A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Glynn at 7:30 P.M. on Tuesday, August 13, 2002, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

**ROLL CALL:**

Present: Commissioners Dolojan, Garcia, Harris, Leonard, Ramirez, Chairperson Glynn

Absent: Commissioner Kelley

Staff: Director of Planning and Building Randy Jerome; Planning Manager Melissa Ayres; Associate Planner Chris Bekiaris; Associate Planner Ken Strelo; Planning Technician Christopher Barton; Planning Intern Gary Hsueh; Civil Engineer II Alfredo Hurtado, and City Attorney Linda Daube.

**PLEDGE OF ALLEGIANCE:**

Chairperson Glynn led the Pledge of Allegiance

**POSTING OF AGENDA:**

The agenda had been posted at City Hall on Friday, August 9, 2002.

**MINUTES:** July 23, 2002

Chairperson Glynn requested the following amendments:

To the first sentence of the sixth paragraph on Page 5:

*Mr. Palmer noted that the public notice residents received had included no details or dimensions for the proposed billboard.*
To the last sentence of the fifth paragraph on Page 6:

That sign would be a standard size (approximately 14 x 48 feet in size) with a single pole 40 feet in overall height.

To the first paragraph on Page 14:

Mr. Jerome also explained, when asked by the Chairman, that the City intended to comprehensively rezone everything necessary to be consistent with the General Plan and that it would take some time to create a revised Zoning Map.

MOTION:

Motion by Commissioner Harris to approve the minutes of the July 23, 2002 meeting, as amended. The motion was seconded by Commissioner Leonard and carried by the following vote:

Ayes: Commissioners Dolojan, Harris, Leonard, Ramirez, Glynn
Noes: None
Abstain: Commissioner Garcia
Absent: Commissioner Kelley

DELETIONS/WITHDRAWALS:

Mr. Jerome reported that agenda Item No. 1, Heritage Pointe Residential Subdivision, would be continued to a date uncertain at the written request of the applicant.

COMMENTS FROM AUDIENCE:

There were no comments from the audience.

PRESENTATIONS:

There were no presentations.

PUBLIC HEARINGS:

Item 1: Heritage Pointe Residential Subdivision. GP-02-02, RZ-01-12, Subdivision 8625 and DR-02-17.

Application by Vince Fletcher of Western Pacific Housing requesting amendment of the General Plan Diagram from Business Commercial to Low Density Residential, rezoning from IP (Industrial Park) to RS-O (Single Family Residential with a Limited Overlay), approval of a vesting tentative map to subdivide 22 lots into 125 lots.
Design review approval for the construction of 125 single-family homes and a 0.4 acre park on a 22.07 acre site (former Subdivision 6843) located on Builders Circle south of West Tenth Street west of Beacon Street, APNs 085-260-018 to 024; 085-260-027 to 040 and 085-260-042.

Mr. Jerome reiterated that the applicant had requested, in writing, that the item be continued to a date uncertain. The City had also received a request from the firm of Adams, Broadwell, Joseph and Cardoza to continue the item for additional environmental review. He further advised that staff had received, by messenger, an additional letter from the same firm requesting that a full Environmental Impact Report (EIR) be prepared for the project.

Mr. Jerome added that another public hearing notice would be prepared when the item was ready to return to the Commission.

In response to Commissioner Dolojan, Associate Planner Chris Bekiaris clarified that the request had been to subdivide 22 lots into 125 parcels, as identified in the staff report. He stated that the agenda was incorrect in that it showed a subdivision of 22 lots into 127 parcels.

PUBLIC HEARING OPENED

PROПONENTS: None

OPPONENTS: None

MOTION:

Motion by Commissioner Garcia to continue Heritage Pointe Residential Subdivision, GP-02-02, RZ-01-12, DR-02-17 and Subdivision 8625, to a date uncertain. The motion was seconded by Commissioner Harris and carried by the following vote:

Ayes: Commissioners Dolojan, Garcia, Harris, Leonard, Ramirez, Glynn
N0es: None
Abstain: None
Absent: Commissioner Kelley

Item 2: Pittsburg Towne Center Remodel and Walgreens. DR-02-18 and VA-02-01.

Application by Robert Berger requesting approval of design review of architectural plans for the construction of a new 14,490 square foot Walgreens Store and a new 5,332 square foot building housing various tenants, to replace two existing buildings to be demolished in the shopping center.
The Applicant is also requesting a variance to install less than the minimum required landscaping on the site, and design review approval of a master sign program plans and architectural plans for the exterior remodel of the existing 78,020 square foot shopping center main building. Pittsburg Towne Center is located at 2921 Railroad Avenue, CC (Community Commercial) zone; APNs 088-121-013, 088-121-021 and 088-121-022.

Staff recommended that the Planning Commission adopt Resolution No. 9360 approving VA-02-01, Resolution No. 9361 approving DR-02-18, with the conditions as shown.

PUBLIC HEARING OPENED

PROPONENTS:

JAMES HEILBRONNER, 1600 South Main Street, Walnut Creek, identified himself as the Architect for the Berger family, the owners of the shopping center. He noted that the center had gone through a number of transitions over the years, including some additions and remodels. The property owner now proposed to upgrade the entire center, reface the existing shop building and rear of the center, and demolish two buildings on the northern edge of the site. One of the buildings currently had two tenants. The other was vacant. The vacant building, previously occupied by a restaurant, had been vacant for some time.

The location of the two existing buildings to be demolished would be the home of the new Walgreens facility at approximately 14,000 square feet in size. A new pad building would also be constructed on the south side of the site to house those tenants who would be relocated from the two existing buildings. At the same time, the shopping center would be refaced and the parking lot would be relandscaped. Additionally, a new pavement system would be installed throughout the site, along with new lighting.

Mr. Heilbronner understood that the landscaping that had been proposed would more than double the existing landscaping inside the site. The site lighting was also old and would be upgraded. He added that the proposal would be unable to meet the City’s ten percent landscaping requirements because Walgreens wants more parking than the City standard of one vehicle for each 350 square feet of retail space.

Mr. Heilbronner noted that the architecture of the main building would match the Walgreens store. The existing roof of the main building would be replaced with the same tile being used on Walgreens. The same paint scheme would be used throughout the center. The project would be constructed in phases as tenants were replaced. The new sign program would complement the new pad building and Walgreens.

Commissioner Garcia referenced the existing building to the south occupied by Enterprise Car Rental. He inquired where the Enterprise vans would be parked. He expressed concern about nearby parking spaces being used for storage of rental cars instead of being made available for retail customers.
Mr. Heilbronner explained that they had deliberately placed Enterprise Car Rental on the north side of the building since that tenant was a destination location. In speaking with that tenant, a wash facility had been proposed on the back side of the large retail building where vehicles could be washed and stored. There was parking in the rear that was not utilized by patrons. Spare vehicles could be parked behind the buildings and out of view. Commissioner Garcia inquired whether or not the applicant would be opposed to an additional condition that vehicles rented by Enterprise Rental Car would be stored in the northeast corner of the property.

Mr. Heilbronner said no, as long as it was understood vehicles would be parked up front temporarily as they were being picked up and dropped off.

Commissioner Dolojan inquired whether or not the parking spaces were wide enough for in and out traffic movements.

Mr. Heilbronner clarified that all of the aisles would be two-way aisles and allow 90-degree parking pursuant to the City's standards for aisles and parking space widths. The main entrance to the center would be slightly modified on Railroad Avenue to align directly with one of the aisles and to improve the flow of the parking lot, which would prevent any interference with vehicles going in and out or backing out of the parking spaces.

In response to the Chair, Mr. Heilbronner clarified that he had read and was in agreement with the staff recommended conditions of approval.

INTERESTED SPEAKER:

WILLIE MIMS, 954 Newcastle Way, Pittsburg, representing the Black Political Association (BPA), noted that the project would involve the demolition of two smaller buildings and the relocation of the existing tenants in the two buildings to be demolished. While the staff report had indicated that the project would be exempt from the requirements of the California Environmental Quality Act (CEQA), he expressed concern that the project would involve the demolition of a building that was currently occupied by a dry cleaners.

