MINUTES
OF THE REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION

February 13, 2001

A regular meeting of the Pittsburg Planning Commission was called to order by Chairman Kee at 7:33 P.M. on Tuesday, February 13, 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 Chris Bekiaris; Associate Planner Avan Gangapuram; Civil Engineer II Alfredo Hurtado.

POSTING OF AGENDA:

Chairman Kee advised that the agenda had been posted at City Hall on Friday, February 9, 2001.

PLEDGE OF ALLEGIANCE:

City resident Ben Johnson led the Pledge of Allegiance.

MINUTES: January 23, 2001

MOTION:

Motion by Commissioner Glynn to approve the minutes of the January 23, 2001 meeting, as submitted. The motion was seconded by Commissioner Holmes and carried by the following vote:

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

There were no deletions or withdrawals.

COMMENTS FROM AUDIENCE:

PETE CARPINO, a resident of Pittsburg, requested clarification as to how the City ensured that conditions of approval imposed on a project were met prior to the issuance of building permits. He cited, for example, the Fort Knox Self-Storage facility, which had involved a number of changes in personnel and which he understood had not complied with a number of preexisting conditions that had been imposed by the Planning Commission.

Mr. Carpino pointed out that the Fort Knox Self-Storage facility had been conditioned to complete a wall along the rear portion of the property and to install surveillance cameras prior to the commencement of any other work, although the developer had proceeded with facade work on the abandoned buildings. Since he understood that the project was almost ready for a grand opening of the first phase and since he understood that a building permit had been issued, he questioned who would ensure that the conditions imposed on the project would be brought to compliance.

Planning Manager Randy Jerome explained that with a building permit application, the approval process included a review by the Building Department to determine consistency and conformity with the Uniform Building Code (UBC). The Engineering Division also reviewed projects to determine compliance with engineering practices. In addition, the Fire Department reviewed fire code compliance and the Planning Division reviewed compliance with zoning, General Plan provisions and any applicable conditions of approval.

Mr. Jerome added that some conditions needed to be reflected in submitted plans and other performance conditions that were typically required to be met through the construction process or after construction was completed. The Building Inspectors reviewed the conditions applicable through the construction process to ensure that the contractor had complied with all conditions.

If the conditions stated that such work had to be done prior to any other work, unless it involved some other timing factor, such conditions would be required to be brought into compliance prior to the issuance of a Certificate of Occupancy from the Building Department.

Chairman Kee pointed out that if the project did not comply with the conditions of approval imposed on a project, the Commission had the authority to recall the application to review the use permit and to potentially revoke the use permit.

Assistant Planner Chris Bekiaris reported that Condition No. 9 for the Fort Knox Self-Storage facility stated the following:
9. All perimeter wall and fencing including El Dorado Drive shall be completed and approved by the Community Development Department prior to the issuance of building permits for remodeling and/or tenant improvements of Building E, Phase Two.

Additionally, the project had been conditioned that all cameras shall be installed and in working order prior to the issuance of a Certificate of Occupancy for each phase of construction. While a building permit had been issued for the wall in December 2000, the applicant had not properly identified the wall area resulting in the project being stopped by the City. Subsequently, the applicant had been directed to obtain the services of a surveyor to survey the wall area. Construction was to commence on Friday, February 16, assuming the wall had been surveyed properly.

BEN JOHNSON, a resident of Pittsburg, reported that he had attended a recent State Energy Commission public hearing with respect to the Los Medanos Energy Center. Having viewed the site, he advised that he had found that the original location intended for the transmission lines had been changed without the approval of the City. He questioned whether or not permission should have been obtained from the Planning Commission prior to the relocation of the transmission lines. He also questioned who would be responsible for follow-up for the project to ensure that a required berm as part of the landscaping plan would be completed as proposed.

Chairman Kee advised that the Planning Commission had little control over the project since the Commission had no right of approval or denial over such facilities.

Mr. Jerome affirmed that the Los Medanos Energy Center was not a City project and that the project was completely regulated by the State of California Energy Commission (CEC). Although the facility was located within the City limits, power plant facilities over 50 megawatts superseded any local regulations and were regulated completely by the CEC. He understood that the transition structure and a couple of powerline towers had been built on City property. In this instance, the City was negotiating with Calpine to determine whether or not compensation could be made to the City for the mistake that had been made.

City staff had also been working with Calpine's consultants on mitigation measures for the project, including the landscaping plan and the proposed berms.

C. de BONNEVILLE, a resident of Pittsburg, requested direction from the Commission regarding a number of abandoned vehicles that had been left on her property. Having contacted a local wrecking yard, she had been advised that there was nothing that could be done since she did not have the pink slips for the vehicles. She commented that she had also contacted the Pittsburg Police Department who had suggested that the vehicles be pushed out into the street.

