A regular meeting of the Pittsburg Planning Commission was called to order by Chairperson Tumbaga at 7:00 P.M. on Tuesday, July 25, 2006 in the Council Chambers, City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL:

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

Excused: Commissioner Diokno

Staff: Planning Director Melissa Ayres, Assistant Planner Kristi Vahl, Assistant Planner Leigha Schmidt, Civil Engineer Jolan Longway, and Senior Civil Engineer Paul Reinders.

POSTING OF AGENDA:

The agenda was posted at City Hall on Friday, July 21, 2006.

PLEDGE OF ALLEGIANCE:

Commissioner Thomas led the Pledge of Allegiance.

REORGANIZATION

1. Committee Assignments

Chairperson Tumbaga reappointed Commissioners Garcia and Ohlson to serve on the TRANSPLAN Committee, with Commissioner Garcia as the Primary and Commissioner Ohlson as the Alternate members to TRANSPLAN. As to the Land Use Subcommittee, Commissioners Ramirez and Harris were reappointed to continue to serve as the Primary Members with Commissioner Thomas to serve as the Alternate.
DELETIONS/WITHDRAWALS/CONTINUANCES:

There were no deletions, withdrawals or continuances.

COMMENTS FROM THE AUDIENCE:

PETE CARPINO, 151 El Camino Drive, Pittsburg, inquired of staff the status of the conditions of approval negotiated between the residents and the City Council for the Mehran Restaurant.

Planning Director Melissa Ayres reported that staff had monitored the site to ensure compliance with all the conditions of approval. She understood that all conditions had been met with the exception of the installation of filters for food preparation and the installation of a block wall past the last home on the southern property line. She also understood that the wall was currently under design. She added that staff continued to monitor the site. The business would have to limit its operation to a manner that would not create a nuisance that would have been mitigated by those remaining items.

PRESENTATIONS:

Traffic Update – Paul Reinders, Senior Civil Engineer

Senior Civil Engineer Paul Reinders presented an extensive Traffic Update on the many transportation projects in process including the Capital Improvement Program (CIP) and transportation grants for which the City had made application.

In response to Commissioner Ohlson as to the tentative project list for Measure J where California Avenue and the Pittsburg/Antioch Highway were to be widened to four lanes, Mr. Reinders explained that there were no plans for bicycle lanes on California Avenue. He noted that the Pittsburg/Antioch Highway would be widened to four lanes with a left turn lane and with plans for the shoulder area to be wide enough to accommodate Class III Bicycle lanes for the entire route.

Commissioner Ramirez clarified with Mr. Reinders the location of the speed humps on Linscheid Drive parallel to Railroad Avenue at Ramona Street and Seeno Avenue and on East Eighth Street between Railroad Avenue and Cumberland Street.

Commissioner Thomas also clarified with Mr. Reinders the fair share collection of developer fees related to impacts to the transportation system where industrial developments were charged a fee of $7 per square foot with commercial developments over $10 per square foot. To encourage development and provide jobs in East County, she had been advised of the City Council’s intent not to charge more than $1 per square foot, although the Council had yet to take that action. The regional fee would reduce and
subsidize the commercial/industrial development fee to approximately $1 per square foot.

As to the proposed signal light at the intersection where Home Depot was located, Commissioner Garcia inquired whether or not the intersection itself would be widened. He also inquired of the status of the Environmental Impact Report (EIR) for the Buchanan Road Bypass (BRB).

Mr. Reinders advised that there would be widening at the intersection as well as a bus turnout although he was uncertain there would be a right turn lane for that intersection on Century Boulevard. He clarified that an EIR had not been prepared for the BRB, although an Environmental Constraints Analysis had been prepared for the project, which had not moved forward previously due to the lack of funding. The BRB was now down to two lanes and might be feasible with the help of developers, Measure J funds, regional and local fees. With those funding sources, the BRB could be funded and start construction by the year 2009.

Commissioner Garcia added that he had made numerous requests for signage posting the 25 MPH speed limit south of Buchanan Road at Ventura Drive, although that signage was not on the list.

Mr. Reinders expressed the willingness to review the status of that request.

Commissioner Thomas also noted that vehicles traveled through the Alta Vista area off of Leland Road at excessive speeds. She asked that the speed limit be posted in that neighborhood as well.

