

**MINUTES
OF A REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION**

September 8, 2020

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the regular meeting of the Planning Commission for September 8, 2020 was conducted telephonically through Zoom with broadcasting live through Granicus on the City's website. Please be advised that pursuant to the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, the Council Chamber was not open for the meeting. Council Members participated telephonically or through Zoom and were not physically present in the Council Chamber.

Chair Foster called the meeting of the Pittsburg Planning Commission to order at 7:00 p.m. on Tuesday, September 8, 2020, in the Council Chamber at City Hall, 65 Civic Avenue, Pittsburg, California via Zoom teleconference.

ROLL CALL

Present: Chair Foster, Vice-Chair Moreno, Commissioners Nguyen, Croskey, Coniglio, Bhasin, Robinson

Staff: City Attorney Donna Mooney, Community Development Director Jill Hecht, City Engineer Richard Abono, Planning Manager/ Secretary Kristin Pollot, Associate Planner Trishia Caguiat, Senior Engineer Paul Reinders, Assistant Planner John Dacey, Deputy City Clerk Amanda McVey, Administrative Coordinator Shelby Rose

PLEDGE OF ALLEGIANCE

Vice-Chair Moreno led the Pledge of Allegiance.

DELETIONS / WITHDRAWALS / CONTINUANCES

Item 3, Villas III Apartments at San Marco (Village B and C), AP-20-1498 (DR), was continued to a date uncertain.

On motion by Commissioner Bhasin to continue this item to a date uncertain and seconded by Commissioner Moreno to approve and carried by the following vote:

AYES: Bhasin, Moreno, Nguyen, Foster
NAYES: Coniglio, Croskey, Robinson
ABSTAIN: None
ABSENT: None

COMMENTS FROM THE AUDIENCE

Joanna Bermudez-Hernandez, Pittsburg, inquired about more accessible COVID-19 testing for the residents of Pittsburg.

CONSENT

1. Minutes of August 25, 2020

On motion by Commissioner Moreno and seconded by Commissioner Robinson to approve the Minutes of August 25, 2020 and carried by the following vote:

AYES:	Bhasin, Coniglio, Croskey, Moreno, Nguyen, Robinson, Foster
NAYES:	None
ABSTAIN:	None
ABSENT:	None

PUBLIC HEARING

2. Ruby Smoke Shop & More, AP-20-1517 (UP)

A public hearing on a request for approval of a use permit to operate a smoke shop at 3829 Railroad Avenue in the CN (Neighborhood Commercial) District.

Assessor's Parcel No. 088-072-055

Assistant Planner Dacey gave a presentation on the item.

Chair Foster opened the public hearing.

Applicant Qassem Ali spoke on behalf of this project.

Comments were received through email from the following and were read aloud:

Fort Knox Self Storage, Pittsburg
Ben Sakai, Pittsburg

There being no one to speak further to the item, Chair Foster closed the public hearing.

On motion by Commissioner Moreno and seconded by Commissioner Nguyen to deny the application and carried by the following vote:

AYES:	Bhasin, Coniglio, Croskey Moreno, Nguyen, Foster
NAYES:	None
ABSTAIN:	None
ABSENT:	None

STAFF COMMUNICATIONS

Planning Manager / Secretary Pollot suggested the Commission convene to next regular meeting of Tuesday, September 22, 2020.

COMMITTEE REPORTS / COMMISSIONER COMMENTS

Commissioner Croskey recommends a training session for Planning Staff and the Commission to discuss the monitoring of use permits.

Commissioner Moreno brought attention to a survey for Opportunity Zone.

ADJOURNMENT

The meeting was adjourned at 8:46 p.m. to September 22, 2020.

Respectfully Submitted,



Kristin Pollot, AICP, Secretary

From: [Amanda McVey](#)
To: [Shelby Rose](#)
Subject: FW: Public comment September 8th
Date: Tuesday, September 8, 2020 4:52:32 PM

From: Joanna Hernandez <joannayq76@gmail.com>
Sent: Thursday, September 3, 2020 9:00 PM
To: meetingcomments <meetingcomments@ci.pittsburg.ca.us>
Subject: Public comment September 8th

****External Sender: Use caution before opening links or attachments****

Hello ,

I wanted to know why isn't there more accessible COVID 19 testing for residence of Pittsburg? As a community we should be organizing more testing locations. We organize Tuesday food truck's so let's organized Tuesday testing.

