A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Tumbaga at 7:01 P.M. on Tuesday, January 23, 2007 in the Council Chambers, City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL:

Present: Commissioners Diokno, Garcia, Harris, Ohlson, Ramirez, Thomas, Chairperson Tumbaga

Absent: None

Staff: Planning Director Melissa Ayres, Assistant Planner Leigha Schmidt, Assistant Planner Ali Endress, Senior Civil Engineer Paul Reinders, and Senior Civil Engineer Alfredo Hurtado

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, January 19, 2007.

PLEDGE OF ALLEGIANCE:

Commissioner Ramirez led the Pledge of Allegiance.

DELETIONS/WITHDRAWALS/CONTINUANCES:

There were no deletions, withdrawals or continuances.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

PRESENTATIONS:

Traffic Update – Paul Reinders Senior Civil Engineer
Senior Civil Engineer Paul Reinders presented the Quarterly Planning Commission Traffic Update dated January 23, 2007, and answered questions from the Commission on the various City traffic projects.

**CONSENT:**

a. Minutes – November 28, 2006  
b. Minutes – December 12, 2006  

Commissioner Ramirez requested that Consent Items a. and b. be removed from the Consent Calendar to allow two separate votes.

**MOTION:**

Motion by Commissioner Garcia to approve the Railroad Avenue Multi-Tenant Building - Extension of DR Approval. The motion was seconded by Commissioner Ramirez and carried by the following vote:

- **Ayes:** Commissioners Diokno, Garcia, Harris, Ohlson, Ramirez, Tumbaga  
- **Noes:** None  
- **Abstain:** Commissioner Thomas  
- **Absent:** None

As to Consent Item a, the minutes of the November 28, 2006 Planning Commission meeting, Commissioner Ramirez stated that he had been excused from that meeting and would abstain from the vote on the meeting minutes.

Commissioner Ohlson requested the following amendments to the minutes. To Page 18, the paragraph under the fourth bullet:

9. One commercial motor vehicle, not exceeding a maximum of 15,000 pounds gross vehicle weight (GVW), may be maintained on the site provided such vehicle is used as the applicant’s means of transportation and such tools and equipment are not used for the performance of services on the site and stock-in-trade is not sold from the site.

To the last sentence of the second paragraph on Page 10:

He [Commissioner Ohlson] also suggested that it was good to have a break down/bicycle lane on the west side since that was where the pedestrians would walk.
Commissioner Ohlson commented that if the in-road LED lights were installed in the asphalt the next time there was a grind and overlay, they would be ground out, thrown away and lost.

MOTION:

Motion by Commissioner Garcia to approve the minutes of the November 28, 2006 meeting, as amended. The motion was seconded by Commissioner Ohlson and carried by the following vote:

Ayes: Commissioners Diokno, Garcia, Harris, Ohlson, Thomas, Tumbaga
Noes: None
Abstain: Commissioner Ramirez
Absent: None

With respect to Consent Item b, the minutes of the December 12, 2006 Planning Commission meeting, Commissioner Ramirez explained that the minutes had shown that he had abstained from the motion on Page 2 for the City Initiation of a General Plan Study in conjunction with the residential component of Phase II of the Comprehensive Zoning Code Update. He asked that the record reflect that he had abstained on the advice of the City Attorney since as the owner of property in the area under discussion there was a conflict of interest.

MOTION:

Motion by Commissioner Garcia to approve the minutes of the December 12, 2006 meeting, as amended. The motion was seconded by Commissioner Ohlson and carried by the following vote:

Ayes: Commissioners Diokno, Garcia, Harris, Ohlson, Ramirez, Tumbaga
Noes: None
Abstain: Commissioner Thomas
Absent: None

PUBLIC HEARINGS:

Item 1: Alamo Way Elderly Care Home AP-06-399 (UP)
The applicant is requesting a use permit to allow 24-hour non-medical residential care (residential care, protective) for 7-10 elderly residents in a 6 bedroom home at 1131 Alamo Way in Pittsburg. The 7,724 square foot site is zoned RS (Single Family Residential) District.
Assistant Planner Alexandra Endress presented the staff report dated January 23, 2007. She recommended that the Planning Commission adopt Resolution No. 9683 approving AP-06-399 (UP), as conditioned.

Commissioner Ramirez referenced the floor plan and bedroom one of the new addition to the home. He inquired of staff whether or not there would be access to the upper portion of the home.

Ms. Endress explained that bedroom one of the new addition had a window although no doors from that bedroom. Bedroom two also had a window with a hallway connecting the two bedrooms. She also identified sliding doors under a covered patio. The hallway was interior to the home. A handicap ramp identified on the plans was located on the exterior of the home although it was covered. She clarified that all the hallways were open so that the residents of bedrooms one and two could remain indoors and walk through the living room to reach the bathroom.

Commissioner Ramirez clarified with staff that the new addition did not include another bathroom. He expressed concern with the number of people, including staff, with only two bathrooms in the entire residence.

Commissioner Thomas stated that she had the same concern with the number of bathrooms in the home serving the total number of people in the facility. She questioned when the addition had been approved by the City.

Ms. Endress reported that the addition had been completed on June 2, 2006. The addition had not been considered by the Planning Commission since it was an addition to an existing single family home. The plans for the addition had been approved by the Building Division. As to when the Building Division had approved the addition, staff did not have that information at this time and could conduct further research to clarify that issue.

Commissioner Garcia also expressed concern with the fact that there were only two bathrooms in the home even with the additional rooms, with the expectation that a total of 13 people would use the two bathrooms. While he recognized that the addition had already been built, he stated at a minimum there should be a requirement for a half bathroom to be added adjacent to bedroom one.

Commissioner Garcia suggested that the occupant of the farthest room would have to travel the farthest to access a bathroom. He stated that he could not approve the plans without an additional half bathroom.

