A regular meeting of the Pittsburg Planning Commission was called to order by Chairman Kee at 7:36 P.M. on Tuesday March 27, 2001, in the City Council Chambers of City Hall at 65 Civic Avenue, Pittsburg, CA.

ROLL CALL:

Present: Commissioners Glynn, Holmes, Kelley, Leonard, Tumbaga, Valentine, Chairman Kee

Absent: None

Staff: Community Development Director Nasser Shirazi; Planning Manager Randy Jerome; Associate Planner Chris Bekiaris, Assistant Planner Ken Strelo; Planning Technician Dana Hoggatt; Civil Engineer II Alfredo Hurtado

POSTING OF AGENDA:

Chairman Kee advised that the agenda had been posted at City Hall on Friday, March 23, 2001.

PLEDGE OF ALLEGIANCE:

Chairman Kee led the Pledge of Allegiance.

MINUTES:

MOTION: March 8, 2001

Motion by Commissioner Tumbaga to approve the minutes of the March 8, 2001 meeting, as submitted. The motion was seconded by Commissioner Glynn and carried by the following vote:
MOTION: March 13, 2001

Motion by Commissioner Kelley to approve the minutes of the March 13, 2001 meeting, as submitted. The motion was seconded by Commissioner Leonard and carried by the following vote:

Ayes: Commissioners Glynn, Holmes, Kelley, Leonard, Tumbaga, Valentine, Kee
Noes: None
Abstain: None
Absent: None

DELETIONS/WITHDRAWALS:

There were no deletions or withdrawals.

COMMENTS FROM AUDIENCE:

There were no comments from the audience.

PRESENTATIONS:

There were no presentations.

By consensus the Planning Commission moved agenda Item No. 6 as the first item on the agenda.

ITEM 6: Meridian Apartments Freestanding Sign, DR-01-07.

Application by Paula Moors for design review approval of sign plans for the installation of a freestanding sign to identify an existing 8.2 acre residential complex (Meridian Apartments, originally Leland Terrace Apartments) located at 110 Dias Circle, RH (High Density Residential) zone; APN 088-240-62.

Mr. Jerome explained that the apartment complex had originally been approved as the Leland Terrace Apartments. The complex had changed names and the new sign would reflect the new name change. The Sign Ordinance required Planning Commission approval of any freestanding sign. The previous sign had been approved under the existing Sign Ordinance.

Planning Technician Dana Hoggatt presented the request for design review approval of sign plans for the installation of a freestanding sign to identify the former Leland Terrace Apartments at 110 Dias Circle as the newly named Meridian Apartments.
Ms. Hoggatt reiterated that the ownership of the apartment complex had changed two years ago and the owner was requesting new signage to identify the new name of the complex. Originally three signs had been approved on the site; one located at each driveway entrance, and one on the corner of East Leland Road and Piedmont Way. The two signs at the driveways had been removed and the existing sign on the corner would be removed upon approval of the new freestanding sign.

The sign structure was 12 feet by 5 feet in size, with a tan stone veneer similar to the color of the exterior walls of the apartment complex. The sign faces would be 5 feet by 3 feet in size with a blue green tile background, with aluminum lettering. The color of the tile had been designed to match the doors, railings, fences and other trim on the existing buildings.

Ms. Hoggatt reported that the application was consistent with Title 19 of the Municipal Code where new freestanding signs and substantial changes to existing freestanding signs required Planning Commission review and approval. The sign was in compliance with the maximum height and sign face limitations and was subject to an eight foot height maximum. The maximum sign area was one square foot per each five units on site, totaling 31 square feet.

The sign would be setback ten feet from the sidewalk and twenty feet from the actual driveway off of East Leland Road. Staff did not anticipate that the location of the sign would hinder visibility of traffic on East Leland Road or any of the other freestanding signs for the President's Park Apartments, International House of Pancakes or Pep Boys retail center located nearby.

Ms. Hoggatt added that the project was exempt from the regulations of the California Environmental Quality Act (CEQA) pursuant to Class 11, Accessory Structures.

