A regular meeting of the Pittsburg Planning Commission was called to order by Vice Chairperson George Harris at 7:00 P.M. on Tuesday, October 28, 2003, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

Present: Commissioners Dolojan, Garcia, Kelley, Ramirez, Tumbaga, Harris

Absent: Chairperson Leonard

Staff: Director of Planning and Building Randy Jerome; Planning Manager Melissa Ayres; Assistant Planner Dana Hoggatt; Associate Planner Noel Ibalio; Civil Engineer II Alfredo Hurtado; and Director of the Redevelopment Agency Garrett Evans.

PLEDGE OF ALLEGIANCE:

Frank Aiello 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.

Planning Manager Melissa Ayres advised that she had asked Redevelopment Agency Director Garrett Evans to make a presentation on the activities of the Redevelopment Agency as related to the Housing Element.

PRESENTATIONS:
Director of the Redevelopment Agency Garrett Evans presented a brief overview of the Redevelopment Agency as it related to affordable housing and the Housing Element. He advised that the City and its Redevelopment Agency had been fairly aggressive in terms of affordable housing for the past 20 to 25 years. Since the City had so much affordable housing in 1978 the City of Pittsburg and the City of Richmond had been the recipient of special legislation acknowledging the volume of affordable housing that each city had provided to meet its demand of affordable housing. That legislation had allowed the City to focus more of its monies on capital and other public improvements in the area.

During the past two years, over $2.5 million of the Agency’s funds had been designated for affordable housing with over 20 homes having been developed, along with free housing counseling services, and the funding and land for 104 units of senior housing. The Agency had been in negotiations for the School Street site [the old hospital] and had discussions with the County to acquire that property for an affordable housing project. Negotiations to turn over to non-profit developers several small pieces of land owned by the Agency had also been pursued. Further, the Agency had been approached from time to time for fairly large projects, one an existing apartment complex of over 250 units that an interested party would like to convert to 100 percent affordable units.

Mr. Evans noted a concern in that case given the charge of the General Plan to spread out affordable housing and because that developer wanted $10 million from the City to allow that conversion to occur. He explained that about 90 percent of the existing tenants in that complex currently qualified for affordable housing programs. He commented the project was less attractive than expending $10 million for a new affordable housing project on West Boulevard.

Mr. Evans solicited comments from the Commission on that and other projects to provide affordable housing in the City.

Commissioner Garcia commented that he would be opposed to the conversion of a 250-unit apartment complex and an expenditure of $10 million in Agency funds for such a project. He would rather see the funds used for a project on Tenth Street where apartment complexes had been built and where the property owners had struggled to remodel those properties. He suggested that the City should consider grants or sign a contract with the property owners to keep those units affordable years into the future.

Commissioner Garcia also supported the policy of spreading affordable housing throughout the community rather than focusing affordable units in one area. He also pointed out that affordable housing was not necessarily cheap or low cost housing.

Mr. Evans commented that the price of a four bedroom, affordable Moderate-Income unit would be $300,000 at the peak level. He also noted that the Agency did not have an adopted inclusionary housing policy and that the Agency had been working to encourage
the construction of large sized, market rate homes within the City.

Further Mr. Evans spoke to the 4 percent exemption and the 20 percent set aside of funds for the Los Medanos I Project Area. He explained that the exemption was vital to all of the Agency’s bond documents and if the City were to waive that exemption there could potentially be catastrophic effects on the Redevelopment Agency. He stated that Fitch and S & P had recently calculated the Agency’s bond rating at A-, one of the top 20 ratings of any agency in the State. He added that the Agency would have to call all of its bonds if the Agency no longer used the exemption since every bond document disclosed the 4 percent exemption and noted that the Agency did not have to pledge the 20 percent set aside for housing and could therefore pledge its as collateral for the debt service. The total outstanding debt service of the Agency both in principal and interest was identified at nearly $340 million.

Mr. Evans explained that there was estimated $4 million surplus revenue over approved expenditures for this year, depending on the State and an accurate fund balance, which had been pledged for different projects. He added that the Agency was looking for more projects to build and would like to see more multi-family developments with both market and affordable components.