Commissioner Diokno again clarified with staff the floor plan of the addition, the interior hallway and the entrance from the hallway to the living room area. He agreed with Commissioner Garcia that there was a need for an additional half bath in the residence.
PUBLIC HEARING OPENED

PROPONEENT:

HERMINA QUISMORIO, 410 Oakcrest Place, Pittsburg explained that she had owned the business at 1131 Alamo Way for the past eight years. As to the number of bathrooms, she acknowledged that the concern had been raised previously when the property had been inspected by the State Licensing Board. However, at that time she understood that in order to obtain approval to license the facility she was required to have one bathroom for 10 residents, including the caregivers. She was only adding four additional people who would use the two bedrooms in the addition so that the two bathrooms in the home should be adequate to run the facility. She expressed the willingness to verify that requirement with the licensing board.

Commissioner Harris inquired whether or not Ms. Quismorio would be willing to install an additional bathroom in the addition since there was room in the home to do so.

Ms. Quismorio commented that staff had raised the same concern during the review of the proposal. She had discussed with staff the recommendation to place two alarms in each of the bedrooms to connect to the caregivers to ensure that the residents could ring the bell for assistance to use the existing bathrooms. As to an additional bathroom, she stated she would provide another, if required by the City.

Commissioner Harris requested a window above the toilet for light. Ms. Quismorio expressed the willingness to do that.

Commissioner Ohlson spoke to Section 3, Decision, Condition 4 of Resolution No. 9683 and inquired whether or not automated sprinklers had been installed inside the home.

Ms. Quismorio explained that she was in the process of obtaining two estimates for the installation of automated sprinklers. She added that two doorbells had recently been installed in the two new bedrooms.

Commissioner Ohlson spoke to the concern with the number of bathrooms. If the State did not require more than two bathrooms, he suggested that the Commission should not require more than two, particularly since it would be difficult to add a bathroom with the already completed addition and since it could impose a financial hardship on the property owner. He also confirmed with the property owner the type of foundation of the home was not slab.

Commissioner Garcia commented that the Commission had reviewed similar applications in the past, and although the State might have a certain requirement, the City could impose more stringent requirements. He cited, as an example, a prior application for Habitat for
Humanity where a three bedroom, one bathroom home had been proposed. In that instance, the Planning Commission had required that an additional bathroom be added to the home. He suggested that given the elderly residents, another bathroom was warranted and the Commission had the authority to require that additional bathroom.

Commissioner Thomas commended the property owner on her efforts. Also concerned with the adequacy of the number of bathrooms and familiar with the licensing requirements for a residential care facility, she commended the applicant’s willingness to add another bathroom. She suggested that in addition to the information provided to the Commission it would have been nice to have had a copy of the information provided from the applicant to the State Licensing Board.

Commissioner Ramirez questioned whether or not the applicant agreed with the conditions of approval in the resolution including a requirement for an additional half bath.

Ms. Quismorio affirmed her agreement with the conditions of approval and with the requirement for an additional half bath.

INTERESTED SPEAKER:

CHRISTINE PALLATTO, Concord, explained that she was speaking on behalf of her mother who owned property at 1143 Alamo Way, and who had concerns with the business given that there was already a day care facility at 1146 Alamo Way where there had been a great deal of traffic and double parked vehicles on a regular basis. While the home was primarily occupied by elderly patients with no vehicles, she stated there was only a two car driveway and all other vehicles to the property, such as transportation for the residents, would create additional traffic and parking issues on the street. She asked for additional parking. She also suggested that the two similar commercial businesses in the neighborhood impacted the value of the properties on the street.

Commissioner Thomas inquired of the location of the day care from the property at 1143 Alamo Way, to which Ms. Pallatto noted that the day care was two doors down from her mother’s home.

Commissioner Harris commented that the parking in the driveway and in the garage would each accommodate two vehicles. A transport van could pull into the driveway and back out. He did not see that parking would be an issue.

Ms. Pallatto reiterated her concerns with the adequacy of the parking for the number of residents that had been proposed.

Chairperson Tumbaga understood that the property would have two covered and two uncovered parking spaces and would meet the requirements for parking, which was affirmed by staff.
OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-06-399 (UP)

Motion by Commissioner Garcia to adopt Resolution No. 9683, approving Use Permit Application No. AP-06-399 to allow 24-hour non-medical protective residential care for up to 10 elderly residents at 1131 Alamo Way, as conditioned, with an additional condition that a half bathroom be added to the addition to the residence. The motion was seconded by Commissioner Harris and carried by the following vote:

Ayes: Commissioners Diokno, Garcia, Harris, Ohlson Ramirez, Thomas, Tumbaga
Noes: None
Abstain: None
Absent: None

Chairperson Tumbaga identified the 10-day appeal process in writing to the City Clerk of the decision of the Planning Commission.

Item 2: Victory Outreach Recovery Home. AP-06-379 (UP)

Application by Victory Outreach Recovery Home requesting approval of a use permit to establish a residential care facility for up to 24 men recovering from drug and alcohol abuse at 102 School Street in the CO (Office Commercial) District. Residents will participate in religious instruction, relapse prevention, vocational and inter-personal skills training on-site. The establishment will be licensed and certified by the California Department of Alcohol and Drug Programs. APN 086-190-037.

Assistant Planner Leigha Schmidt presented the staff report dated January 23, 2007. She recommended that the Planning Commission adopt Resolution No. 9684 approving Use Permit Application No. AP-06-379, for a maximum of 12 men, as conditioned.

Ms. Schmidt added that the Commission had been provided with a memorandum of correspondence received on January 22, 2007 in opposition to the application. She had also received telephone calls from two members of the community who had concerns with the use and its incompatibility with the surrounding neighborhood and nearby high school. Those callers had been encouraged to appear before the Planning Commission or to submit correspondence.