Approval of Resolution No. 9195 was recommended subject to the conditions as shown.

PROPONENT:

PAULA MOORS, Property Manager for Sunset Loma, LLC, 110 Dias Circle, Pittsburg, advised that the existing sign would be removed upon approval of the new signs. She otherwise affirmed that she had read the conditions of approval and was in agreement with those conditions.

MOTION:

Motion by Commissioner Holmes to adopt Resolution No. 9195, approving DR-01-07, design review approval of plans for a freestanding identification sign for Meridian Apartments at 110 Dias Circle, with the conditions as shown. The motion was seconded by Commissioner Tumbaga and carried by the following vote:

<table>
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<tr>
<th>Ayes:</th>
<th>Commissioners Glynn, Holmes, Kelley, Leonard, Tumbaga, Valentine, Kee</th>
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<tbody>
<tr>
<td>Noes:</td>
<td>None</td>
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<tr>
<td>Abstain:</td>
<td>None</td>
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March 27, 2001
Absent: None

For the record with respect to the next item on the agenda, Chairmen Kee stated that he had been contacted by the applicant early in the process to provide architectural services. Although he had not been selected for the project, he advised that he would administer the public hearing only and would abstain from the vote on the application.

CONTINUED PUBLIC HEARING:

ITEM 1: Pittsburg Family Apartments, DR-00-28.

Application for design review approval of architectural and site development plans for the construction of a 63-unit apartment complex in an RM (Medium Density Residential) zone, located at 390 Central Avenue; APN 086-151-003.

Jerome advised that the application had been returned to the Planning Commission as a continued public hearing from the January 23, 2001 meeting. Since that time, the applicant had changed the plans. The previous proposal involved an 81-unit apartment complex and a request for a use permit for a density bonus, and an agreement that required approval of additional units over the maximum allowed in the Zoning Ordinance so as to provide lower income assisted type of housing.

Based on the previous testimony from the Planning Commission and the public, Mr. Jerome reported that the applicant had decided to reduce the number of units and was now proposing a market rate development consistent with the subject zoning for a 63-unit apartment complex.

As a result, the new proposal did not require a use permit and involved design review only. The item had been placed on the agenda as a continued public hearing since that had been the action taken by the Planning Commission on January 23, 2001. Although neither a continued public hearing nor design review required public notices, staff had sent out notices to the Central Addition neighborhood and areas to the west of the subject site.

Mr. Jerome stated that while the project was now consistent with the Zoning Ordinance, staff did not support the application in the opinion that the proposed complex had the look and feel of a high density apartment complex and could be detrimental to the area. Staff also recognized that the Central Addition area had always been a sensitive location and it had been the City's goal to protect the viability of the Central Addition by creating uses to the west between Railroad Avenue and Harbor Street, that would be complementary and supportive of the area.

Mr. Jerome commented that development in the Medium Density range consisting of 7 to 10 units to the acre would be more appropriate to the area, particularly for-sale units, either townhomes, cluster housing or small lot single family detached dwellings.

Mr. Jerome reiterated that while the project was now consistent with the General Plan and the Zoning Ordinance, the Planning Commission was not obligated to approve a project that was at the high end of the Medium Density range.
Mr. Jerome added that it was staff's opinion that the project would not be appropriate for the subject site due to the limited public transportation in the area and the fact that there were few service commercial uses that would benefit a higher density type of development. He also advised that a resolution of approval had been contained in the staff report since the Planning Commission had shown some indication of supporting the proposal in the past and staff had decided to go forward with a resolution of approval if the Commission so desired to adopt the resolution.

Mr. Jerome further referenced previous concerns with respect to technical issues from the public and the Commission relative to access, traffic, safety issues and the like. Staff was of the opinion that there were no environmental issues related to the site and that development on the site could easily handle any issues relative to the concerns mentioned in the past.

