A regular meeting of the Pittsburg Planning Commission was called to order by Chairman Kee at 7:36 P.M. on Tuesday, June 26, 2001, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

Present: Commissioners Glynn, Holmes, Kelley, Leonard, Tumbaga, Valentine, Chairman Kee

Absent: None

Staff: Community Development Director Nasser Shirazi; Planning Manager Randy Jerome; Associate Planner Avan Gangapuram; Assistant Planner Ken Strelo; Planning Technician Dana Hoggatt; Planning Intern Christopher Barton; and Civil Engineer II Alfredo Hurtado.

POSTING OF AGENDA:

Chairman Kee advised that the agenda had been posted at City Hall on Friday, June 22, 2001.

PLEDGE OF ALLEGIANCE:

Commissioner Tumbaga led the Pledge of Allegiance.

MINUTES: May 15, 2001 Special Meeting

MOTION:

Motion by Commissioner Glynn to approve the special minutes of the May 15, 2001 meeting, as submitted. The motion was seconded by Commissioner Kelley and carried by the following vote:

Ayes: Commissioners Glynn, Holmes, Kelley, Leonard, Tumbaga, Valentine, Kee
Noes: None
Abstain: None
Absent: None
MOTION: May 29, 2001 Special Meeting

Motion by Commissioner Holmes to approve the special minutes of the May 29, 2001 meeting, as submitted. The motion was seconded by Commissioner Valentine and carried by the following vote:

Ayes: Commissioners Glynn, Holmes, Kelley, Leonard, Tumbaga, Valentine
Noes: None
Abstain: Chairman Kee
Absent: None

MOTION: June 12, 2001 Regular Meeting

Motion by Commissioner Leonard to approve the regular minutes of the June 12, 2001 meeting, as submitted. The motion was seconded by Commissioner Kelley and carried by the following vote:

Ayes: Commissioners Glynn, Holmes, Kelley, Leonard, Valentine, Kee
Noes: None
Abstain: Commissioner Tumbaga
Absent: None

DELETIONS/WITHDRAWALS:

There were no deletions or withdrawals.

COMMENTS FROM AUDIENCE:

There were no comments from the audience.

PRESENTATIONS:

There were no presentations.

By Commission consensus, Continued Public Hearing Item No. 1, the Adoption of the General Plan, was moved to the end of the meeting agenda.

PUBLIC HEARINGS:

Item 2: In Touch Therapy. UP-01-11.

Application by Valerie L. Oakley requesting a use permit to operate a therapeutic massage, skin care and health business located at 3796 Railroad Avenue, CC (Community Commercial) zone; APN 087-121-025.

Assistant Planner Ken Strelo presented the request from Valerie L. Oakley for the approval of a use
permit to operate a therapeutic massage, skin care and health business at 3796 Railroad Avenue.
The use would be a business related to Personal Services, which activities would include therapeutic
massage, facials, skin care, hair waxing, makeup, spa body treatments and health education. Other
activities that might be included would be nail manicures and yoga. The business would operate
from 9:00 A.M. to 8:00 P.M. Monday through Friday, 9:00 A.M. to 6:00 P.M. on Saturdays, and
12:00 Noon to 6:00 P.M. on Sundays. Three to four people would be employed at the site.

Mr. Strelo reported that the property was located in a Community Commercial zoning district and a
therapeutic massage business was required to apply for a conditional use permit, which the subject
application would satisfy. There were other activities related to the business that would fall under
the use categorized as Personal Services, a permitted use in the Community Commercial district.

Mr. Strelo added that the business would also involve a special license through both the Business
License and Police Departments, which would involve a permit application investigation by the
Chief of Police prior to approval. The applicant had received verbal acceptance from the Police
Department and was awaiting the completion of the fingerprinting portion of the permit process. The
applicant currently had a pending Business License application. Planning approval of the license
would be subject to the approval of the use permit.

Mr. Strelo reported that he had spoken with Commander William Hendricks of the Police
Department this date, who had specifically stated that he was working on the application, was
preparing a written report and would approve the project.

Mr. Strelo advised that the project was exempt from the requirements of the California
Environmental Quality Act (CEQA) pursuant to the section identified as Existing Facilities. He
recommended that the Planning Commission adopt Resolution No. 9223, approving UP-01-11
subject to the conditions as shown.

PUBLIC HEARING OPENED

PROONENT:

VALERIE L. OAKLEY, 180 Murietta, Pittsburg, stated in response to the Chair that she had read
the staff-recommended conditions of approval and was in agreement with those conditions.

Commissioner Holmes inquired what type of pampering products would be sold at the business, to
which Ms. Oakley explained that such products would include pillows, aromatherapy oils and the
like.

Commissioner Tumbaga inquired what the spa/body treatments would involve, to which Ms. Oakley
advised that one treatment to be offered was a back treatment, similar to a facial on the back
including salt scrubbing and deep cleansing to the back. It would also include the application of
mud packs and massage. Seaweed wraps would not be offered at this time.

Commissioner Valentine inquired whether or not the applicant was a licensed Massage Therapist,
and if so, how long she had been licensed. He also requested clarification that the employees of the business would also be licensed.

Ms. Oakley affirmed that she was a licensed Massage Therapist and that her employees would be licensed as well. She advised that she had been licensed for the past three years and had attended the National Holistic Institute, which involved a 720-hour program to obtain the licensing certification.

MARSHALL CLARK a resident of Pittsburg, stated that he had attended Pittsburg High School with the applicant and he was very proud of her.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Glynn to adopt Resolution No. 9223, approving UP-01-11, a Use Permit for therapeutic massage located at 3796 Railroad Avenue, for "In Touch Therapy," with the conditions as shown. The motion was seconded by Commissioner Kelley and carried by the following vote:

Ayes: Commissioners Glynn, Holmes, Kelley, Leonard, Tumbaga, Valentine, Kee
Noes: None
Abstain: None
Absent: None

Chairman Kee advised that a decision by the Planning Commission was not final until the appeal period had expired 10 days from the meeting. The applicant, City Council, City Manager, or any affected person may appeal either the denial, approval or any condition of approval of an item within 10 calendar days of the decision.