Planning Director Melissa Ayres added that staff had hand delivered a copy of the staff report and the resolution of approval to the Administrator of the Pittsburg Unified School
District (PUSD). The Administrator had initially been concerned, although after review of the staff report and the proposed conditions of approval had stated that the PUSD would not object to the proposal. The Administrator had also spoken with the former Principal of Pittsburg High School and had determined that there had been no interactions or conflicts with the subject property.

Commissioner Ohlson clarified with staff a typographical error in the staff report, and the need to reflect all references to AOC-certified, live-in staff to read “AOD-certified live-in staff.” He also spoke to Operational Conditions, Condition 7 of Resolution 9684 and the discussion on Page 10 of 11 of the staff report which had conflicted with the language in the condition. He asked staff to clarify that issue.

Ms. Ayres suggested that the timing of when an inspection of the facility would be allowed by the Planning Department and Code Enforcement Division could be chosen by the Commission.

Commissioner Ramirez spoke to Sheet A-1 of the plans for the basement where it had shown that twelve people would be in the basement. He noted that there were only two windows in the basement.

Ms. Schmidt explained that the basement would be underground with small windows on the southern wall. There would be ventilation in the basement with the small windows and a door with stairs outside leading directly into the basement. She explained that whether or not those windows could be opened and whether or not the basement would have air conditioning and heating would have to be verified by the applicant.

In response to Commissioner Ramirez as to the location of the handicap ramp, Ms. Schmidt referenced the site plan for the parking and identified an American with Disabilities Act (ADA) bathroom and ramp to be located at the rear, south side of the home. The ramp would not be visible from Railroad Avenue and would be obscured by a fence and accessory structures on the home. She also clarified that she had a fire and evacuation plan which had been reviewed by staff. She suggested that the applicant clarify the interior sprinkler system. The fire and evacuation plan had been deemed to be sufficient by the Contra Costa County Fire Protection District (CCCFPD).

Commissioner Harris clarified with staff that staff had visited the home. Staff also clarified that the property owner had owned and operated the facility for the past 10 years.

Commissioner Harris commented that he was very familiar with the area. He pointed out the close proximity of the school and the number of older residents in the neighborhood who had raised concerns with the facility. While no problems had been recorded at this time, Commissioner Harris suggested that things could change. Further, while six people could currently occupy the facility, he expressed a desire to see such a facility away from children, away from School Street and away from Railroad Avenue.
Ms. Schmidt recognized the concerns but clarified that her analysis had been based on prior police reports for the use as it had been operating for the past 10 years.

Commissioner Garcia inquired whether or not the ramp met ADA requirements.

Ms. Schmidt explained that upon a cursory examination, Building Division staff had indicated that the ramp would meet ADA requirements although the applicant would be required to submit a request for building permits which would involve plan check and which would ensure compliance with all requirements.

Commissioner Garcia suggested that the ramp was six feet short. He understood that it would be required to be one inch for every foot of rise.

Commissioner Ramirez stated that he had raised the same concern with staff who had informed him that the Chief Building Inspector had indicated that the ramp appeared adequate. He too questioned whether or not the slope of the ramp was adequate. He recognized that the plans would be required to go through plan check and if an error arose, it would be have to be corrected.

Senior Civil Engineer Alfredo Hurtado explained that the ramp had a landing and then turned right which made up for the height. He acknowledged that the plans were a bit deceiving although he would really have to go out in the field to verify the adequacy of the ramp which he affirmed would have to meet all ADA requirements.

PUBLIC HEARING OPENED

PROPOONENT:

RICHARD REVELES, 806 Bainbridge, Pittsburg, Director of the Victory Outreach Christian Recovery Home, acknowledged staff for her hard work with respect to the processing of the application. He clarified that the windows in the basement bedroom area of the home, which had once been a theater and the old Seeno home, involved a total of six windows that could be opened. There was also forced air and heating in the sleeping area providing a comfortable atmosphere during all weather conditions.

Mr. Reveles recognized that the facility was located within close proximity to Pittsburg High School. He noted that over the past 10 years Pastor Tony Rodriguez had operated the facility successfully with no negative incidents.

Mr. Reveles explained that Victory Outreach partnered and volunteered with Pittsburg High School, Central Junior High School and the elementary school on outreach with at risk youth. He also noted that they had an 8508 Form from the Fire Marshall of Contra Costa Planning Commission Minutes 9 January 23, 2007
County which had indicated that the facility had passed inspection. Due to the size of the facility and the number of people to reside in the facility, he clarified that the installation of fire sprinklers would not be required.

JACK HARRIS, Volunteer Attorney, Victory Outreach Recovery Home, 1312 Cornell Street, Berkeley, explained that due to State requirements, the number of 24 residents had come up, although there was no plan to place 24 men in the facility. The State licensed 7 and 24 people. In speaking with City staff, he stated that they had agreed to allow a total of 12 men in the facility. Victory Outreach had also consulted with the police who had been to the facility. He recognized that the facility would be required to provide fire sprinklers if it were to provide for a total of 24 men in the home.

Commissioner Harris recognized that the facility currently housed six men with no known problems, although he suggested that increasing that number to 12 residents could be a concern in the future. He reiterated that he opposed the facility and suggested it be located elsewhere.

Mr. Reveles advised in response to Commissioner Ohlson that there had never been a negative incident involving the high school and the facility. He acknowledged that there had been 67 recorded police calls to the site, as indicated in the staff report, some of which were due to a number of accidents at the corner of School Street. He also acknowledged that they kept a log of police calls to the home and could clarify the 67 total police calls which had actually involved the home. He did not have that information with him at this time.