Chairman Kee understood that code enforcement could handle the situation and cite the vehicles.

Mr. Jerome encouraged Ms. de Bonneville to contacted Commander Bill Hendricks of the Code Enforcement Bureau who could provide some assistance.
Commissioner Holmes also recommended that Ms. De Bonneville address her concerns with the City Council if there was no action from code enforcement.

PRESENTATIONS:

There were no presentations.

PUBLIC HEARINGS:


Description of environmental impacts and mitigation measures for the comprehensive update of the City's General Plan (Pittsburg 2020: A Vision for the 21st Century). The Draft Environmental Impact Report (EIR) evaluates the environmental impacts that could be triggered by the land uses and the policies proposed in the Draft General Plan. Oral or written comments on the Draft EIR.

Mr. Jerome explained that this was the first formal public hearing in the General Plan process. A number of public workshops had been held over the past few years with input on the design of the General Plan. The Consultants had prepared the City's vision based upon what they had heard from the public, staff, the Planning Commission and the City Council. He reported that copies of the Draft General Plan and the Draft EIR had earlier been presented to the Commission.

Mr. Jerome acknowledged that there would be public hearings on the General Plan itself. The City was in the process of California Environmental Quality Act (CEQA) review for the General Plan Update. Under CEQA law, the City had a 45-day public review period after the Draft EIR had been submitted. The 45-day review period would end on March 12, 2001.

A public hearing review period had been proposed prior to the end of the review period to allow the opportunity for review of the Draft EIR and to receive any oral comments. Written comments must be received by March 12, 2001.

Assistant Planner Avan Gangapuram reiterated the purpose of the public hearing to seek oral and written comments on the Draft EIR from both the Commission and the public to identify the completeness and thoroughness of the EIR.

Mr. Gangapuram explained the background of the General Plan process that had started in 1997 when the City Council had adopted a resolution authorizing City staff to hire a planning consultant to conduct a comprehensive update of the General Plan. On September 2, 1997, Dyett and Bhatia, Urban & Regional Planners, had been retained to conduct the comprehensive update of the General Plan.

The General Plan had evaluated the entire City consisting of 15.6 square miles, with an additional 2.6 square miles in the Sphere of Influence, and 22.9 square miles of the planning area, for approximately
42 square miles. Based on the data collected through various sources, different land use categories had been assigned to different properties.

Mr. Gangapuram reiterated that the General Plan Update was subject to CEQA regulations and guidelines. A determination had been made that potential significant environmental impacts associated with the proposed policies in the General Plan land use designations would require the preparation of an EIR. In compliance with Section 15082 of CEQA, a Notice of Preparation had been mailed to all responsible agencies on July 21, 1999. Responses from the responsible agencies had been evaluated by the Planning Consultant and had been incorporated into the Draft EIR.

Upon the completion of the Draft EIR, the Planning Department had sent a Notice of Completion to the Office of Planning and Research and other responsible agencies. There was a 45-day period to respond to the document with written comments as to whether or not the document was complete. Upon the receipt of all comments, comments would be evaluated by the consultants and responded to in the Final EIR.

The General Plan EIR had evaluated all of the required elements of the General Plan in addition to an evaluation of elements not required by State law.

Mr. Gangapuram recommended upon the completion of the presentation from the General Plan consultants that the Planning Commission refer comments on the Draft EIR to Dyett and Bhatia for responses, to be included in the Final EIR.

RAJEEV BHATIA, Dyett & Bhatia, explained that the purpose of the discussion had been to prepare a vision for the City's development and to identify policies that preserved and enhanced the natural resources and environment of the City. In that sense, the General Plan was seeking to fulfill a CEQA objective, as to whether certain elements and policies would preserve the environment.

The General Plan had several guiding themes that provided an overall direction for the polices and elements. The themes ranged from downtown and waterfront revitalization to natural and scenic elements, such as hillside and ridgeline preservation, seeking of jobs and the like. The themes had been arrived at through discussions with various forums, committees, comments from the public, the Commission, the City Council and the like.

The themes provided the basis for the various elements and policies of the General Plan. The General Plan included all elements as required by State Law, in addition to certain option elements. Option elements included Urban Design, Downtown, Economic Development and the like. Due to the various concerns expressed during the various forums, the optional elements had been included in the General Plan. State law stipulated that if an element had been included in the General Plan, each element carried equal weight and all would have the same level of gravity.

Mr. Bhatia explained the purpose of the General Plan EIR, to evaluate the environmental impacts of the General Plan itself in terms of impacts to air, water, noise, transportation health and safety. In
addition, it would assist the City Council and the Planning Commission in adopting the plan, making recommendations in the plan and would provide a basis for subsequent or more detailed site specific plans and development proposals.

