MINUTES
OF THE REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION
April 11, 2006

A regular meeting of the Pittsburg Planning Commission was called to order by Vice Chairperson Dolojan at 7:02 P.M. on Tuesday, April 11, 2006 in the Council Chambers, City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL:

Present: Commissioners Dolojan, Garcia, Harris, Ohlson, Williams-Thomas, Tumbaga, Chairperson Ramirez
(Chairperson Ramirez arrived after roll call)

Absent: None

Staff: Planning Director Melissa Ayres, Assistant Planner Leigha Schmidt, Senior Civil Engineer Ron Nevels, and Senior Civil Engineer Alfredo Hurtado

POSTING OF AGENDA:
The agenda was posted at City Hall on Friday, April 7, 2006.

PLEDGE OF ALLEGIANCE:
Chairperson Ramirez led the Pledge of Allegiance.

DELETIONS/WITHDRAWALS/CONTINUANCES:
There were no deletions, withdrawals or continuances.

COMMENTS FROM THE AUDIENCE:
ARNIE MURILLO, 220 Buchanan Road, Pittsburg, stated that he had spoken to the City over the past several years regarding impacts to his property from water in the creek on Kirker Pass Road on the south side of Buchanan Road. Due to the recent weather conditions the water level was quite high.
Mr. Murillo reiterated that he had spoken with past and present members of the City Council and City staff although nothing had been done. He asked for help from the Planning Commission. He clarified, when asked, that the problems he was experiencing were along Quercus Lane. While he recognized that the street was low, he understood that the City had imported beavers from the harbor which were now located upland and were creating dams to alleviate some of the problems. He understood that they could not get into that area due to environmental issues.

Senior Civil Engineer Alfredo Hurtado stated that the issue was not a new problem in that Quercus Lane was located in a flood zone and the properties in that area were prone to flooding. He would have to review the situation with the City Attorney. He noted that the creek belonged to the County and the City had no maintenance agreement with the County. He emphasized that he would investigate the matter with Mr. Murillo.

Commissioner Williams-Thomas encouraged staff to also contact the County to see whether or not the County could provide any assistance.

THOMAS STOLL, 139 El Camino Drive, Pittsburg, spoke to an agreement between residents and the operators of the Mehran Restaurant. He clarified that he was speaking on behalf of the residents. He noted that some of the items the applicant had agreed to do had not been completed. Those items included the installation of signage and double pane windows which were to be installed by January 15, 2006. There were also continual problems with noise late in the evening which had impacted residents. Since he understood that a wall and charcoal filter were to be installed in the summer, he was not confident that the additional work would be completed as required.

PRESENTATIONS:

**Capital Improvement Project Update** – RON NEVELS/ENGINEERING DEPARTMENT – PROJECTS CURRENTLY BEING DESIGNED OR UNDER CONSTRUCTION

Senior Civil Engineer Ron Nevels presented the Capital Improvement Project (CIP) Update dated April 11, 2006 for the Traffic and Engineering Divisions.

**Mehran Restaurant**

RONALD VINCENT, 135 Maple Court, Pittsburg, identified himself as one of the owners of the Mehran Restaurant. He acknowledged the agreement between the property owners and the restaurant. He also acknowledged that the double pane windows had not been installed by the deadline, although they had been in touch with City staff regarding the reasons why the windows had not been installed because of financial difficulties associated with the opening of a new business. He reported that the windows had been special ordered and he expected they would be installed within a week.
As to the required signage for parking, Mr. Vincent advised that emergency signs had been installed, although not on the wrought iron gate exiting from behind the restaurant. ‘No Parking’ signs had been installed along the wall behind the fence where the residences were located. With respect to the installation of the other items in the agreement, if not installed by the deadline he would like the opportunity to explain why those items were not yet installed.

Commissioner Garcia recommended that the item be referred back to the City Council given that many of the conditions in the agreement between the neighbors and the restaurant that had been approved by the City Council had not been met within the required deadline. He was not confident that the operator would comply with the required conditions.

Commissioner Williams-Thomas understood that the applicant had made an attempt to resolve the issues.