Assistant Planner Ken Strelo identified changes made to the project since the previous iteration. He noted that the project had been reduced in size from 81 units to 63 units. One of the units would be used for a manager's unit and office space. The project would also include an approximate 2,000 square foot recreation building, which would include several activities and other recreational opportunities for the residents, including a computer room, utility room, offices, multi-purpose area, kitchen, bathrooms and laundry room. The project would also involve two different floor plans.

Mr. Strelo clarified the staff report that there would be 31 units comprised of two bedrooms and two baths. The remaining 32 units would include three bedrooms and two baths. The two bedroom apartments would comprise 908 square feet and the three bedroom units would consist of 1,068 square feet. The project would include 63 covered parking spaces and 94 open parking spaces, for a total of 157 on-site parking stalls. All of the parking would be located on the west and south sides between the buildings and the property lines.

The architecture of the residential buildings would remain the same as the previous proposal, consisting of concrete tile gable roofs, stucco exterior and a built-up stucco base. Wood trim would be utilized around the windows and doors. The recreation building would also share the same architectural quality.

The site plans had identified an eight foot high masonry wall located on the south and west property lines. The street sides would include a decorated six foot tubular steel fence. The applicant had also proposed outdoor recreational amenities, including a basketball court, swimming pool and play area. Although those amenities had not been reflected on the plans, they had been included as a requirement of the conditions of approval.

Mr. Strelo further recognized the previously expressed concerns with respect to traffic and circulation, and with the exit onto Solari Drive where an exit/right turn only had been proposed. That requirement had been included as a condition of approval for the project as reflected in Condition No. 17.
With respect to the potential environmental impacts, Mr. Strelo commented that the project had originally consisted of 81 units for a denser project with a higher impact on the environment including traffic, sound and the like.

A new Initial Study had not been prepared for the project. Neither had a Mitigated Negative Declaration. The original Mitigated Negative Declaration for the project had already gone through the required public posting period of 21 days. Pursuant to CEQA guidelines, that document could be used for the project, along with a requirement for the posting of a Notice of Determination, if the project were ultimately approved.

Mr. Strelo noted staff prepared for consideration Commission Resolution No. 9185, approving DR-00-28, with the conditions as shown.

PUBLIC HEARING REOPENED

PROONENTS:

MAGDY HANNA, Community Housing Partners, 930 West 16th Street, #E2, Costa Mesa, presented copies of the revised plans to the Planning Commission and staff for consideration. He described the background of Community Housing Partners as a joint venture with a limited liability company, between Lanier Homes and Pacific National Development.

Mr. Hanna expressed his appreciation to Planning staff for their efforts in working on the project. He described the history of the application and the time involved in preparing the project. He reported that in March 2000, Community Housing Partners had opened escrow with St. Vincent de Paul, the owner of the property. In May 2000, they had met with staff to learn of staff's preference for the property and what type of project could be considered. Conceptual plans had been prepared and presented to staff and those plans had been discussed with staff.

After meeting with staff, Mr. Hanna stated that Community Housing Partners had prepared a plan for consideration. In speaking with members of the Planning Department, he advised that he had been informed that the best course of action would be to submit the plan, as a preapproval plan, to allow the Planning Commission and the Planning Department the opportunity to comment on the proposal. Subsequently, plans were presented to the City in July 2000. In September 2000, a Planning Commission hearing had been held to discuss those plans.

Mr. Hanna advised that he had copies of the minutes from the September 2000 meeting where the comments from the Commission could be referenced, if necessary. He emphasized that the current proposal had been developed based on what the City had desired and needed. He emphasized that he had gone through all of the steps required by the City and as directed by the Planning Commission.

Mr. Hanna stated that in October 2000, Community Housing Partner's contracts to purchase the property from St., Vincent de Paul had expired. As a result, they were forced to renegotiate the
contract resulting in the payment of a substantial amount of money to keep the contract alive and to allow them to continue to work with staff in a good faith effort.

In November 2000, site plans had been submitted to the City for site plan approval. A public hearing had been scheduled before the Planning Commission in January 2001. Since that time, all of the comments received during the public hearing and concerns from the neighbors had been taken into consideration. In addition, a neighborhood meeting had been held in January 2001, when only one resident had participated.

