A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Holmes 7:33 P.M. on Tuesday, January 29, 2002, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

Present: Commissioners Garcia, Glynn, Harris, Kelley, Chairperson Holmes

Absent: Commissioners Leonard, Valentine

Staff: Director Planning and Building Randy Jerome; Associate Planner Chris Bekiaris; Planning Technician Christopher Barton; and Assistant Civil Engineer Alfredo Hurtado.

POSTING OF AGENDA:

Chairperson Holmes advised that the agenda had been posted at City Hall on Friday, January 25, 2002.

PLEDGE OF ALLEGIANCE:

Commissioner Garcia led the Pledge of Allegiance.

ELECTION OF VICE-CHAIR:

Commissioner Kelley nominated Bill Glynn as the Vice Chair of the Planning Commission. Commissioner Garcia seconded the nomination. There were no further nominations. The nominations were closed. Bill Glynn was selected as the Vice Chair of the Planning Commission by the following vote:

Ayes: Commissioners Garcia, Glynn, Harris, Kelley, Holmes
Noes: None
Abstain: None
Absent: Commissioners Leonard, Valentine
Commissioner Glynn pointed out that the appointment would not take effect until February 1, 2002.

**MINUTES: January 8, 2002**

**MOTION:**

Motion by Commissioner Garcia to approve the minutes of the January 8, 2002 meeting, as submitted. The motion was seconded by Commissioner Glynn and carried by the following vote:

Ayes: Commissioners Garcia, Glynn, Harris, Kelley, Holmes
Noes: None
Abstain: None
Absent: Commissioners Leonard, Valentine

**DELETIONS/WITHDRAWALS:**

Director of Planning and Building Randy Jerome advised that Commission Consideration Item No. 3 should be properly titled Calpine Pittsburg Power Plant, with the address to be corrected to 901 Loveridge Road.

**COMMENTS FROM AUDIENCE:**

There were no comments from the audience.

**PRESENTATIONS:**

There were no presentations.

**COMMISSION CONSIDERATIONS:**

**Item 1: Oak Hills South Subdivision (Units 1, 2, 3, 4, and 5) Fence Plan. DR-01-54.**

Application by Albert Seeno, Jr., requesting design review approval of a fencing plan to construct and modify fencing in the Oak Hills South subdivision Units 1, 2, 3, 4 and 5 located on the perimeter of the subdivision adjacent to open space areas, PD (Planned Development) zone; APN 097-Varied.

Associate Planner Chris Bekiaris presented the request for design review approval of a fencing plan to construct and modify fencing in the Oak Hills South subdivision Units 1, 2, 3, 4 and 5 located on the perimeter of the subdivision adjacent to open space areas in a Planned Development zoning district. He advised that in the later part of 2001, a number of residents of the Oak Hills Subdivision had concerns regarding a barbed wire fence along the open space area of Oak Hills.

2 January 29, 2002
Mr. Bekiaris commented that virtually the entire perimeter of the subdivision backed onto open space, which allowed grazing land, farming, and agricultural type of uses as permitted uses. The barbed wire fencing was permitted under the Zoning Ordinance and did not require Planning Commission review, although some of the Oak Hills residents had contacted the City regarding the fencing and had also contacted West Coast Home Builders, the developer, to address their concerns. The developer had discussed the fencing with residents and with representatives of the subdivision and had negotiated an agreement for the replacement of the barbed wire fencing, which would be moved back in some areas away from the homes. In addition, view fences would be permitted to allow property owners views of the hills and the view corridor.

Mr. Bekiaris explained that the fencing issue was before the Planning Commission as a result of the large area of barbed wire fencing involved and in response to resident concerns. He advised that the proposed fencing met all City code requirements and had complied with all code requirements. Further, the proposed fence plans had been shown to and been approved by representatives of the Oak Hills Subdivision.

Mr. Bekiaris recommended that the Planning Commission adopt Resolution No. 9282 approving DR-01-54, with the conditions as shown.

Commissioner Kelley inquired whether or not all residents involved in the issue had been notified of the hearing, to which Mr. Bekiaris explained that the item was not a public hearing and did not require public notification, although the developer had spoken with residents in the area as to the fence proposal, including representatives of the Oak Hills Subdivision. Additionally, since the plans had been discussed with the residents, staff had received no calls or concerns related to the fence plans.