Application by Steve Brookshire requesting approval of a use permit to operate a drive-through coffee service and design review approval of architectural and site plans for a 240 square foot kiosk structure located at 2705 East Leland Road; APN 088-152-032.

Assistant Planner Ken Strelo presented the request from Steve Brookshire requesting approval of a use permit to operate a drive-through coffee service and design review approval of architectural and site plans for a 240 square foot kiosk structure located at 2075 East Leland Road. The building would be used as a coffee kiosk. The zoning designation for the use was Drive-Through Service Restaurant. The kiosk would serve coffee, tea, fruit drinks and small pastries. Customers would be served on the driver's side of the window, on both sides of the building. A walk-up window located on the south side of the building facing East Leland Road would serve pedestrians.

The kiosk would be constructed on-site and would not be a pre-fabricated structure. The kiosk
would be 23 x 10 feet in size and would be 16 feet in height. A 20 square foot freestanding sign had
been proposed to be located on the East Leland Road frontage. Details of the signage would be
submitted by the applicant to staff. Upon the approval of design review by the Planning
Commission, the details of the signs would be reviewed by staff and be approved administratively.
Mr. Strelo advised that there were plans to provide protection for the kiosk from vehicles and from
possible walk-up patrons through a concrete curb. The pad would be elevated approximately four
inches with a planter box and bollard in the direction of traffic. A pedestrian walkway would also be
provided, although it had not been shown on the plans. The walkway would be located from the
south facing side of the building to the right-of-way, perpendicular to the street.

The business would have two employees and operate seven days a week, from 5:00 A.M. to 7:00
P.M. The project was located in an Office Commercial zoning district, which allowed eating and
drinking establishments, with drive-through service subject to a conditional use permit. The use had
been defined as a restaurant providing service from a building through an outdoor service window to
customers in automobiles.

Mr. Strelo explained that the project had been reviewed by the Traffic Engineering Department and
the applicant had met with staff to discuss several options. He noted that there would be no impact
to adjacent businesses since the peak hours of the subject business would be during the late
afternoon and early morning and due to the lack of sit down service, resulting in nominal business
generated by the operation.

The queue lane could accommodate six vehicles, which was more than the zoning requirement
where a minimum of five vehicles would be required. Secondary access off of Commerce Place
should also alleviate any backup problems on East Leland Road. Vehicles could enter onto East
Leland Road or make a right onto Commerce Place and exit onto East Leland Road. The applicant
had concurred with that probability. The business would also meet the City's parking requirements,
offering one extra space.

Mr. Strelo reported that the project would be exempt from CEQA, under Class 3, New Construction
of Small Structures. He recommended that the Planning Commission adopt Resolution No. 9220
approving UP-01-12, and Resolution No. 9221 approving DR-01-20, with the conditions as shown.

Commissioner Valentine inquired how trash collection would be addressed on the site.

Mr. Strelo advised that trash generated by the business would be nominal since the business would
not involve any on-site consumption. Trash collection would probably be provided inside the
building to address any trash generated by employees or involved with the packaging of materials.

In response to Commissioner Valentine, Mr. Strelo explained that the design review resolution
would typically include a condition that the project must be built according to the submitted plans
unless otherwise noted. If a trash enclosure was identified on the plans, it would be included.

Commissioner Valentine noted after further examination of the plans that a trash enclosure was
indicated behind the kiosk.
Chairman Kee expressed concern with the majority of traffic coming from East Leland Road where vehicles might fill the queue and end up in the street, impacting the street during commute periods and creating a traffic safety hazard.

Mr. Strelo acknowledged that traffic pattern had been addressed between the applicant and staff. With the two entrances to the site, there would be a small visible sign located along the East Leland Road frontage that would identify a second entrance off of Commerce Place. Staff had anticipated that once customers visited the business, it would become a natural pattern to use the Commerce Place entrance if the other entrance was full.

PUBLIC HEARING OPENED

PROPONENTS:

STEVE BROOKSHIRE, 3890 Railroad Avenue, Pittsburg, affirmed that he had read the conditions of approval and was in agreement with those conditions. He acknowledged that traffic was a major issue. Having met with a number of staff members, he suggested that the traffic concerns had been resolved through proposed signage and the queuing lane, which would allow a maximum of six vehicles to enter the site to access the kiosk off of East Leland Road.

Commissioner Holmes requested clarification as to the number of employees anticipated to be involved in the business, to which Mr. Brookshire clarified that two people could not efficiently serve customers through the queuing lane. He advised that during the morning, it was possible that five people would be employed. He added that adjustments could be made at a later date to meet the service needs of the customers. It was likely that there would be 12 employees over all, although that would depend on the operation.

Commissioner Leonard inquired whether or not the kiosk could be set back farther from East Leland Road.

Mr. Brookshire advised that visibility had been an issue and the kiosk had been situated as far as possible from East Leland Road while still allowing for adequate visibility to serve the traffic. He understood that City code called for five vehicles in each lane. Having worked with staff, he was confident that the traffic entering the kiosk off of East Leland Road would be acceptable.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: **UP-01-12**

Motion by Commissioner Holmes to adopt Resolution No. 9220, approving UP-01-12, a use permit for a drive-through service coffee kiosk at 2075 East Leland Road for "The Grind", with the conditions as shown.
The motion was seconded by Commissioner Valentine and carried by the following vote:

Ayes: Commissioners Glynn, Leonard, Holmes, Kelley, Tumbaga, Valentine, Kee
Noes: None
Abstain: None
Absent: None

MOTION: **DR-01-20**

Motion by Commissioner Valentine to adopt Resolution No. 9221, approving DR-01-20, design review approval of architectural and site plans for a drive-through service coffee kiosk for "The Grind", with the conditions as shown. The motion was seconded by Commissioner Kelley and carried by the following vote:

Ayes: Commissioners Glynn, Leonard, Holmes, Kelley, Tumbaga, Valentine, Kee
Noes: None
Abstain: None
Absent: None

Chairman Kee advised that a decision by the Planning Commission was not final until the appeal period had expired 10 days from the meeting. The applicant, City Council, City Manager, or any affected person may appeal either the denial, approval or any condition of approval of an item within 10 calendar days of the decision.