Commissioner Ramirez suggested that there could be a change in the present use with an increase to 12 men given his understanding that Pastor Rodriguez and his family, including five children, had socialized with the residents. If the family was removed from the scenario, he suggested that things could change in the residence.

Mr. Reveles acknowledged that Pastor Rodriguez and his family would be moving out of the home. He noted, however, that the family atmosphere in the home was a core value of the ministry and had purposefully and intentionally been planned in the home as part of Victory Outreach Recovery Home. He advised that he was not only the Director but a product of the home environment which had instilled something in his life to help him change. He stated that the facility would continue to strive for that standard and would not change. He stated that his own family would be involved in fellowship dinners, events and classes and that core value would not be lost.

Commissioner Garcia expressed concern that there would be 12 men in the basement in a home having only one bathroom.

Mr. Reveles clarified that the home had two and a half baths, which were located upstairs.
Commissioner Garcia questioned a situation where the residents would use the upstairs bathrooms along with the existing Rodriguez family. Mr. Harris clarified that the additional six men would not reside in the home until the Rodriguez family moved out when the other bathrooms would be accessible.

Commissioner Garcia understood that the home was to have been purchased at one time by the City. He inquired of staff whether or not there were any plans by the City to purchase the property and he questioned the wisdom of moving forward until that information was known.

Ms. Ayres suggested that the Planning Commission not base its decision on whether or not the City might purchase the property. She understood that the City had no intention to purchase the home.

Commissioner Garcia disagreed with staff in that there was properties in the City that had been impacted by development when there were known plans by the City to purchase those properties for future development. He suggested that if the City decided to purchase the subject property, the City would be faced with the burden and costs of relocation.

Ms. Ayres advised that she had met with the City Manager earlier that day regarding the proposal and he had expressed no desire to purchase the site. The plans had also been referred to the Engineering Department and no concerns had been expressed at that time.

Commissioner Diokno recognized the work of Victory Outreach. He inquired of the success rate for the number of men coming through the home throughout the years the program had operated.

Mr. Reveles advised that 300 men had gone through the program over the past 10 years. Of those 300 men who were required to complete a 12 month intense program, 17 percent had graduated and were active members of the community. He also clarified, when asked, that those not wanting to complete the program generally had the mentality of the drug addict.

Commissioner Thomas again clarified with Mr. Reveles that Pastor Rodriguez owned the home and that the 300 men that had gone through the program had done so during the time the property had been owned by the Pastor.

Commissioner Harris questioned why the program was being expanded at this time. He questioned why Victory Outreach could not continue serving only six men in the facility.

Mr. Harris explained that they desired to build slowly but Victory Outreach had no funds, grants or contracts with the County. If accredited, Victory Outreach could get some funding to operate comfortably. He suggested that 12 men was not a lot. He commented that he had volunteered to work with the program. He described his experience with similar and
larger programs with other agencies. The property was owned by Pastor Rodriguez who had shared his home and who would be moving out sometime in the next year when the additional six men would be phased in gradually. Once the property owner moved out, it was likely that Victory Outreach would be charged rent to continue the program.

Commissioner Harris suggested that Victory Outreach rent another site that was more appropriate and adequate for the facility.

Mr. Reveles stated that they did not have the funds to purchase another site to accommodate the facility.

Commissioner Harris reiterated that he remained concerned with what could occur in the future with more men in the facility. He suggested that Victory Outreach could find another site to rent and he suggested that the City might be able to assist Victory Outreach in locating to another area.

Mr. Reveles reiterated that it was financially impossible for them to move elsewhere at this time.

Chairperson Tumbaga inquired what step the applicant would take in the event the Planning Commission ultimately denied the application request.

Mr. Reveles advised that he would appeal such a decision to allow them to continue in the community to help people rebuild their lives. He emphasized that they were working to follow the State requirements to comply with required education and training requirements which required volunteers to go through several hours of training. He noted that he was a Certified Alcohol and Drug Counselor and Director. He added that the State would shut down the program if Victory Outreach was not compliant with their educational and training requirements.

Chairperson Tumbaga declared a recess at 8:42 P.M. The meeting reconvened at 8:47 P.M. with all Commissioners present.

SHAWN CREAN, Vallejo, identified himself as a graduate of the Victory Outreach Recovery Home, having been homeless in the past. He explained that he had come from an upper middle class family and had, like many youth in the area, been sent to Juvenile Hall, not listening to his family. Victory Outreach had reached out and caused a change in his heart.
While not a resident of the City, Mr. Crean suggested that he was an example of a product from the Recovery Home and needed that to happen in his life in a good way. He noted that there were problems in all cities and this was a start to continue great work in the City. He asked the Planning Commission to support the project.

MARLENE MORROW, Vallejo, identified herself as the Women’s Director for a similar
facility located in the City of Vallejo. She commented on her past experience with drugs and gangs and the efforts of the church to help her. She emphasized the support offered by Victory Outreach to help men and women address their problems.

ARTHUR HUIE, 102 School Street, Pittsburg, reported that he has been a resident of the facility for the past 11 months and was not a transient, but a high functioning addict. He explained that he was a retired San Francisco Compliance Officer and had entered the facility in February 2006 and was now drug free. He planned to purchase a home in Pittsburg, believed in the program, and commented on the outreach into the community by Victory Outreach. He acknowledged that they evangelized on some evenings to reach out to the people. He suggested that Victory Outreach had made a change in his and other’s lives. He pointed out that there were no other men’s facilities in East County and he urged the Commission to support the program.

Given his experience with the program, Commissioner Thomas asked Mr. Huie how he would describe the screening process for the residents who were brought into the program. Mr. Huie explained that the program involved background checks and was very strict on who was allowed into the home. Referrals were also made to the program, with referrals to other drug and alcohol treatment programs within their outreach. The residents were supervised intently. He emphasized that Victory Outreach was all about helping people. The intent of the program to build people back up and bring them back into the community.