In response to Commissioner Tumbaga, Mr. Evans explained that the 250 unit apartment complex project he had referenced had been a subsidized project that the Agency had assisted in building in the mid-1980’s and which had recently moved off those requirements. In the Agency’s review of the tenants, approximately 85 to 90 percent were what would already be considered Very Low to Moderate-Income tenants. The Agency was concerned with the impacts of any potential relocation since a 100 percent affordable project would require the eviction of the 10 to 15 percent who were not so designated. He stated that the property was currently fully leased and had been market rate for over a year.

Commissioner Ramirez spoke to the staff report on the Housing Element Update dated October 28, 2003, which had indicated that the City did not currently offer any first time homebuyer loan programs, although the City would consider the establishment of such a program under the remainder of the Housing Element timeframe from 2003-2006. He requested clarification from staff.

Mr. Evans advised that Agency staff was working with Agency Counsel Goldfarb and Lipman on the creation of a first time homebuyer program which would be available to teachers and other types of public safety workers in order to encourage more homeownership within the City. It was anticipated that the project would be unveiled within the next six months.

Mr. Evans explained that the Association of Bay Area Governments (ABAG) also had a first time homebuyer program available throughout the County. The funds for that program
would come from a bond issue. The Agency funds would come from the 20 percent setaside funds.

Mr. Evans also noted that on September 15, the City Council/Redevelopment Agency had appropriated the remainder of the $40 million bond issue that had been issued in June. All of those funds had been appropriated at this time, although not all of the programs had been implemented. He suggested that there might be a better opportunity to reserve funds for affordable housing programs with the next bond issuance, which would occur in the next eighteen months. He noted that the Agency had spent over $9 million in excess of its 20 percent setaside funds since 1980 on affordable housing projects/programs and had completed over 500 units more to date than required by State law.

Commissioner Garcia inquired of the status of a $12 million bond that he understood had been sold for first time buyers within the last four years, to which Mr. Evans explained that he was unaware of that bond and would have to review the Agency’s records. He advised that within the last four years the only bonds issued by the Agency were a $23 million bond issue in February 2000 and the recent issuance in June 2003.

Vice Chairperson Harris commented that he had heard the referenced bonds had been issued within the last eight to twelve years.

**CONSENT:**

A. PC Minutes September 30, 2003
B. PC Minutes October 14, 2003
C. Fire Station #85 – Request for Extension of Time

Commissioner Garcia pulled Item A from the Consent Calendar because of his need to abstain from those minutes.

Speaking to the October 14, 2003 Planning Commission meeting minutes, Commissioner Garcia requested an amendment to the first sentence of the second paragraph on Page 9, as follows:

*Commissioner Garcia suggested that unless the City was prepared to waive approximately $40,000 in fees, bonuses would not resolve the situation since the cost of the land would remain a factor and every unit built would still include the required fees.*

**MOTION:**

Motion by Commissioner Kelley to approve the Consent Calendar consisting of Items B and C, as shown, and as amended. The motion was seconded by Commissioner Tumbaga and carried by the following vote:

Ayes: Commissioners Dolojan, Garcia, Kelley, Ramirez, Tumbaga, Harris
Noes: None
MOTION:

Motion by Commissioner Kelley to approve Consent Calendar Item A, as shown. The motion was seconded by Commissioner Tumbaga and carried by the following vote:

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

The Commission reconfigured the order of the agenda at this time.

PUBLIC HEARINGS:

Item 1: David & Sons Auto Repair/Flores Auto Sales. AP-03-44 (UP/DR)

Public hearing on an application by David C. Bustos requesting a use permit to establish an automotive repair and vehicle sales business on 0.7 acre property. The applicant is also requesting design review approval of site development plans and architectural plans to construct a 2,700 square foot building for automotive repair use on the property which is located at 562-B West Tenth Street, CS-O (Service Commercial with a Limited Overlay) District; APN 085-270-022.

Assistant Planner Dana Hoggatt presented the staff report dated October 28, 2003. She recommended that the Planning Commission adopt Resolution No. 9457 approving AP-03-44 with the conditions, as shown.

PUBLIC HEARING OPENED

PROONENT:

DAVID BUSTOS, 489 West Tenth Street, Pittsburg, affirmed, when asked, that he had read the conditions of approval as contained in the staff report.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION: AP-03-44 (UP/DR)

Motion by Commissioner Garcia to adopt Resolution No. 9457, approving AP-03-44 (UP/DR) to allow a Use Permit for Vehicle/Equipment Repair, Major and
Vehicle/Equipment Sales and Design Review approval of architectural and site development plans to operate an automotive engine repair and car sales business with accessory vehicle storage at 562-B West Tenth Street for "Bustos and Sons Auto Repair/Flores Auto Sales," with the conditions as shown. The motion was seconded by Commissioner Ramirez and carried by the following vote:

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

CONTINUED PUBLIC HEARINGS:

Item 2: Housing Element Update
Continued public hearing on a City-initiated amendment to the General Plan to update the Housing Element.