**COMMISSION CONSIDERATION:**

**Item 4: Nextel Telecommunication Facility at Acorn Storage. DR-01-15.**

Application by Peter Hilliard of Nextel Communications requesting design review approval of architectural drawings to install six panel antennas (each 5 feet in height) and two GPS antennas (each approximately one foot in height) on top of an existing building (Acorn Storage) located at 5205 Railroad Avenue, PD (Planned Development) zone; APN 089-060-005.

Assistant Planner Ken Strelo presented the request from Peter Hilliard of Nextel Communications requesting design review approval of architectural drawings to install six panel antennas and two GPS antennas on top of the existing Acorn Storage building at 5205 Railroad Avenue.

A photo simulation depicted the existing self-storage facility and the proposed project at buildout. The antennas on the top of the building would be located outdoors with all other equipment located within a vacant 10 x 20 storage shelter. The antennas would be identical in size, 5 feet in height, approximately 6 feet above the top of the roof. The GPS antennas would be approximately one foot in height, also located on the top of the roof. The antennas would be painted the same color as the building facade to minimize the visual impacts. The facility would be unmanned and would be electronically monitored 24 hours a day. There was sufficient parking on site should a technician need to conduct any maintenance of the telecommunication facility.
Mr. Strelo advised that the facility was defined as a Minor Utility. The site was located in a Planned Development zoning district where the General Plan Land Use designation was Office Commercial.

Mr. Strelo added that the Planned Development (PD) zone was a City Council Ordinance, which stated that all regulations and property development for the affected site shall comply with the Office Commercial (CO) zoning district with a Minor Utility a permitted use in the CO district. The addition of the facility would not infringe on any of the property development regulations for the CO district.

Mr. Strelo reported that the project was exempt from CEQA, pursuant to Class 3, New Construction or Conversion of Small Structures. He recommended that the Planning Commission adopt Resolution No. 9222, approving DR-01-15 with the conditions as shown.

Commissioner Glynn inquired whether or not the facility would create any electromagnetic interference relevant to television, cable or ham radio operations.

Mr. Strelo suggested the applicant provide clarification.

PUBLIC HEARING OPENED

PROPOSTENTS:

PETER HILLIARD, Nextel Communications, 1255 Treat Boulevard, Walnut Creek, explained that the antenna panels would be located on the rooftop of the existing structure. Two antennas would face north, two would face south, two would face the east elevations. The GPS antennas did not require 12 inches of separation from the rooftop since they only required a view of the southern sky. The size of the GPS units was described as the size of a hockey puck on the top of a half-inch pipe. The facility frequency was specifically licensed by the Federal Communications Commission (FCC).

Mr. Hilliard explained that there would be no interference with television or other communication devices, although in some instances they had experienced conflicts with other carriers of similar frequencies where there were separation issues between the antennas to mitigate such interference. He affirmed, when asked, that he had read the conditions of approval and was in agreement with those conditions.

Commissioner Valentine requested clarification of the exclusive enhanced special mobilized radio service, to which Mr. Hilliard advised that it was a two-way dispatch radio feature on the handset and also conducted cellular communications. The dispatch feature was used widely by the trucking industry, police, fire, ambulance and construction crews.

Commissioner Valentine inquired of the other areas where such antennas had been located by Nextel
Communications.

Mr. Hilliard advised that Nextel Communications had existing sites across the street on Railroad Avenue at State Route 4, Bailey Road and a site near the Delta Slough. Nextel was also looking for a future site at Somersville Road. Additionally, they had prospects for a Pittsburg/North site north of City Hall. The subject facility would serve the southern area of the City. Nextel Communications also had sites situated throughout the County.

Commissioner Tumbaga inquired whether or not cellular phone customers would have better reception over Kirker Pass Road, to which Mr. Hilliard affirmed that the subject facility would enhance existing coverage, which was currently limited by capacity.

Chairman Kee inquired whether or not the applicant had considered a co-location of the facility with other telecommunication facilities.

Mr. Hilliard advised that the only location in the vicinity with which they would be able to co-locate was an existing PG&E tower located at the top of the hill, east of the subject location. He explained that lease negotiations with PG&E to lease that site had been unsuccessful. Nextel also had a 10 x 20 foot shelter as part of their facilities that was exposed and it would have been difficult to visually screen the shelter from view on that hillside.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Glynn to adopt Resolution No. 9222, approving DR-01-15, design review approval of architectural drawings for a telecommunications facility located at 5205 Railroad Avenue for "Nextel Communications at Acorn Storage," with the conditions as shown. The motion was seconded by Commissioner Valentine and carried by the following vote:

Ayes: Commissioners Glynn, Holmes, Kelley, Leonard, Tumbaga, Valentine, Kee
Noes: None
Abstain: None
Absent: None

Chairman Kee advised that a decision by the Planning Commission was not final until the appeal period had expired 10 days from the meeting. The applicant, City Council, City Manager, or any affected person may appeal either the denial, approval or any condition of approval of an item within 10 calendar days of the decision.
CONTINUED PUBLIC HEARING:

**Item 1: Adoption of General Plan. GP-97-01.**

Public Hearing on the comprehensive update of the City's General Plan entitled, "Pittsburg 2020: A Vision for the 21st Century" (General Plan Update). The General Plan designates land uses and appropriate policies to guide future growth throughout the City of Pittsburg and the City's identified Planning Area. At this Public Hearing, Planning Commission to consider adoption of resolutions recommending City Council's approval of the proposed General Plan and certification of the Final Environmental Impact Report. To clarify legal ambiguity and to accept additional comments, Planning Commission to reopen public hearing on Draft Environmental Impact Report (DEIR). Upon receiving the comments on the DEIR, the public hearing on the DEIR to be closed at this meeting. *(Continued from June 12, 2001)*.

