monies so that they could not be used elsewhere.

COMMENTS FROM COMMISSIONERS:

Commissioner Tumbaga inquired when the Historical Resources Commission (HRC) would meet, to which Ms. Ayres advised that the first meeting had been tentatively scheduled for the first Planning Commission meeting in December.

Commissioner Williams expressed her appreciation to the Planning Director and Planning staff who had provided a better understanding of the appropriate direction of the Commission.

Chairperson Ramirez thanked Commissioners for his/her hard work and dedication.

ADJOURNMENT:

There being no further business, the meeting adjourned at 10:26 P.M. to a regular meeting of the Planning Commission on November 8, 2005 at 7:00 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

MELISSA AYRES, Secretary
Pittsburg Planning Commission