MANUEL AGUILAR, 162 Victoria Street, Tracy, supported Pastor Rodriguez and the Victory Outreach Recovery Home program. He recognized the concerns and suggested there was an incorrect impression that the program would create problems. He pointed out that the approximate 70 recorded police calls to the subject address over the past several years might not be because of the facility itself. He did not find the number of calls to be onerous over that period of time. He commented on his own drug abuse experience, noted that Victory Outreach had assisted him in the program, had allowed him to attend the seminary school, and allowed him to work to help others. He commented on the efforts to keep such facilities open.

Mr. Aguilar again recognized the concerns being raised although he emphasized that there was crime in all cities. Victory Outreach was working to comply with the City’s requirements and do everything it needed to do. While Victory Outreach preferred to be located on the outskirts of a city, Mr. Aguilar explained the difficulty in being able to do that given the cost of property. He commented that many in the community who were homeless were often treated by their programs. He asked the Commission to allow those most in need an opportunity to be helped.

TINA OWENS, 212 East 16th Street, Pittsburg, a long time resident of the City, stated that she was familiar with the positive and negatives of the community. While she recognized
the neighbors’ concerns, she referenced the nearby liquor store and motel which had their own problems and which were businesses also close to the school. She emphasized that the residents of the home were working to be drug free. She had the same concerns as her neighbors although she reiterated that there were other issues in the community that had caused criminal activities. The facility offered something for those in need and offered outreach to help people.

LEANDRO BOYES, 2921 Mary Ann Lane, Bay Point, pointed out that the home had been in existence for the past 10 years, although Victory Outreach Pittsburg had been in the community since 1989. The first home which Pastor Rodriguez had been involved was also in a residential area on Buchanan Road, had housed eight men, and had been situated in a more residential area with no problems with the neighbors of that community. He added that Pastor Rodriguez had purchased the property to assist those in the community who were on drugs.

Mr. Boyes explained that he had resided in a similar home in San Francisco. He suggested that the home was an asset to the community and stated that many of the problems that had occurred in the neighborhood no longer occurred because of the home. He noted that the prior owners of the home, the Seeno family, had sold the home with the knowledge of how it would be used and had supported those efforts. He recognized all of the concerns being raised, although he suggested that the home had been an effective part of the community.

OPPONENTS:

PETE CARPINO, 151 El Camino Drive, Pittsburg, spoke as a citizen and grandparent with grandchildren in Pittsburg High School. He recognized that Victory Outreach had a good program and he was disappointed with the percentage of those that successfully go through the program. However, he was concerned with the location of the facility in relation to the high school. Given that the City had passed a new bond measure for a new high school which would involve a gateway on School Street, he stated that the home was a real concern. He also referenced the approximately 70 calls to that location, which he acknowledged might not all be attributable to the facility. Given the negative impacts within close proximity to the property, with high crime at City Park and Seventeenth Street, he suggested there was the potential for more negative impacts. He expressed concern with the increase in residents to the facility increasing that potential risk.

DEBBIE NEWELL, 125 Oak Place, Pittsburg, identified a bail bondsman, the Victory Outreach Recovery Home, an open space area, and a liquor store on Seventeenth Street where there were a number of loiterers and crime. With the high school close by, with the traffic in the area, youth and crime already in the neighborhood, she expressed concern that more crime might be generated by the use. Based on her experience with Victory Outreach Recovery Home having lived in her home since 1993, she expressed concern with the number of transients in the home over the past 10 years. She noted that there
had also been problems with transients in the empty lot in the area, all of which impacted her property value.

Further, Ms. Newell stated that she had experienced problems with the subject property in the past when the property owner had built a fence and had allowed garbage and filth to collect in the rear yard. During that time, her property had experienced a rat infestation. While Code Enforcement and the Health Department had been contacted to resolve the situation, she suggested that the applicant had demonstrated that they were poor neighbors. She agreed that the facility was too close to the high school. She also questioned the professionalism of those guiding the men in the program.

MARTIN RICCABONA, 166 Oak Place, Pittsburg, suggested that first impressions meant everything and questioned that first impression to the high school students. Given the recent money to improve the high school, he questioned the proximity of the facility to the high school. Not opposed to the intent and efforts of the program, he emphasized that the location and proximity of the recovery home to the high school was not appropriate. He also questioned the appropriateness of the use given the single family zoning. He asked how many people were allowed in the home. He further questioned having people sleep in the basement particularly while going through a drug and alcohol treatment program.

As to the recorded number of police calls to the property, Mr. Riccabona suggested that could increase with an expanded program. He also expressed concern with the removal of the family that had created the facility out of the dwelling. He asked that the Planning Commission oppose the application.

SHARI THORNBURG, 142 School Street, Pittsburg, explained that she had mixed feelings in that having lived at her home for seven years her experience with those in the home had been positive. She did have concern with parking on School Street. Given the age of the homes with single driveways, she stated that many residents parked on the street and on numerous occasions there was no parking. She commented that there were always cars coming and going from the site. She also had concerns with littering in the area. She had witnessed two occasions when a van parked on the site had thrown trash from the vehicle into her property. She also commented that a few years ago there had been an occasion when there had been preaching done at the property with a megaphone impacting the quiet enjoyment of her home.

Ms. Thornburg also expressed concern with the fact that she had a young child in her home. She was concerned with the unknown, the future and the possibility that if the facility were allowed to expand now, it could expand even more in the future.

JAIME MEJIA, 189 Oak Place, Pittsburg, stated that he had purchased his home two years ago. He suggested that the facility would be a step back. He supported the cause, although in his opinion the home was not in the right location. His questioned the neighborhood being a safe environment for his family with such a facility in close proximity.
He asked the Commission to oppose the application.