As such, Mr. Mims suggested that there be an environmental study of the site prior to the approval of the project to ensure that no dry cleaning related chemicals had leaked into the site.

Mr. Mims also expressed concern with the variance request and the staff opinion, as offered in the staff report, indicating that the variance should be supported due to the need for parking for the proposed use. While the staff report had noted that the project would require a minimum of 280 parking spaces, the existing shopping center had 420 parking spaces and 331 parking spaces had been proposed as part of the new project. As a result, he questioned the characterization that the site was underparked.
Associate Planner Strelo affirmed that the project would be exempt from CEQA requirements pursuant to Class 32, Infill Development. He noted that demolition did not involve discretionary review in that the demolition of buildings was associated with building permits which are a ministerial act. Such projects are exempt from CEQA.

Speaking to the parking requirements, Mr. Strelo commented that the City code specifies minimum, not maximum parking requirements, which are often mistaken for a maximum requirement. In this instance, the minimum number of parking spaces for a shopping center that had no standalone parcels or a use permitted use or conditional uses, could be analyzed as one vehicle for every 350 square feet of building area. Based on those calculations, 280 parking spaces is the minimum required for the entire project, including all of the new buildings and the existing floor area of the large building to remain.

Mr. Strelo explained that a Tentative Map had also been filed for this property, was in the process of being analyzed by the Planning Division and would likely be brought back before the Planning Commission in the near future. The Tentative Map could increase the amount of parking needed for any one of the parcels since each would have to be analyzed separately. Also, by allowing the 331 parking spaces, room would be left for future uses that might require more parking spaces.

Commissioner Garcia understood that most of the dry cleaner businesses in the City were typically locations where clothing items were picked up. He understood that the clothes were not actually cleaned on-site and were shipped to another location and returned to the site. He also understood that the dry cleaner operation would involve no cleaning solvents whatsoever in the building.

Mr. Heilbronner clarified for the discussion that the dry cleaning business did have an on-site plant. He understood that the new operation would include a plant with a different type of operation and chemical use.

As to the existing location, Mr. Heilbronner explained that a Phase One and Two soil contamination investigation report had been completed in November 2001. Those reports had indicated that there was no concern for hazardous materials in the soil.

Additionally, soil borings had been conducted on the site with testing for both contaminants for the area of the dry cleaner and near the gas station for gasoline contaminants. No significant readings had been found other than a low, low reading, under the State threshold. All reports could be provided to staff and the Planning Commission upon request.

Chairperson Glynn requested that the reports be provided to staff as soon as possible. He also requested that staff be provided with information relevant to what chemicals might be utilized in the new dry cleaning facility.
Mr. Jerome clarified for the record that the meeting agenda had referenced a use permit to operate a retail store with drive through pharmacy. He reported that the use permit application had been eliminated the drive thru had been determined by staff to be simply an accessory use.

MOTION: VAR-02-01

Motion by Commissioner Garcia to adopt Resolution No. 9360, approving VA-02-01, a Variance to reduce the minimum landscape coverage requirements on a parcel located at the corner of Railroad Avenue and Atlantic Avenue for "Pittsburg Towne Centre (Walgreens)," with the conditions as shown. The motion was seconded by Commissioner Harris and carried by the following vote:

Ayes: Commissioners Dolojan, Garcia, Harris, Leonard, Ramirez, Glynn
Noes: None
Abstain: None
Absent: Commissioner Kelley

MOTION: DR-02-18

Motion by Commissioner Garcia to adopt Resolution No. 9361, approving DR-02-18, Design Review approval of 1) architectural drawings to construct a 14,490 square foot retail store and a 5,332 square foot commercial building, and to remodel a 78,000 square foot existing retail building, 2) site development of a 7.73 acre existing shopping center, and 3) a Master Sign Program at the corner of Railroad Avenue and Atlantic Avenue (Pittsburg Towne Centre) and Somersville Road for "Pittsburg Towne Centre" (Walgreens), with the conditions as shown, and with the following additional condition:

- All rental vehicles shall be stored in the northeast corner of the shopping center behind the main buildings and only those vehicles to be picked up by customers shall be parked in front of the Enterprise Rental Car business.

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

Ayes: Commissioners Dolojan, Garcia, Harris, Leonard, Ramirez, Glynn
Noes: None
Abstain: None
Absent: Commissioner Kelley
Commissioner Harris advised that he would recuse himself from the discussions with respect to Items 3, 4 and 5 on the agenda due to a possible conflict of interest. Speaking to Item No. 3, he noted that he was not doing any work for the subject developer, although he was one of the few General Contractors in the area who was still a union contractor desirous to have work for his employees.

Item 3: Park Place Residential Subdivision. RZ-02-10, Subdivision 8653 and DR-02-22.

Application by Albert Seeno III of Discovery Builders requesting approval of a rezoning of 3.53 acres to RM-O (Medium Density with a Limited Overlay) and approval of a Tentative Map for 40 lots for construction of 40 single-family homes at the southern terminus of Montezuma Street at West Thirteenth Street, Downtown Medium Density land use designation; APN 085-252-025.

Staff recommended approval of Resolution No. 9436 recommending City Council approval of RZ-02-10, Resolution No. 9347 approving Subdivision No. 8653, and Resolution No. 9357 approving DR-02-22, with the conditions as shown.

PUBLIC HEARING OPENED

PROPOSER:

ALBERT SEENO III, 4021 Port Chicago Highway, Concord, explained that he had been working with planning staff for some time on the project that consisted of 3.5 acres located at the terminus of West Thirteenth Street and Montezuma Street, for 40 residential homes. He noted that the project would border the Santa Fe Railroad tracks and the south side of Tenth Street and represent an upgrade in the area.

Mr. Seeno advised that he had read the staff report and was in agreement with all of the conditions of approval. He clarified that there would be some undergrounding of power lines and telephone wires along the frontage of the property. The project would also include curb, gutter and sidewalk on both sides of the street allowing for parking on both sides of the streets.

The homes would be single-family detached, with two car garages and range in size from 1,800 to 1,900 square feet, with three to four bedrooms each. An 8-foot high sound wall would be located along the south property line to separate this development from the Santa Fe Railroad tracks.

Mr. Seeno reported that a color package with architectural details had been provided to the Commission for review. The homes would include stucco siding and tile roofs with variations in the architectural features and colors in each model.
Commissioner Dolojan understood that efforts to develop the property had been ongoing since the early 1970's. He was pleased to see that it would now be developed.

In response to Chairperson Glynn, Mr. Seeno explained that all utilities along the property frontage from property line to property line would be underground as part of the project and as part of the General Plan requirement for the undergrounding of utilities.

OPPONENTS:

CHARLES SMITH, a resident of the Pepper Tree Apartments, Pittsburg, noted he had grown up in the area and was very familiar with the subject property. He stated there was a historical pathway that ran between the project site and the adjacent property that residents used to get from Parkside Drive and the City Park to reach Montezuma Street. He expressed concern that the sound wall shown on the project plans would eliminate that historical pathway.

Mr. Smith also expressed concern that in his review of the staff report, the Commission was being asked to rezone the property and make changes that would make the project comply with the General Plan. While the proposed project, by definition, fit within the General Plan, he suggested that the staff analysis had not shown that the project was being put into a corner of the City that was heavily congested with vehicular traffic. In addition, he disagreed with the use of a Mitigated Negative Declaration to bypass environmental issues that had not been addressed.

Mr. Smith understood that the City was the lead agency for the project. He suggested that the City should act and address environmental measures as other governmental agencies would have done. He noted that other governmental agencies did not approve projects based on conceptual drawings and a tentative map.

Mr. Smith suggested that there was no mitigation for the project, as proposed, and that a stop light on Tenth Street would have to be installed as a result of the development of 40 additional homes, which would add to the existing traffic constraints in the area. The staff analysis had also not addressed landscaping design, stormwater management plans and the actual materials for the sound wall.