Mr. Jerome commented on the time involved during the process to update the General Plan, which process had commenced in 1997, through input from numerous workshops, presentations from various groups, public input to prepare a plan shaped by the citizens of the City, property owners, and the Planning Commission.

Mr. Jerome advised that staff had worked diligently, as had the General Plan consultant firm of Dyett and Bhatia, the firm involved in the 1988 General Plan Update and one of the top General Plan firms in the country. He expressed his appreciation to the General Plan consultants for their efforts in meeting the deadline set by the Planning Commission. He expressly thanked Mr. Bhatia, the Principal of the firm, and Rosalynn Stewart for her efforts. He also commended Associate Planner Avan Gangapuram, the Project Manager, Planning Technician Dana Hoggatt, Planning Secretary Fara Bowman, and Sherri Lewis, the Minutes Clerk, for the preparation of the Planning Commission meeting minutes.

Mr. Jerome explained that the intent was to accept additional comments on the DEIR and to then close the public hearing. Any additional comments would be incorporated into the final document for consideration by the City Council. The Planning Commission's action was to recommend the final adoption of the General Plan to the City Council. It was anticipated that the document would be submitted to the City Council at the end of August for final action.

Mr. Jerome commented that the Planning Commission had been presented with the Final EIR, which represented the Response to Comments of the EIR, including a DEIR previously submitted. In addition, the Commission had been provided with compiled revisions to the Draft General Plan dated June 2001, in a strikeout version, identifying all changes made to date. Changes had been clarified with the General Plan consultant and the legal analyst. The document had been differentiated by text, policy and goal changes to the graphics of the General Plan Diagram.

Mr. Jerome explained that during the last City Council meeting, Ron Rives, Counsel for Seecon Corporation, had requested that the City Council consider keeping the public hearing on the General Plan DEIR open. The Planning Commission had closed comment on the DEIR far beyond the
required 45-day comment period. Upon discussion with the Council, it was determined that any comments that were received would be considered.

Mr. Jerome reported that staff had received no comments from any other parties, including Seecon, other than those comments that had been received pursuant to the deadline imposed by the Planning Commission. Those comments had been included in the responses to the document.

Mr. Jerome referenced Section 1508.I of the CEQA Guidelines, which stated in part "public hearings may be conducted on the environmental documents either in separate proceedings or in conjunction with other proceedings of the public agency. Public hearings are encouraged but not required as an element of the CEQA process." He noted that all EIRs submitted to the Planning Commission involved a public hearing on the DEIR, although that was not required. The General Plan was a policy document and the DEIR was a document that evaluated any environmental impacts associated with the policies and land use regulations incorporated within that document.

The City's legal counsel had determined that there would be no significant impact that would require any recirculation of the DEIR. As such, any comments received would have to be responded to by the General Plan consultant and be forwarded to the City Council as part of the final document.

Mr. Jerome advised that the Planning Commission had been provided with two resolutions to approve the Final EIR and a Statement of Overriding Considerations, a CEQA obligation and requirement whereby if there were significant environmental impacts associated with the project that could not be mitigated, findings would have to be made to make it worthwhile to approve the project. In addition, the Commission had been provided with a resolution recommending that the City Council adopt the General Plan, as proposed. New resolutions had been presented to the Commission to reflect minor changes recommended by the City Attorney. He advised that those changes had involved minor technical language modifications.

Mr. Jerome identified changes that were under consideration, although not recommended to the General Plan Diagram at this time. The Commission was asked to consider the proposed changes, as identified on Page 6 of the staff report. He added that the changes could be considered further by the City Council as part of its review of the document.

Mr. Jerome advised that the identified changes had been discussed by the Commission and changes made at this time would be significant to the process requiring substantial changes to maps, charts and some of the data involved. Staff was of the opinion that the changes had not been considered and were fairly new. As such, he suggested that those changes not be considered at this time since they had been submitted fairly late in the process.

Mr. Jerome reiterated that the General Plan was a policy document, with said policy to direct how development should or should not occur, and where specific projects should not dictate policy. Those changes that could be considered included a nine acre area encompassing the 4.6 acre St. Vincent de Paul parcel at the southwest corner of Central Avenue and Solari Avenue, to possibly lower the density on that site from Medium Density Residential to Single Family Residential, which would allow a maximum of 7 units per area.

11 June 26, 2001
Mr. Jerome also identified the 194-acre San Marco Meadows development, as proposed by Seecon Corporation, located in the southwest rolling hills, and the 160-acre Sky Ranch development. He noted that staff had reviewed recent development plans that had been submitted to the City, which plans were in conflict with the land use configurations. That was particularly the case with the San Marco Meadows site where the developer had shown development on their maps in areas where the City had identified Open Space designations. There were conflicts as well with approximately 200 units of what the yield would be for the development.

The Sky Ranch development did not involve any significant ridgelines, although there were land use changes that would take away much of the open space, as shown on the General Plan Map, where the applicant had shown development.

Additionally, Mr. Jerome reported that a project for the Alves Ranch property could be a conflict with the General Plan, the Streemel development on Bailey Road could also include conflicts with the General Plan based on what the EIR might show. Further, technical corrections to the map along East Third Street and behind Railroad Avenue to Black Diamond Street between Fourth and Eighth Streets should be made to reflect actual and planned land uses, with Downtown Medium Density Residential to replace the Institutional/Quasi Institutional areas indicated in three locations.