Planning Manager Melissa Ayres explained that the item had been presented to the Commission at its October 14 meeting when the Commission had taken public testimony and begun its deliberations on the Draft Housing Element. At that time, the Commission had considered the item and had continued the item to this date to allow staff the opportunity to make some editorial changes, to allow the Commission more time to review a proposed platform from Pittsburg Better Together and to allow staff more time to conduct additional research related to local funds. The document had been revised and presented to Commissioners in the Commission packets.

The revised document incorporated numerous non-substantive technical formatting changes, a discussion on lead based paint and an analysis of affordability housing in Pittsburg based on 2003 housing/rental prices and 2003 incomes.

Ms. Ayres noted that information about the Redevelop budget had been included in the staff report and that based on feedback from the Redevelop Agency, staff was still supporting policies in the housing element that supported funding consideration each year as part of the Agency budget process rather than mandating that a specific percentage of funds be setaside each year. In this way, the Council/Redevelopment Agency could evaluate requests annually to determine whether or not that money should be spent on an affordable housing project, an economic development project, reserved for State bailout or some other need. She noted that redevelopment monies that had not been allocated yet this year could still be sought by affordable housing advocates.

Ms. Ayres reported that the draft Housing Element contained five general goals, 21 policies and 71 actions that staff was asking the City to commit over the next four years. Many of those goals, policies and actions were ongoing while others were conducted through individual projects.
Ms. Ayres advised that a resolution of approval had been included in the Commission packets for consideration, although she requested an amendment to the date the Housing Element had actually been prepared. She requested that the date be changed from October 22, 2003, to October 23, 2003. Any motion to approve the resolution should include that amendment.

Commissioner Garcia commented that the document had not mentioned the 20 percent setaside of Redevelopment funds, to which Ms. Ayres explained that the way the document had been written it had mentioned that the “The Council should consider reserving money for housing projects annually.” It was not a flat out policy requesting that shall be done every year.

Commissioner Garcia suggested that as a result of the volume of affordable housing that had disappeared from the community it would be better to include the phrase “they shall set aside the 20 percent” since that was what redevelopment was all about. In his opinion, the document would be better if that phrase were included.

After reading the document, Commissioner Garcia also recommended that 40 percent of the Community Development Block Grant (CDBG) funds be set aside. He noted that the Pittsburg Economic and Housing Development Corporation (PEHDC) had supplied much information in the past in terms of the City's housing needs. Stating that the PEHDC had a contract with the City at one time and uncertain of the status of that contract, he suggested that the PEHDC could have offered more updated information than the 2000 Census.

Commissioner Tumbaga advised that the PEHDC was more of a holding corporation now and that most of its activities were conducted through Pacific Community Services, Inc. (PCSI). She acknowledged that under the accomplishment section, the Housing Element had included references to the activities that PCSI had conducted in terms of providing affordable housing.

Commissioner Tumbaga was otherwise disappointed that the document did not include more assertive policies. She referenced the often-used phrase “to consider” and noted that would not mean that something would be done. She would rather see the Housing Element strengthened with more positive actions in the statements. She recommended the use of the language “should” rather than “consider.”

In response to the Vice Chair, Ms. Ayres clarified that the straw vote taken during the prior Commission meeting did not indicate a majority of Commissioners supported requiring including a mandatory 20 percent setaside of RDA funds or mandating inclusionary zoning for all projects. The platform from Pittsburg Better Together had been included as an attachment to the staff report to allow the Commission to consider its recommendations again. Any changes the Commission would like to make or add to the document could be easily incorporated into the draft Housing Element as an exhibit to the resolution.
Commissioner Garcia explained that at the time the Commission had first considered the Housing Element he had not had the opportunity to read the entire report. Since that time he had read both draft documents. After that review, he would now support the requirement for 20 percent setaside funds. He also reiterated his recommendation that 40 percent of the CDBG funds be set aside as well.