Chairperson Tumbaga commented that the bicycle lane on the west side of Buchanan Road adjacent to the park was continually used for parked cars during the weekends. She requested appropriate enforcement in that area.

Mr. Reinders explained that the curb was painted red and No Parking Signs had been posted so that the Police Department could enforce that situation with tickets to vehicles parked in the bicycle lane. He expressed the willingness to inform the Police Department of that situation.

PETE CARPINO, Pittsburg, inquired whether or not the stacking lane for East Leland Road at Century Boulevard would be increased. He also reported that the current left turn lane configuration from Railroad Avenue onto Power Avenue was confusing to motorists.

Mr. Reinders acknowledged that the left turn lane eastbound from East Leland Road onto Century Boulevard had been listed on the Local Traffic Mitigation Fee list, although it was competing with other projects on the list and was not scheduled for improvements in the CIP at this time. As to the current traffic configuration from Railroad Avenue onto Power Avenue, whether or not it would be further modified as part of a potential eBART project would be studied as part of a traffic study for the Civic Center Master Plan.
Commissioner Garcia commented on his understanding that Los Medanos College (LMC) preferred to continue to make the left hand turn in the stacking lane which could not be blocked. LMC and the City of Antioch had discussed with PG&E the possibility of placing an easement across the PG&E property to bring the road to Century Boulevard.

In response to Commissioner Garcia, Mr. Reinders affirmed that he continued to meet with the Traffic Committee on a monthly basis to address any comments or concerns raised by the public and the Planning Commission.

CONSENT:


MOTION:

Motion by Commissioner Garcia to adopt the Consent Calendar, as shown. The motion was seconded by Commissioner Harris and carried by a show of hands vote:

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

PUBLIC HEARINGS:

Item 1: Pet Suites Inn. AP-06-340 (UP)

A public hearing on an application by Josie Van Fleet of Pet Suites Inn requesting a use permit to establish a 5,000 square foot pet hotel, spa, and salon facility within an existing building located at 671 Willow Pass Road, Suite No. 1. The site is zoned IP-0-1 (Industrial Park with an Overlay) District. APN 085-280-002.

Assistant Planner Kristi Vahl presented the staff report dated July 25, 2006. She recommended that the Planning Commission adopt Resolution No. 9653, approving AP-06-340 (UP), with the conditions as shown.

PUBLIC HEARING OPENED

PROPOSENENT:

JOSIE VAN FLEET, 1042 Panadero Court, Clayton, acknowledged, when asked, that she had read and was in agreement with the staff recommended conditions of approval.
Commissioner Ramirez commended the use and the applicant’s great recommendations from working with veterinarians and others in the past. Commissioner Ramirez spoke to the actual site and suggested it was a good location with plenty of space and easy access. He understood that the hours of operation initially proposed had been reduced as a result of a recommendation by staff. He requested that the applicant clarify the business hours.

Ms. Van Fleet explained that she was not opposed to the staff recommended hours of operation. She commented that normally a pet would not be dropped off after 5:00 or 6:00 P.M. The facility would be open on Sundays, by special appointment only, typically for those clients who desired to pick up their pets prior to Monday or whose schedule would not allow them to pick up their pet on Monday.

Commissioner Thomas inquired of the criteria for pets to be permitted in the facility, to which Ms. Van Fleet explained that the dogs would be required to be healthy, friendly and manageable. The dogs would be allowed in a play area individually several times a day depending on the busyness of the facility.

In response to the Chair as to the management of the pet waste, Ms. Van Fleet explained that there would not be anything in the disposal system other than the pet waste. In the morning the pets would be allowed in a small patio area and then back in their suites. Afterwards staff would clean the patio area. Any pet waste would be flushed down a number of toilets. The design of the suites would allow the staff to hose, disinfect and scrub everything as often as needed each day. The toilet units would sit separately. Those units would appear like a standard toilet but be larger in size and were used at an all day facility she had visited in Southern California. She had photographs of the toilets which she did not have with her at this time but which could be provided to staff.

Ms. Ayres clarified that anything washed down would go into the sanitary system and not into the storm drain.