The developments under the umbrella of the General Plan would still be subject to further environmental review. The EIR would also assist the Local Agency Formation Commission (LAFCO) in making decisions about changes to the City limits and its Sphere of Influence.

In order to meet the intent of CEQA, the plan had been prepared to be self-mitigating and included mitigation measures for the General Plan policies and annual review of the General Plan process by State Law, which would not necessitate a separate monitoring program.

Mr. Bhatia identified how an analysis of the land uses had been conducted for the review of the General Plan and identified policies. In some instances, the policies had already been identified in the General Plan and through further analyses it was clear that there should be policies to address impacts. Incorporated in the document by reference were maps and diagrams and an Existing Conditions Report that had been prepared two and a half years ago, which consisted of an extensive analysis of existing conditions in the City.

Mr. Bhatia explained that they had been able to mitigate most of the impacts with the exception of some. Those impacts included transportation and air quality. Although the General Plan exceeded the stipulated Level of Service (LOS) goals for certain streets and street segments, those had been highlighted in the EIR and the detailed analysis.

Given those significant and unavoidable environmental impacts, Mr. Bhatia reported that the City Council would have to adopt a Statement of Overriding Considerations which would state that it would be beneficial for the City to proceed with the General Plan Update with the objectives that had been laid out.

Mr. Bhatia also noted that the EIR had also analyzed various alternatives and had gone through an extensive analysis process. A document that had been prepared titled, City of Pittsburg General Plan Sketch Plans had incorporated the alternatives as alternatives to the General Plan itself.

Mr. Bhatia reiterated that the City was in the public review process stage of the Draft EIR, which was an ongoing process. The purpose of the meeting was to allow the public and the Commission an opportunity to make oral comments on the adequacy of the Draft EIR. Written comments would be received by the public and public agencies with a deadline of March 12, 2001.

Upon the receipt of oral and written comments, a Final EIR would be prepared, including the consultant's responses to those comments. Subsequently, the Planning Commission would make a recommendation to the City Council to certify the EIR as being adequate. The Planning Commission would also make a recommendation that the City Council adopt the plan.

PUBLIC HEARING OPENED
PETE CARPINO, a resident of Pittsburg, requested assurance that traffic impacts would be addressed in the Draft EIR, in particular the reverse traffic impacts that could result from the City of Concord's plans for metering on Kirker Pass Road and the City's plans to potentially meter City streets as a result.

RON RIVES, an attorney representing Seeno Construction Company, commented that this was a time of economic prosperity in the City and a time of opportunity to develop the community as surrounding communities had done. He cited the Pittsburg/Bay Point BART Station as an example of an opportunity where the facility was within close proximity to a major freeway where commercial, office, and high density residential development could be realized.

Mr. Rives noted that Seeno Construction Company was in the process of developing San Marco, San Marco Meadows and Montreux developments, all of which would provide a greater variety of housing and public amenities that the City had ever seen. He suggested that the General Plan and the EIR should not be a document that the City would adopt unless it could be used to assist the City in defining or sustaining the goals of the City.

Mr. Rives advised that the developer was of the belief that the General Plan and the EIR unnecessarily limited the flexibility that the Planning Commission and the City Council would have to make approvals and review projects on a project specific basis. He suggested that the plans presented rigid limitations regarding ridgelines and hillside development.

While he recognized the goal of hillside and ridgeline preservation, Mr. Rives commented that the aesthetic values of maintaining the view of the hills throughout the City was an important goal, although it was one goal of many set forth in the General Plan and one for which the City had to proceed in the future.

Mr. Rives cited, for example, geotechnical considerations, slide stabilization considerations, cohesiveness of the City's infrastructure, the City's water system cohesiveness, storm drain cohesiveness and transportation cohesiveness. He suggested that if the City were to lock into an iron clad document where it would be prohibitive for one to develop within 100 feet of a ridgeline either horizontally or vertically, that would unnecessarily limit the City's flexibility.

Mr. Rives identified ridgelines on the maps of the City that were proposed to be protected. He identified a particular ridgeline in the southwest quadrant of the City where San Marco Boulevard was located. He commented that the City could not build its own road depicted in the General Plan if the City were to maintain a rigid policy on the development on ridgelines. As such, he requested flexibility if other goals were to be met.

Mr. Rives also commented that the General Plan sought to regulate creekside development. He pointed out that creek improvements and creek bed alternatives were regulated by the California Department of Fish and Game. Wetlands were regulated by the Army Corps of Engineers. If the City were to become involved in those issues, Mr. Rives suggested that would impose another
layer of bureaucracy on top of a layer that developers already had to deal with. The plan would also put the City in the business of regulating the Endangered Species Act.