Mr. Jerome reiterated that the changes should not be considered by the Planning Commission at this time since significant adjustments could result to the land use data and environmental analysis, which could delay the adoption of the General Plan. He commented on the time and effort to review the City's hillside development and recommended revisions to the City's policies.

Associate Planner Avan Gangapuram reiterated that the process on the update for the General Plan had commenced in September 1997, when the City Council had adopted Resolution No. 97-8504, Authorizing Staff to Hire a Planning Consultant to Conduct a Comprehensive General Plan Update for the City. The previous General Plan had been adopted in 1988. Before the process had commenced, there were certain objectives that had been evaluated to determine why the General Plan should be updated, including articulate strategies for growth and development to provide a sound basis for decision making on project approvals and annexations, with policies to guide growth and to allow the Planning Commission and the City Council to approve projects.

Additional objectives had been included to support economic development, the revitalization of the downtown and infill development, to balance development and conserve hillside and natural features, to effectively utilize regional transportation to enhance the economic base of the community and to ensure that the General Plan Policies were mutually supportive, internally consistent, and in accordance with State laws. Through a number of meetings, and through presentations to the City Council, Planning Commission, members of the community and stakeholders, three alternatives to the General Plan had been evaluated and criteria had been prepared for a preferred alternative.

Based on the preferred plan, which had been evaluated by the Planning Commission through public
workshops, the General Plan consultant had prepared and had drafted the policies based on all of those public discussions and the testimony that had been received.

Mr. Gangapuram added that as required by State law, every General Plan required the preparation of an EIR to evaluate any possible impacts the General Plan Policies might have on the environment. In compliance with Section 15082, a Notice of Preparation had been mailed on July 1, 1999. On January 23, 2001 a Notice of Completion had been mailed to all of the responsible agencies, at which time the public comment process had been initiated. Initially, the public comment on the General Plan was to have been closed on March 12, 2001. That had not occurred and the Planning Commission had decided to extend that period.

On May 22, 2001, the Planning Commission had decided to close the public comment process on the DEIR. To accommodate Seecon Corporation, the Planning Commission had allowed for any comments on the DEIR to be accepted until 5:00 P.M. on May 25, 2001. At that time, Seecon Corporation had submitted written comments on the DEIR.

To date, including this meeting, a total of thirteen Planning Commission meetings had been held to evaluate the policies and the DEIR for the General Plan Update. Staff had followed State law requirements pursuant to Section 65300 requiring certain guidelines that had been established to prepare the General Plan, including guidelines that the General Plan should be comprehensive, internally consistent with all chapters, and designed as a long term document to guide growth for an extended period of time.

In compliance with State requirements, the document, included seven mandatory elements, including Land Use, Transportation, Open Space, Health and Safety, Noise, Conservation, and the Housing Element. Optional elements included Public Facilities, Youth and Recreation, Economic Development, Growth Management, Downtown and Urban Design.

In response to the objectives and issues raised during the community participation process, the General Plan document had been structured around several themes, including employment growth, downtown and waterfront revitalization, hillside/ridgeline preservation, jobs/housing balance, capitalizing on regional transportation improvements, enhancing community character, and increasing links between different parts of the City.

Based on the public testimony received through all of the Planning Commission meetings, seven changes had been proposed for the land use designations. Those would include: a change from Industrial land use to Business Commercial along Loveridge Road between the existing Praxair facility and the Martell property; a change of Open Space land use to Low Density Residential in the creek valley between the PG&E transmission line corridor; the Woodland Hills neighborhood; and a change of Industrial land use to Low Density Residential along North Parkside Drive between Andrew Drive and the Stanley Works property; a change of Institutional/Quasi Institutional land use to High Density Residential on a 1.94 acre parcel east of Loveridge Road and north of the Delta DeAnza Trail, with the remainder of the area east, north and west of the parcel to remain Institutional/Quasi Institutional land use; a change from a Park land use designation at the terminus of Harbor Street to Marine Commercial and designating a 30 foot wide open access, unobstructed

13 June 26, 2001
view of New York Slough; the elimination of public Park in the Alves property; and the addition of public parklands.

Mr. Gangapuram recommended that the Planning Commission close the public hearing on the DEIR and adopt Resolution No. 9224, Recommending that the City Council Certify the Final Environmental Impact Report and adopt Mitigation Measures and a Statement of Overriding Considerations. It was further recommended that the Planning Commission adopt Resolution No. 9225, Recommending that the City Council Approve GP 97-01 and Adopt the General Plan.

Mr. Gangapuram otherwise advised that both transportation and air quality were two issues that the General Plan consultant had identified could not be mitigated, although it had been advised that it was appropriate to approve the Statement of Overriding Considerations. Commissioner Leonard referenced the consideration of recently identified potential land use revisions that in his opinion made sense to consider at this time. Referencing the property for the Pittsburg Family Apartment complex project, he agreed that rezoning that parcel was a good idea. He suggested that the downtown land use designations that had been identified were also appropriate to consider.

Commissioner Valentine commented that Tri-Delta Transit had not been properly identified in the Transportation Element, although the BART system had been identified throughout the document. He pointed out that transit villages could not be successful without the inclusion of discussions with Tri-Delta Transit.

Mr. Gangapuram clarified that the document and the policies did refer to transit, although Tri-Delta Transit might not have been specifically mentioned. Transit opportunities were either the County Connection or Tri-Delta Transit.

Commissioner Valentine emphasized that Tri-Delta Transit was the only financially sound public transportation agency in the Bay Area and was the only agency posting a profit. The County Connection had been mentioned in the document, although that transit agency only served one small area of the City, where Tri-Delta Transit served the entire City and the entire community of Bay Point. He suggested that Tri-Delta Transit be identified specifically in the document and he pointed out that it had only been mentioned on Page 25 as part of Policy 4-P-69.