Commissioner Ramirez commented that he too had not been able to review the entire document prior to the last meeting. Had he read the entire document at that time, he would have supported the 20 percent setaside. He offered his support for a 20 percent setaside at this time.

PUBLIC HEARING OPENED

GREGORY OSORIO, 1218 Alamo Way, Pittsburg, representing Pittsburg Better Together (PBT), a coalition of faith, labor and community non-profit organizations working to improve education, housing and economic development presented written comments to the Commission. He thanked the Commission for reconsidering the PBT affordable housing platform.

Mr. Osorio referred specifically to the mission statement: This element addresses provisions of safe, decent, and affordable housing for all segments of the City’s population regardless of age, race, sex, marital status, family size, income, or disability, and Housing is a basic human necessity and the need for housing is shared by all residents. He also referred to the statement which read in part This document therefore should be used by local decision makers, housing advocates, lenders and developers to (1) clarify City’s existing housing conditions, analyze the City’s existing projected housing needs including those of special needs groups and establish policies and actions to address the issues of future housing availability and affordability.

While Mr. Osorio agreed with the stated objective of the Housing Element, in terms of its implementation he did not see that the document satisfied the need of a large segment of the community. Having participated in the community workshops on the Housing Element, he suggested that the main priorities and concerns were not those identified in the staff report.

Mr. Osorio commented that the priority expressed during the community workshops had been a need for rental units to accommodate Very Low Income households and a recommendation for a new bracket identified as Extremely Low Income households.

Mr. Osorio also spoke to the issue of overpayment. The housing element notes that 87% of Very Low income households pay more than 30% of their income on housing costs. Mr. Osorio expressed concern that if they were actually paying as much as 50%, as could be the case, that would be a serious problem.

Mr. Osorio expressed concern that the City had lost over 300 affordable units between
1999 and 2002 through conversion to market rate and that the number of new units constructed during that time was less than 50.

Mr. Osorio encouraged support for the 20 percent setaside funds and inclusionary zoning. He clarified that PBT would like a feasibility study to explore what other cities had done to implement inclusionary housing and to determine whether or not the 20 percent setaside funds could be used to fund some of the inclusionary zoning.

Commissioner Tumbaga pointed out that the newly updated Draft Housing Element income thresholds had included an Extremely Low-Income category.

In response to Mr. Osorio, Ms. Ayres clarified that there have been no change to the policies or action plans in the draft Housing Element. Staff had added more background information to support the policies and actions that had been requested by the Planning Commission.

CRAIG CASTELLANET, Attorney for the California Affordable Housing Law Project, explained that he been working with PBT over the past couple of months and had attended some of the workshops. He spoke to the State requirements that the Housing Element be consistent with the General Plan. He suggested that the City would restrict its ability to approve any sort of development if its General Plan was not compliant with State law, particularly if one of the mandatory elements of the General Plan, such as the Housing Element, was not compliant.

Mr. Castellanet spoke to the redevelopment funds as identified by staff in the staff presentation. He understood that the redevelopment area in the City represented 70 percent of the City and that the Agency had received funds from tax increment. He stated that the Agency had certain obligations related to the expenditure of those funds, as with the 20 percent setaside funds from the tax increment which must go for affordable housing. He also spoke to the bonds that the Agency had issued to allow the expenditure of funds and to allow the tax increment to increase.

Mr. Castellanet understood that in 1980 the City had received an exemption that allowed the Agency to not spend the 20 percent setaside funds on affordable housing if the Agency made a finding in the Health and Safety Code that no less than 4 percent of the housing units within the jurisdiction of the Agency received subsidies to make the units affordable to Low and Moderate Income households. He inquired whether or not that finding was ongoing or if the finding had to be made every year by resolution of the Agency. He also requested clarification from staff as to whether or not the 4 percent exemption had been referenced in the Agency’s bond documents.

Mr. Evans explained that each November the City made findings in support of the exemption by noting that 4 percent of households in the City received some sort of housing subsidy. This year the City will qualify with 8.28 percent or 1,522 units receiving direct federal, State or local subsidies out of a total of 18,379 units. The annual finding will be
made by the Redevelopment Agency on November 17, 2003. In 2002, 8.22 percent of the units within the City received subsidies.