Mr. Rives referenced Page 1-19 of the EIR, with respect to "...conducting of assessments of biological resources prior to approval of development within 300 feet of creekways, wetlands or habitat areas of identified special status species as depicted in Figure 9-1 of the document..." He suggested that the Department of Fish and Wildlife service had a vital interest in regulating anything a developer wanted to do regarding species. He questioned the City's position to add another layer of bureaucracy and questioned the City's involvement in the enforcement of the Endangered Species Act, burdening developers who were already meeting the burdens to satisfy Federal and State agencies.

Mr. Rives suggested that in order to satisfy all of those conditions, the City would require all developers to obtain necessary State and Federal permits regarding species, including wetlands and creekside preservation.

Mr. Rives suggested that the EIR also spoke of the participation in the development of a Regional Habitat Conservation Plan (RHCP) for the preservation of native species throughout Contra Costa County. He suggested that regulation did not belong in the document.

Mr. Rives also noted that the City had currently agreed to participate in the study of the feasibility of being a part of a RHCP. He commented that a condition of the City's participation was that the City would not have to participate in the RHCP if the City did not like the form the RHCP took. He suggested that flexibility should not be eliminated by inserting the regulation in the General Plan. He suggested that was an example of the City limiting its own flexibility by what was involved in the General Plan.

Mr. Rives reiterated that the critical comments regarding the EIR and the General Plan had to do with the City tying its hands and not allowing the flexibility to take into consideration all legitimate goals of the General Plan for the future development of the City.

ROGER RILEY, a resident of Pittsburg, echoed the previous comments and agreed that the General Plan should have some flexibility. He expressed concern with the definition of a creek. He cited Kirker Creek as an example. He also commented on the issues of the City's ridgelines, which he described as the best and only place to build fine upscale homes in the City.

Mr. Riley also cited the area of Alta Vista Circle as an example of a prized neighborhood located on a ridge. He inquired how future changes would be made to the General Plan and inquired how difficult and costly such a process would if such a request was made. He also advised that the map depicted on display to the audience was not accurate. He stated, for instance, that his office building located on Railroad Avenue had been designated for Light Residential, although the building was a commercial space with certain parking areas. Those future parking areas had not been designated on the map. He requested correction prior to the adoption of the document.

ELLEN KOLB explained that the Thomas family had been opposed to annexation to the City of
Pittsburg for some time. She clarified that Kirker Creek ran to the top of Kirker Pass Road. She otherwise questioned in terms of the potential environmental impacts where electricity and water services would be obtained. She pointed out the current electricity and fuel problems. She suggested that the entire plan was ludicrous.

KATHERINE THOMAS commented that if the City was going to plan what it wanted to do with her property she should be able to plan what she wanted to do with the City's property.

GLORIA THOMAS did not wish to speak but asked that her written comments be made a part of the record:

We do not want to be annexed. No way. It had been no way with me all along.

C. de BONNEVILLE commented with respect to the potential impacts on land uses that the indigenous wildlife in the area had not been fully researched. The analysis had neglected to mention that coyotes, rabbits, squirrels and the kit fox were in the area. Additionally, she commented that the kit fox habitat had been mentioned leading one to believe that its habitat was minor.

Ms. de Bonneville noted that the kit fox habitat was much larger than had been expressed in the document. She commented that she saw coyotes at least once every two weeks, kit foxes and squirrels were often seen as well. She noted that the area where she resided was full of wildlife. With development encroaching, she suggested that no provision had been made for the wildlife habitat.

BEN JOHNSON, a resident of Pittsburg, stated that the document had not addressed any mitigation measures for potential traffic impacts as a result of the construction of the Harbor and Railroad Avenue overpasses. He also expressed concern with High Density designations for the area of Eighth, Ninth and Tenth Streets versus the existing Low Density developments in the area. He also opposed a High Density designation for Solari Street and Central Avenue. He also commented that traffic mitigation measures had not been addressed for those areas.

Speaking to the Tenth Street Corridor, Mr. Johnson noted that the area was designated for High Density development. He suggested that the type of High Density development that could occur should be clarified. In addition, the EIR had not followed the City's process for the maintenance of City streets and infrastructure in terms of the City's existing water lines. He suggested that the EIR identify mitigation measures for the repair of existing water and sewer lines, particularly in relation to potential new development.

Mr. Johnson further suggested that the City work as a partner with East County jurisdictions with greater detail, with mitigation measures to be identified in the EIR. He also recommended that the document address the City as a co-partner in addressing traffic impacts, such as how to mitigate BART, whether it should be moved down to the City of Antioch and the like.
Mr. Johnson otherwise concurred with the previous concerns regarding the present structure of the City's Urban Limit Line (ULL).