Mr. Vincent acknowledged the deadline to meet the conditions but again noted the delays due to finances or other issues related to the opening of a new business. He reiterated that the double pane windows had been ordered, and all of the ‘No Parking’ signs had been installed against the wall where the fences of the neighbors were located. A ‘No Parking’ sign on El Camino Drive had yet to be installed and must be ordered. Once received that sign would be posted.

Commissioner Harris agreed that the City Council should revisit the issue given that it was not a matter before the Commission and since the Council had imposed the conditions that were not being met.

Planning Director Ayres clarified that the Planning Commission had asked the applicant to appear to provide a report on the status of the conditions. If there was to be consideration of the revocation of the use permit, the process would begin with the Planning Commission. If the City Council directed that the matter be brought before it, staff would do so.

New Missionary Baptist Church

FRANCES GREEN, 56 Barrie Drive, Pittsburg, New Missionary Baptist Church, reported that the project had been delayed due to rain. The church was in the process of laying pavement, tile and carpet with electrical work yet to be completed for the interior. Grading had commenced on the outside but had been stopped due to the rain.

Ms. Green clarified that during this time the work was continuing on the inside of the building. She also clarified that she had a landscape contractor who was scheduled to complete work as soon as weather permitted. As to the remainder of the work on the building, sidewalks around the building and landscaping remained to be done.
For the interior, tile and carpet installation as well as lighting and electrical work were ongoing. The outside lighting had been completed. The exterior of the building itself had been completed, although a cross remained to be installed, which cross was on order.

EUGENE REYNOLDS, the contractor for the project, suggested that weather permitting the entire project should be completed by the end of June. He added that they had not had total cooperation from the Planning and Building Departments in that some items could not be completed, such as a test for the sprinkler system. The City’s Public Works Department was to conduct a bacteria test over two months ago and he was still waiting for staff to respond to that issue. He understood that the inspection could not be done because of paving on Central Avenue.

Mr. Hurtado noted that the City did not conduct the bacteria inspections of the sprinkler system, other than tests to the main lines in the streets. The Building Department and the Fire District would conduct the pressure testing. He expressed the willingness to review the issue with the Chief Building Official to clarify the status of any testing or inspections and would contact the contractor to inform him of his findings.

Commissioners looked forward to the completion of the building this year, once feasible and weather permitting. In the event any delays were known, the Commission asked that the applicants contact Planning staff so that staff could respond to prevent the applicants from having to return to the Commission again.

On the discussion, Mr. Reynolds expressed his hope that the project would be complete by the end of July.

CONSENT:


MOTION:

Motion by Commissioner Garcia to approve the Consent Calendar, as shown. The motion was seconded by Commissioner Ohlson and carried by the following vote:

Ayes: Commissioners Dolojan, Garcia, Harris, Ohlson, Williams-Thomas Tumbaga, Ramirez
Nees: None
Abstain: None
Absent: None
PUBLIC HEARINGS:

Item 1: Ho Residential Addition (3374 Cecilia Way). AP-05-288 (UP)
Application by Chaung Dai Ho requesting a use permit to construct a 508 square foot ground floor and a 939 square foot second story addition to an existing 1,481 square foot home located on a substandard lot at 3374 Cecilia Way in the RS (Single-Family Residential) District. APN 087-054-011.

Assistant Planner Leigha Schmidt presented the staff report dated April 11, 2006. She recommended that the Planning Commission adopt Resolution No. 9634, approving AP-05-288, with the conditions as shown.

PUBLIC HEARING OPENED

PROPOINENT:
CHAUNG DAI HO, 3374 Cecilia Way, Pittsburg, agreed to the staff recommended conditions contained in the staff report.

Commissioner Ohlson was pleased to see the improvements to the home.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-05-288 (UP)

Motion by Commissioner Garcia to adopt Resolution No. 9634, approving AP-05-288 (UP), a Use Permit to construct a 1,447 square foot addition to an existing 1,481 square foot residence located on a substandard lot at 3374 Cecilia Way for “Ho Residential Addition” AP-05-288 (UP),” with the conditions as shown. The motion was seconded by Commissioner Tumbaga and carried by the following vote:

Ayes: Commissioners Dolojan, Garcia, Harris, Ohlson, Williams-Thomas, Tumbaga, Ramirez
Noes: None
Abstain: None
Absent: None

Item 2: Creekside Village Senior Apartments Subdivision. AP-06-310 (SUB)
A 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) District. APN 089-060-008.