Mr. Jerome clarified that Tri-Delta Transit had been identified by name throughout the document and had been included in the General Plan policies. He also clarified that the information before the Commission represented changes to the policies, many of which were text and numbering changes. The purpose of the hearing at this time was for the Commission to adopt the document that had been presented at this time.

At such time as it was presented to the City Council, the public draft of the document and potential changes to be made by the Commission at this meeting, if adopted, could be reprinted to incorporate any changes without the strikeouts. The strikeout version would be provided to the City Council as a backup document.

14 June 26, 2001
Commissioner Glynn stated that as a member of TRANSPLAN Committee, there had been a number of issues that had been raised with regard to potential railroad routes for eBART to connect to the existing BART Station. He requested assurance that the General Plan policies would be flexible enough to accommodate potential changes, such as that recommended by eBART to come off of the main line, up Bailey Road under the underpass on State Route 4, with a right turn into the station to achieve a transfer capability. There was also an alternate route that would come off of the railroad picking up Loveridge Road, cross that road and come straight down the median strip where work was occurring to extend the enclosed portion of the median to accommodate possible future development of the BART trains.

Mr. Jerome explained that the routes referenced were a bit too detailed for the document at this scope. The eBART proposal had recently come forward and a policy had been added to the General Plan where the City would consider eBART or other types of light or heavy rail transit in conjunction with the BART system. He emphasized that the actual configuration and alignment would be a detail that would be beyond the scope of the General Plan document.

Mr. Jerome suggested that the Chair reopen the public hearing on the DEIR for public comment on the General Plan as a continued public hearing. He recommended that the public hearings be closed at the end of the discussion.

Chairman Kee reopened the public hearing on the DEIR, advising that the public hearing on the General Plan had been continued. He welcomed comments from the public.

MARILYN TORRES advised that she had been attending the meetings since 1997 from which time she had consistently expressed her opposition to the inclusion of the southeast area of Nortonville/Kirker Pass Road. She emphasized that the property owners of three of the four ranches in the area were opposed to the City's plans to include the area in the document.

Ms. Torres stated that she had been informed numerous times during the meetings that the General Plan Update would not affect her property, and if that was the case, she questioned why the area had been included in the document. She questioned whether or not the Planning Commission had taken a field trip of the area's hillsides and ridgelines. She referenced the east side between the top of the creek anywhere from the City limits, where there were large areas of creek with no area suitable for development.

Ms. Torres referenced recent newspaper articles where residents had complained of cattle on adjacent properties being virtually in their front yards. She pointed out that a small portion of her ranch consisted of flat land, where the remainder was steeply sloped hills with landslides. She requested that the Planning Commission take into consideration the opposition from those residents prior to voting on the General Plan Update.

Chairman Kee expressed his appreciation to Ms. Torres for her comments and participation throughout the entire process.

Commissioner Tumbaga acknowledged that Commissioners had participated in field trips of the
City's hillsides and ridgelines. She commented that she had been very impressed by the subject area during the field trip and she emphasized that had strengthened her resolve to protect what currently existed without the threat of development.

Commissioner Valentine affirmed that he had also participated in the field trips where he had found the areas to be beyond scenic, which had included some of the most breathtaking landscapes he had ever seen. If it were up to him, the land would remain as is.

RON RIVES, representing Seecon Corporation, understood that the Commission had been provided with a copy of the Final DEIR. He questioned when the Commission had been provided with copies of that report. He noted that he had the opportunity after the close of the public comment period on May 25 to submit in excess of 50 comments to the General Plan and DEIR. He inquired whether or not all of those comments had been addressed in the DEIR since he had not had the opportunity to review the document or determine whether or not Seecon's concerns had been adequately addressed. He expressed his hope that the Commission was comfortable adopting the document at this time given his understanding that the Commission had just been provided the information at this meeting, which he suggested was short notice to be able to evaluate the adequacy of the DEIR.

Speaking to the text of the General Plan Update, specifically speaking to a policy that required that 80 percent of all dedicated park sites be flat, usable land, Mr. Rives suggested that policy be revised. The City's policy was that all parks be a minimum of five acres and he suggested to accommodate that policy would require a four acre flat usable space, where most of the areas remaining to be developed in town consisted of hillside areas. He suggested that to achieve a four-acre flat pad would require grading that could involve some environmental impacts. He expressed his hope that the DEIR would address the environmental impacts of creating four-acre flat pads for parks and for future park dedication.

Mr. Rives also commented on the issue of ridgeline protection. Speaking to the General Plan Map, which would also be adopted as part of the process of the adoption of the General Plan Update, he noted that the map did not set forth all general policies in their entirety. He suggested in some instances that the map was quite specific, and was specific in designating certain areas, such as designated protected ridgelines where development was heavily restricted if not prohibited entirely.

Mr. Rives noted that those ridgelines had been identified on the original map and had not been changed from the original map. The original ridgelines had been designated on the basis that certain ridgelines within the City would merit special protections since they formed a scenic backdrop to the City, or they had certain other aesthetic values that would merit special protection by the City Council and the General Plan.

Mr. Rives suggested that there were certain ridgelines that had been selected on the basis of a viewpoint study, identified from four viewpoints out on the river, after which time changes with new view studies had been prepared. He suggested that the ridgelines had not been changed from the time the Commission had made the original view studies and the new view studies.

Speaking to ridgelines in the San Marco Meadows and Federal Easement Area, Mr. Rives requested...
that the Planning Commission make a decision at this time, based on policy considerations, that those ridgelines should be removed from the protected ridgeline designation. He suggested that the ridgelines did not form any scenic backdrop to the City, had no special aesthetic value, and conflicted with proposed development in those areas. Those developments included the San Marco Meadows and the eventual development of the Federal Easement, if it could be removed.

Mr. Rives explained that the projects the developer had submitted had been designed to create a variety of housing, provide breathtaking view lots, and had been designed to take full advantage of the terrain including the use of the ridgelines. It was also necessary for the ridgelines to be modified to accommodate a future road between West Leland and Bailey Roads, and a certain amount of development was necessary to support the road to complete the transportation system.