Further, Mr. Smith commented on the potential noise impacts from the nearby train tracks. He noted that the staff report had not identified the allowable noise levels of the area. He pointed out that the sound wall would not adequately address the noise impacts associated with the train tracks. He also questioned whether or not any Commissioners or staff had driven through the neighborhood to experience the traffic congestion in that area. Potential impacts to wildlife as a result of the development was also a concern.

BENNY ENEA, 456 West Twelfth Street, Pittsburg, understood that the proposed homes would consist of two stories and that the bedrooms would be located upstairs. He
suggested that the two story design could prevent seniors from potentially purchasing the homes. He also expressed concern that the project had only one entrance for ingress and egress. He recommended that two entrances be provided. In addition, he suggested that 40 units was too dense for the area and requested that the project be reduced in size to possibly 30 units. He otherwise supported a development of the property.

ALFREDO MARTINEZ 445 West Twelfth Street, Pittsburg, also expressed concern with the development of more homes in an already congested area, the fact that the property had only one access in and out with vehicles parked on both sides of the street, and the potential difficulty of access by emergency vehicles. He agreed that with additional traffic, a traffic signal might be necessary on Twelfth Street.

Mr. Martinez commented that with additional homes, there would be additional children in the area in need of parks and recreational activities. He expressed concern for development within such close proximity to the railroad tracks and the potential negative impacts that could occur. He agreed that an environmental report should be prepared for the project.

JOANN JOHNSON, 425 West Twelfth Street, Pittsburg, commented that she had been a resident of the area for the past five years and had made improvements to her home. While not opposed to development on the subject property, she noted that the neighborhood had experienced problems with underground sewage, large trees that had damaged the streets, and flooded streets due to broken pipes involving raw sewage in some cases. She expressed concern that 40 homes would place more pressure on the existing sewage system.

Ms. Johnson suggested that the project be reduced in size, that access be improved, and that the potential safety hazards with more children in the area be addressed.

JOYCE GUNN, 120 Heron Drive, Pittsburg, explained that she was speaking to Item Nos. 3, 4 and 5, and expressed concern with the lack of regulations imposed on developers in the City. She commented that it appeared as if decisions were being made on housing developments without thoughtful discussions of the current and future needs of the entire community.

Ms. Gunn also expressed concern that some decisions had been made on housing developments without the benefit of environmental review and CEQA documentation. She noted that those living in and around such developments would require many services from schools, parks, fire, police, libraries, a community center and the like to ensure a high quality of life. While new development was good, she encouraged the City to follow the example of other communities to require developers to show how the needs of future residents would be met. She stated that would include the display of plans, funding mechanisms and an identification of how the necessary services would be provided to new residents at the expense of the developer.
Ms. Gunn suggested that if those services were not provided by funds from the developer, those services would have to be funded by the City, which would impact all residents of the City now and in the future.

PUBLIC HEARING CLOSED

Commissioner Garcia commented on the sewage system problems on Montezuma Street. He inquired whether or not the Engineering Department had reviewed that issue.

Civil Engineer II, Alfredo Hurtado explained that the project would be connected to a different sewer system. The City was considering refurbishing an existing 6-inch sewer line in the area. In addition, an existing 15-inch trunk line that ran from the south/north portion of the area would be connected to the subject project.

In response to issues with respect to drainage, Mr. Hurtado noted that the developer would be required to make some improvements to Montezuma Street and adequately provide the right infrastructure to handle the drainage for the subject project.

Commissioner Garcia clarified for the audience that there were two entrances to the project. He suggested that the Traffic Safety Committee consider the possibility of placing a four way stop sign at the corner of Montezuma and West Tenth Street if the traffic associated with the project warranted such a traffic device.

Chairperson Glynn inquired whether or not staff had reviewed the coordination of the sewage system with respect to the subject project and the Habitat for Humanity project that would run along the entire length of Montezuma Street.

Mr. Hurtado explained that Habitat for Humanity would be using the existing services in the area, including water services. The subject project would be using an existing 15-inch trunk main that ran along the north side of the property. He also acknowledged that based on the City's Municipal Code, every subdivision was required to underground any utilities within the perimeter of the project.

Mr. Hurtado further affirmed, when asked by the Chair, that the two projects were being coordinated as related to the interface with Montezuma Street and were not in conflict with one another.

Referencing Mr. Smith's concern regarding the pathway across this property, Mr. Hurtado noted that the subject site was private property and there was an unofficial pathway that was being used by children to cross the railroad tracks. He stated that the City had received numerous complaints from the railroad company due to illegal crossings.
Chairperson Glynn inquired whether or not a park would be required for the project in that the closest City park was directly behind St. Peter Martyr Church.

Mr. Bekiaris explained that subdivisions were either required to pay a park dedication fee or to build a park. In this instance, the project involved a small infill lot with no room for a park on site. The nearest park was the new linear park along Eighth Street, which was approximately three to four blocks from the subject property. The park in the Marina Park subdivision would also be available. For the subject project, the developer would pay a fee in-lieu of park dedication.

Mr. Smith identified the pathway he had referenced earlier during his testimony as crossing Lot No. 24. He added that many adults use the path to get to and from City Park.

Mr. Bekiaris pointed out that those using the pathway to cross the railroad tracks would be trespassing.

Chairperson Glynn advised that staff would review the legal ramifications of the pathway under discussion since private property rights were involved.

Commissioner Garcia pointed out that the City had expended funds to establish an undercrossing and overcrossing of those tracks to ensure safe crossings. He suggested that people could easily utilize these crossings to walk to the nearest parks.

Mr. Smith clarified that he was not encouraging children to cross the railroad tracks; he was attempting to clarify for the discussion that there was a historical pathway that would be affected by the development.

Commissioner Ramirez commented that he had lived in the area not far from the subject location. He still owned property in the area and was familiar with the area. He suggested that the project would be a real asset to the entire community since it would develop an undeveloped site. He otherwise recognized that some issues needed to be resolved.

Commissioner Dolojan pointed out that there had been attempts to develop the property for some time. He was pleased to see that something attractive would be developed to complement the area. He suggested that the City needed innovative ideas for progress. He suggested that the Commission consider the positive and was confident it would outweigh any negatives. He disagreed that the homes would not be conducive to older persons who might want to purchase them.

Commissioner Leonard commented that during the update of the General Plan the Commission had worked hard to address infill development. He suggested that the project represented a positive move in a difficult area. As a property owner of properties located on Eighth and Ninth Streets, he too was familiar with the issues of the area. He supported the project.
MOTION: **RZ-02-10**

Motion by Commissioner Leonard to adopt Resolution No. 9346, recommending that the City Council adopt RZ-02-10, establishing a RM-O (Medium Density with a Limited Overlay) zoning designation on the subject parcel. The motion was seconded by Commissioner Garcia and carried by the following vote:

- **Ayes:** Commissioners Dolojan, Garcia, Leonard, Ramirez, Glynn
- **Noes:** None
- **Abstain:** Commissioner Harris
- **Absent:** Commissioner Kelley

MOTION: **Subdivision No. 8653**

Motion by Commissioner Leonard to adopt Resolution No. 9347, approving a Tentative Map for Subdivision No. 8653, a 40-lot subdivision titled "Park Place Residential Subdivision," subject to conditions. The motion was seconded by Commissioner Garcia and carried by the following vote:

- **Ayes:** Commissioners Dolojan, Garcia, Leonard, Ramirez, Glynn
- **Noes:** None
- **Abstain:** Commissioner Harris
- **Absent:** Commissioner Kelley

MOTION: **DR-02-22**

Motion by Commissioner Leonard to adopt Resolution No. 9357, approving DR-02-22, design review approval of architectural drawings and site plan for "Park Place Residential Subdivision", with the conditions as shown. The motion was seconded by Commissioner Ramirez and carried by the following vote:

- **Ayes:** Commissioners Dolojan, Garcia, Leonard, Ramirez, Glynn
- **Noes:** None
- **Abstain:** Commissioner Harris
- **Absent:** Commissioner Kelley

**Item 4: San Marco Meadows Prezoning. Subdivision 8519.**

A public hearing on a request for a prezoning of 231 acres to RS-O (Single Family Residential with a Limited Overlay), a development agreement with the City and approval of a vesting tentative map to subdivide 231 acres into 779 single family residential lots ranging in size from 6,000 square feet to 1.29 acres (average lot size is 9,209 square feet) and to construct a water tank and related improvements in an undeveloped area located in the southwest hills, south of the existing San Marco Subdivision Tract 7362. The project
The site is designated Low Density Residential (1-7 dwellings units/acre), and located inside the County Urban Limit Line. The majority of the project is located outside of the City limits and outside of the City of Pittsburg Sphere of Influence; APNs 097-180-001, 002, and 006; 097-190-001 and 002; 097-200-002 and 003 (and portions of San Marco).