Assistant Planner Leigha Schmidt presented the staff report dated April 11, 2006. She recommended that the Planning Commission adopt Resolution No. 9635, approving AP-06-310 (SUB), with the conditions as shown. She added that staff had prepared a memorandum dated April 11, 2006, a deficiency list related to the project that had been added as an addendum to the staff report. She asked that Condition 7 of Resolution No. 9635, be revised to read:

Pursuant to the letters dated April 7, 2006 and April 11, 2006, the applicant shall complete all of the items on the deficiency lists contained therein. All deficiencies must be corrected to the satisfaction of the City Engineer prior to the approval of the final map.

Commissioner Ohlson clarified with staff the size of a typical standard parking space. Speaking to the existing parking at the site, he questioned whether or not it was used all of the time.

Ms. Schmidt explained that she had viewed the site during the daytime where it had appeared as if three quarters of the parking spaces had been full.

Commissioner Ohlson inquired whether or not the condominium conversion rate would exceed the maximum established by the City Council. He also inquired whether or not there had been other apartment conversions in the community.

Ms. Schmidt reported that staff had received one inquiry for the 140-unit Loveridge Terrace Apartments. Staff had conducted an inspection of the property and had prepared a deficiency list to advise that property owner what would be required as improvements prior to a final map. That development was not a senior restricted development. The City Council’s maximum for condominium conversions per year was 10 percent of all rental units, in this instance a total of 415 units.

Commissioner Ohlson referenced Section 4. Decision, General Conditions of Resolution No. 9635, Condition 8 and recommended the following revision:

8. The applicant shall request that an inspection of the property be made by the Contra Costa Fire Protection District. Applicant shall comply with all requirements prior to approval of the final map.

Commissioner Ohlson also spoke to Condition 21 of Resolution No. 9635, and clarified with staff that the condition was accurate. The deficiency list had included items from the
Engineering Department where one of the Department’s conditions might exceed $125,000, and which would be outside of the tentative map boundaries along the easement from Railroad Avenue to Castlewood Drive to the rear of the site.

Commissioner Harris inquired whether or not the apartment units had initially been designed as rental or as condominium units. He questioned whether or not the units would have party walls, a single stud wall or a double partition with a space between to comply with fire walls. If a single wall, he stated that must be modified with double sheet rock on each side of the party walls all the way up to the ceiling and down to the floor area for the two story units, across the ceilings. He added that a sprinkler system should also be installed, which staff noted was a condition of approval per the Fire District requirements.

Ms. Schmidt advised that the apartment units had been designed as rental units. She was unaware of the structural details of the building.

PUBLIC HEARING OPENED

PROPONENT:

CHRIS VALERIOTE, Terra Nova Development, P.O. Box 6660, Vacaville, stated that he had read and was in agreement with the staff recommended conditions, although he was uncertain of the impacts of the fees that could be imposed which would have to be investigated further. He clarified that the units would have double walls with a one inch air space and two layers of sheet rock on each side with insulation, which would be fire rated. There would be sprinklers in all but one building which was a smaller building which the Fire District deemed would not require sprinklers as a result of the square footage and number of units in that case. The remaining units had sprinklers, alarms, hydrants, monitoring, double width and backup fire monitoring systems.

Mr. Valeriote explained that the project had been built as apartments in 2001 at a time when there had been a thriving apartment market. The units had been hard to fill since that time and were currently being rented under the market. The project had been refinanced twice and was functionally and aesthetically okay, other than the cool rental market. He suggested that the project would do well as condominium units with a demand for such units for seniors.

Mr. Valeriote clarified, when asked, that there would be outside exterior stairs from the two story units, all in good condition. He saw the project as a good one which would provide a lifetime lease for those 60 years and older. The formula that would be used would outline rent increases at certain intervals with assistance for those who would like to relocate. He acknowledged that weather conditions had been an issue in that the project had its share of leaks. He also acknowledged that parking problems had been significant with the vast majority of those occupying the units being single occupants. A new policy has been instituted to address the parking problems, permitting only one vehicle per occupant.
Ms. Schmidt clarified that the applicant would be required to provide a list of tenants desirous to move to comparable apartments within 10 miles of the existing development, as well as provide those tenants relocation expenses two times the monthly rent. If the tenant did not have transportation to view a potential new unit, that must be provided at the expense of the applicant.