Commissioner Thomas questioned the location of Mr. Mejia's home to the facility to which Mr. Mejia identified his home as five to six homes away from the subject property, with his property at 189 Oak Place located in a cul-de-sac.

MEAGAN NOTESTINE, 177 Oak Place, Pittsburg, a neighbor to the Mejia family, commented that she had experienced problems with police activities in the neighborhood, not necessarily because of the home, but from other incidents. She described her home as being located in a quiet neighborhood where she liked to see children out in the neighborhood playing. Having moved to the area ten years ago, she was experienced with the progression and improvement to the neighborhood. She did not want to see more problems and kids being influenced by the presence of such a facility given the close proximity to the high school. She asked that the Planning Commission not only consider the application, but also consider the youth who could be affected.

STELLA BUFFO, 137 School Street, Pittsburg, was not opposed to the facility, although she suggested it was in the wrong place. She commented on the problems with parking, burglaries and vandalism in the neighborhood. She questioned the fact that the facility was so close to the high school. If approved, she stated that she would be afraid to go out into her garden. She noted that another of her neighbors had also informed her she would be afraid to walk in the neighborhood if the application were approved by the City.

WILLIE WALKER, 142 Oak Place, Pittsburg, commented that he had lived in his residence for the past 20 years. As a parent of a child attending Pittsburg High School, he did not agree with the proximity of the facility to the high school. He was not opposed to the program but suggested that the facility be located elsewhere in the community.

Mr. Reveles apologized to his neighbors for any inconveniences the home might have caused. He was a product of the ministry and operated the program as its Director in accordance with what he had learned in the Marine Corps. The program was designed to change the lives of the individuals in it. He understood the concerns with the facility’s proximity to the high school, although he suggested that the home could be a good example and positive outcome for the school. He noted that Victory Outreach had been operating all over the world in its ministries. He commented on their efforts to get people drug free. He spoke to their many programs to assist those in need.

Mr. Reveles asked for the opportunity to prove the program and emphasized that they would not violate the request for a total of 12 men.

PUBLIC HEARING CLOSED

Commissioner Ohlson spoke to Operational Conditions, Condition 10 of Resolution No. 9684, and suggested that the use of the term "excessive" in that condition should be better
Ms. Schmidt recognized that the 67 recorded calls for service to the subject address appeared to be high, although in speaking with Code Enforcement and the Police Department, she stated that the recorded calls for service to the subject address were not high for that location along Railroad Avenue and School Street and that at least one of the calls had been a mistake. She expressed the willingness to take the matter back to the Police Department, or the Planning Commission could deliberate what number of excessive police calls for crimes or activities attributed to the residents of the home would be grounds for revocation of the use permit.

Commissioner Ohlson suggested excessive be defined as more than the average for the last 10 years in any given year, which would result in a recall of the use permit application.

Ms. Ayres clarified that all of the calls were not attributable to the subject home, some of which were incidents involved on the sidewalk and accidents near the intersection. The Police Department could not recall any specific calls to the property beyond potential search warrants. The Police Department had walked the site with staff to conduct a field inspection, asking many of the same questions raised at this time. She noted that both the Director of the Recovery Outreach Home and Pastor Rodriguez had students at the high school and were sensitive to what kids faced. She affirmed, when asked, that she had personally visited the site.

Commissioner Ohlson suggested that excessive be defined so that the Planning Commission, the Police Department or Code Enforcement would not have to define that number unilaterally in the future.

Ms. Ayres suggested that would be a matter of pulling each recorded call for service to the subject address to confirm whether or not it was related to the facility. Staff could work with the Police Department on that issue.

Commissioner Ohlson wanted to see some number defined in that condition and that the Planning Commission not shuffle a decision into the future, although they did not have the raw data in the log books to review. He had no problem with staff working on the numbers, although he re-emphasized the need to define excessive.

Chairperson Tumbaga commented that she was not opposed to basing an excessive number on the data that was derived or gleaned from the police reports although it could be a small number. If using the average, she suggested that could be six calls per year, beyond which would be excessive.

Commissioner Diokno suggested that they had to take into consideration the severity of the police calls when determining what was excessive.
Ms. Schmidt commented that a call for the fire department would be logged in the police calls as well. At least four of the recorded calls had dealt with a fire at or near the address which must also be taken into account.

Ms. Ayres suggested that by leaving that number more generic the Commission could address any information during a revocation hearing where it could then make its own judgment on the number of excessive calls.

Commissioner Diokno pointed out that those who would be part of the program and reside in the home would be screened for prior incarceration for violent behavior, mental illness and child molestation. In addition, there would be strict rules and regulations where the Director would oversee the resident’s behavior. He commented that it was a difficult decision in that he understood the concerns of the neighborhood, although the home was between a liquor store and the Mar Rey hotel, all of which had experienced criminal activities.

While the percentage of the success rate of the program might not be that high, Commissioner Diokno suggested it was still a number of men who were leading productive lives contributing to society. He questioned how to weigh what the men did versus the number who had failed the program in terms of what was valued more. He was uncertain how he would vote on the application at this time.

Commissioner Ohlson suggested that an additional condition be added to the resolution of approval that no speech or amplified music be permitted outside the property and that the landscaping be maintained. He also suggested that the parking should be addressed. Given that the facility had eight parking spaces, he suggested it would be polite to utilize all positions in the parking spaces prior to allowing any overflow parking on the street. He otherwise suggested that since the facility had operated successfully over the past 10 years with a family and six men, it should be allowed to continue to function. He recognized that the Commission must still deliberate on whether or not to allow six additional men into the program.

Commissioner Garcia recognized the good program that people needed help and suggested that there should be places for them.