I hope this can be done !

Joanna Bermudez-Hernandez

Please excuse brevity and typos, sent from my iPhone.

FORT KNOX SELF STORAGE
3865 RAILROAD AVENUE
PITTSBURG, CA 94565
925-439-1145

September 8, 2020

To: City of Pittsburg
Planning Commission

Re: For Public Comment at Meeting on September 8, 2020
On Item 2. Ruby Smoke Shop & More

Dear Planning Commission,

We are against the approval of a Use Permit to operate a Smoke Shop at 3829 Railroad Avenue. The prior use for this site was also a Smoke Shop. We had nothing but problems with this type of business including:

1. Constant trash around the property.
2. Partying and drinking during and after business hours around the site. Their customers would use our parking lot in front of our main office as a gathering place. The next morning we would usually find broken beer bottles, empty cans, trash and vomit.
3. Playing of loud music after hours. As they partied they played loud music disturbing the residents in the residential neighborhood behind our property.
4. Parking against the fire zone red curb. We continually told them this was for ingress and egress and was a fire lane. Their customers ignored us.
5. Vandalizing property and burning rubber in our parking lot.

Attached you will find a number of pictures from a few separate incidents.

These problems occurred almost every weekend. The police were called numerous times and we made a number of complaints. Eventually the Smoke Shop hired a security guard, but this did not help much.

Due to our past experience with this type of business, we ask that you do not approve a Use Permit for this site for a Smoke Shop.