Mr. Jerome identified a number of exhibits that had been received subsequent to the distribution of the Commission packets. He identified Exhibit D, Assignment and Assumption Agreement; Exhibit E, the City's Development Fees; and Exhibit A, the Zoning Map for the project.

Mr. Jerome also identified Exhibit B, which included the following attachments:

- Letter from Contra Costa County (August 12, 2002)
- Letter from the Contra Costa Water District (August 9, 2002)
- Letter from Save Mt. Diablo (August 9, 2002)
- Letter from County Flood Control (CCCFC & WCD) (August 8, 2002)
- Letter from City of Concord (August 8, 2002)
- Letter from East Bay Regional Park District (August 8, 2002)
- Letter from Department of Transportation (August 12, 2002)
- Letter from Contra Costa Water District (August 8, 2002)
- Letter (w/attachments) from Adams Broadwell Joseph & Cardoza (August 6, 2002)
- Letter from Thomas Reid Associates to Adams Broadwell Joseph & Cardoza (August 9, 2002)
- Comments on Environmental Initial Study (August 12, 2002)
  Pre pared by J. Phyllis Fox, Ph.D., P.E. and Petra Pless, D. Env.
- Letter from Lynda Deschambault (August 13, 2002)

Mr. Jerome also reported that he had received on this date a voice mail message from Christine Augustino regarding the subject application.

Associate Planner Strelo described the proposed prezoning and subdivision requests. The Commission was being asked to approve the tentative map and make a recommendation to the City Council on the proposed prezoning request and existing Development Agreement.

Mr. Strelo explained that prezoning the property was required before it could be annexed. The General Plan designated the property Low Density Residential. By prezoning the property to RS, Single Family Residential, the project would be consistent with the General Plan and allow for single family residential development.

The Development Agreement would allow the developer 15 years to construct the improvements in exchange for the City receiving applicable in-lieu park fees prior to the
filing of individual final maps. 79 of the proposed lots are actually located in the San Marco Planned Development and an amendment would have to made to that P-D if these lots are to be approved.

Mr. Strelo explained that the Local Agency Formation Commission (LAFCO) is the decision making body to approve annexations and incorporation into cities. An adjustment to the City's Sphere of Influence would be required, as would annexation to the City and a boundary reorganization for the Contra Costa Water District (CCWD) and the Delta Diablo Sanitation District (DDSD).

Mr. Strelo acknowledged that normally design review would be included in subdivision projects. Staff and the applicant had decided that filing a design review application at this time would not be prudent since the project would not be immediately developed. Design review would proceed when the actual development took place to reflect any new materials or architecture that could be used at that time. Conceptual plans and elevations had been prepared and were available for Commission review.

The lot sizes would range from 6,000 square feet to 1.29 acres and consist of larger parcels towards the edges of the subdivision on slopes. Mr. Strelo noted that one third of the parcels did not meet the zoning requirement for a minimum 60 foot lot width. As a result, Mr. Strelo advised that staff had requested that the prezoning consist of RS, Single Family Residential District with a Limited Overlay designation, which would allow certain flatter lots to be developed with a minimum lot width of 50 feet.

Referencing the western portion of the Tentative Map, Mr. Strelo explained that at the time the Vesting Tentative Map had been drawn and the application proceeded forward, the Urban Limit Line (ULL) had been used as indicated on the City's General Plan. He noted that the County had a more detailed ULL map, which had shown a few of the lots as potentially located outside of the ULL. Staff and the applicant agreed those lots would not be developed and the final maps would reflect development within the ULL only.

Mr. Strelo advised that Council Resolution 01-9490, A Revision to the General Plan, stated "allow an overall maximum density of 3.0 units per acre within the Low Density Residential designation south of the existing San Marco project and outside the present Sphere of Influence line with a maximum number of 1,500 residential units." He stated that the overall development would fall under that requirement.

Mr. Strelo also explained that there were no plans to develop a park in or outside of the project area nor had the General Plan called for a park in the area. The developer would be responsible to pay parkland dedication in-lieu fees equal to $827 per lot, or approximately $644,000 for the entire project. Pursuant to the proposed Development Agreement, those funds would be made available to the City upon approval of the project rather than at the time of the final map. Those funds could be applied towards the costs of the approved, not yet built parks, within the greater San Marco development.
Mr. Strelo recommended that the Planning Commission adopt Resolution No. 9355 recommending to the City Council the approval of RZ-02-04, Resolution No. 9356 approving Subdivision No. 8519 subject to annexation, and Resolution No. 9359 recommending City Council approval of the Development Agreement.

Mr. Strelo clarified for the record that as part of the resolutions presented to the Commission for consideration, the Mitigated Negative Declaration would be reviewed and adopted by the Planning Commission.

RICHARD LOEWKE, Professional Urban Planner, 55 Oak Trail Court, Alamo, explained that he had been working with Charlie Abrams, Abrams and Associates, and the City’s Traffic Engineer to complete the traffic analysis portion of the Initial Study and the Draft Mitigated Negative Declaration.

Mr. Loewke advised that he and Mr. Abrams had gone through a great deal of technical information that had been assimilated and distilled for the public and the decision makers. He noted that one of the principles was of tiering.

Stating that the City had gone through a multi-year process at substantial staff and consultant effort with the Commission and the Council to prepare a new General Plan, Mr. Loewke stated that the Pittsburg 2020 General Plan had been adopted after a complete draft and final EIR had been prepared on the General Plan.

That document had contemplated the development of San Marco Meadows and a project of the size, scope and nature of what had been depicted in the plans. It had also contemplated the extent of grading, construction of a water system, extension of roadway improvements and the environmental impacts that might result. In assessing the project’s impact on the environment, the lead document, the complete environmental record on the General Plan, had been examined as had the consistency of the project to the General Plan.

Mr. Loewke commented that to the extent the impacts were within the thresholds of impact that had been identified in the City's General Plan document and the project design was consistent, it had been their judgment that the project would not add any new or aggravate any existing environmental impacts.

During that process, Mr. Loewke reported that an Initial Study checklist had been prepared and the design of the project had been reviewed. That review had included grading, biological systems, noise environment, air quality, archeology, recreation, soils, geology and aesthetics. A number of areas had been found where the project potential could have environmental consequences, and there had been a focus on those areas. Subsequently, a detailed analysis of potential impacts had been identified and mitigation measures had been proposed to address those impacts.
Mr. Loewke identified the Mitigated Negative Declaration and stated that along with each of the contemplated impacts was a corresponding set of mitigation measures designed to offset those impacts. He acknowledged that the project would have a number of impacts, although the impacts had largely been considered in the City's General Plan and had been addressed through findings with the adoption of the General Plan.

To the extent that the project deviated from those findings or had new impacts, Mr. Loewke stated that those impacts had also been reviewed and mitigation measures had been incorporated into the application and was a part of the project proposal. With the implementation of those measures, it was his opinion that the project would have no new significant environmental impacts.

Mr. Loewke explained that the study had incorporated a number of focused analyses, including traffic, which had also included the General Plan traffic analysis and other draft and certified completed environmental impact reports for other projects, both in the City and in the surrounding traffic shed. A focused noise assessment had also been prepared on behalf of the applicant, had been submitted to the City and had been incorporated into the Initial Study.