Mr. Hanna suggested that the project now before the Commission should satisfy everyone. He referenced concerns expressed during the previous meeting regarding potential environmental impacts with the site. As a result, a consultant had been hired and had prepared a Phase One Study, which identified that there would be no further requirement for any further investigation of the site. An Acoustical Report had also been prepared, which had shown that the project would not produce any noise impacts other than those currently existing on the site.

Mr. Hanna reiterated that the plans had been redesigned in accordance with City Code, which would allow 66 units or the lower end allowed in the code. The project was now being proposed at 63 units with a range of two and three bedrooms units as earlier reported by staff, along with a 2,032 square foot recreational room and 157 total parking spaces. He also cited the amenities included in the recreational room offering a top quality project.

Mr. Hanna further reiterated that the architecture would include flat tile gabled roofs, with a stucco exterior, wood trim and wood trim around the windows.

Mr. Hanna reiterated that the plans were in conformance with all of the City's code requirements. He referenced Section 18.50.015 of the City code, which would allow 3,000 square feet per unit on the subject site. He advised that as a potential owner of the property, Community Housing Partners should have the right to develop the project as proposed, as long as he was not requesting a variance, density bonus, or subsidy from the City.

Mr. Hanna further noted that the density of the project was 13.82 units per acre, which was a low density project. He advised that Community Housing Partners was involved with a project in the City of Anaheim that consisted of 14 units to the area.

Mr. Hanna reiterated that Community Housing Partners had spent to date a substantial amount of funds on the project, between consultants and the work done thus far, including funds released to the seller. He requested permission to allow the project to be built.

In response to the Chair, Mr. Hanna affirmed that he had read the conditions of approval and was in agreement with those conditions.

Since the density for the project had been reduced, Commissioner Valentine inquired whether or not
the developer had considered lowering the density even further for perhaps a townhome development, as opposed to an apartment complex.

Mr. Hanna explained that Community Housing Partners had made a request of St. Vincent de Paul to lower the price of the property, although that request had been denied. If the density were further reduced, the project would not be economically viable.

Commissioner Valentine inquired whether or not the project would remain viable with the same number of units being proposed, although designed as a townhome development.

Mr. Hanna affirmed that such a design configuration could be done.

MERLIN EDWARDS, Edwards Consulting, Lanier Housing, advised that during the previous meeting staff had supported the project, which had originally consisted of 81 units. Now that the project had been reduced to 63 units in response to public testimony and direction from the Commission, he questioned the fact that staff no longer supported the project. He also clarified for the benefit of the audience that the proposal would not involve low income housing, rather would consist of market rate housing.

Mr. Edwards also spoke to the traffic concerns noting that with any development there would be an increase in traffic. The only alternative would to leave the property, which he described as a mess, vacant. He questioned whether or not the City, the Commission and the community wanted the property to remain vacant for another 25 years.

Mr. Edwards reiterated that the project was in compliance with the General Plan, which called for Medium Density housing. While the project consisted of 63 units, close to the maximum allowed, the proposal was in compliance with the General Plan, which had been prepared by the City as a guideline of what was desired in the area.

Mr. Edwards further clarified that the project, if built, would involve a professional maintenance organization that would handle all of the maintenance in addition to a professional gardener who would ensure that the property was kept clean at all times. A manager would also be located on-site. He expressed his hope that the Commission would also come to the conclusion that the project was in compliance with the General Plan and had addressed issues previously raised. He urged the Commission to approve the project.

Commissioner Tumbaga inquired of the rent structure for the project, to which Mr. Edwards advised that the market rate for the project would be $912 for the two bedroom units and $1,054 for the three bedroom units.

Commissioner Valentine questioned whether or not the development would be viable with a townhome concept as opposed to the apartment complex.
Mr. Edwards suggested that if a townhome development could be penciled out it would probably be viable.

KEN BERQUIST, attorney representing St. Vincent De Paul Society, advised that St. Vincent de Paul was a non-profit agency whose purpose was to provide for those unable to provide for themselves. Since the agency had moved the majority of its facilities to Gladstone Drive, the subject property had been underutilized. Desirous to eliminate the surplus property from its inventory the agency had been focusing on finding someone who could meet the required commitments to the agency and to the community.