However, given the proximity of the high school and the funds recently passed to improve it and given that the Mar Rey hotel might be torn down in the future since he understood that the area was intended to be a gateway to the high school and given the money being spent to improve that area of the City, Commissioner Garcia questioned having 12 men in a residence with one bathroom. He also questioned the placement of the men in the basement although there were small windows. He noted that the Supreme Court had recently ruled that many people should not be allowed in a single jail cell. He suggested
the set up was not proper and the location was not appropriate. While many did not want the facility near his/her homes, he did not want it near the school. Commissioner Garcia questioned why the family was moving out of the home with the proposed 12 men to be housed in the basement. He noted that Victory Outreach would have to pay rent and would likely have to raise funds for the family to live in another home. He again questioned why the family was moving out of the home.

Commissioner Garcia also commented that since the home was located on a main street in the City and in a Commercial district, he questioned why the City was not mandating a masonry wall be built to screen the home from view from its neighbors. He reiterated that the home was not at the right location nor should the men be housed in a basement.

Ms. Schmidt clarified, when asked by the Chair, that the home was located in the CO - Office Commercial Zoning District.

Commissioner Thomas commented that she always considered other options. She inquired of staff whether or not the City owned property that could be used for such a use in the event it was not supported by the Planning Commission.

Ms. Ayres was unaware of such a location. She stated to her knowledge the Agency did not own anything at this time that would be suitable for the subject use.

Commissioner Thomas recognized that the home was the only resource that Victory Outreach had at this time.

Ms. Ayres explained that Victory Outreach was a national organization, although the home was the only property she understood was available to Victory Outreach in Pittsburg at this time.

Commissioner Thomas recognized all of the concerns and as a parent/grandmother herself she sought a win-win situation. She inquired what the Commission could do to appease those who would be affected. She inquired of staff whether or not a condition could be imposed that would confine activities at the home during after school hours.

Ms. Ayres explained that the conditions of approval in Resolution No. 9684 included many conditions, one which required no loitering in the front yard, with the residents required to be inside the home or be out in the backyard unless they were supervised by an employee taking them somewhere else. Also, Operational Condition 4, stated that no exterior evidence of the proposed use and the residents were not permitted to loiter in the front yard, adjacent sidewalks, streets or the parking lot serving the business. The home would also not be allowed to have signs identifying the facility.

Commissioner Harris clarified with staff that the application was for an increase in the number of men to the program and that by law the existing six men could remain. He
reiterated his concerns with the location of the facility to the high school. He opposed an increase in the number of men in the home given the potential problems that could occur. He also suggested that there had been problems with the home in the past which the applicants were well aware.

Chairperson Tumbaga commented that she had personal experience with a person suffering with addiction. She recognized the low percentage of those who successfully complete the program, although she suggested that there were a number of successes for some who might not have completed the program for one reason or another. While not a member of Victory Outreach, she was aware it was one of the fasting growing religious movements in the world.

Chairperson Tumbaga disagreed that the problems with vandalism in the neighborhood had been caused by the residents of the home. Her own neighborhood had experienced vandalism. She did not believe that the residents were creating all of the problems on School Street. Having been on School Street after hours, she had experienced more respect from the residents of the home than from some of the youth in the area. She commented on the number of people in the community who had problems and might need such a facility.

Chairperson Tumbaga recognized the number of calls to the facility although she noted that oftentimes calls were logged that did not necessarily mean it was for the facility. She suggested that the problem was a “not in my backyard” situation and there were not many places where such a home would be welcome. The facility had operated at this location for the past 10 years and there was an opportunity to keep the home in operation and increase the number of successes that might be possible.

Chairperson Tumbaga also recognized the seriousness of the application and the request before the Planning Commission. She identified the City’s 10-day appeal process in writing to the City Clerk on a decision of the Planning Commission.

Chairperson Tumbaga empathized with the residents of the community and while she did not disagree with their concerns, which might be valid and warranted to a point, she appreciated their comments.

Chairperson Tumbaga also expressed her appreciation for the comments made by the residents of Victory Outreach Home.

Commissioner Ohlson made a motion to approve the application, subject to the following changes to Resolution No. 9684:

**Operational Conditions:**

7. *The Victory Outreach Recovery Home shall allow inspection of the facility by*
the Planning Department and the Code Enforcement Division for

conformance with the conditions of approval of this use permit during normal City business hours, upon 24 hour notification.

10. An excessive number of police calls for crimes or activities attributed to the residents of the Recovery Program or their guests shall be grounds for revocation of the use permit to be determined by the City Manager.

Add General Conditions:

26. There shall be no amplified speech or music outside of the building.

27. Landscaping shall be maintained in a thriving and weed free condition.

Commissioner Diokno seconded the motion.

Speaking to the recommended modification to Operational Condition 10, Ms. Ayres explained that revocation of the use permit was granted under the Municipal Code to the Planning Commission and not the City Manager. The City Manager could make a decision that the excessive number had been reached, although authority to revoke the use permit remained with the Planning Commission. The condition could be modified to reflect that when the City Manager believed the excessive number of police calls to the home had been reached, the matter could then be brought to the Planning Commission with the Commission asked to then agree with the City Manager’s assessment.

Commissioner Ohlson was not opposed to that modification.

Commissioner Garcia requested an amendment to the motion. He requested a condition that if the facility were to house more than 12 residents, it would have to seek another use permit from the Planning Commission.

Commissioner Garcia also requested a condition to install a masonry wall to protect the neighborhood from the commercial property, to extend from School Street to Oak Place.

Ms. Ayres explained that if they were to leave the number of residents to 12, another condition would not be needed since a new use permit would be required regardless.

Commissioner Garcia reiterated his amendments that he would only approve a maximum of 12 residents and the applicant would be required to come back for a new use permit for anything beyond 12 residents.