Ms. Van Fleet reiterated that the toilets would be commercial toilets made specifically for such uses. She could provide additional information to staff if required.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-06-340 (UP)

Motion by Commissioner Thomas to adopt Resolution No. 9653, approving AP-06-340 (UP), a Use Permit to establish a Pet Hotel, Spa & Salon at 671 Willow Pass Road, Suite #1, for “Pet Suites Inn, AP-06-340 (UP),” with the conditions as shown. The motion was seconded by Commissioner Ramirez and carried by a show of hands vote:
Ayes: Commissioners Garcia, Harris, Ohlson, Ramirez, Thomas, Tumbaga
Noes: None
Abstain: None
Absent: Commissioner Diokno

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

**CONTINUED PUBLIC HEARING:**

**Item 2: Creekside Village Senior Apartments Subdivision. AP-06-310 (SUB)**

A continued public hearing on an application by Chris Valeriote of Terra Nova Development requesting approval of a tentative map to convert 88 senior residential apartments from rental units to senior-restricted condominiums. The application includes a request for a reduction in the minimum requirement for private storage space. The site is located at 30 Castlewood Drive in a PD (Planned Development, Ordinance 1185) District. APN 089-060-008.

Assistant Planner Leigha Schmidt presented the staff report dated July 25, 2006. She recommended that the Planning Commission adopt Resolution No. 9635, approving AP-06-310 (SUB), with the conditions as shown.

Commissioner Thomas inquired whether or not all tenants had been noticed of the public hearing. She understood that the inspections of the units had been limited to only four ground floor units, although when the Commission had last considered the item, several tenants had been present to raise concerns.

Ms. Schmidt advised that public notices had been mailed to each tenant with flyers in the facility’s recreation room and with a poster notice on the bulletin board at the complex. She had received one telephone call from a new tenant regarding the proposal. She clarified that the inspection letter dated April 7, 2006 and identified in Attachment 6 to the staff report had been prepared prior to the last Planning Commission meeting. Since that time, the Building Division had conducted an inspection of each of the units, a thorough report of which had not been included in the staff report but which staff had a copy for review. Based on reports from the Building Department, the applicant was close to half way through completing all the deficiency items.

Commissioner Garcia inquired whether or not the Engineering Department was satisfied with the resolution of past problems with respect to flooding around the units. Civil Engineer Jolan Longway advised that engineering staff was satisfied with that situation.
Ms. Schmidt explained that per the engineering letter included in the staff report, the Engineering Department had required that a professional engineer be hired by the applicant to evaluate the entire site to create a drainage system that would prevent what had occurred at Kirker Creek Apartments from occurring at the property at Castlewood Drive. That drainage system had been included as a condition of approval.

Commissioner Ramirez also spoke to the past problems with Kirker Creek which might have affected the integrity of the building, with problems with erosion, cracking and a sinking building. Whether or not the units remained as apartments or were converted to condominiums, he emphasized that problem must be resolved and he questioned how that issue would be resolved.

Ms. Longway advised that staff was waiting for an engineer’s report and plans to be submitted. She also clarified, when asked, that she had personally not been to the site, although the Senior Civil Engineer, not present this date, had visited the property.

Commissioner Harris commented that during the prior consideration, several tenants had presented photographs of the condition of many of the units, although the staff report had not included any updated photographs of those units to show that the problems had been corrected.

Ms. Schmidt advised that the inspection report conducted between May 2 and May 5, 2006 could be provided to the Commission. She added that she had spoken with the Code Enforcement Inspector with the Building Division, who had informed her that the applicant had completed at least half of the items on the deficiency list and that he [The Code Enforcement Inspector] would conduct a final inspection to ensure that everything had been completed.

Ms. Schmidt added that the Code Enforcement Inspector had been of the opinion that the applicant had completed enough of the work on the deficiency list to make the judgment that the applicant would complete the entire list. Conditions were identified in the resolution of approval which would require that the deficiency list be completed prior to the approval of the Final Map.

Commissioner Harris could not approve the project at this time without a confirmation that the items had been inspected to ensure that all of the tenants’ concerns had been addressed. He requested to see updated photographs of the units which had previously been identified as having problems.

Commissioner Thomas understood that the same Code Enforcement Inspector had approved the buildings for Section 8 housing and the units had not been up to par at that time. She wanted assurance that nothing would be missed. She was advised by Ms. Ayres that the inspector worked for the Housing Authority and had only reviewed individual units for Section 8 tenants, which units might not have had problems at the time of
PUBLIC HEARING OPENED

CHRIS VALERIOTE, Terra Nova Development, P.O. Box 6660, Vacaville, suggested that tenants were not present for the current meeting but had been for the prior meeting due to the misinformation or lack of information regarding the condominium conversion, the intent of a lifetime lease, and the effort of some tenants to derail the proposal. He reported that he had since met with those tenants who had been informed of the lifetime lease situation. All tenants had been notified of the subject public hearing. He recognized that there was no one present at this time. He emphasized that the units had been approved by the City 24 months ago as brand new housing.