PUBLIC HEARING CLOSED

Mr. Jerome reiterated that written comments should be received by March 12, 2001. Copies of the Draft EIR were available at the public library and for sale at City Hall for $25. The General Plan was also on the City's website and the EIR should be online tomorrow afternoon.

Chairman Kee thanked everyone for their comments. He reiterated that all comments would be taken into consideration and be reviewed by the General Plan consultants.

ITEM 2: San Marco Residential Subdivision Unit 1 Power Line Setback Variance.

VA-00-01.

Application by Seecon, Financial and Construction Inc., for a variance to allow the rear portions of the proposed models on Lots 18, 19, 23 and 24 of San Marco Subdivision 7362, Unit 1 to be constructed within the 100-foot power line setback as required of the PD (Planned Development) zoning (Ordinance No. 93-1057, Condition No. 23). The variance requests that the required setback be reduced from 100 feet from the centerline of the 115kV power lines to 95.3 feet on Lot 18; 97.7 feet on Lot 19; 91.0 feet on Lot 23 and 98.5 feet on Lot 24 on these four lots located on Santa Lucia Drive; APN 097-150-007.

Mr. Jerome explained that the variance application had originally been agendized for the February 13 Zoning Administrator meeting. By consensus of the Planning Commission during the previous meeting, the item had been referred to the Planning Commission for a full public hearing.

Associate Planner Chris Bekiaris presented the request from Seecon, Financial and Construction Inc., for a variance to allow the rear portions of the proposed models on Lots 18, 19, 23 and 24 of San Marco Subdivision 7362, Unit 1 to be constructed within the 100-foot power line setback as required of the Planned Development zoning (Ordinance No. 93-1057, Condition No. 23). The variance requests that the required setback be reduced from 100 feet from the centerline of the 115kV power lines to 95.3 feet on Lot 18; 97.7 feet on Lot 19; 91.0 feet on Lot 23 and 98.5 feet on Lot 24 on the four lots located on Santa Lucia Drive.

Mr. Bekiaris reported that the San Marco project had been approved in 1992 for the 639 acre site, with the Tentative Map approved for 2,938 residential units to be divided between single family homes, multi-family and townhomes. Subsequent to that approval in 1992, the applicant had on November 28, 2000 requested approval of the architectural plans 112-single family homes for the first phase of the construction of the San Marco development, identified as Unit 1, which the Commission had approved.

Fourteen of the 16 lots on the north side of Santa Lucia Drive, including the models, were approximately 27 feet from the edge of a 115k transmission line. That line did not run through the parcel since it was outside of the parcels.
Following the November 29, 2000 Planning Commission meeting, the applicant had realized that four of the proposed models would be partially located within the 100-foot power line setback, which had been a condition of the Tentative Map in 1992.

Mr. Bekiaris read into the record Condition of Approval No. 23 of Ordinance No. 93-1057, as follows:

\[\text{No residential structure shall be located within 100 feet of the centerline of either of the } 230k \text{ of } 115lk \text{ transmission line easements.}\]

As such, Mr. Bekiaris noted that the applicant had requested the setback variances for Lots 18, 29, 23 and 24. The applicant had stated that the four lots did not have sufficient building area due to the power lines setback to construct a one story model and a larger two story home. The applicant had also stated that to add the two models would create a wider choice of housing types than if the models that could fit on the properties were to be built.

Mr. Bekiaris reported that staff had analyzed the proposal noting that power lines had traveled through previous subdivisions approved by the Planning Commission. He stated that both the Highlands Ranch and the Oak Hills developments had involved less restrictive conditions regarding the location of structures vis a vis a power line easement.

Mr. Bekiaris advised that Condition No. 28 of Planning Commission Resolution No. 9006 had approved the Highlands Ranch Subdivision, stating that "No building structure shall be constructed in the PG & E tower line easement that is located in the westerly section of this subdivision."

Condition No. 22 of Resolution No. 8969 had approved the Oak Hills South Unit 5 development, with one lot eliminated in order to widen four lots to allow a buffer between the existing residences and the power line easement. The power line easement, similar to the San Marco and the Oak Hills subdivisions, did not run through the residential lots.

Mr. Bekiaris further explained that there had been considerable research over the years on electric and magnetic fields (EMF). Planning staff had also conducted research on the Internet on recent scientific studies of EMF and noted that the United States National Academy of Sciences in a report dated 1996, and the United States Institute of Health Report in 1999, had stated that there was no conclusive and consistent evidence to show that exposure to EMF's were injurious to one's health.