It was the position of St. Vincent de Paul, that Community Housing Partners had met its commitments to the agency and had tried its best to meet the commitments to the community, by working with City staff and the Planning Commission in an attempt to meet the concerns raised by the community.

Mr. Berquist stated that he was confident that the developer would meet any conditions of approval imposed by the City.

OPPONENTS:

TOM LEWIS, 50 Hawthorne Lane, Pittsburg, clarified that the doors to City Hall had been locked when the neighborhood meeting had been scheduled in January. Although eight to ten people were present to attend the meeting, they had been unable to participate in any discussion since staff had locked the doors, which was why only one individual was present to participate in the neighborhood meeting at that time. He therefore questioned the applicant's characterization that a neighborhood meeting had been held.

Mr. Lewis reminded the Commission that prior Commissions and City Councils had invested a tremendous amount of monies to improve the downtown area and the infrastructure for the grade separation on Railroad Avenue. He suggested that the City had done more than any other City in the County to accommodate low income housing needs over the last 35 to 40 years.

Mr. Lewis cited existing low income apartments located on the corner of East Santa Fe and Solari Avenue, which had experienced a number of problems that could be substantiated by the Police Department. He commented on the amount of drug paraphernalia and garbage strewn in the area. He expressed concern that the subject project would result in the same problems. He inquired whether or not the project the applicant had referenced in the City of Anaheim involved a low income project since he doubted that was the case given the area.

Mr. Lewis referenced the applicant's comments that a lot of money had been invested in the project. He emphasized that many of the residents of the Central Addition had also invested a lifetime of money in the neighborhood and they did not want to see their lifetime savings, efforts, and property values decrease as a result of the project.
Mr. Lewis supported an ownership based development consisting of Medium Density, with the potential for a transition to offices near the Railroad Avenue corridor on the subject property. He emphasized that the City did not need any more low income housing in the area.

NEKO DAVI, 489 Hawthorne Street, Pittsburg, stated that he had been a resident of the City for 44 years. He commented on the traffic problems in the area that had increased over time where it had become difficult for residents to get out of the neighborhood. While he agreed that the proposal appeared nice, he would rather see development that would not add to the existing problems in the area. He questioned how traffic from the project would exit the site and access the freeway. He also commented on the long time poor condition of the property, which had not been properly maintained by the St. Vincent de Paul Society.

Mr. Davi supported a nice single family residential development that would complement the neighborhood. He emphasized that residents had been working to upgrade and maintain their homes. He opposed a project that could devalue existing property values.

JUANITA OLAGO, a resident of Hawthorne Street, Pittsburg, explained that she had been a resident of the area since 1971. She commented that the area was already an extremely high density area in terms of existing traffic volumes and traffic speed, particularly during commute periods. While she recognized that the project might comply with City code and might appear nice, she suggested there was a human element involved as well that should be considered. She questioned whether or not the project would provide and address an existing need for apartment housing.

Ms. Olago questioned whether or not residents of the proposed apartment complex would be provided quality service, with an opportunity for access to transportation, medical, education, orientation and the like in order to upgrade one's living standards. If that were not the case, she suggested that the project should be reconsidered.

Ms. Olago also expressed concern that the site was located very near the railroad tracks. She expressed concern for public safety, particularly for children's safety. In addition, with the high school located on the other side of the site, any impacts to the schools should be taken into consideration as well.

GEORGE HARRIS, 459 Hawthorne Street, Pittsburg, referenced a previous apartment complex proposal for the property that had been proposed 25 years ago that had also been opposed by the residents of the area. He agreed with earlier comments that many residents, including himself, were upgrading their homes.