Mr. Valeriote added that he had met with the residents to inform them of the proposed conversion and to explain the offer of a lifetime lease. In the event a unit was sold to an investor, the investor would have to follow the lease rent structure and specific lease restrictions. He recognized that many residents were concerned but he had spoken with many and had offered an irrevocable lifetime lease. He also noted that the issue of parking had been ongoing. He had met with the adjacent church to possibly buy or lease parking spaces, although the church was not interested in such an arrangement. There was no space in the project to add additional parking.

Mr. Valeriote noted that the State average for a senior was .75 vehicles per household. The project involved lower income tenants. Through attrition he was confident the parking issue would come into control. He reiterated his agreement with the physical conditions, although he would have to address the fee conditions with his partners given that he had just been given the staff report. While he would likely not appeal those conditions, he understood that he had the right to do so.

Ms. Schmidt explained that when the project had come in as rental units, the developer had paid a certain amount of regional transportation development impact mitigation fees, which was an engineering fee. For a multi-family residence, the fee was $9,300 per unit. For condominiums or single family homes, the fees had been increased to $15,150 per unit. The applicant would be required to pay the difference between the fees paid and the current fees.

Mr. Valeriote stated that based on the staff’s description of the payment of the fees, he was in agreement with the fee conditions and withdrew his concerns.

Commissioner Williams-Thomas clarified with the applicant the potential costs as related to the transportation impact fees, the lifetime lease policy for those 60 years and older, and the relocation assistance that would be provided.

Commissioner Harris expressed concern that the unit rates could be significantly raised given the amount of monies the applicant could be required to pay in City fees.

Mr. Valeriote reiterated that the lifetime lease restrictions would prevent any wrongdoing with respect to raising the rates beyond what was allowed.
Commissioner Tumbaga understood that the subject development was occupied by those 55 years and older. She inquired of the total number of tenants 55 years and older and questioned how many senior complexes in the area would be within the 10 mile radius that would also permit tenants in that age range. It was her understanding that most senior complexes in Pittsburg and Antioch restricted occupants to 62 years and older, other than Delta Hawaii which allowed those that were 55 years and older. She questioned what relocation assistance would be provided to that age group.

Mr. Valeriote was uncertain of the total number of tenants who were 55 years or older. He could consider the possibility of increasing the move out assistance rate which was either $2,000 or twice the current monthly rent.

Ms. Schmidt also was uncertain of the age restrictions for other senior developments in the City. She understood that the Delta Hawaii Senior Apartments would be opening up in the next couple of months with the intent to rent those units for 10 year prior to a conversion to condominiums which would add another 24 affordable rentals to the senior community.

Commissioner Tumbaga understood that relocation expenses would be twice the amount the tenant would be required to pay, which Ms. Ayres clarified and explained that per the City’s Subdivision Map requirements, the rent would be the rent at the time the Tentative Map was accepted as complete.

Commissioner Garcia inquired of the existing vacancy rate. He also inquired when the transportation fees would have to be paid, either all at once, once the units were converted or when the units were purchased.

Mr. Valeriote advised that there were a total of six vacant units in the 88 unit complex.

Mr. Hurtado stated that the traffic fees would have to be paid up front upon the filing of the Final Map.

Chairperson Ramirez declared a recess at 8:43 P.M. The meeting reconvened at 8:51 P.M. with all Commission members present.

OPPONENTS:

JOHN WILSON, 30 Castlewood Drive, Apt. 224, Pittsburg, suggested that the issue of converting the apartment units to condominiums was a done deal before the project had been built. He emphasized that residents could not afford to live elsewhere and that many of those residents suffered from disabilities. He questioned residents being asked to pay twice the rent they were paying now, while recognizing that residents would likely not be able to afford to purchase a unit. He suggested that the applicant was taking advantage
of the elderly.