The applicant had also cited a summary of the 1999 report from the National Institute of Environmental Health that stated that scientific evidence suggested that EMF exposure posing any health risks was weak. EMF exposures could not be recognized as being entirely safe because of weak scientific evidence that exposure may pose leukemia hazards.

Mr. Bekiaris recognized that the models could be placed outside of the power lines, although that
would eliminate a choice in housing type in the subdivision. The footprint of larger homes would not be able to fit in the lots and smaller homes would have to be built, lessening the choice to a prospective homebuyer.

Mr. Bekiaris advised that it might be possible to have the garage setbacks closer to the streets, although such a layout would result in a monotonous line of garage doors as opposed to a variation of models allowing a more attractive subdivision.

Mr. Bekiaris recommended that the variance be approved in light of the recent research that any health risk from EMF's would be inconclusive and because no power line easement existed in the lots. The closest model would be 91 feet to the edge of the easement, farther than the closest new homes adjacent to power lines in either the Oak Hills or Highlands Ranch subdivisions. Staff also was of the opinion that the reduction of the required setback in the rear yards would outweigh the reduction of front garage setbacks or create a monotonous line of the same models side by side.

Adoption of Resolution No. 9187, approving VA-00-01 with conditions, was recommended.

Commissioner Valentine inquired of the distance from the homes in the Oak Hills and Highlands Ranch subdivisions that were near the power lines.

Mr. Bekiaris reiterated that the homes in those developments were closer than the models for the subject property.

Chairman Kee requested clarification if the variance was granted, that the homes would not be constructed within the easement, to which Mr. Bekiaris affirmed that the easement would be totally outside of the parcels.

PUBLIC HEARING OPENED

PROponent:

MATT BRUNO, Seecon Financial and Construction Company, 4021 Port Chicago Highway, P.O. Box 4113, Concord, explained that the recorded easement was approximately centerline to the edge of the easement at 47 feet. The nearest home would be approximately 91 feet away, almost double that of the recorded easement. No homes would be located in the recorded easement. He also commented that for the Highlands Ranch subdivision, the homes had been built right on the easement line 43 feet away from the centerline of the easement.

Mr. Bruno commented that the condition stipulating the setbacks had been written and imposed nine years ago. He acknowledged that there had been concerns with potential health risks at that time. Since that time, additional studies had been prepared with no conclusive evidence. All information regarding the transmission lines were disclosed to any potential homebuyer. He suggested that the variance was a logical process.

Mr. Bruno added that the variance was necessary to allow a variety of homes for the development.
Mr. Bruno otherwise affirmed that he had read the conditions of approval as contained in the staff report and was in agreement with the staff recommendations.

Commissioner Valentine inquired at the time the developer had presented design drawings of the homes to the Commission for consideration whether or not the developer was aware of the amount of land necessary to accommodate the proposed home designs.

Mr. Bruno explained that the homes had been designed to fit on a 100-foot lot. The subject lots were slightly longer. He clarified that he was unaware of the condition at the time the homes had been designed for the lots. As a result, at the time of plotting the homes, it had been found that the homes would not fit without the approval of a variance of the setback requirements.

Commissioner Valentine commented that the condition had been imposed since 1993. He questioned why during all of that time no one had ensured that the homes would fit the land without a request for a variance or a request for a change in the approved conditions.

Mr. Bruno advised that the homes had been developed during the later part of 2000. In 1992, it was possible that the types of homes being built in Oak Hills would have easily fit the lots since smaller homes were involved. He emphasized the direction of the City to build more upscale housing within the City. The San Marco homes had been designed along those lines with a larger product than anticipated in 1992.

Commissioner Valentine inquired of the number of upscale housing developments in the Bay Area that had been built next to such transmission lines.

Mr. Bruno suggested that there were thousands that had been built right on the easement.

Commissioner Valentine stated that there was scientific evidence that stated that EMF emissions did produce leukemia hazards. He noted that none of the health reports referenced indicated that there was inconclusive or no evidence. The reports clearly stated that there was weak evidence. He suggested that it was the obligation of the City to protect its residents and that every study had indicated that there was evidence that EMF fields produced leukemia hazards.

Mr. Bruno emphasized that no conclusive or consistent evidence had been found to determine that there were any health risks.

Mr. Bekiaris commented that PG&E had prepared a flyer on EMF emissions and there were further studies being done. He stated that recent scientific evidence had been found to be non-conclusive and had determined that there was weak evidence.

Commissioner Valentine disagreed that there was no evidence and suggested that residents should not be exposed. Since the developer was aware of the land available to build the homes, the homes had been designed in contrast to what had originally been approved and had been designed so that
they would not fit the lots. He opposed the variance request.