Mr. Evans advised that Los Medanos I [merged area of five different projects from 1958] had the 4 percent exemption and that a 20 percent set-aside was not required within that project area and the funds had been obligated for future bond payments. He advised that the Agency was required to set-aside 20% of the tax increment funds from Los Medanos II and III, and had not obligated that 20 percent. This year the Agency had put in $1.5 million into those areas. He reiterated that if the exemption was waived, the Agency could be faced with a cataclysmic situation since it would have to immediately refund all of the bonds that had been pledged by the 100 percent revenue and since the City would no longer be adhering to how the Agency had promoted the bonds or identified to the rating agencies.

Mr. Evans clarified, when asked, that Los Medanos III had been created in 1993 and Los Medanos II in 1985. The Agency had spent in excess of $9 million on a number of housing projects since the mid-1980’s. He noted that Stoneman and Presidio Village projects had quickly added up.

Mr. Castellanet also spoke to the amount of the tax increment revenue that had been pledged to the 20 percent setaside funds. He presented the Commission with information that had shown that 2 to 3 percent of the tax increment funds over the entire Redevelopment Area had been provided for Low and Moderate Income housing. Mr. Castellanet supported an inclusionary zoning ordinance for the entire City, which would help to prevent the concentration of affordable housing units. He stated that inclusionary zoning would spread affordable housing throughout the City and ensure that each housing development would have some affordability component.

Mr. Castellanet went on to speak to the requirements of State Redevelopment Law in terms of required affordable units in the redevelopment area. He referenced figures from an implementation plan from 1999 to 2004 which had identified the production since 1995 and prior production from 1980 to 1994 where there were some 1,300 Low and Moderate Income units and 354 Very Low Income units.

Mr. Castellanet suggested that was a tremendous amount of units produced. He suggested that if the Agency did not fund affordable units in the future it would be more difficult to build them. While the City might have a surplus of affordable units, he was curious where they were and what units had been counted.

Mr. Castellanet further spoke to the surplus of units identified in the RDA implementation plan and noted the City only had a surplus of 7 units in the Low Income category.

Mr. Castellanet noted that housing costs for households earning less than 50 % of AMI would still be fairly high even with the tax credit rents or rents for restricted housing. He further spoke to the affordable units that had been lost in the City and spoke to the fact that many tax credit units that had been developed in the 1980’s were reaching the period when
the tax credit rents were no longer being imposed and the units were becoming market rate.

ALICE BARTLEY, 213 Leland Lane, Pittsburg, stated that she had been born and raised in the City and had returned to the community in the late 1980’s. She commented that she did not make 110 percent of the median income and could not afford to buy a home in the City. She currently paid 55 percent of her salary in rent. She also did not qualify for any HUD or Section 8 programs since her income was above the threshold required for those programs. Desirous to be a homeowner in the City, she emphasized that members of her family would like the same home ownership opportunities offered others.

Ms. Bartley commented that she had joined Pittsburg Better Together in an attempt to do something about affordable housing in the City. While she recognized that redevelopment had done some wonderful things in the community, such as senior housing, she suggested that there were very few affordable homes in the City. She commended the Commission for considering more stringent affordable housing requirements in the Housing Element.

LISA RIVERA, #2 Buena Vista, Pittsburg, advised that she too had been raised in the community and that she and her family would like to be able to afford to buy a home in the City. She commented that she paid $1,700 in rent for her home and that there were no affordable homes in the City unless one wanted to buy in the downtown area where there was drug activity. Having worked in the past with a Healthy Neighborhood project on West Boulevard and having worked with Pittsburg Better Together, she emphasized that there were numerous families that wanted to buy homes and invest in the community. Due to the cost, there were also multiple family members sharing one residence. She expressed her hope that the Commission would place affordable housing as its number one priority.

Ms. Rivera added that she had recently attended a conference where she had spoken with farm workers who had been working in the fields in Brentwood and Antioch. She noted that those types of workers could not afford to buy homes. She emphasized that many working in the community could not afford to buy in the community. While she would like to continue to live in the City, she could not afford to do so and might be forced to move to Antioch, Brentwood or Oakley and commute. Additionally, she pointed out that the City of Brentwood had been working to address its demand for affordable housing and had considered a 15 percent inclusionary affordable housing requirement.

EVELYN STIVERS, 1601 North Main Street, Walnut Creek, Livable Communities and Associate Director of the Greenbelt Alliance, explained that the group worked on the protection of greenbelt open space and ensured that urban areas were livable. The Greenbelt Alliance was also a member of Pittsburg Better Together, an organization to tackle education and housing issues.