A biological assessment had also been prepared which reviewed sensitive and special status plants and animals and their habitat that could potentially occur on the site. Potential wetlands that could exist on the site had also been reviewed. All studies had been prepared by the applicant's professional consultants and had been submitted to the City with a peer review that had been conducted of those studies. Focus studies had been prepared on archaeology and geology. The latter included a soils and geotechnical analysis and a review of the preliminary grading plans for the project.

Mr. Loewke identified the contextual relationship of the project to San Marco Boulevard and State Route 4. San Marco Boulevard had been completed through San Marco about two thirds of the way down to the proposed project and would be extended into the project in order for the project to develop. San Marco Boulevard would be the principal means of access in and out of the project as it was developed. A loop circulation system had also been proposed consistent with the General Plan.

Mr. Loewke explained that the traffic analysis considered both the peak hour trips and the overall average daily trips generated from the project. It also considered it in the context of what had been analyzed in the General Plan to determine how many of the trips in the peak hours and during the day would move through various intersections that had been identified both on the map and in the traffic study.

To the extent that any of those intersections would suffer a loss of Level of Service (LOS), Mr. Loewke stated that could potentially be a significant impact. Where such losses had
been found, project sponsored mitigation measures had been identified to lessen or avoid those impacts.

Chairperson Glynn commented that the documents before the Commission had identified a major arterial to connect Bailey Road to State Route 4 through the southwest hills. The width of that roadway had been indicated to be 68 feet, curb stone to curb stone. He inquired whether or not that was accurate.

Mr. Loewke explained that the information referenced had come directly from the City's General Plan.

CHARLIE ABRAMS, Abrams and Associates, advised that there would be four lanes through the project.

Chairperson Glynn questioned whether or not the roadway width would be maintained into the connections to the project. In addition, he inquired whether or not the roadway would be wide enough. He pointed out that east to west roadways throughout the City were heavily congested and would be more so in the future.

Mr. Loewke explained that such technical issues would be noted, when raised, with a considered opinion to be provided at a later date.

Mr. Strelo clarified that during the inter-departmental review of the Tentative Map, City engineering staff had submitted comments on that issue. He reported that Condition No. 74 of Resolution No. 9356 would speak to that issue in that "appropriate street classifications, example, major arterial, minor collector, local street, shall be assigned to each respective street based upon the number of dwelling units to be served under the anticipated General Plan buildout of the Southwest Hills and corresponding anticipated average vehicle trips on each street."

In addition, the General Plan had designated that roadway as a major arterial. At the time the final maps were submitted, that roadway would be required to meet the City's standards for a major arterial, a larger right-of-way than that shown on the plans.

Mr. Loewke advised that the consultants would review any questions or comments the Commission might have, including the public testimony. Responses would be provided as part of the follow up to the subject proceedings.

Given the volume of information the Commission had received at this time, Chairperson Glynn questioned whether or not it was staff's intent to carry the item over indefinitely to allow the Commission an opportunity to review the information just received.

Mr. Jerome acknowledged the amount of information received after the staff report had been released. He noted that the information would be provided to the consultants for
response to ensure it was analyzed properly. He suggested that it would be appropriate to continue the item to allow staff and the Commission the opportunity to review all of the information.

PUBLIC HEARING OPENED

PROPONENTS:

ALBERT SEENO III, Seecon Financial and Construction Company, Inc., 4021 Port Chicago Highway, Concord, commented that both the San Marco Meadows and Sky Ranch projects were something that the City had anticipated. As a long time resident of the City, he suggested that the projects would be the backbone of the community and the culmination of a 15-year process.

Mr. Seeno reported that the projects would involve large lots, larger homes and opportunities for residents of the community and outside communities to move to the City on some of last land in the City available for development.

DAVE DOLTER, Director of Community Development, Seecon Financial and Construction Company, Inc., 4021 Port Chicago Highway, Concord, explained that the firm had been working with City staff for several years on the proposals. He requested that the Commission consider the project in the following context: vision, planning and reality with the vision having started several years ago when the City had started to design its infrastructure, the State Route 4 Bypass and its update of the General Plan.

The vision had been to allow the City to realize its full potential as a balanced community, to preserve and enhance housing values, to promote housing near jobs, and to revitalize existing neighborhoods by providing housing opportunities to move-up buyers. The planning had taken place 15 years ago in terms of infrastructure with the full interchange of State Route 4 and Bailey Road, a new BART Station with multi-modal bus link, and a new school in that the Mt. Diablo Unified School District (MDUSD) planned to break ground between March and May of 2003 and have a school open by September 2004. In addition, new parks and new water utility systems had been installed to provide services.

Mr. Dolter suggested that the reality was that the project was in full conformance with the General Plan, and a Development Agreement would provide for full payment of park fees upfront to allow construction of the parks now.

Mr. Dolter noted that the project would involve low density residential neighborhoods with the impacts to be fully mitigated. The project would also be phased to allow orderly growth. He commented that the City's growth rate had been one of the slowest amongst Contra Costa cities.

INTERESTED SPEAKERS:
BRUCE OHLSON, Board of Directors East Bay Bicycle Coalition, and a resident of Pittsburg, commented that the West Leland/Bailey Road intersection would experience a large part of the traffic that the development would create. He requested assurance that the LOS at the intersection would be maintained, which would require the construction of additional lanes at that intersection. He noted that the General Plan adopted in November 2001, had designated both roadways as bicycle facilities. Currently, there were no bicycle lanes on Bailey Road to the north or Leland Road to the east and west of the intersection.

Mr. Ohlson expressed his hope that the needs of non-motorized citizens would be accommodated when the intersection is reconstructed.

Mr. Ohlson also commented that to ensure the City's share of Measure C funds, the LOS at that intersection could not degenerate below Level F, so that it must be reconstructed. He inquired where the funds would be secured to ensure that improvement. He also requested assurance that all arterial and collector streets in the project would include bicycle lanes as required by the General Plan.

WILLIE MIMS, 954 Newcastle Way, Pittsburg, representing the BPA, questioned the need to pursue the proposal at this time if it was not expected to be constructed for several years. He also questioned why there were no plans to develop a park in the project. He inquired where the closest park to the project would be located.

While he understood that the developer would be required to pay in-lieu park development fees rather than develop a park, and while he understood that those funds would be made available to the City upon approval of the project, Mr. Mims questioned why the City would take money for a project that would not be built until years into the future. He suggested that accepting those funds at this time would comprise the City and be contrary to the interests of the taxpayers in the City.

Mr. Mims stated he recognized that a Mitigated Negative Declaration had been posted for the project pursuant to the CEQA requirements, but suggested that the project required a full EIR. He urged the Commission to read the information that had been submitted and to consider the taxpayers of the City.

KATHRYN SATODA,, commented that she was a first time homeowner and resident of the City having purchased a home in the Marina Walk Subdivision a year ago. She stated that she had read a number of articles in the Contra Costa Times regarding the projects which had evoked a lot of emotion in her. She expressed her hope that the Commission would consider the project and its potential impacts to the citizens of the entire community current and in the future. She expressed concern that things appeared to be occurring hastily and she urged the Commission to take its time due to the magnitude of the project.
PETER HELLMAN, 2108 Grant Street, Concord, representing the Alves Ranch property, expressed concern with the potential impacts of both the San Marco Meadows and Sky Ranch II projects, particularly impacts to the Alves property.

Mr. Hellman submitted correspondence to the Commission dated August 13, 2002 from Morrison & Foerster, LLP in response to both the San Marco Meadows prezoning and the Sky Ranch II prezoning. He commented that more detailed comments would be provided following a more thorough review of the Mitigated Negative Declaration and other available information.

Mr. Hellman expressed particular concern with the provisions contained in the Development Agreement that would allow the developer, at its sole discretion, to determine who and when other developers might tie into public infrastructure. He stated that it was usual, typical and appropriate for a developer who installed public infrastructure to be reimbursed for their costs on a pro rata basis. It was not typical and in his experience unprecedented for a City to abdicate its role with respect to public infrastructure to a private party. He noted that the developer would be in a position of controlling its competition.

Mr. Hellman suggested that it was conceivable that the development of the Alves Ranch could precede the development of San Marco Meadows and they should be grateful to have the same provisions in their Development Agreement as in the subject Development Agreement. He requested that the Commission consider the written and public testimony and continue the item to a later date.