Commissioner Glynn recommended that the Planning Commission approve the map approved by the Planning Commission on November 28, 2000, inclusive with that map was the size of the homes that were determined to be built on the lots. He added that although the Commission might not have been aware of the close proximity of the homes to the nearest power lines, in reviewing the documents, he suggested that the worst case scenario was that a home would be nine feet less than that required by law. He suggested that the sag rate of the nearest closest point of approach, of the particular power line between the two towers that effected the four lots, could be adjusted by nine feet without hurting anyone, which could achieve a 100-foot standoff distance at the next maintenance schedule.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Holmes to adopt Resolution No. 9187, approving VA-01-01, a variance to reduce the 100-foot power line setback in the rear yards of Lots 18, 19, 23 and 24 within San Marco subdivision 7362, Unit 1, with the conditions as shown. The motion was seconded by Commissioner Glynn and carried by the following vote:

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

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

COMMISSION CONSIDERATION:

There were no Commission Considerations.

GENERAL PLAN UPDATED REPORT:

Discussion of meeting dates for Draft General Plan

Mr. Jerome requested that the Commission discuss when the Commission would like to hold either a workshop or public hearings on the General Plan itself. He requested direction as to the number of meetings that might be necessary and whether not the Commission desired to hold any special
meetings.

Commissioner Leonard suggested that each element be discussed individually and not done rapidly in order to afford an ample time of review for each element.

Commissioners discussed at length the importance of reviewing the General Plan elements individually and not rushing the review of the document. It was recognized that the agenda for the meeting scheduled for February 27 was full and that there might not be ample time to discuss any elements during that meeting.

Commissioner Glynn expressed concern that the General Plan EIR had utilized 1990 Census data when the 2000 Census data was available, along with Association of Bay Area Governments (ABAG) statistics. He emphasized that the information should be brought up to date.

Mr. Bekiaris advised that the 2000 Census data was not yet available. Local data would be out in March or April but would be piecemeal. All the City had at this time was official 1990 Census data.

Commissioner Glynn suggested that unofficial data estimates should be considered since the 1990 data was being used for 2020 projections.

Mr. Gangapuram explained that most of the information, such as population predictions, had been based on figures from ABAG, which had extrapolated data. He acknowledged that there were certain areas in the document where adequate data was not yet available and where ABAG could not provide predictions. During those instances, it had been necessary to return to the source of whatever was available, necessitating the use of the 1990 data.

Mr. Gangapuram further explained that written comments on the EIR would be accepted through March 12, 2001. Discussion of the General Plan did not involve a deadline date, although the staff goal was to get the work done as soon as possible. Key elements, such as land use, circulation and conservation should be done at one time to allow staff to notice to the public and to allow for ample opportunity for discussions. He suggested that the land use and transportation elements be discussed together.

Commissioner Tumbaga advised that she had received a telephone call from a firm that was prepared to speak at length on the Housing Element. She inquired whether or not the Commission should discuss that element separately.

Mr. Jerome explained that the Housing Element would have to be redone in about a year and would require State approval. He otherwise recognized that the Downtown Element might generate a great deal of discussion.
Mr. Gangapuram suggested that land use and circulation could be discussed during one meeting, with downtown and urban design discussed during another meeting. He inquired whether or not the consultant should be invited back to facilitate the discussion.

The consensus of the Commission was that it was not necessary to invite the General Plan consultants back during the initial discussions of the General Plan.

Commissioner Valentine recommended that land use be discussed separately. Downtown and Urban Design Elements could be discussed together, with Traffic and Housing Elements to be discussed together as well. He suggested that the remaining elements could be discussed afterwards.

The Commission discussed meeting every Tuesday during the month of March to discuss each element until complete. A special meeting had been recommended to be scheduled for Tuesday, March 6, 2001, at 7:30 P.M., at which time the Planning Commission would discuss the Land Use Element and the Downtown Plan.

**STAFF COMMUNICATIONS:**

Mr. Jerome reported that the Commission had been presented with tote bags and business cards. He advised that a meeting of the Senior Housing Center had been scheduled for February 15 at 1:30 and 4:00 P.M.

Mr. Jerome further reported that he had spoken with Commander Bill Hendricks who was prepared to make a presentation to the Planning Commission on code enforcement. A presentation was anticipated to be made during a regular meeting in April. The Police Department was also working on obtaining a grant for additional Code Enforcement Inspectors who would assist the City in enforcement issues and who could provide assistance with follow-up inspectors through business license renewals, as previously discussed by the Commission.

**ZONING ADMINISTRATOR REPORT:**

Mr. Jerome reported that the Zoning Administrator had met this date to consider two applications. The first application for the Bustamante Fence Exception had been continued to April 10 in order for the applicant to provide clarification and details of the fence. A request from Sri Guru Ravidass Temple for a six foot high wrought iron fence to be located in the required front yard setback area had been approved.