HARRY SCHNEIDER, 30 Castlewood Drive, Apt. 143, Pittsburg recognized that the developer had created a nice place for seniors which was inexpensive, safe and the best on the market. However, he was concerned that he would not be able to purchase his unit given that he was on a fixed income. He recognized that a guaranteed lifetime lease would be irrevocable although he was not confident that could be guaranteed. He otherwise did not understand the formula for the increase in rent, and expressed his hope it would not be raised too high given that many were on fixed incomes. He was also concerned with a two level group, those who owned and those who leased and the possibility of those leasing being treated as second level citizens.

WILLIAM JANSEN, 30 Castlewood Drive, Apt. 130, Pittsburg questioned how high the rent could be raised. He also spoke to the parking situation noting that many tenants had two vehicles and used the visitors parking to accommodate the second vehicles.

ROB HUNT, 30 Castlewood Drive, Apt 222, Pittsburg, was also concerned with the parking for the site which had not taken into account guest parking. He reported that Kirker Creek Apartments had several units that were sliding into the creek. That project was in the process of stabilizing the soil and foundations. He had taken photographs of that property and presented them to the Commission for review. He expressed concern that the same symptoms at Kirker Creek Apartments were occurring in the subject development.

Mr. Hunt stated that his apartment unit had experienced a drop in grade from the kitchen cabinets to the sliding glass doors. He questioned what would happen to the potential buyers of the subject units in terms of who would be protected and how the City would be indemnified from liability. He pointed out that Kirker Creek Apartments had performed the stabilization work two times in seven years.

Commissioner Harris stated that if the units were converted to condominiums and sold the developer would be responsible up to 10 years. The developer would have to have liability insurance and after that time maintenance would be the responsibility of a Homeowner’s Association (HOA). If the units remained rental units, the applicant would be responsible as long as he owned the development.

Ms. Schmidt advised that per the deficiency list, the applicant must hire an engineer to address settlement and drainage issues on the site to prevent the situation at Kirker Creek Apartments from occurring at the subject development.

MARI MARTINEZ, 30 Castlewood Drive, Apt. 106, Pittsburg, commented that she had photographs of her apartment unit which had experienced water damage. She noted that there were tenants who had to move from one unit to another at his/her own expense or had moved out of the complex. She presented photographs of some of those units. She noted that the development also had Section 8 tenants.
Ms. Martinez understood that tenants must be 60 years of age or older with a three year lease and that upon expiration of that lease the tenant must move. While she recognized that relocation expenses would be borne by the developer, in the event she wished to move outside of the 10-mile radius area and nothing was available, she asked what would happen. She also noted that the pool and spa in the development did not work but had been advertised would be open year round. Parking was also an issue with most families unable to visit during the holidays due to the parking constraints. She suggested that it had been a hardship to live in the community. She added that in some instances, patios had been flowing in the wrong direction towards the building. While hers had ultimately been repaired, it had taken some time for a response.

ANNA STEWART, 30 Castlewood Drive, Apt. 103, Pittsburg expressed concern if she did not purchase her unit who would manage the units for the tenants. She too spoke to the units that had experienced flooding, with mold and other impacts as a result. She questioned who would be responsible for the cost of maintenance if the units were converted and asked if that cost would be added to the increase in rent.

CLARA DAVIS, 30 Castlewood Drive, Apt. 134, Pittsburg, advised that she had recently moved from Unit 135 due to problems with her health in that the unit had mildew and mold due to water damage. She had to have linens cleaned with many of her clothes having been damaged from the water. She questioned whether or not she would be compensated for that loss. Although her carpet had been shampooed, with the rainy weather the mold continued. She emphasized that she had to pay to move from one unit to another and she questioned whether or not she would be reimbursed for those moving expenses. She acknowledged that she had contacted the management and had been told that they would take care of it, but she had not been aware of her total expenses at that time.

SHIRLEY FORD, 30 Castlewood Drive, Apt. 122, Pittsburg, spoke to the quality of life which she had not enjoyed as a result of the development, due to the problems already stated and due to the lack of adequate parking where families or friends could not visit. She questioned whether or not there would be regulations to ensure that the walls of the units would be fire rated prior to the units being converted to condominiums. She was also concerned with the rents being increased since she was on a fixed income. Even if she could qualify, she stated she would not purchase one of the units.