Mr. Rives took issue with the implication made to the Planning Commission that the developer was somehow late in providing plans to the Planning staff and therefore the ridgelines were locked in and there was nothing that could be done. He commented on the procedure adopted by the Commission to adopt the updated General Plan. He commented on the process the developer had taken to provide maps to the City with indications for where and how they planned to develop, at which time conflicts had been discovered between that planned development and some of the ridgelines that had been designed from the beginning of the process.

Mr. Rives reiterated the request to remove the designation of the protected ridgelines within the area of San Marco Meadows and the Federal Easement area. He also presented a map to identify the areas where the ridgelines would conflict with future development. He requested that the Planning Commission, if proceeding with the adoption of the DEIR and the General Plan at this time, direct staff to meet with the developer to delete the ridgelines from the protected ridgeline designation classification.

Speaking to those ridgelines that Mr. Rives referenced had no aesthetic value to the City, Commissioner Valentine inquired who had made that decision. He explained that was a policy decision for each Commissioner to make. He emphasized that during all of the public hearings, the public had made it clear that the hillsides had value.

ELLEN KOLB stated that she had opposed any development on Nortonville Road. She also commented that if the property had been surveyed, it would have been found that the Torres home was situated on property owned by the Thomas family.

There being no further public comment, Chairman Kee closed the public hearing on the Draft Environmental Impact Report (DEIR) and closed the public hearing for the Draft General Plan Update.

Commissioner Leonard again referenced the consideration of recently identified potential land use map revisions, as depicted on Page 6 of the staff report. He referenced the St. Vincent de Paul site and agreed that the current land use should be revised.
Commissioner Leonard otherwise commented that one could not get over to Bailey Road without crossing a ridgeline. He emphasized that the Commission had discussed connecting parts of the City and noted that if one could not build or cut through those areas, he questioned how a road could be placed through that area. If a road was planned, he suggested that there would be homes on other side.

Mr. Jerome acknowledged that a road had been identified through the ridge referenced, although there was nothing in the General Plan to prohibit a road from going through a ridge.

Mr. Gangapuram also clarified that both the General Plan and the DEIR stated that the road under discussion, as shown on the General Plan Map, might cross some ridgelines but it had not stated that it would or shall be the only alignment. The General Plan was a 20-year plan that needed to identify a road to connect one part to another part. As such and as appropriate, when a road needed to be built,

a proper alignment, which must be environmentally sensitive, shall be chosen to set up the road. He pointed out that was the reason for the Statement of Overriding Considerations since there needed to be certain public amenities to serve the community.

Commissioner Leonard questioned how someone could install that roadway without expecting some kind of residual value to the land adjacent to it. If a cut through the ridgeline was required to place a road for purposes of connection, he suggested that the City must allow for some density around that road.

Mr. Gangapuram explained that for the road that had been envisioned, the City did see some density on either side of the road, with one side the Federal Blast Easement. At such time as the easement was eliminated and it was appropriate for the road alignment, the alignment might differ and the General Plan could therefore not assign any development at this point for that location since it was inappropriate to do so at this time.

Commissioner Leonard acknowledged his agreement with the blast easement area, although at such time as that easement was eliminated, he suggested that some development might be allowed. He suggested that the maps did not coincide with what had been discussed for the General Plan.

Chairman Kee did not see how homes could be built in that area if the intent was to preserve and maintain the ridgeline.

Commissioner Glynn pointed out that irrespective of the potential alignment of the road, the fact was it would be required to cross multiple ridges for any connection. The current General Plan policy, as designed in the DEIR and the General Plan Update, indicated that would be permitted. He suggested that the question would then become how it would relate to any restrictions on development, setting aside the issue of the Federal Blast Easement. If the easement was lifted, he suggested that land would become available for purchase or if already owned by Seecon Corporation, any restrictions for development would be removed. He inquired whether or not the
current General Plan or the DEIR would prevent development adjacent to the road whereby the developer would receive a return on an investment for the creation of that infrastructure and for the connectivity from Bailey Road down to the other side of the City.

Mr. Jerome advised that a policy had been added to the General Plan to consider development in the areas under discussion, which were environmentally acceptable and which would include the ridgeline area. Another policy also reflected that the road alignment consider all environmental factors.

Commissioner Glynn agreed with Commissioner Leonard's point that putting in such monies for the creation of a connective road should involve some return on investment for having placed that infrastructure in terms of development and buildout, to be included within the plans and specifications based on the densities permitted adjacent to the roadbed, wherever it might end up.

Commissioner Valentine emphasized the need to keep in mind that any development needed to conform to the City's wishes, not the City conform to a developer's wishes. He emphasized that the City belonged to its citizenry, that the General Plan belonged to the residents and that without some conformance requirement, there would be no need for a General Plan.

Commissioner Leonard also referenced the proposed downtown land use designations regarding potential changes for Downtown Medium Density Residential to replace the Institutional/Quasi Institutional uses, as indicated in the staff report. He suggested that change should be made now, not later. He questioned the pursuit of a General Plan Amendment if the changes could be made at this time. He also suggested that it would make sense to revise the land use designation for the St. Vincent de Paul property in terms of the proposed Pittsburg Family Apartments.

Mr. Jerome described the proposed changes to the downtown area as technical corrections to the map along East Third Street and behind Railroad Avenue to Black Diamond Street between Fourth and Eighth Streets.

Commissioner Tumbaga agreed with staff that the four proposed land use designation changes not be considered at this time. In her opinion, those proposed changes did not make sense. She commented that the General Plan was a development plan for the next 20 years. It should be a plan based on what the City wanted to see happen in the community and should not be prepared specifically to satisfy certain interests.

Commissioner Tumbaga suggested that changing the density for a piece of property, such as the St. Vincent de Paul site after a project had been approved, made no sense. She suggested that the other proposed land use designation changes should not be considered at this time and she emphasized the time already expended in the review of the General Plan, which needed closure at this time.