PROПONENTS:

ALBERT SEENO, III, West Coast Home Builders, 4021 Port Chicago Highway, Concord, explained that in early August they had met with the homeowners to address their concerns with the fencing. He advised that they had reached an agreement in the last few months and had walked the area with residents and had identified the areas where the fencing would be moved back off of property lines to address some of the concerns. The fencing plans had also been forwarded to the representatives of the Oak Hills Subdivision. To his knowledge, everything was on track.

Mr. Seeno otherwise understood and was in agreement with the staff recommended conditions of approval.

DAN BISNET, 410 Oak Crest Place, Pittsburg, stated that he was one of the representatives of the Oak Hills Residents Group. He concurred with the comments made by Mr. Seeno, and affirmed that the plans had been submitted to the residents group and that everyone seemed to be in favor of the plan. In addition, each household had been
contacted to make residents aware of the plans.

BOB SPAULDING, 239 Havenwood Circle, Pittsburg, advised that he had also been one of the residents who had met with the developer to discuss the residents' concerns. He noted that the developer had done everything he had indicated he would do, although he suggested that there were still some issues with the City allowing barbed wire fencing within the City limits. He expressed his appreciation to the developer for all the efforts to mitigate the current situation.

JOHN MODICA, 331 Whispering Oaks Court, Pittsburg, stated that he too had met with the residents' committee who were all in agreement with the fencing plans. He also thanked the developer and his organization for its support of the residents desires to solve the problem.

DR. LARRIE LANCE, a resident of Pittsburg, advised that she and her husband Larry Miller were not part of the group making the plans, although she acknowledged that the group had been careful to contact each resident to advise of the status of the fencing plans and to address resident concerns. She complimented the team effort and expressed her hope that the Commission would support the proposed fencing plans.

OPPONENTS: None

Chairperson Holmes complimented Mr. Seeno for the efforts to work with the residents. He noted that oftentimes residents had concerns with a developer and had not had the opportunity to meet to resolve differences. He complimented the developer for resolving the situation.

MOTION:

Motion by Commissioner Kelley to adopt Resolution No. 9282, approving DR-01-54, design review approval of fence plans for Oak Hills South Subdivision 7745 and Subdivision 8042 (Units 1, 2, 3, 4 and 5) with the conditions as shown. The motion was seconded by Commissioner Garcia and carried by the following vote:

- Ayes: Commissioners Garcia, Glynn, Harris, Kelley, Holmes
- Noes: None
- Abstain: None
- Absent: Commissioners Leonard, Valentine

Item 2: Spring PCS Monopole at 100 Bliss Avenue. DR-01-55.

Application by James Holland of Compass Telecom Services, on behalf of Sprint PCS, requesting design review approval of architectural plans for the construction of a 70 foot high wireless telecommunication monopole, six panel antennas, and the placement of accessory equipment cabinets located at 100 Bliss Avenue, CS (Service Commercial Zone); APN 088-171-005.
Planning Technician Christopher Barton presented the request from James Holland of Compass Telecom Services, on behalf of Sprint PCS, requesting design review approval of architectural plans for the construction of a 70 foot high wireless telecommunication monopole, six panel antennas, and the placement of accessory equipment cabinets located at 100 Bliss Avenue, in a Service Commercial zoning district.

The proposed monopole and antennas for Sprint PCS would allow the carrier to increase its mobile phone service capacity in the area. The monopole would be 70 feet in height from finished grade with antennas to be mounted at 50 feet. An additional 20 feet was being proposed to allow an additional service provider to co-locate on the monopole in the future. The monopole would be screened from view from Railroad Avenue, particularly by existing buildings and a grove of eucalyptus trees, although it would be clearly visible from the north, south and east elevations. By allowing the co-location of another service provider, the visual impacts of potentially more monopoles would be reduced in the future.

The equipment cabinets would be located on the ground below the pole and would be screened from view by a redwood slatted chain link fence. The project met all City Municipal Code and zoning requirements in that wireless telecommunication antennas were considered to be Minor Utilities that could exceed the maximum height limits in all zoning districts, per Section 18.80.030 of the Municipal Code. The project was considered to be a utility extension and was exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15.303.