Mr. Jerome advised that the decision of the Zoning Administrator could be appealed by the Planning Commission or other parties in writing to the City Clerk.

**COMMITTEE REPORTS:**
Commissioner Holmes reported that he had attended the East Central Traffic Management meeting, which had included participation from the Mayors of the Cities of Pittsburg, Antioch, Concord and Clayton. Concerns had been raised with respect to reverse traffic problems along Railroad Avenue and along Brookside Road in order to access Harbor Street, preventing many residents from exiting their properties. Potential metering had also been discussed to slow traffic over the hills and into the City of Clayton. A Vice Chair had also been selected during that meeting.

Commissioner Holmes also reported that the City had been having problems with overflow traffic at the Pittsburg/Bay Point BART Station with BART patrons parking in the Oak Hills subdivision. Attempts were being made to alleviate that problem with the vehicles to be fined if not properly permitted.

Commissioner Kelley advised that she had attended the Senior Housing meeting where information had been presented on the plans for the development of the facility adjacent to the new Stoneman Village Apartment complex. The committee had discussed a number of design elements, including lighting, space, security, non-slip surfaces, kitchen amenities and adequate transportation to and from the facility. Additional design elements could include an outside BBQ during the summer.

The committee had also discussed the maintenance and upkeep of the building, landscaping, staffing needs and activities that could be offered to the seniors. The next meeting would include a discussion on the evaluation and criteria for the cost for the facility, utilization of the building, staffing and maintenance costs.

Commissioner Valentine stated that he had attended another Senior Housing meeting. He understood that Tri Delta Transit would work with the Senior Center to potentially change the location of the bus stop to bring it closer to the center. In addition, discussions had been held on who the center would serve and the types of programs that would be offered to the seniors, with the building to be designed for future expansion.

Commissioner Glynn commented that he had requested at the previous meeting that the agenda include the establishment of a subcommittee for the Foreign Trade Zone, for which he had volunteered to serve. He expressed concern that request had not been placed on the current meeting agenda.

Mr. Jerome stated that he had not been authorized by the City Council or the City Manager's Office to place such an item on the agenda.

Commissioner Glynn explained that he had spoken to the Mayor and the Vice Mayor. He requested that the item be agendized for the next meeting.

Mr. Jerome advised that he would clarify the request with the City Manager.

Commissioner Holmes reported that in June, Caltrans would be closing Harbor Street at California Avenue to commence roadwork on the overpass. He understood that the area would be closed for
ten to eleven months.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Glynn looked forward to working on the General Plan and the EIR.

Commissioner Kelley expressed her appreciation for the tote bags. She otherwise reported a problem with gang graffiti being painted on the fences at Riverview and Panoramic Drives.

Commissioner Tumbaga questioned whether or not anything could be done to prevent people from tying their dogs to the play equipment at Woodland Hills Park, preventing small children from utilizing the equipment. She otherwise provided income information to the Commission that had been requested at the previous meeting during the discussion of the Pittsburg Family Apartments project.

Commissioner Tumbaga also presented Commissioners with an invitation to the 2001 Winter Arts Festival scheduled to commence on February 17, 2001.

Commissioner Valentine advised that he would be unable to attend the February 15 Senior Housing meeting. He commented in relation to the traffic problems reported by Commissioner Holmes at Railroad and Brookside Avenues, that a similar problem had occurred off of West Leland Road. The Police Department had installed signage prohibiting left turns, which had alleviated the problem in that neighborhood and which could be considered as an option to solve the current traffic problem.

Commissioner Valentine also commented that he understood that the Commission would have the opportunity to comment on the General Plan and Draft EIR. He requested that his comments be made a part of the record. He suggested that there was not enough detail in the EIR regarding wildlife preservation or identification of the wildlife in the area, including no mention of coyotes, Golden Tailed Eagles, and several owl species.

Commissioner Valentine otherwise agreed with the stipulation for maintaining a 100-foot limit for the development on ridgelines. He suggested that it was the City's responsibility to protect all items within its borders, from human, insects to trees.

Commissioner Tumbaga reported that she had five raccoons in her rear yard and it was possible they were under her home. Unable to reach Animal Control Services, she questioned what could be done.

Mr. Bekiaris suggested that Commissioner Tumbaga wait until the evening hours when the raccoons should come out and then seal off any crawl spaces.

Mr. Gangapuram understood that Animal Control Services would provide traps to trap the raccoons.
ADJOURNMENT:

There being no further business, the meeting adjourned at 9:53 P.M. to a regular meeting of the Planning Commission on February 27, 2001 at 7:30 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

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RANDY JEROME, Secretary
Pittsburg Planning Commission