Ms. Ford added that she too had experienced problems with water and mold in her apartment unit and although the management had cleaned the rug and removed the padding she had viewed cracking under the cement. She questioned who would reimburse her for expenses incurred while her unit had been flooded. She further noted that although the unit had been sprayed with a product to deal with the mold, the smell had been intolerable. Management had then painted over the walls increasing the smell and making the unit even more intolerable.
NAOMI PETTIFORD, 30 Castlewood Drive, Apt. 131, Pittsburg, commented that she too had experienced problems with flooding in her ground floor unit. She noted that at 55 years, her income was more than fixed. She had qualified for low income housing and relocation was not feasible for her. She spoke to the differences in regulations and eligibility requirements between the County and the City’s housing vouchers, and suggested with the changes being proposed that it would make it difficult to remain a resident of the City.

VICTOR SAAVEDRA, 30 Castlewood Drive, Apt. 226, Pittsburg, echoed the comments that had previously been offered. He too spoke to the problems with flooding in the units resulting in the removal of carpets. As a Section 8 tenant, he stated he would not be able to purchase his unit.

Commissioner Garcia referenced the photographs presented of one of the tenant’s units, which he suggested depicted a health problem regardless of the application before the Commission. With the tenants living in an unhealthy situation, he would not be able to make a decision on the application at this time. He suggested that the Health Department or associated agency investigate the site in response to the problems with sitting water, mosquito abatement, leakage problems in the ceilings, mold and the like. He questioned the fact that residents had been forced to live in such conditions. He emphasized that he could not make a decision prior a resolution of the reported problems.

Ms. Ayres advised that the matter before the Commission was a quasi-judicial action and under State law the Commission must make a decision within six months. The Commission could continue the item if that was the determination. She understood that during the inspection of the subject development staff had been shown one model of each of the units which was likely not one of the units depicted in the photographs presented. She added that staff could contact the Building Division to review the units to see how the regulations would apply to the property.

Ms. Ayres also noted that per condominium conversion rules, there was a requirement that prior to approval of a Final Map, the project must conform to all of the applicable standards of the City’s Building Code in effect at the time the last building permit had been issued. If the Commission were to determine in the future to approve the conversion request, prior to the Final Map all violations must be brought up to code.

Commissioner Garcia asked that the Building Division respond immediately to the residents’ concerns.

Commissioner Williams-Thomas reported that the City of Pittsburg had recently been declared a disaster area due to flooding. She encouraged residents to contact the Federal Emergency Management Agency (FEMA) to determine whether or not impacts from the flooding would be covered by FEMA.
In response to Commissioner Harris, Ms. Schmidt stated that she had viewed the site with the Building Department and had been shown one of each unit. As part of the conditions of approval, the applicant would have to submit CC&R’s prior to the approval of the Final Map, to be reviewed by the Department of Real Estate.

Mr. Valeriote advised that he would speak with his manager regarding the situation involving the tenant who had to move from one unit to another. Of the photographs that had been presented to the Commission, he suggested that they were depictive of one rain event. He noted that vacant units had also been affected by flooding as well. He clarified that the tenants were not paying HOA dues and suggested that there was a misconception with his proposal. While there had been problems with leakage by the balconies, those problems were being addressed. He suggested that the problems tenants had raised involved a few isolated cases.

Commissioner Harris recognized that while it had been a rainy year there were issues with flooding, mold, mildew and the like, with carpet and padding required to be removed. He suggested that the project was in poor condition and he would like to see the applicant do whatever was needed to meet the requirements and address his concerns with the fire walls prior to an approval.

Mr. Valeriote noted that the law required that CC&R’s be required prior to the approval of a Final Map. He would encourage either a designated representative from the Building Department or a Commissioner to visit each of the units. He otherwise questioned using Kirker Creek Apartments as an example of what could occur to the subject development. He again suggested that the problems were isolated cases. He added that the developer had expended monies for repairs.

Commissioner Harris suggested that the problems with many of the units, as depicted in the photographs, had not occurred from just one rain event but from a lack of maintenance. He could not support the project at this time. He made a motion to continue the application for six months to allow the applicant to address the concerns.