KATHLEEN WEST, 1783 Peachwillow Street, Pittsburg, expressed concern that the Commission might be ready to consider the approval of an item without the pertinent information and the fact that the consultant did not have some answers to some of the questions that had been raised at this time. She referenced all of the correspondence that had earlier been identified by staff as being received after the distribution of the Commission packets and staff report, all which had suggested that a full EIR be prepared for the project before further planning and approval occurred. She too questioned the rush to approve the project at this time.

Ms. West also expressed concern that in the effort to develop a high end residential area, adequate schools, parks, green space, water quality and traffic control were not being provided as part of that same vision. She suggested that the developer had not adequately addressed those issues. She also pointed out that the Highlands Ranch development, also constructed by the same developer, was to have included a 10.1 acre park that had yet to be built. She expressed concern with the history of the developer in terms of tentative plans without formidable evidence to base decisions on project approval.
Ms. West further suggested with respect to the issue regarding the control of water rights that it was absurd that the City would abdicate its responsibility and control to any developer, a situation she found to be incredulous.

Ms. West also pointed out that the subject developer had a history of ignoring the environmental issues and had recently been fined as a result which further propelled the need for a full EIR if that developer was to responsibly manage its resources.

BERNADETTE KING, 2625 Point Sur Court, Antioch, advised that she was present on behalf of Save Mt. Diablo, a Member of the Sierra Club and a teacher in the Pittsburg Unified School District (PUSD). Familiar with the area and having lived in the City of Antioch for the past several years, she commented that she had desired to get away from the traffic and had enjoyed the pristine hillsides and open spaces of the area. She suggested that the area had a lot of hidden treasures that should be preserved. As a teacher, she had also been involved in different environmental grants with her students.

Ms. King expressed concern for the loss of special species and sensitive areas. She cited Kirker Creek as an example. She referenced the correspondence earlier identified for the record submitted by Seth Adams, of Save Mt. Diablo, dated August 12, 2002, in opposition to the proposed adoption of the Mitigated Negative Declaration for the San Marco Meadows project, and she summarized a number of the concerns that had been raised in the correspondence. She urged the Commission to defer action on the application pending the preparation of a full EIR for the project.

MICHAEL KEE, a resident of Pittsburg, pointed out that the project would not have even been allowed under the General Plan as it had initially been recommended to the City Council. Only after the General Plan had been returned to a Planning Commission comprised of members who had not participated in the full hearings and might not have had full understanding of the history of the area, had changes been made allowing the project to develop.

Mr. Kee suggested that to rely on the EIR from the General Plan did not seem adequate. He noted that during the EIR hearings during the General Plan discussions, the Planning Commission has been asked numerous times to keep the hearings open and to defer approval. As a result, the hearings had extended far beyond what had legally been required, although the Commission was now being asked to approve the project quickly. If there was no plan to develop the property in the near future, he questioned why the project was being rushed through the process.

Mr. Kee also suggested that there were known endangered species at the site. As to the Development Agreement, he suggested that the best interests of the City were not being pursued and the City was being offered nothing more than it was entitled to receive. He urged the Commission to require the preparation of a full EIR for both the San Marco Meadows and Sky Ranch II projects.
Mr. Kee emphasized that a full EIR has been required for other projects that were much smaller than what had been proposed. He cited the Montreaux subdivision as an example.

Mr. Kee encouraged the Commission to serve the interests of the citizens of the City of Pittsburg and not the interests of one developer.

Commissioner Garcia stated that he had been one of the Planning Commissioners who had voted on the second General Plan and had spent as much time as Mr. Kee, if not more time, reviewing the new General Plan. He suggested that the fact that he was off of the Planning Commission for one year did not prevent him from attending meetings and reviewing all information available on the General Plan. He also commented, when asked by Mr. Kee, that in one year he had attended every meeting that had been associated with the General Plan and had read all the information that had been provided to the Planning Commission at that time.

LINDA McCAULEY, 12 Encina Place, Pittsburg, characterized the projects as urban sprawl. Having moved to the City in 1974 from the City of Oakland, she commented that the natural setting had been one of the selling points for that move. Having also lived in the Woodland Hills neighborhood, she stated that she had been promised that both sides of Buchanan Road would become a park. That property had later been developed with apartments and homes.

Ms. McCauley emphasized that the community needed more recreational facilities, such as parks, swimming pools and more schools. She commented on the poor condition of the local high school and expressed concern that with more homes there was nothing for children to do. She also commented on the existing traffic conditions in the area which would be further impacted by more development. She expressed her hope that the Commission would take the time to review, assess and analyze all pertinent information prior to making any decision on either the San Marco Meadows or the Sky Ranch II projects.

RANDY ASHFORD, 2168 Raindrop Circle, Pittsburg, explained that he had moved to the area 12 years ago. While he understood the desire for upscale homes, he emphasized the poor condition of the City’s infrastructure. Although he had nothing against the development, he suggested that the elected officials and the Commission should listen to those who had resided in the community and had provided comments. He urged the Commission to represent the citizenry. He also questioned the wisdom of accepting in-lieu fees for parkland rather than requiring the development of parks in new developments.

Commissioner Garcia suggested that the public hearing be kept open and that the item be continued to the Commission’s August 27 meeting. He suggested that would allow staff and the consultants the opportunity to reply to all correspondence and testimony that had been received.
Chairperson Glynn inquired whether or not that would give staff sufficient time to review the volume of the information received.

Mr. Jerome agreed with the recommendation to continue the item to the meeting of August 27.

MOTION:

Motion by Commissioner Garcia to continue RZ-02-04, Subdivision No. 8519 and the Development Agreement for San Marco Meadows, to the meeting of August 27, 2002. The motion was seconded by Commissioner Leonard and carried by the following vote:

Ayes: Commissioners Dolojan, Garcia, Leonard, Ramirez, Glynn
Noes: None
Abstain: Commissioner Harris
Absent: Commissioner Kelley

Chairperson Glynn declared a recess at 9:48 P.M. The meeting reconvened at 9:58 P.M. with all Commissioners initially shown as present and absent.

Item 5: Sky Ranch II Prezoning. Subdivision 8475.

A public hearing on a request to prezone 166.5 acres to RS (Single Family Residential), approval of development agreement with the City and approval of a vesting tentative map to subdivide two parcels into 386 single family residential lots ranging in size from 8,000 square feet to 6.06 acres (average lot size is 19,500 square feet) and to construct a water tank and related improvements in an undeveloped area located south of the existing Highlands Ranch Subdivision Tract 7217, south of Buchanan Road. The project site is designated Low Density Residential (1-7 dwellings units/acre). It is inside the County Urban Limit Line and the City of Pittsburg Sphere of Influence. The majority of the project is located outside City limits; APNs 089-050-041 and 042 (and portions of Highlands Ranch).

Mr. Jerome identified Exhibits D and E for the Development Agreement, Exhibit A for the rezoning resolution, the map involved in the prezoning, correspondence from Morrison & Foerster, LLP dated August 13, 2002, and as previously indicated for the San Marco Meadows project, the following correspondence had been received for the Sky Ranch II project:

Letter from Contra Costa County (August 12, 2002)
Letter from Contra Costa Water District (August 9, 2002)
Letter from the City of Concord (August 8, 2002)
Letter from East Bay Regional Park District (July 25, 2002)
Letter from Department of Transportation (August 12, 2002)
Letter from the City of Antioch (August 12, 2002)
Associate Planner Ken Strelo presented the request for prezoning for the Sky Ranch II subdivision consisting of 386 single family lots with a large portion located outside of the City limits. A section of the property was actually located in the approved Highlands Ranch Subdivision. The project would result in a resubdivision of those lots as a result.

Mr. Strelo explained that the project would involve all of the same requirements as the San Marco Meadows project, with the exception of a reorganization of the Sphere of Influence line since the property was already located within the City’s Sphere of Influence. No overlay district is required for this project because it complies with the RS District requirements.