Commissioner Thomas seconded the amendment to the motion.
MOTION: AP-06-379 (UP) Amendments to the Original Motion

Motion by Commissioner Garcia to amend the original motion to adopt Resolution No. 9684, approving AP-06-379 (UP), a Use Permit to establish a residential protective care facility for drug and alcohol treatment at 102 School Street for the “Victory Recovery Home, AP-06-379 (UP),” APN 086-190-037, as conditioned, and as amended, with the following additional conditions:

Operational Conditions:

3. First sentence to be modified to read: The facility would be limited to a maximum of 12 residents and would require a new use permit to be approved by the Planning Commission for additional residents.

Add General Conditions:

28. The applicant shall be required to install a 6-foot high masonry wall to protect the neighborhood from the commercial property to extend from School Street to Oak Place.

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

Ayes: Commissioners Diokno, Ohlson, Thomas, Tumbaga
Noes: Commissioners Garcia, Harris, Ramirez
Abstain: None
Absent: None

MOTION: AP-06-379 (UP)

Motion by Commissioner Ohlson to adopt Resolution No. 9684, approving AP-06-379 (UP), a Use Permit to establish a residential protective care facility for drug and alcohol treatment at 102 School Street for the “Victory Recovery Home, AP-06-379 (UP),” APN 086-190-037, as conditioned, and as amended, with the following additional conditions:

Operational Conditions:

3. First sentence to be modified to read: The facility would be limited to a maximum of 12 residents and would require a new use permit to be approved by the Planning Commission for additional residents.

7. The Victory Outreach Recovery Home shall allow inspection of the facility by the Planning Department and the Code Enforcement Division for
conformance with the conditions of approval of this use permit during normal City business hours, upon 24 hour notification.

10. **Condition to be modified to reflect that when the City Manager believes the excessive number of police calls to the home has been reached; the matter would be brought to the Planning Commission to initiate revocation of the use permit.**

Add **General Conditions:**

26. *There shall be no amplified speech or music outside of the building.*

27. *Landscaping shall be maintained in a thriving and weed free condition.*

28. *The applicant shall be required to install a 6-foot high masonry wall along the east property line to protect the neighborhood from the commercial property to extend generally from School Street to Oak Place.*

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

- **Ayes:** Commissioners Diokno, Ohlson, Thomas, Tumbaga
- **Noes:** Commissioners Garcia, Harris, Ramirez
- **Abstain:** None
- **Absent:** None

Chairperson Tumbaga reiterated the 10-day appeal process in writing to the City Clerk of a decision of the Planning Commission.

Commissioner Garcia clarified that he had recommended the additional conditions since it was apparent the facility would be approved. However, he remained opposed to the applicant’s request.

Commissioner Harris left the meeting at 10:23 P.M.

**COMMISSION CONSIDERATION:**

There was no Commissioner Consideration.

**STAFF COMMUNICATIONS:**

The Commission acknowledged the following Notice of Intent items:

- a. El Matador Freestanding Sign. AP-06-405
- b. Sprint/Nextel Cell Tower Relocation. AP-06-403 (DR)
- c. Susuki Freestanding Sign. AP-06-408
Ms. Ayres reported that a draft Capital Improvement Program (CIP) would be brought to the Planning Commission at its next meeting. She also reported that staff had drafted the Hillside Guidelines and Performance Standards which were available on the City’s website and which were under a 30-day comment period, after which they would be submitted to the Land Use Subcommittee for consideration. She added that the City Council had introduced an ordinance to approve the Lawlor Estates Development Agreement and the General Plan Amendments related to Measure P at its last meeting.

Ms. Ayres also reported that the Zoning Administrator had met on January 22 and had approved a variance request to allow the replacement of a garage that had burned down on property located at 1021 Beacon Street. She also noted that staff planned to return to the Planning Commission with a discussion on the Comprehensive Zoning Code Update for substandard lots and non conforming regulations on February 27.

Ms. Ayres further reminded Commissioners that for quasi-judicial actions, such as use permits or a subdivision, Planning Commissioners were not to give opinions on how he/she would vote or what he/she thought of a project until the close of the public hearing, to allow all evidence to be heard before a decision was made.

Commissioner Diokno spoke to the upcoming Planning Commission consideration of the Atlantic Plaza Remodel. He expressed his hope that staff would be aggressive on some of the public amenity improvements. He emphasized that he would be requesting a water feature at the time the project was considered.

Speaking to the same property, Commissioner Ohlson identified the area of Harbor Street south at the side entrance to Goodwill Industries and advised of the need to require more paving in that area to accommodate semi-trailers needing a new standard of 53-feet for turning purposes.

Commissioner Ohlson also reiterated his prior comments that during the consideration of the shopping center remodel and other large shopping center remodels staff consider not capping the required number of bicycle racks at 14 but that additional racks be considered given the size of the shopping centers.

Ms. Ayres explained that staff would require the numbered bicycle racks required in the Municipal Code, although if the Commission desired to request more than what was required it had the right to do that.

**COMMITTEE REPORTS:**

Commissioner Garcia reported that the TRANSPLAN Committee had met with reports on the 511 Program, with the selection of a new Chair and Vice Chair, with appointments to the Contra Costa Transportation Authority (CCTA), and with a discussion on Measure J
when staff had commissioned to study routes of regional significance.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Thomas remained concerned with the adequacy of the City’s public noticing process. She reported that a resident had recently informed her that she had received notice of this meeting, on this date. She had also spoken with others who had indicated that they were not being noticed of public hearings. She expressed her hope that staff would do a better job on that. She also commented that a local merchant, a female minority business owner, had inquired how she could participate and be involved with the development of City projects. She asked staff to inform that person what she needed to do to further her business.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 10:43 P.M. to a regular meeting of the Planning Commission on February 13, 2007 at 7:00 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

__________________________________________
MELISSA AYRES, Secretary
Pittsburg Planning Commission