Mr. Valeriote asked that he be able to return to the Commission at its next meeting.

Mr. Hunt stated that he was also a Section 8 Inspector. He advised that the unit located below his unit was occupied by a Section 8 tenant who had experienced flooding and mold. In that instance, although the sheet rock in the unit had been replaced it had been painted over with the mold still inside the wall and on the back side of the sheetrock.

Commissioner Dolojan disagreed with the applicant that the residents’ complaints were only aesthetic. The tenants had the right to complain in that it affected them personally, mentally and financially, and must be corrected.
Chairperson Ramirez was pleased that many residents had come to the Commission to exercise the right to express his/her concerns. He advised that the Planning Commission would base its decision on all of the testimony and presented evidence.

Commissioner Garcia made a motion to continue the application to a date uncertain until the City Engineering and Code Enforcement Departments and the Health Department had an opportunity to review the condition of the apartment units.

Commissioner Harris seconded the motion.

Ms. Ayres explained that with a continuance to a date uncertain a new public hearing notice would be mailed out of the new public hearing date. She clarified that the application could not be continued beyond six months without an action taken on the application.

**MOTION: AP-06-310 (SUB) Continued**

Motion by Commissioner Garcia to continue Creekside Village Senior Apartments Subdivision, AP-06-310 (SUB) to a date uncertain until the City’s Engineering and Code Enforcement Departments and the Health Department had an opportunity to review the condition of the apartment units. The motion was seconded by Commissioner Harris and carried by the following vote:

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

**STAFF COMMUNICATIONS:**

**Updates:**

1. **Auto Repair Business (Solari/Central)**

Ms. Ayres reported that she had photographs and copies of the building permit plans for interested Commissioners to review after the meeting.

2. **AB 1234 Ethics Training**

Ms. Ayres advised that the Commission had been informed of Myers Nave two AB 1234 Ethics Training seminar dates. If a Commissioner had already completed the required training session at another location, he/she only needed to provide evidence to staff of that
training.

COMMITTEE REPORTS:

Commissioner Ohlson reported that the next TRANSPLAN Committee had been scheduled for Thursday, April 13.

Ms. Ayres reported that there had been a Hillside Development meeting to discuss the City Council initiated performance standard guidelines study by staff and MIG Consultants. During that meeting, the property owner and his development team made a PowerPoint presentation on what they wanted to build in the area, with information presented to the MIG Consultants and the Land Use Subcommittee. The consultant had been directed to prepare a draft set of performance standards and guidelines, to be presented to staff and the Land Use Subcommittee for review and comment. A subsequent joint workshop between the City Council and Planning Commission would then be scheduled, to be followed by the standard process of public hearings.

COMMENTS FROM COMMISSIONERS:

Commissioner Garcia reported that the recycling storage facility at the Savemart Shopping Center had been moved even closer to the restaurant and was not in compliance with the resolution of approval for the center. He asked staff to review that situation.

Commissioner Harris reiterated a past request for staff to review the traffic calming devices at Linscheid Drive and across from 7-Eleven, asked staff to review the light at Piedmont Way and the fence at Garcia Avenue encroaching into the sidewalk. He also noted that the KB development along Piedmont Way at Kirker Creek needed a temporary fence to prevent children from accessing the creek. He recommended that a railing be installed on both sides of the opening of the driveway.

Commissioner Williams-Thomas advised that she would not be present for the next meeting and would be out of town.

Commissioner Tumbaga referenced the crosswalk located at Eighth Street which was illuminated when in use, and which equipment she would like to see throughout the community, which would be particularly useful during inclement weather.

Ms. Ayres understood that the Traffic Division was considering other locations to place similar crosswalk equipment.

Chairperson Ramirez reported that the auto sales business located at the corner of Tenth and Harbor Streets has been a junk yard with storage. He asked code enforcement to review that situation. He also reported that he had attended a presentation ceremony for the family who would occupy the Habitat for Humanity home to be built at Harbor Street.
ADJOURNMENT:

There being no further business, the meeting adjourned at 9:54 P.M. to a regular meeting of the Planning Commission on April 25, 2006 at 7:00 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

MELISSA AYRES, Secretary
Pittsburg Planning Commission