Mr. Barton recommended that the Planning Commission adopt Resolution No. 9285, approving DR-01-55, with the conditions as shown.

PROPONENT:

JAMES HOLLAND, Compass Telecom Services, 5776 Stoneridge Mall Road, Pleasanton, expressed his appreciation to staff for their work on the application. He noted that the site was vital to Sprint PCS since their customers were having difficulties along that portion of State Route 4, with dropped calls occurring frequently. The site would provide Sprint PCS with important new capacity in the area. The 70-foot monopole would also allow for co-location for a second carrier to use the site rather than have a mass of single carrier monopoles, which could occur when Caltrans widened State Route 4 as part of a future BART extension.

Mr. Holland explained that the site would be located at the back of a vacant piece of land that had been zoned Service Commercial. He noted that the carrier had worked carefully with the landlord to acquire a location at the site since the majority of the currently unused land could be successfully developed in the future. He suggested that their site would be located back enough so that it would be consistent with City code while still allowing the property owner the ability to consider future development on the property.
Mr. Holland referenced the staff report and the statement that Sprint PCS planned to install an emergency generator in the fenced area of their leased site. He referenced Sheet A-1, which had shown that they had actually proposed to park a generator, on an emergency basis only, outside of the fenced area. The generator would only be used in the event of a sustained main power outage. He advised that every Sprint PCS would be built with backup battery cabinets that would operate anywhere from 12 to 24 hours. In the event the site had a main power outage greater than 24 hours, the applicant would have the option of bringing in an emergency generator to keep the site operating.

Mr. Holland also advised, when asked, that he understood and supported the conditions of approval.

Commissioner Glynn requested clarification if the emergency generator were needed for an extended period of time if someone would be in attendance during that time to ensure its security. He also requested clarification why the applicant would not occupy the top of the monopole so that any second carrier could be situated below. He further inquired what precautions might be necessitated by having the second carrier come in and run lines and other material past the Sprint PCS equipment to gain access to the second carrier's equipment if placed above Sprint PCS on the monopole.

Mr. Holland explained that the generators were attended if the area was not fully secured. As to the placement of their antennas on the monopole, he noted that the facility was a capacity site where they did not need the extra height for coverage. He also commented that typically any carrier would be required to prepare an Intermod Study and check the potential for interference in the event of a second carrier. In this instance, they would have a clearance between antennas of somewhere from 10 to 12 feet where the potential for interference was very low. In addition, heavily shielded cables were used and the monopole manufacturer would probably run the cables for the top set of antennas at the time of manufacture.

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9285, approving DR-01-55, design review approval of architectural plans for the construction of a 70 foot high wireless telecommunication monopole, six panel antennas and the placement of accessory equipment cabinets located at 100 Bliss Avenue for Sprint PCS, with the conditions as shown. The motion was seconded by Commissioner Harris and carried by the following vote:

Ayes: Commissioners Garcia, Glynn, Harris, Kelley, Holmes
Noes: None
Abstain: None
Absent: Commissioners Leonard, Valentine

January 29, 2002
Item 3: Calpine Pittsburg Power Plant Auxiliary Boiler. DR-01-56.

Application by Naim Triki for Calpine Pittsburg Power Plant requesting design review approval of architectural plans for the construction of an auxiliary steam boiler on a 3,000 square foot site including a stack standing 94 feet high, IG (General Industrial) zone; located at 901 Loveridge Road, APN 073-220-037.

Mr. Jerome clarified that the title of the project had been corrected on the Negative Declaration as contained in the Commission packets and that the proper name of the application was for the Calpine Pittsburg Power Plant located on the Dow Chemical property.

Christopher Barton presented the request from the Pittsburg Power Plant for design review approval of architectural plans for the construction of an auxiliary steam boiler on a 3,000 square foot site including a stack standing 94 feet high, in a General Industrial zoning district. The power plant was located on Dow Chemical property adjacent to the 520 block on the Dow Chemical facility, and produced electricity and supplied steam to Dow Chemical for its manufacturing operations.

The Calpine Pittsburg Power Plant proposed to construct an auxiliary boiler to back up existing boilers within its facility. Calpine had estimated that the boiler would operate at full time approximately 167 days per year, or 4,000 hours. The project was located in a General Industrial land use designation and was consistent with the General Plan and zoning regulations.