Mr. Harris commented that there was no grocery store or other services near the area for potential residents. He too commented on the potential traffic impacts as a result of the project. He suggested that traffic through the area would use the Central Addition neighborhood as a short cut to exit the area, which would further impact the neighborhood. He suggested the project was not compatible with the neighborhood.
Mr. Harris also stated that through his experience, even townhome developments eventually became rentals. Although the development of townhomes could yield 50 units, he suggested it was likely that they too would become rentals.

Mr. Harris further pointed out that vehicles had been sold in the back of the St. Vincent de Paul property where appliances had also been stored. He suggested the property should be inspected for hazardous materials. He also suggested that the economic impacts involved with the project in terms of funds spent by the applicant should not be part of the deliberations on the merits of the project.

JOHN GARCIA, a resident of Barrie Drive, Pittsburg, expressed concern with the project and the lack of details identifying the revisions made to the plans. He too commented on the existing traffic conditions in the neighborhood where every street in the Central Addition could be impacted by the development. He also commented on the lack of immediate services in the area. He questioned how children that could reside in the development would access schools, and he expressed concern with the potential safety impacts with children walking in the area.

Mr. Garcia advised that the value of homes in the Central Addition had increased. If the project were approved, he suggested the value of the homes would decrease. Citing as an example the area of Harbor Street and Central Avenue where existing duplexes and apartment complexes were located, he suggested that once built, an apartment manager would no longer be associated with the project.

Mr. Garcia also clarified for the benefit of the comment that St. Vincent de Paul had no other interest in the property, stated that was untrue in that an individual with an ice cream business had previously attempted to purchase the property some years ago. He suggested that business would have imposed no traffic impacts to the community.

Mr. Garcia also referenced comments that St. Vincent de Paul desired to sell its surplus inventory. He pointed out that St. Vincent de Paul had purchased the property on Gladstone Drive while they still owned the subject property. While he recognized that St. Vincent de Paul was a good organization, he pointed out that the agency was also a business.

ANGELYN POOLE, Chairman, Central Addition Neighbors Action Group, Pittsburg, also opposed the development regardless of the stated zoning for the site. She suggested the community was already in danger from the long term affects of current growth surrounding the community, hemmed in by industry, currently emitting or projected to emit hundreds of tons of chemicals into the community each year. She stated that currently as a result of one of the industrial plants, each year fruit trees, vehicles, and homes were covered with visible layers of black chemicals.

Ms. Poole noted that the area had recently gained a one million dollar bypass road that would re-route all of the industrial trucking currently traveling on the residential streets to the outer borders of the community.
Noting that some of the existing homes in the neighborhood were less than the width of a two lane street from the bypass, Ms. Poole stated that even with the bypass road, the community would continue to be the victim and pay the consequences of exhaust fumes, chemicals, noise, road deterioration, debris and potential spills from the trucks.

Ms. Poole advised that it had been estimated that several hundred trucks per month would travel the road and during warm months and windless days, the residents of the area would be exposed to noxious odors from several of the industrial plants surrounding the community. Once a year, at a minimum, the water in the area had a strong and definite chemical taste and carried such a foul odor it rendered the water undrinkable.

Ms. Poole commented that many of the homes also suffered from continuous cracking damage from the vibrations emitted from the railroad located adjacent to the community. Residents were also assaulted by noise pollution on a regular basis from the train whistles. She referenced an incident that occurred several years ago where the community had been evacuated due to a train accident, which train had been transporting a bomb.

Citing an increase in criminal activity on residential streets, including prostitutes, drug dealing, speeding and vehicle accidents, Ms. Poole reported that drug activities were occurring less than 300 feet from where children waited for school buses.

Ms. Poole went on to note that the residents of the area were exposed to extremely heavy two way commute traffic from the Cities of Antioch and Concord, since the area had been used as short cut to bypass traffic on State Route 4. Residents saw no reprieve from the traffic conditions as a result of growth each day.

Ms. Poole suggested that when a neighborhood park opened later in the year, traffic through the community would increase yet again, due to league and family activities anticipated to take place at the park. She also suggested that the residents would suffer damage to street parked vehicles and suffered heavy annual damage to street pavement due to the existing traffic. She emphasized that residents were not compensated for such damage.