Of the 386 lots, 202 would range from 8,000 to 10,000 square feet in size. One hundred seventy two (172) of the lots would be at least 10,000 square feet up to under half an acre. The remaining 12 lots would be estate sized lots ranging from approximately half an acre to just over six acres. The larger estate lots would be located on the fringes of the subdivision in the area of slopes. Three parcels would be public use parcels. Parcel A, a 3.7 acre parcel was designated for a water reservoir site. Parcel B, consisting of 4 acres had been designated for a detention basin site. Parcel C, with .65 acres was another reservoir site on the south end of the project. Thirty one (31) of the units would be located in the approved Highlands Ranch Subdivision.

The Highlands Ranch subdivision had previously been approved and was under construction. The City of Antioch also had a proposal from the same developer for a similar project to be located east of the subject site and west of Somersville Road.

Mr. Strelo noted that the project involved three entitlements, including a recommendation that the City Council enter into a Development Agreement, Council approval of the prezoning, and Planning Commission approval of a Vesting Tentative Map.

Mr. Strelo reported that the Mitigated Negative Declaration for the project had been analyzed and had been written into all three resolutions presented to the Commission. He added that the Director of Planning and Building had found that no significant impacts would occur as mitigated.

All mitigation measures were project sponsored and the developer had agreed to all the mitigation measures.
Mr. Strelo explained that the project involved parkland dedication fees at $827 per lot for an estimated total of $400,000 for the entire project.

Given the volume of additional material just received by staff and the Commission and in order to allow an adequate review, Mr. Strelo recommended that the Planning Commission continue the public hearing on RZ-02-03, Subdivision 8475, and the Development Agreement.

Commissioner Garcia referenced Impact 13(c) of the Mitigation Monitoring Reporting Plan where a school site had been indicated and which he understood had been eliminated by the PUSD. He requested clarification from staff.

Mr. Jerome clarified that indications had been that the PUSD would not be seeking a school at that particular site, although that information had yet to be confirmed.

Chairperson Glynn inquired of staff that if the school was actually required whether or not there were any issues with respect to sharing of the average daily attendance fees based on where students lived, and whether or not those students would be expected to attend the City of Antioch or Pittsburg schools.

Mr. Strelo stated in that the property was located within the PUSD.

RICHARD LOEWKE, Professional Urban Planner, 55 Oak Trail Court, Alamo, identified the relationship between Sky Ranch II, Somersville Road and the Buchanan Road Bypass. He noted that the Buchanan Road Bypass project pursuant to the City's General Plan had been planned to extend between Somersville Road and Kirker Pass Road. Currently, access to Sky Ranch II would be either via Ventura Drive or Meadows Avenue to Ventura Drive. As proposed with mitigation, the project would not only complete the connection back to the north through local arterials but would provide emergency access over to Somersville Road.

Mr. Loewke commented that the reason for that was that the timing for the Bypass was uncertain and the connection between the intersection of Ventura Drive and Somersville Road would be deferred while the applicant would be obligated to bond the improvements and to build the improvements out to the westerly boundary. The physical connection through the City of Antioch to Somersville Road would not occur until such time as the Bypass was extended concurrently out to the west.

Mr. Loewke explained that through the traffic analysis, it had been shown that there was a substantial amount of traffic movement from the City of Antioch, particularly during the morning hours moving westerly, picking up at Somersville Road and either extending west on Buchanan Road or to State Route 4 and west.
The intent was not to allow that traffic to move through the local neighborhood in the absence of the Bypass connection to Kirker Pass Road.

Mr. Loewke reiterated that the Initial Study and Draft Mitigated Declaration had been prepared in substantial reliance upon the cumulative analysis prepared for the City's comprehensive General Plan and its EIR. The same focus studies had been completed for the subject project as had been done for San Marco Meadows. Traffic in particular had been analyzed in depth.

The project design had gone through some refinement as a result of the environmental analysis. The plan contained in the Initial Study had been carefully critiqued and the applicant had made changes that would minimize the number of connections to the Bypass, and had provided an additional looping internal circulation to allow traffic to move onto the Bypass at controlled locations. Eventually, a signal light would be installed at Ventura Drive to control the turning movements at the Bypass and at the intersection.

Mr. Loewke commented that the project also adjoined the Black Diamond Ranch located on the Antioch side of the property. To the south were properties owned by the Antioch Unified School District (AUSD) and the East Bay Regional Park District (EBRPD). Comments provided by the EBRPD had yet to be reviewed. He advised that responses would be provided for all written and verbal comments.

Mr. Loewke also noted that as with the earlier project, follow-up work would have to be done which was entirely appropriate and consistent with CEQA, particularly related to the mitigation measures that called for focus studies to take place with respect to special status plants and animals that had been identified as potentially occurring. In addition, during construction there would be special safeguards dealing with archaeology to ensure that encounters with any unanticipated artifacts were handled appropriately.

Mr. Strelo clarified for the record that the map contained in the environmental document identified different routing for the Bypass and the number of connections. The Vesting Tentative Map date stamped July 11, 2002 by the City, had incorporated prior comments. That map was the map submitted to the Commission for approval.

ALBERT SEENO III, Seecon Financial and Construction Company, Inc., 4021 Port Chicago Highway, Concord, stated that he had nothing further to add on the project. He otherwise clarified that he had spoken with the PUSD and would keep the Commission apprised of the outcome of those negotiations.

RICHARD SESTERO, Seecon Financial and Construction Company, Inc., 4021 Port Chicago Highway, Concord, explained that the PUSD had indicated to the developer at a staff level that they did not believe a school would be needed in the subject location. He clarified that the PUSD Board of Directors had not yet offered a formal decision.

PUBLIC HEARING OPENED

27 August 13, 2002
INTERESTED SPEAKERS:

WILLIE MIMS, 954 Newcastle Way, Pittsburg, referenced the staff report, particularly Item C, Notice of Intent to Adopt a Mitigated Negative Declaration of Resolution No. 9354, and questioned the use of those documents to circumvent the process.

Mr. Mims went on to note potentially significant impacts to water quality as a result of grading activities, that the project would create additional demands for a public school and that the property was probably the best location to place a school in the City. He commented that he was uncertain that the PUSD had disregarded that fact. Additionally, he identified the potentially significant traffic impacts to Ventura Drive, potential impacts to storm drainage facilities and the fact that the timing of the facilities were critical to the protection of downstream properties.

Mr. Mims requested that the Commission review all documentation and questioned the staff's continual statements, as contained in the Mitigated Negative Declaration, that no significant environmental impacts would occur as a result of the development.

Mr. Strelo clarified for the benefit of the audience that the Mitigation Monitoring Plan included a summary table legend which included potentially significant and unavoidable project impacts, with a rating between 1 and 5. He noted that there were no 5's throughout the entire document. He also clarified that the CEQA process required that an Initial Study be prepared prior to determining of what type of document would be prepared.

During the course of preparing an Initial Study, Mr. Strelo explained that impacts might be found to be less than significant according to existing thresholds. Impacts might also be found to be potentially significant. If that was the case, mitigation must be incorporated. If the mitigation could reduce the significance of the impact to less than significant, it would no longer be considered a significant impact. If the mitigation measure could not reduce the impact to a less than significant level, an EIR must be prepared.

For both the San Marco Meadows and Sky Ranch II projects, the consultants and those who had prepared the associated studies had opined that the mitigation measures brought the potentially significant impacts to a less than significant level.

STEVE SIZER, 4407 Glen Canyon Circle, Pittsburg, a resident of Highlands Ranch, commented that he had purchased his home in the development around a year ago. He commented that just prior to closing escrow on his home he had been presented with a grading reserve easement from the developer. He advised that he had maps that had identified approximately every third lot to have a portion of a hill above a dirt access road to the PG&E towers. The third lot would have the hill above it providing protection and preserving views of the hillside, although he had later been presented with the grading reserve easement that he had signed to allow the developer to grade the hill.
Mr. Sizer commented that the title company had subsequently identified the grading easement as inside his yard. He requested assistance from the developer to explain that situation.

Chairperson Glynn suggested that since the developer and representatives were present, Mr. Sizer should approach them to possibly obtain answers to his questions.