Mr. Barton stated that the auxiliary boiler stack height of 94 feet from finished grade was permitted by the Pittsburg Municipal Code, Sections 18.54.100 and 18.80.020, which allowed a maximum height up to 95 feet in the General Industrial district. The project would be no more visually imposing than existing structures within the Dow facility.

Mr. Barton advised that the Bay Area Air Quality Management District (BAAQMD) regulated emissions in the area. The power plant and the Delta Energy Center were recognized as a single facility for permitting purposes. According to information provided by the applicant, the proposed project would not exceed BAAQMD thresholds. The applicant had also filed an application with the BAAQMD for authority to construct and permit to operate the proposed project. Approval of the project would be contingent upon the approval of the submitted BAAQMD application.

The project would not discharge surface water or alter water quality. A Negative Declaration had been posted for the project on January 7, 2002.

Mr. Barton recommended that the Planning Commission adopt Resolution No. 9283, approving DR-01-56, with the conditions as shown.
PROONENTS:

DAVID ZIGER, Compliance Manger, Calpine Pittsburg Power Plant, 901 Loveridge Road, Pittsburg, expressed his appreciation to staff for amending the staff report to properly describe the project and address. He otherwise requested a modification to Condition No. 4, which had indicated that a building permit might not be issued until the permit to operate was issued by the BAAQMD. He noted that they would not receive the BAAQMD permit until the plant was built and operational and one would have to come before the other. He requested that the condition be amended to allow them to work with staff to work on the timing of the permit and the applications.

Mr. Ziger was otherwise in agreement with the remaining conditions of approval.

Mr. Barton advised that staff would accept the modification to Condition No. 4, as proposed, with staff to work with the applicant on the timing of the permit.

Commissioner Garcia understood that the power plant was located on Dow Chemical property and had subsequently been purchased from Dow, which had originally built the plant.

Mr. Ziger affirmed that the plant was located within the Dow Chemical plant entirely and had been operating for many years.

Commissioner Glynn stated for the record that he was a member of the Los Medanos Energy Center, the Delta Energy Center Community Advisory Panel and a member of the Dow Community Advisory Panel. As such, he would abstain from the vote on the application.

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 9283, approving DR-01-56, design review approval of architectural plans for the construction of a new auxiliary steam boiler on a 3,000 square foot site including a stack standing 94 feet high located at 901 Loveridge Road for the Calpine Pittsburg Power Plant, with the conditions as shown and with the modification to Condition No. 4. The motion was seconded by Commissioner Harris and carried by the following vote:

Ayes: Commissioners Garcia, Harris, Kelley, Holmes
Noes: None
Abstain: Commissioner Glynn
Absent: Commissioners Leonard, Valentine

8 January 29, 2002
Application by Naim Triki for Dow Chemical Company requesting design review approval of architectural plans for the construction of a full-time steam boiler on a 160 square foot site including a stack standing 26 feet high serving the 520 block within the Dow Chemical Facility at 901 Loveridge Road, IG (General Industrial) zone; APN 073-220-037.

Planning Technician Barton presented the request from Dow Chemical Company requesting design review approval of architectural plans for the construction of a full-time steam boiler on a 160 square foot site, including a stack standing 26 feet high, serving the 520 block within the Dow Chemical Facility at 901 Loveridge Road, in a General Industrial zoning district. The boiler would be 9.6 million BTU per hour.

Mr. Barton advised that the BAAMQD would require no permits for the boiler since it would emit less than 10 million BTU per hour. The boiler stack would stand 26 feet in height, 8 feet wide by 16 feet in length, serving the 520 block of the Dow Chemical facility, located at 901 Loveridge Road. The unit would operate full time 365 days a year, seven days a week, 24 hours a day. The boiler would be consistent with the General Plan and zoning regulations for the General Industrial zoning district.

The project would not discharge to surface water and would not have an effect on water quality. A Negative Declaration for the project had been posted on January 7, 2002.

Mr. Barton recommended that the Planning Commission adopt Resolution No. 9284, approving DR-01-57, with the conditions as shown.