Ms. Stivers explained that Pittsburg Better Together was comprised of Health Neighborhoods, CISCO, St. Peter Martyr Church, the NAACP, the Pittsburg Education Association and the Latino Leadership Council. She commended the Commission for reconsidering the 20 percent setaside in that funding was a major portion and obstacle to
the production of affordable housing units. As to the inclusionary zoning request, she suggested that inclusionary zoning could help to create a more balanced community throughout the entire City and could prevent a concentration of poverty in one neighborhood, help to provide a better balance of housing types and prevent a segregated community.

Ms. Stivers commented that the City of Brentwood had recently passed an inclusionary ordinance, as had the cities of San Ramon and Danville. She supported the preparation of a feasibility study for inclusionary housing.

FRANK AIELLO, 120 Rangewood Drive, Pittsburg, commented on the potential loan program for first time buyers and clarified that had been discussed three years ago at the City Council level. Ultimately, he noted that the program had not been approved since an applicant for the program did not have to live in the jurisdiction where the program was being offered. He suggested that all City funding should go towards first time buyer’s program.

As to the $12 million loan referenced earlier by Commissioner Garcia, Mr. Aiello noted that had occurred prior to 1995. With respect to redevelopment tax increment, he pointed out that most of the increment was coming out of Los Medanos I which did not have the 20 percent setaside requirement.

Mr. Aiello recommended a review of the Housing Element to ensure the appropriate inclusion of affordable housing. Considering a broad approach, he suggested that all infill housing should be mandated to be affordable housing. He recommended no further development on the outskirts of the community until the crisis in East County had been resolved.

PUBLIC HEARING CLOSED

Vice Chairperson Harris requested clarification of the School Street property referenced by Mr. Evans during his presentation. He understood that $4 million had been designated for the site.

Mr. Evans explained that the Agency would not pay anything for the School Street property unless the cost for remediation was shared with the County. He stated that the City continued to negotiate that issue with the County.

Mr. Aiello spoke with the Chair’s permission regarding the issue. He recalled that $2 million had been appropriated, for Los Medanos Hospital. The Council at that time had also considered action on the School Street site when one of the offers to the City was the payment of $1 dollar to acquire and clean up the site. He noted that the cost of the clean up was extensive and it had been determined that it would not be fiscally responsible for the City to take such an action without the County’s 100 percent assumption of the liability. He thought the money may have already been given to the County.
In response to Commissioner Garcia, Ms. Ayres clarified that pursuant to State law, the Housing Element was required to have been approved by December 31, 2001, although that had not been done. She noted that legislation had been pending earlier this year which put RDA set aside funds at risk of being taken by the State if the element wasn’t adopted by the end of this year. The status of that legislation was unknown by the City at this time.

Ms. Ayres explained that the Draft Housing Element has been submitted to the State Housing and Community Development Department (HCD) which had a 60-day review and comment period. Staff expected comments from HCD in early December. At that time, it was anticipated that there could be some required modifications to the document, which might have to be considered by the City Council in January 2004.

If the Commission was not comfortable forwarding the document to the City Council at this time, Ms. Ayres explained that the Commission could clean up the document at its November 12 meeting, which would still allow staff time to bring the document to the Council at its November 17 meeting.

Commissioner Garcia recommended that the item be continued to the November 12 meeting to allow staff the opportunity to incorporate any requested changes into a resolution of approval. He understood that Commissioner Tumbaga had recommended modifications that could be provided to staff for incorporation into the document.

Commissioner Tumbaga requested that positive changes be made to the document, which could be reviewed at the next meeting. She reiterated her recommended revisions that a policy be included for lead based paint, although she acknowledged that information had been included in the background section of the document.

Ms. Ayres advised that lead based paint had been addressed in the Home Rehabilitation Section, Page 13-116 (a) which spoke to the use of rehabilitation funds for lead based paint abatement. That section read in part “...continue to set aside a portion of the City’s annual Community Development Block Grant funds for housing programs including rehab programs which remediate lead paint, eliminate building code violations and result in more energy efficient homes.”

Commissioner Tumbaga suggested that section also include information on an education program for property owners and safe work practices for those who rehabilitated his/her properties. She expressed the willingness to provide her recommended revisions to staff in writing prior to the next meeting scheduled for November 12. She would also share her comments with the Commission prior to that meeting.