Ms. Poole suggested that residents paid raised taxes for the traffic generated from other cities and the many industrial businesses surrounding the area. She went on to suggest that the level of contaminants to the area would be increased by the development further endangering residents' health, disruption of lives and that all those impacts would continue to destroy the original and oldest community in the City by adding to the congestion, pollution, and crime rate which currently affected the residents.

Ms. Poole suggested that it was the duty and responsibility of the Commission to ensure the safety, health and well being of the community. She requested that the Commission reject the proposal and suggested that if the project were approved by the Commission, that the City uphold additional provisions that she would like to see imposed on the application and which she could provide at a
CECILIA BLACKWOOD a resident of Elm Street, Pittsburg, expressed her appreciation for the public notification of the meeting since had residents not been informed they would virtually have been unaware of the project until it was developed. She also questioned the fact that the applicant had indicated that a neighborhood meeting had been held since only one person had been involved given that the doors to City Hall had been locked, as reported. She inquired whether or not the developer had any other projects in the immediate area.

Chairman Kee understood that the applicant did not have any other projects in the immediate area.

Ms. Blackwood questioned what benefit the City would realize if the project were approved. She reiterated that the residents had expended funds and worked hard to improve their properties and clean up their neighborhood. If the project were allowed, the neighborhood would be severely impacted by the traffic.

Ms. Blackwood also suggested that if the project were approved, Elm Street, located two blocks from the site, could become a virtual highway increasing existing traffic conditions. She commented on the potential safety impacts that could result from the development. She emphasized that the project was not compatible to the area since it was too large and involved too many units.

Ms. Blackwood questioned if the project were turned into a townhome development whether or not the units would be sold, allowing for pride of ownership. She suggested that the project, if approved, would devalue property, impact existing schools, and impact the City itself with the addition of more people in one spot. She urged the Commission to deny the proposal.

Mr. Jerome responded to concerns as to whether or not the subject site had been inspected for hazardous materials. He advised that the City had received a Phase One analysis of the property site from the applicant. That analysis had shown that the site was fairly clean.

ROSEMARY RANDAZZLE, a resident of East Twelfth Street, Pittsburg, advised that her mother resided on East Santa Fe Drive. She expressed concern that the existing apartment complexes in the area eventually changed hands and the properties tended to turn into U.S. Department of Housing and Urban Development (HUD) housing.

Ms. Randazzle commented that the problems with the traffic was not the actual number of vehicles, rather that the residents of such projects tended to sprawl out into the neighborhood. She too commented on the problems with disorderly behavior, public drunkenness and criminal activities that had been experienced in the neighborhood.

Ms. Randazzle noted that the applicant had referenced the proposal as a "project," not an apartment complex, suggesting that was what the proposal would end up like, "a project." With the number of
units proposed and the available parking spaces, she suggested it could be attractive for other people to come into the community, live with others in the units and impact the existing traffic conditions.

Ms. Randazzle further commented on the proposal for a basketball court and questioned who would want to hear a basketball bounce all day and night. In addition, she suggested that the recreation room would not be used by those residing in the complex, rather would be used by others hanging out and playing loud music in their cars. She suggested that no one would come in and pay the proposed rents and live in the existing neighborhood.

Ms. Randazzle expressed concern with drug dealing, prostitution, and people from outside the community impacting the residential neighborhood. She also commented on the condition and problems associated with the existing apartment complexes in the surrounding area. Although those properties had been initially maintained, over time they had deteriorated and not been properly maintained. She urged the Commission to deny the project.

INTERESTED SPEAKER:

LEVONA MARTIN, a resident of Pittsburg, advised that she was a recent homeowner in the Central Addition from the City of Oakland. She also worked for the Contra Costa County Homeless Program. She expressed concern with some of the comments, noted that she lived in the neighborhood and valued her property, and as such she was sensitive to the concerns expressed. She encouraged the Commission to also take into consideration what benefits the project could bring to the City.

Ms. Martin agreed that the project involved a human element not only in terms of access to employment, health care and the like. She also questioned whether or not traffic would actually become a problem in that homeless and low income persons might not have access to vehicles.