PROONENT:

DAVID ZIGER, Compliance Manager, Calpine Pittsburg Power Plant, 901 Loveridge Road, Pittsburg, explained that the boiler was being installed by Calpine on behalf of Dow Chemical, which would buy and build the plant to be operated by Dow Chemical in an area adjacent to the existing Pittsburg Power Plant. The purpose of the boiler would be to provide Dow an additive free source of steam for its operations.

Commissioner Glynn stated for the record that he was a member of the Los Medanos Energy Center, the Delta Energy Center Community Advisory Panel and a member of the Dow Community Advisory Panel. As such he would abstain from the vote on the application.

Commissioner Kelley identified a typographical error contained in Condition No. 6 of Resolution No. 9284.
MOTION:

Motion by Commissioner Harris to adopt Resolution No. 9284, approving DR-01-57, design review approval of architectural plans for the construction of a full time steam boiler on a 160 square foot site including a stack standing 26 feet high serving the 520 block within the Dow Chemical Facility at 901 Loveridge Road, with the conditions as shown. The motion was seconded by Commissioner Garcia and carried by the following vote:

Ayes: Commissioners Garcia, Harris, Kelley, Holmes  
Noes: None  
Abstain: Commissioner Glynn  
Absent: Commissioners Leonard, Valentine

STAFF COMMUNICATIONS:

Mr. Jerome advised that the Commission had been provided with a memorandum regarding a Redevelopment Project Workshop that had been scheduled for Monday, February 4, at 5:00 P.M. to discuss the Black Diamond Redevelopment Project, which was bounded by Railroad Avenue, Black Diamond, and Fifth and Eighth Streets. He advised that the Agency had requested that the Planning Commission attend the workshop to provide its input. Four separate proposals would be presented for the project area from each of the four proponents. During its regular meeting after the workshop, the Agency would then select one of the developers to work for that redevelopment project.

Mr. Jerome also reported that staff had received two appeals on applications approved by the Commission, including two separate appeals on the Dow Sulfuryl Fluoride facility from Citizens for a Better Environment and an attorney representing a number of unions. In addition, Mike Lengyel a resident of Pittsburg, had appealed the Planning Commission approval of the Shiloh Missionary Baptist Church. Both appeals had been scheduled for Council consideration on March 18.

GENERAL PLAN UPDATE REPORT:

Mr. Jerome advised that the Interim Zoning Ordinance had been adopted by the City Council and could be extended up to two years. A public hearing had been scheduled for Council consideration on February 19 to extend the interim ordinance while staff was working on rezoning properties affected by the approved General Plan.

Mr. Jerome also commented that staff and the City Attorney had met with Councilmember Rios and the General Plan consultant to finalize some of the changes to be made to the General Plan that had been adopted by the Council on November 16. He clarified, when asked, that the changes to be made were administrative corrections to be made to the document further to the action the Council had taken on November 16.

Additionally, the General Plan consultant was working on the Housing Element, which had
been adopted with the General Plan on November 16, although it was not the formalized version. Chapter 13 of the General Plan, The Housing Element had been sent to the State Department of Housing and Community Development (HCD) for comment. The document would be sent back to the consultant for corrections. Once done, the document would be sent back to the State, which had 90 days to review the corrections. Once approved by the State, the document would go back to the Council for adoption and thereafter to the State for certification.

Mr. Jerome also explained that the November 16, 2001 City Council minutes had yet to be adopted by the City Council and had been scheduled for adoption at the February 4 Council meeting.

**ZONING ADMINISTRATOR REPORT:**

There was no Zoning Administrator Report.

**COMMITTEE REPORTS:**

There were no committee reports.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Garcia stated that he had been approached by a resident who had expressed concern with the speed of traffic at the corner of Buchanan Road and Railroad Avenue, where traffic had been speeding on Buchanan Road into the adjacent subdivision onto Gold Crest Court. He requested that the concern be forwarded to the Traffic Circulation Advisory Committee for the consideration of a possible rolling speed bump to be placed as one turned into the subdivision.

Commissioner Kelley expressed her appreciation to the City Council for a letter she had received from the Council in recognition of her recent receipt of an Image Award.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:16 P.M. to a regular meeting of the Planning Commission on February 12, 2002, at 7:30 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

RANDY JEROME, Secretary
Pittsburg Planning Commission