Ms. Ayres encouraged each Commissioner to submit written comments to staff on any potential changes to be included in the Housing Element, which the Commission could review as an attachment to the staff report for the next meeting. She encouraged Commissioners to submit his/her comments by Monday, November 3, which would allow...
staff time to incorporate any proposed modifications for consideration.

By consensus, the Commission continued the Housing Element Update item to the meeting of November 12, 2003.

CONSIDERATION ITEMS:

ITEM 3: Antioch Casino
Request by Commissioner Harris to discuss a proposal by the Guidiville Band of Pomo Indians to construct a 60,000 to 80,000 square foot casino complex east of Hillcrest Avenue on the north side of Highway 4 within the City of Antioch.

Commissioner Garcia suggested that all East County cities could be affected by the proposed Antioch Casino, particularly in terms of traffic. He recommended that a letter be forwarded to the City of Antioch from the Planning Commission or between the Pittsburg City Council to the City of Antioch City Council indicating the City's desire to be kept informed of the status of the project and what would be done to mitigate any traffic impacts affecting the Pittsburg community. The City should be made aware of any projected increase in traffic that might travel through the community as a result of the project.

Commissioner Garcia also questioned whether or not the City of Antioch would share regionally the $10 million that the Guidiville Band of Pomo Indians had envisioned would be generated to the City of Antioch. He suggested that the City of Pittsburg should receive a share of those profits and should be kept informed of the project, which would affect every community in East County.

Vice Chairperson Harris recognized that the Indian tribe could move forward without City input if it were to have the land placed in its name. If the project were pursued, he would like to see State Route 4 widened to four lanes on each side with mitigation fees to be utilized for a potential widening of Vasco Road or for other improvements. He also suggested that mitigation fees be provided for the Buchanan Road Bypass to alleviate the traffic impacts from those traveling through Pittsburg from neighboring communities. He expressed concern with the potential impacts that could result if the project were approved such as an increase in crime, gambling and associated impacts to the community as a whole.

The Vice Chair recommended that the City Council forward a letter to the Antioch City Council requesting the creation of a Council Committee or some other committee that could work with the Antioch City Council to learn of the plans for the project. He too spoke to the potential traffic impacts affecting the entire East County region.

Ms. Ayres requested a motion from the Commission to indicate the direction the Commission would like to take on the matter.
Motion by Commissioner Garcia to request that the Pittsburg City Council take some interest in the Antioch Casino proposal prior to any action by the City of Antioch and that the City of Pittsburg be informed of what an Antioch Casino project might do to mitigate any traffic impacts that could be created by the project affecting the East County region.

The motion was seconded by Commissioner Ramirez.

On the question, Commissioner Dolojan pointed out that the City of Pittsburg was the gateway for many traveling to the City of Antioch from other surrounding communities, which should also be taken into consideration.

Director of Planning and Building Randy Jerome noted that the Planning Commission meeting minutes could be attached to any letter sent to the City Council to reflect the Commission’s concerns.

Commissioner Kelley clarified that the motion was only related to the potential traffic impacts and not related to any request for revenue from the project.

Commissioner Garcia affirmed that his motion at this time was only related to the concerns with respect to potential traffic impacts to the East County region.

MOTION: Antioch Casino

Motion by Commissioner Garcia to send a letter to the Pittsburg City Council requesting that it take some interest in the Antioch Casino proposal prior to any action by the City of Antioch and that the City of Pittsburg be informed of what an Antioch Casino project might do to mitigate any traffic impacts that could be created by the project affecting the East County region. The motion was seconded by Commissioner Ramirez and carried by the following vote:

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

Ms. Ayres noted the newspaper indicated that the Antioch City Council would be meeting the following night on the matter and that the proponents would be confirming to the Antioch Council whether they intended to proceed with their request at that time. Ms. Ayres noted that the letter may not be necessary, if it was determined at that meeting not to proceed with the casino. The Commission concurred that a letter need not be sent, if the casino proposal was rejected at that meeting.

STAFF COMMUNICATIONS:
a. **Garden Plus Addition. AP-03-30 (DR). Notice of Intent to review/approve at staff level**

Ms. Ayres reported on a Notice of Intent for staff to review and approve at the staff level Garden Plus Addition, AP-03-30 (DR), an item that fell under the Commission’s delegation for project reviews to the City staff. She explained that unless the Commission expressed any concerns, the project would be reviewed and approved at the staff level. (No concern was expressed by the Commission.)