Mr. Valeriote suggested that many of the photographs previously presented by tenants represented hysteria with respect to mold. The units had been inspected by the Code Enforcement Inspector who had been paid by the applicant to inspect each and every unit multiple times. He clarified that the housing had not been allowed to deteriorate as had been implied.

Mr. Valeriote commented that the inspector had identified the issues with each of the 88 units including the need to address the insulation of exterior air conditioning Freon lines, check batteries, repair drywall and the like. He suggested that the deficiency list was 100 percent complete for the interior and exterior of the units and not half way complete as reported by staff.

With respect to the problems with the Kirker Creek Apartments, Mr. Valeriote noted that he had spoken with the property owners of that apartment development prior to the development of the subject site. As a result, Terra Nova Development had expended a great deal of money reengineering the soil which had been recompacted every foot by foot to bring it to the highest standard of structural integrity. He suggested that if the property had problems with settling, tenants would have been present in the audience.

Mr. Valeriote suggested that the problems related to exterior doors as a result of weathering, contracting and expanding. He was concerned that the Commissioners had not visited the site and that the concerns being raised did not represent the reality of the situation.

Commissioner Harris reiterated his desire for assurance that the deficiencies had been completed. Absent any before and after photographs of the units previously identified as having problems, he could not support the item at this time. Not opposed to the project, he would like to see the problems with the units be resolved.

Mr. Valeriote emphasized that there was no water leaking in the slab. He suggested that the photographs previously presented by tenants were from the same three water heater closets. He expressed his disappointment that the Building Official who had inspected the
interior and exterior of the property had not provided a written document to the Planning Commission to advise that all the work had been completed. Mr. Valeriote emphasized that he was familiar with the process and would not have come back to the Commission if the work had not been 100 percent completed.

Commissioner Thomas reported that she had personally visited the property and had visited one of the units occupied by an elderly woman to view the conditions of that individual unit. She suggested that the unit had appeared to be a ghetto. As a community and minority advocate, she pointed out that prior to the presentation of photographs of the units to the Commission, the applicant had described the site as wonderful. The photographs of some of the units had not supported that claim. Since the Engineering Department had been told that the deficiency list was only 50 percent complete, she had to support the staff recommendation at this time. She acknowledged that she had not been to the site since she had initially seen the tenant’s unit but planned to return to the unit again.

In response to Mr. Valeriote as to the condition of the tenant’s unit, Commissioner Thomas emphasized that she had viewed for herself water, mold and a loose railing in that unit. She affirmed with the applicant that he had satisfied the other tenants’ concerns which had been raised during the last Planning Commission meeting.

Ms. Schmidt clarified that she had written the staff report a week and a half ago. At that time, she had been informed that the developer had more than half way completed the deficiency list and that the list would be completed soon.

Chairperson Tumbaga recognized the submittal of a speaker’s card from John E. Wilson, a tenant of the apartment complex, who was no longer present in the audience. She provided the tenant’s name and number and encouraged the applicant to contact that individual to learn whether or not he had any concerns.

Since the public hearing remained open, Commissioner Garcia recommended that the item be continued to the meeting of August 8 with direction to staff to invite the City Inspector to appear before the Commission. He suggested that would allow the City Inspector and the City Engineer to be present to provide more information. In the meantime, the applicant could speak with the tenants to ensure that he/she was satisfied with what had been done for each unit.

Commissioner Ramirez recommended that updated photographs of the property be provided at that time. He seconded Commissioner Garcia’s motion.

Ms. Ayres clarified that the findings to be made to allow a rental property to be converted to a for-sale product had been included in the staff report. There was a condition of approval in the resolution to ensure that all improvements were done prior to the issuance of a Final Map, to be reviewed by the City Council. Since staff had gone above and beyond the requirements for the public notification process, she suggested that if the residents had
Chairperson Tumbaga recognized that the Commission wanted assurance that the concerns raised during the prior public meeting were being addressed.