Mr. Jerome clarified that the Commission should consider the proposed land use designation changes since they had been brought up, although staff recommended that those changes not be made at this time, with the exception of the technical changes related to the downtown land use.
Commissioner Holmes also commented on the time involved in the process for the review of the General Plan Update, which had commenced in 1997.

Commissioner Holmes agreed that the matter not be prolonged further in that it would not do any justice to the two Commissioners who would be leaving who had also spent a significant number of hours on the evaluation of the DEIR and General Plan, nor be fair to those Commissioners who might be selected to replace the outgoing Commissioners. He supported the staff recommendations to forward the document to the City Council.

Commissioner Valentine agreed with Commissioner Holmes' comments. He agreed that the documents should be forwarded to the City Council. He otherwise agreed with the staff recommendations and concurred that the land use designation for the downtown should be approved at this time.

MOTION:

Motion by Commissioner Tumbaga to close the Public Hearing on the Draft Environmental Impact Report (DEIR), adopt Resolution No. 9224, Recommending that the City Council Certify Completion, Review and Consider the EIR and Adopt the Mitigation Measures and a Statement of Overriding Considerations Contained in the EIR for the General Plan Update, "Pittsburg 2020: A Vision for the 21st Century." The motion was seconded by Commissioner Valentine and carried by the following vote:

Ayes: Commissioners Glynn, Holmes, Kelley, Tumbaga, Valentine, Kee
Noes:  Commissioner Leonard
Abstain: None
Absent: None

MOTION:

Motion by Commissioner Tumbaga to adopt Resolution No. 9225, Recommending that the City Council Adopt the Proposed General Plan Update, "Pittsburg 2020: A Vision for the 21st Century" (GP 97-01), including the seven land use map revisions as reflected on Pages 5 and 6 of the staff report dated June 26, 2001, and including a land use revision for the Downtown Land Use designations as follows:

Technical corrections to the map along E. Third Street and behind Railroad Avenue to Black Diamond Street between Fourth and Eighth Streets should be made to reflect actual and planned land uses. Downtown Medium Density Residential should replace the Institutional/Quasi Institutional uses indicated in three locations (Downtown Subarea: Figure 2-4a, Page 2-39 and Figure 5-1, Page 5-7).

The motion was seconded by Commissioner Valentine and carried by the following vote:
Chairman Kee clarified that a decision by the Planning Commission was not final until the appeal period had expired 10 days from the meeting. The applicant, City Council, City Manager, or any affected person may appeal either the denial, approval or any condition of approval of an item within 10 calendar days of the decision.

**STAFF COMMUNICATIONS:**

Mr. Jerome introduced Christopher Barton, the new Planning Intern and a graduate of Humboldt State University. He advised that this was the last meeting for Commissioner Tumbaga, who had served two maximum four-year terms with the Planning Commission. He noted that Chairman Kee's first term would also expire and he had applied for a second term. The City Council would announce its decision on the two appointments to the Planning Commission on July 2.

Mr. Jerome recognized the time, efforts and contributions of both Commissioner Tumbaga and Chairman Kee. He expressed his appreciation to both.

Mr. Jerome further announced that Associate Planner Avan Gangapuram, who had been with the City for the past four years, would be leaving the City at the end of the week and had taken a position with the City of Fremont as an Associate Planner. He commended Mr. Gangapuram for his work for the City, particularly his work on the General Plan Update. On behalf of the City staff and the Planning Commission, he wished Avan well on all his future endeavors.

**ZONING ADMINISTRATOR REPORT:**

There was no Zoning Administrator Report.

**COMMITTEE REPORTS:**

Commissioner Valentine reported that the Senior Center Committee had met and had discussed the Senior Center project. As part of that discussion, the building elevations, site layout and parking accommodations had been evaluated. Although parking had initially been a concern, he stated that the building layout would address any parking concerns. Discussions had also been held with Tri-Delta Transit and it was likely that the transportation issues would be resolved with the existing bus stop in the area to be moved closer to the facility. The project should be out to bid by the end of the year with construction scheduled to be completed in 2002.

Chairman Kee reported that he had attended the June 18 City Council meeting, at which time the Council had heard appeals of the Pittsburg Family Apartments and the Shurgard Self-Storage facility projects. The Pittsburg Family Apartments project had been highly debated with the Council
continuing action on that project pending further study. The Shurgard Self-Storage facility appeal had been denied. He added that an appeal of the Koch Carbon project, which had been approved by the Planning Commission, would be considered by the City Council sometime in the future.

Mr. Jerome advised that the Koch Carbon appeal had been tentatively scheduled with the City Council for August 20.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Valentine stated that it had been a pleasure working with Commissioner Tumbaga and Chairman Kee. He stated that both would be missed.

Commissioner Holmes inquired of staff of the City's regulations for motor homes parked on City streets, to which Mr. Jerome advised that such vehicles were allowed to park on City streets for a maximum 72-hour period.

Commissioner Tumbaga stated that it had been a pleasure working with the City as a Planning Commissioner. She commented that the last eight years had been a learning experience for her. She expressed her enjoyment working with City staff, who she described as one of the better Commission staffs. She expressed best wishes to all.

Chairman Kee also expressed his appreciation to Commissioner Tumbaga for her service to the City. He commented that his fate was uncertain pending a decision of the City Council on the appointments to the Planning Commission. If reappointed, he would work with the Commission again. If not, he stated it had been a pleasure serving with everyone. He characterized his experience on the Commission as informative, stimulating and interesting.

Commissioner Tumbaga otherwise requested that she be notified at such time as the Housing Element was scheduled for update by the City.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 9:38 P.M. to a Regular Meeting of the Planning Commission on July 10, 2001 at 7:30 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

____________________________________
RANDY JEROME, Secretary
Pittsburg Planning Commission

June 26, 2001