Ms. Ayres added that staff had sent a letter to the owners of Fort Knox Storage advising of a November 1, 2003 deadline to file applications for permits. The Chief Building Official would indicate to the property owners that if there was no response to the deadline within a short notice period power would be terminated on a building where the owners had illegally made improvements. If there was still no response from the owners, staff would return at the second meeting in November to request that the Commission consider the possible revocation of the use permit since the property owners had not complied with the conditions of approval with respect to required landscaping and fencing.

Ms. Ayres anticipated that an action item could be brought to the Commission on November 25, 2003 with a request that the Commission initiate proceedings for a revocation of the use permit, to be scheduled for a later date.

Additionally, Ms. Ayres reported that Commission comments on traffic concerns in the community had been forwarded, through the meeting minutes, to the Traffic Division. The City’s Traffic Engineer had responded to the comments and had provided an update of projects related to that department. Planning staff had also spoken with the engineering and transportation staff on the possibility of conducting semi-annual meetings to update the Commission on any related projects.

Commissioner Garcia acknowledged that staff had also provided a status report on the Buchanan Road Bypass. In his opinion, the City was moving too slow and would not receive any money until the City hired an engineering firm that would design the project. He expressed concern that a portion of the project may be built with Sky Ranch development proposal prior to adoption of a preferred alignment for the entire length of the road and he expressed concern with the possibility of non-alignment. He commented that the Environmental Impact Report (EIR) had been initiated at one point. He was uncertain of the reasons for the delay.

Mr. Jerome confirmed that an EIR had been prepared in 1993.

Commissioner Garcia questioned why the City Council had not accepted the report and adopted an alignment of the bypass to allow the TRANSPLAN Committee and the Joint Powers Agencies (JPA) to obtain the additional funds for engineering purposes since the money had already been set aside for that purpose. He suggested that the Council should
not delay further action and should move ahead to ask the JPA to release the funds required for an engineering firm to prepare the design.

COMMITTEE REPORTS:

There were no Committee reports.

COMMENTS FROM COMMISSIONERS:

Commissioner Ramirez requested that the Commission packets be provided prior to the Friday before each Tuesday meeting. He suggested that the packets be provided to Commissioners on the Wednesday prior to each meeting. He requested new binders since the current binders were in disrepair.

Ms. Ayres advised that the current staff performance standard was that the Commission packets be delivered on the Thursday before each meeting, but acknowledged that sometimes they were not delivered until Friday. She said staff could adjust its schedule to deliver packets on Wednesdays, but that Commission consideration of some projects would be pushed back to the next meeting dates due to shorter turn around times.

Commissioner Dolojan commented on the lack of handicap accessible corners at Crestview Drive and Atherton Avenue particularly since Crestview Drive was a major roadway.

Civic Engineer II Alfredo Hurtado reported that the City had programs for handicap accessibility coming up and the area of Crestview Drive had several corners that currently did not have handicap accessibility. He understood that in spring 2004 a contract would be going out to place several handicap ramps in the area.

Commissioner Tumbaga invited everyone to the Impulse Galley on Friday, October 31, 2003 for the opening of “Dias De Los Muertos.” She noted that children’s activities had been scheduled from 3:00 to 6:00 P.M. The official opening was on Saturday, November 1 from 6:00 to 9:00 P.M.

Vice Chairperson Harris reported on a fence located on Central Avenue and Solari Street which was taller than 3 feet in height and which could pose a potential safety and traffic hazard, particularly if children were not visible if a vehicle backed out of the driveway.

Mr. Hurtado advised that he would review that situation.

The Vice Chair also noted that work was being done at the St. Vincent de Paul site with individuals appearing to strip the inside of the building. He questioned whether or not staff
was aware of any plans for the site.

Ms. Ayres reported that staff had received an application for housing for the site, although she was unaware of the work being done at the property at this time. Staff would review the status of the property.

Commissioner Kelley inquired what was being developed at the property located at 999 Harbor Street, to which Ms. Ayres noted that the Commission had approved construction of a new building for Dynamic Electric.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 9:00 P.M. to a regular meeting of the Planning Commission on November 12, 2003 at 7:00 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

MELISSA AYRES, Secretary
Pittsburg Planning Commission