Ms. Ayres reiterated that the resolution had been prepared in such a way where the work must be done prior to the approval of a Final Map. She inquired if the developer was being asked to make all corrections prior to entitlements, as opposed to a condition of the entitlement.

Commissioner Garcia noted that the applicant had indicated that the work had already been completed which could be confirmed at the August 8 meeting.

Ms. Ayres inquired whether or not it would be acceptable for the Commission to receive a letter from that staff person indicating that the deficiency list was complete, to be an attachment to the staff report. She suggested that the Code Enforcement Inspector could write a letter to the Planning Commission summarizing what had been found and how much of the work had been completed.

Commissioner Garcia had no problem with a staff confirmation in writing that the work had been completed.

Chairperson Tumbaga requested a synopsis of what had been inspected and what had been done to resolve the concerns. She suggested that the prior meeting minutes could be reviewed to identify the tenants’ concerns as well.

Commissioner Harris wanted to see before and after photographs of the units previously provided to the Planning Commission. He asked that staff identify each of the units in the prior photographs. He wanted to prevent problems occurring in the future as had occurred in the past. He emphasized that he was not against the project but wanted assurance that the problems had been resolved.

OPPONENTS: None

MOTION: AP-06-310 (SUB) Continued

Motion by Commissioner Garcia to continue Creekside Condominium Conversion, AP-06-310 (SUB), to the Planning Commission meeting of August 8, 2006. The motion was seconded by Commissioner Ramirez and carried by a show of hands vote:

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

There were no Commission Considerations.

STAFF COMMUNICATIONS:

The Planning Commission acknowledged receipt of the following Notice of Intent (to review/approve project at staff level.)

a. La Huasteca AP-06-323
b. Norcal Suzuki Color Change AP-06-356

Given the number of violations with respect to the building in question, Commissioner Ramirez asked that Item a, La Huasteca AP-06-323, be agendized for design review for the Planning Commission meeting of August 8.

MOTION:

Motion by Commissioner Ramirez to agendize AP-06-323, La Huasteca for design review consideration by the Planning Commission at its meeting of August 8, 2006. The motion was seconded by Commissioner Garcia and carried by a show of hands vote:

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

COMMITTEE REPORTS:

Commissioner Garcia reported that the TRANSPLAN Committee had recently met and had received reports on projects that could be funded through Measure J, including the State Route 4 Widening Project, the State Route 4 Bypass, and eBART. There was also a discussion of the status of eBART. The TRANSPLAN Committee would meet twice during August in order to finalize the projects to be funded under Measure J.

Commissioner Garcia reported that he had attended the Trans Bay Cable Project presentation with a recommendation to move the transfer station to the back of the Tenth Street property. He had also attended the Mitigation Fee Workshop.

COMMENTS FROM COMMISSIONERS:
Commissioner Harris reported that a boat on a trailer remained parked on the sidewalk on Army Street. There was a power line from the home to the boat. He otherwise inquired whether the Buchanan Road Bypass would be paved to two lanes or four lanes.

Commissioner Garcia understood that enough right-of-way would be purchased for four lanes although only two lanes would be paved at this time for the BRB.

Commissioner Harris also spoke to the area south onto Leland Road and the right turn out to the City of Antioch where a third lane was to be a future bike lane. He noted that there was currently a stack of vehicles with little room for the lanes which made it difficult for traffic to pass through.

Commissioner Ohlson spoke to the Delta Hawaii Senior Housing development on Stoneman and Harbor that had recently been approved. He recalled that a condition of approval had been imposed on the project to provide existing access to the creek through a gate in the fence wide enough for a City truck, although recently installed landscaping prevented any access.

Ms. Ayres explained that the project was not yet finalized. She would walk through the property with the project planner prior to finalizing the project. She would also verify that the Public Works Department had access to the project.

Commissioner Harris also reported that the recently approved KB project had not provided a fence across Kirker Creek which was to prevent access to the creek area to the public.

Commissioner Garcia also understood that the Delta Hawaii Senior Housing project was to provide secondary access out of the site behind the apartments. He asked staff to review the resolution of approval that the Planning Commission had approved to verify that the conditions of approval were being met.

Chairperson Tumbaga referenced the Traffic Update presentation and suggested that in the future the Commission be provided a list or outline of the projects being presented.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 9:11 P.M. to a regular meeting of the Planning Commission on August 8, 2006 at 7:00 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

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MELISSA AYRES, Secretary
Pittsburg Planning Commission