Mr. Sizer also stated that when he had selected his home he had chosen a home that was not located on Ventura Drive since he had expected the Bypass to be located where identified. He supported a deferral pending the construction of the Bypass to see how it would connect to Somersville Road.

MICHAEL KEE, a resident of Pittsburg, advised from the audience that his earlier comments related to the San Marco Meadows prezoning applied to the Sky Ranch II prezoning proposal as well.

RANDY ASHFORD, 2168 Raindrop Circle, Pittsburg, noted that most of the individuals speaking on behalf of the developer resided outside of the City limits. He expressed concern with the poor condition of the PUSD, particularly Pittsburg High School and the overcrowding of the City's school facilities. He expressed concern that with the development of more homes, another high school, middle school or one or two elementary schools might be necessary to accommodate the additional residences.

Although he recognized that the project might be beneficial for the City, Mr. Ashford questioned the fees that would be obtained by the City as in-lieu park fees. He suggested that those fees should be increased to better improve the City.

MOTION:

Motion by Commissioner Garcia to continue RZ-02-03, Subdivision 8475 and the Development Agreement to the meeting of August 27, 2002. The motion was seconded by Commissioner Leonard and carried by the following vote:

Ayes: Commissioners Dolojan, Garcia, Leonard, Ramirez, Glynn
Noes: None
Abstain: Commissioner Harris
Absent: Commissioner Kelley

Commissioner Harris returned to the dais at this time.

Chairperson Glynn recused himself from discussion of Item No. 6, Dow Chemical Latex Plant Renovations and stepped down from the dais since he was a serving member of the Dow Community Advisory Panel.
Vice Chairperson Leonard chaired the meeting at this time.

**Item 6: Dow Chemical Latex Plant Renovations. DR-02-19.** Application by Scott Sechler on behalf of Dow Chemical Company requesting design review approval of architectural plans for renovation of the existing Dow Latex Plant including replacement and construction of two 80,000 gallon Latex storage tanks (30-feet tall) one 30 foot by 23 foot finishing structure (33-feet tall) and addition of a new fumaric acid structure (32-feet tall) within the Dow Chemical Facility at 901 Loveridge Road, IG (General Industrial) zone; APN 073-220-037.

Planning Technician Christopher Barton presented the request for design review approval of architectural plans for the renovation of the existing Dow Latex Plant including replacement and construction of two 80,000 gallon Latex storage tanks (30-feet tall) one 30 foot by 23 foot finishing structure (33-feet tall) and addition of a new fumaric acid structure (32-feet tall) within the Dow Chemical Facility at 901 Loveridge Road, in a General Industrial zoning district.

The project would consist of three construction projects, one being the installation of two 30-foot tall 80,000 gallon tanks to replace existing tanks on the site. The existing finishing structure would be moved and replaced with a three-story 33-foot tall, 30 by 23 foot tall structure. Further, the applicant would be introducing fumaric acid, a new chemical, to the facility. The new chemical would replace a portion of the plant's use of itaconic acid.

Mr. Barton reported that the project was consistent with the General Plan zoning designation and met the height requirements. Those portions of the facilities to be painted would be painted a neutral color. Most material consisted of a galvanized metal material.

Mr. Barton advised that a Negative Declaration had been posted with the County Clerk on July 24, 2002. He recommended that the Planning Commission adopt Resolution No. 9352 approving DR-02-19, with the conditions as shown.

PUBLIC HEARING OPENED

PROONENT:

SCOTT SECHLER, Project Manager/Improvement Engineer Dow Chemical Latex Facility, 901 Loveridge Road, Pittsburg, explained that Dow Chemical had been a long standing partner with the City and employed a number of people in the facility, including contractors and service personnel. Dow Chemical was also considered a leader in the industry in terms of their safety record and environmental stewardship.
Mr. Sechler commented that the project would accommodate the present and foreseeable needs of the Latex plant. It would not result in an increase in building height nor would it change the footprint of the Latex plant itself.

INTERESTED SPEAKERS:

WILLIE MIMS, 954 Newcastle Way, Pittsburg, representing the BPA, said he understood that a Mitigated Negative Declaration had been prepared for the project. He suggested that document was creating a problem and that the Commission should start to question such documents.

Mr. Mims noted that the staff report had indicated that the Director of Planning and Building had found that no significant effects upon the environment would occur as a result of the project, although it was also noted in the staff document that fumaric acid was considered an irritant when in contact with humans. He questioned the staff assessment that no significant environmental impacts would occur unless a complete EIR had been prepared to verify that fact.

Mr. Mims also noted that the applicant planned to remove or replace two structures with two additional structures. He expressed concern that they could degrade and impact the air quality, thereby impacting surrounding residents. He urged the Commission to consider the residents who had been negatively impacted by nearby industry.

CHARLES SMITH, a resident of Pittsburg, commented on his understanding that this was the third time within a year that Dow Chemical had sought Commission approval of renovation or expansion plans.

Mr. Smith questioned whether or not staff was reviewing the cumulative significance of the expansions. He too questioned the staff report and the statements that the project would have no significant impacts. He expressed concern that as a resident of the area, he was uncertain of the hazardous materials Dow Chemical handled and the products that were subject to the Community Right to Know Law. Although he had requested information from Dow as to the chemicals and products used at the Pittsburg facility, he had yet to receive that information.

Mr. Smith added that he was aware that Dow Chemical had become an environmentally aware industry, although he expressed concern with the number of projects recently approved for the company that could create a cumulative effect that should be addressed.

Mr. Sechler clarified that the 80,000 gallon tanks would be Latex tanks. He described Latex as a non-hazardous, non-flammable 50-percent water material. He also clarified that they would be moving one 160,000 gallon storage tank to make room for the two new 80,000 gallon Latex tanks. In terms of expansion, the project would not increase the plant capacity.
Mr. Sechler explained that Dow Chemical was working to better its product mix through the recent facility remodeling projects. He also commented that based on customer needs, the product would either require itaconic acid (currently used) or fumaric acid (new ingredient) and that both would function the same with slightly different end properties. In terms of personal contact, he noted that both chemicals represented identical hazards in that they were stored, transported, and processed the same. In terms of handling the materials were also being handled the same way.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9352, approving DR-02-19, design review approval for the construction of two 80,000 gallon Latex storage tanks, one 30-foot by 22-foot finishing structure and the addition of a new 24-foot by 24-foot fumaric acid structure located at 901 Loveridge Road for the Dow Chemical Company, with the conditions as shown. The motion was seconded by Commissioner Ramirez and carried by the following vote:

Ayes: Commissioners Dolojan, Garcia, Harris, Leonard, Ramirez
Noes: None
Abstain: Chairperson Glynn
Absent: Commissioner Kelley

Chairperson Glynn returned to the dais at this time.

STAFF COMMUNICATIONS:

Mr. Jerome reported that he would be on vacation and would not be in attendance at the Planning Commission meeting of August 27.

GENERAL PLAN IMPLEMENTATION:

There was no General Plan Implementation Report.

ZONING ADMINISTRATOR REPORT:

There was no Zoning Administrator Report.
COMMITTEE REPORTS:

There were no committee reports.

COMMISSION COMMENTS:

Commissioner Harris referenced property on Garcia Avenue and Freed Way where an individual had been cutting logs and dropping lumber on the site to be sold as firewood. He questioned whether or not the property was zoned for such use. He also pointed out that the fence on that property had not been installed in the correct location.

Mr. Jerome explained that a use must be established for a piece of property. Typically vacant properties could not be used without some established structure.

Chairperson Glynn congratulated the Commission on its efforts to complete the meeting agenda and complimented planning staff for its preparation of the associated staff reports and documents.

Commissioner Leonard also expressed his appreciation to Associate Planner Strelo for his efforts to provide clarification during the discussion of the several agenda items.

ADJOURNMENT:

There being no further business, the meeting adjourned at 10:55 P.M. to a regular meeting of the Planning Commission on August 27, 2002 at 7:30 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

RANDY JEROME, Secretary
Pittsburg Planning Commission