Respectfully,

Fort Knox Self Storage

08/17/2018 23:34:38 FRI







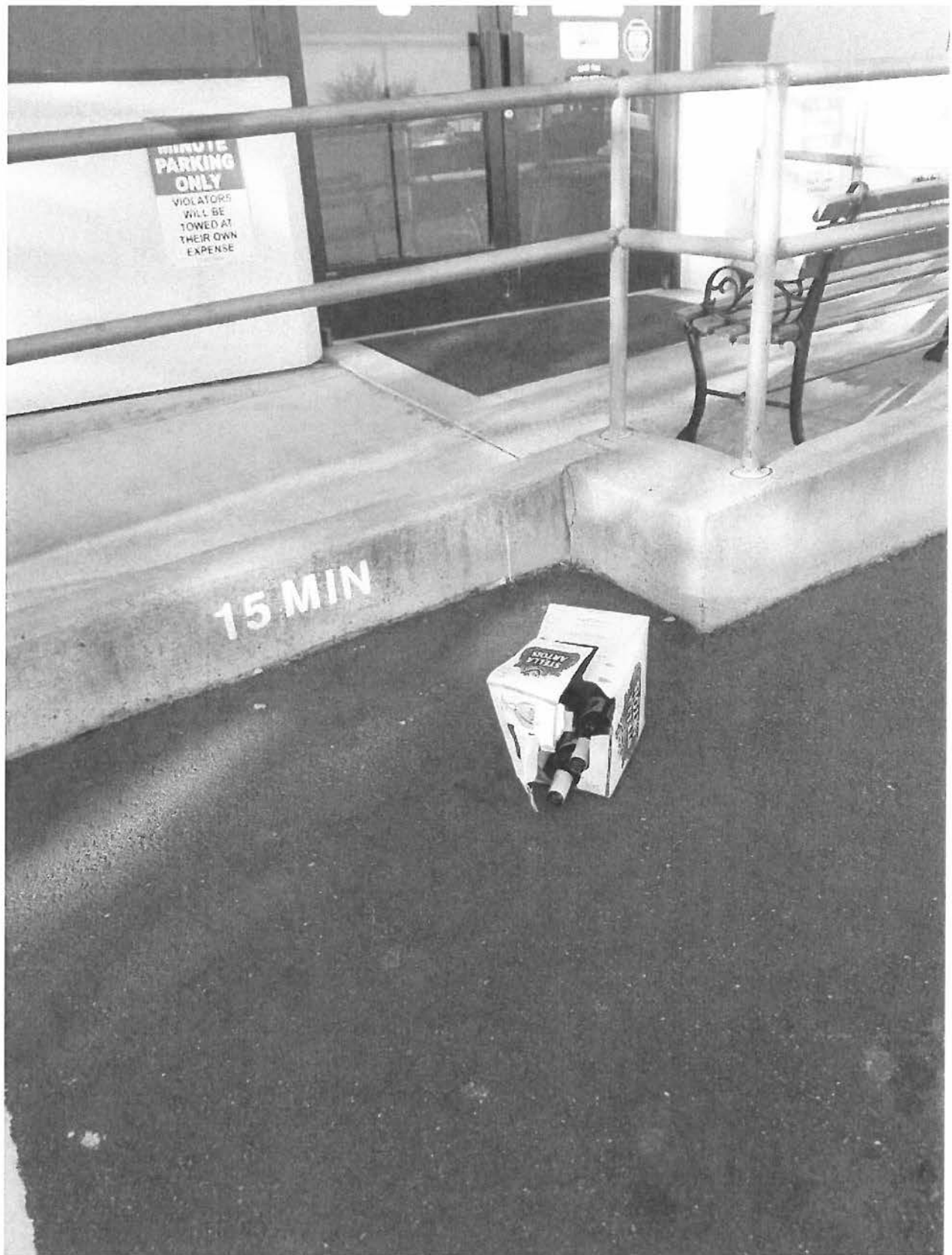






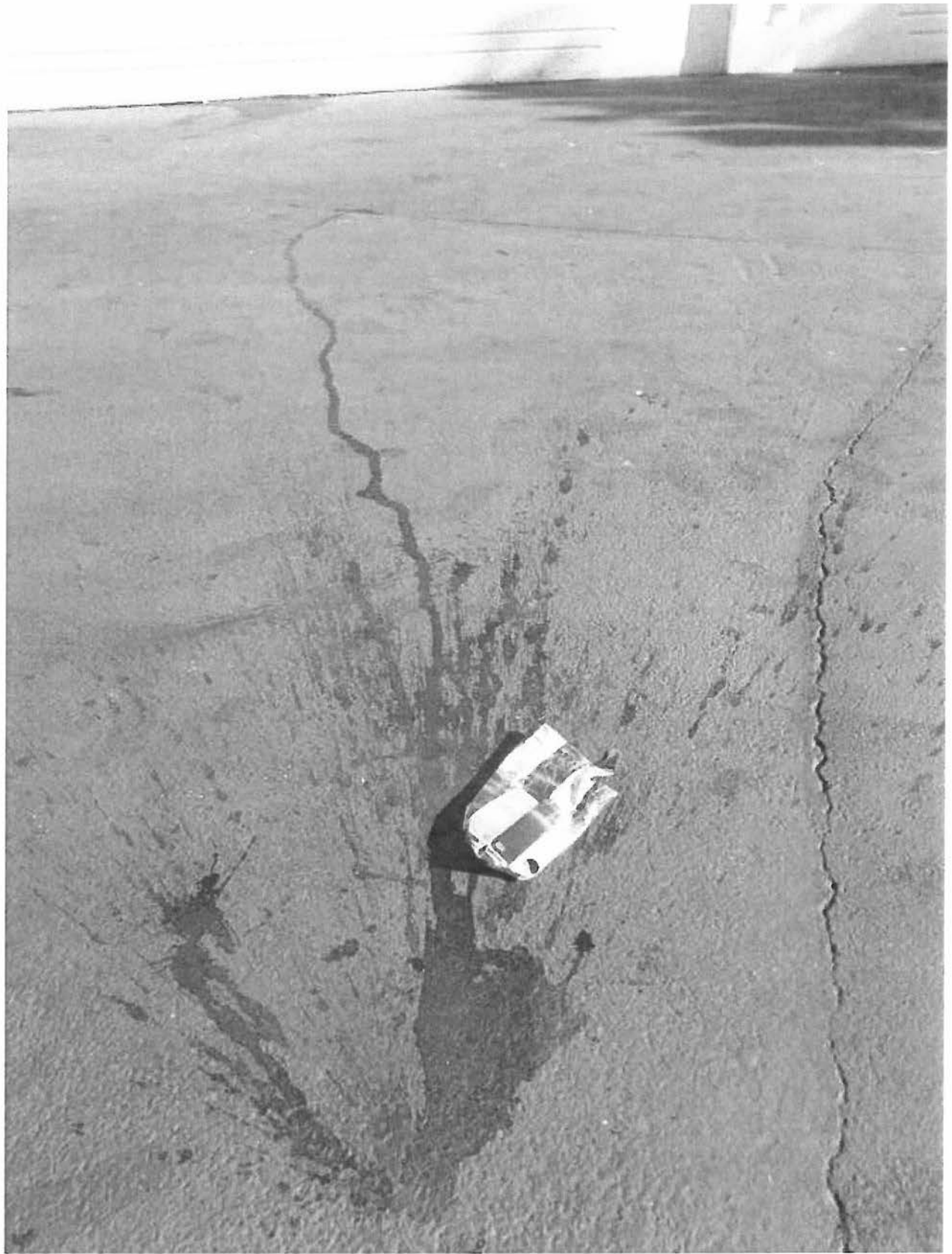




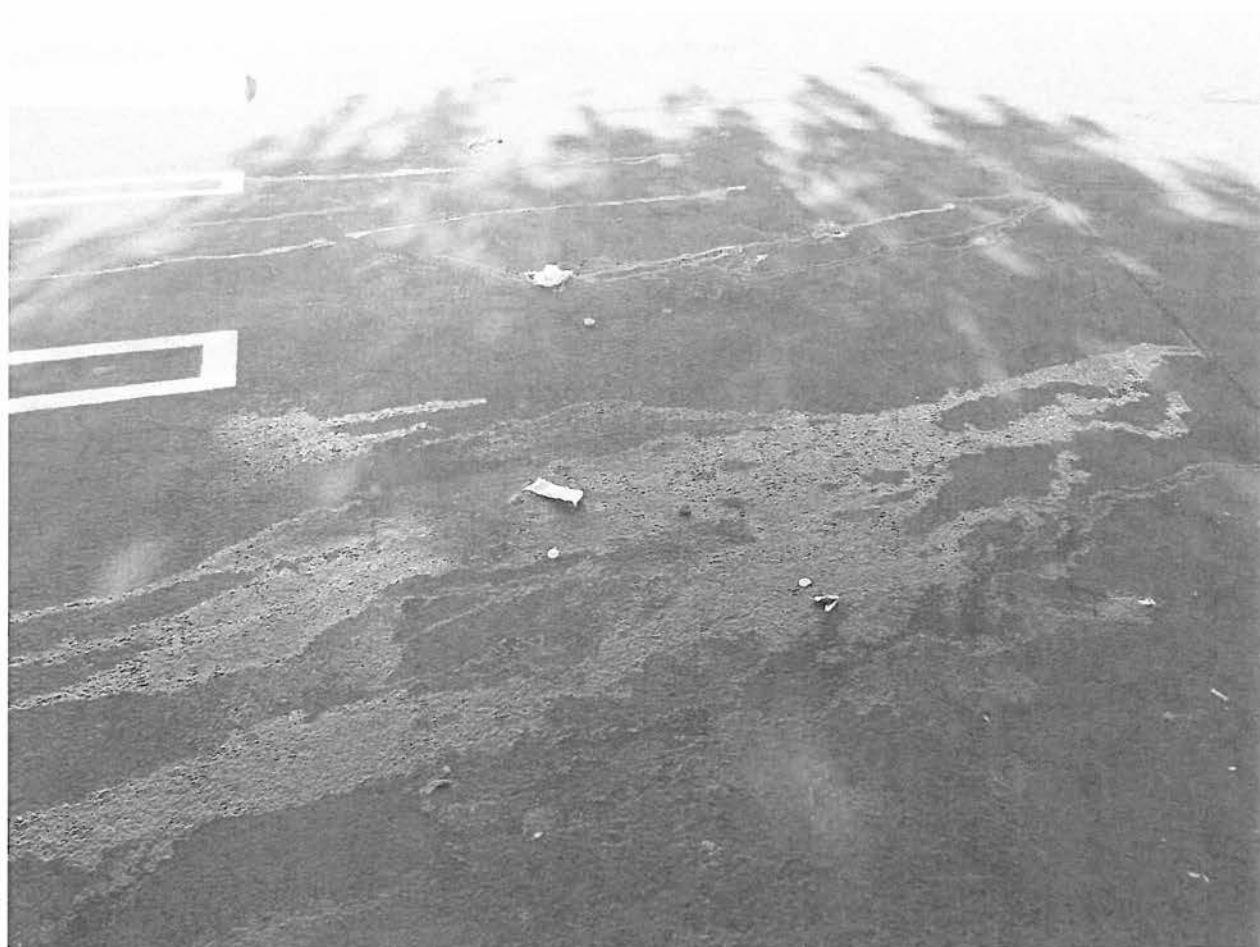














From: [Amanda McVey](#)
To: [Shelby Rose](#)
Subject: FW: [SPAM] Item 2, 9/8 Meeting
Date: Tuesday, September 8, 2020 4:52:15 PM

From: bsakai@tutanota.com <bsakai@tutanota.com>
Sent: Tuesday, September 8, 2020 2:46 PM
To: meetingcomments <meetingcomments@ci.pittsburg.ca.us>; PlanningCommissioner <PlanningCommissioner@ci.pittsburg.ca.us>
Subject: [SPAM] Item 2, 9/8 Meeting

****External Sender: Use caution before opening links or attachments****

Commissioners,

My name is Ben Sakai and I urge you to consider denying the use permit for Ruby Smoke Shop. Yes, Pittsburg needs more businesses, but it needs the RIGHT kind of businesses. We should welcome offices, restaurants, and most retailers with open arms, but when it comes to potential nuisance properties it should be a different story.

Nuisance properties are community institutions that tend to exacerbate crime. Past research has helped identify some of these establishments - they include motels, pay day lenders, and liquor stores. A recent study published in *Preventative Medicine* by the University of California, Riverside now adds tobacco shops to the list of potential nuisance institutions.

The study focused on violent and property crime data from South Los Angeles, an urban community containing Los Angeles County's highest concentration of African Americans, adults without high school education, and residents living in poverty.

The study was data-driven and it concluded that tobacco shops are likely nuisance properties that associate with crime and violence within low-income urban communities of color. The study is relevant to Pittsburg and this use permit application because Pittsburg shares many the study area's characteristics. According to the US Census Bureau, 59% of our population is Latinx, Black, or African American. Twenty percent of our residents are without a high school education and around 13% live in poverty.

As you consider this application, please ask yourself:

1. What are this neighborhood needs? How does a smoke shop meet those needs?
2. What's the track record of smoke shops in Pittsburg? Should we review Pittsburg Police data before making a decision?
3. Ruby Lounge's business permit was revoked due to loitering outside the business. Why should we expect a different outcome at the same location from a similar business?
4. Does the minimal tax revenue from this business outweigh the risk of increased crime?

5. Would another smoke shop do more to attract quality businesses or detract from that objective?

This particular location should raise more concern than others. It's at the southerly edge of Railroad Avenue where there's less traffic and there's a large distance between the street and the front door. These factors could make it even more difficult for the community to observe and report what goes on at this establishment.

I hope you have a healthy conversation about this application tonight... I'd like to leave you with a telling statement from a gang interventionist that participated in the UC Riverside study. He stated "smoke shops are bad. They're the new liquor stores. That's where the gangs hang out now." Commissioners, please continue making decisions that create attractive places where WE (not gangs) want to hang out!

Ben Sakai
Pittsburg Resident

Link to UC Riverside Study:

<http://ridley-thomas.lacounty.gov/wp-content/uploads/2018/03/Prev-Med-Proof.pdf>