Ms. Martin encouraged the Commission to consider the benefits such a development would have for not only the entire community but for those who might finally be able to enjoy permanent housing.

PUBLIC HEARING CLOSED

Commissioner Tumbaga emphasized that every citizen in the City was entitled to safe, decent, and sanitary housing. She suggested the subject project went above and beyond. She acknowledged that the applicant had been directed to return with a proposal that would be compatible with the direction that the City had established for such projects. The applicant had complied with that direction.

Commissioner Tumbaga referenced the proposed rent structure for the two and three bedroom units. She commented on the need for such housing and referenced, as an example, the fact that several teachers had been recruited to come to the City since the City had difficulties in retaining teachers. Those individuals had come to the City, could not find any place to rent, and were not in the position to become homeowners, as were many others in the community. Due to the difficulties in locating housing in the City, those teachers had ultimately found residences in the City of Concord.
Commissioner Tumbaga also commented on a situation involving a co-worker who was experiencing difficulties finding a unit to rent since her prior residence had been taken back by the property owner. That individual had been forced to return to her home country until a residence could be located by her husband.

Commissioner Tumbaga questioned if the project were a for-sale project, whether or not it would be more palatable to the community, particularly since it would involve the same issues. She suggested that the issues with the project at this time were non-existent since the project was not the same as that which had been initially proposed.

Commissioner Tumbaga stated that the issue was a classic "not in my backyard" situation. The people who would be housed in the project, by virtue of the fact that the rents would be market rate, would be no different than any other resident of the City.

Commissioner Tumbaga referenced the previous discussion the Commission had conducted on the project in terms of affordable housing where the median income for the City had been identified as over $65,000 a year. It was unlikely that teachers, service providers and the like were earning the median income, and they were those that needed to be housed.

Commissioner Tumbaga stated that she did not see any major problems with the project. She suggested it had come a long way since the initial proposal. She was not opposed to the initial project for the same reasons. She urged the Commission to be cognizant of the fact that everyone in the community was entitled to the best type of housing that could be reasonably affordable. She pointed out that affordability was relative, particularly in the City of San Jose, where an affordable home cost around $280,000.

Commissioner Tumbaga suggested that the City was fortunate that the price range and values of homes were such that her own son when he left home could find an affordable place to live on his own income. She suggested that the benefits to the City by the provision of the type of housing that people needed to live in was important. She suggested that if the Commission worked to ensure that projects in the City consisted of quality projects, those projects did not necessarily have to consist of upscale housing. While upscale housing was necessary in the community, there were many who could not afford such housing.

Commissioner Tumbaga reiterated that the subject property had sat in poor condition for many years and the project was an opportunity to improve that portion of the neighborhood. While there were concerns raised with respect to traffic, she pointed out that the project would not generate the same amount of traffic as it might have when the project had originally been proposed. She encouraged the Commission to consider how the project had evolved.

Commissioner Valentine agreed with most of Commissioner Tumbaga's comments. He noted that when the project had first come before the Commission he had not been inclined to support it, until
he had learned what constituted a low income person in the community.

Commissioner Valentine suggested the problems with drug activity and vehicles doing donuts in the roads were coming from the neighborhood itself. He noted that if single family homes were developed, they could easily be leased. He suggested that something should be done with the property so that it would not sit vacant and blighted for another 25 years.

Commissioner Valentine expressed his opinion that the project was decent and had been improved, having been reduced to 63 units. While he still preferred to see a townhome development, he agreed that the Commission needed to keep in mind that the applicant had conformed with the direction of the Commission.

Commissioner Valentine inquired of staff whether or not it could be conditioned that the property maintain a licensed groundskeeper in response to concerns that once built, the property would not be maintained. He also inquired whether or not the project could be conditioned to prohibit Section 8 housing.

Commissioner Holmes stated that he was sorry to learn that staff could not support the project, particularly since the applicant had responded to the direction of the Commission. He also understood that the City Council had a feeling for the project and that the Council should not be denied the opportunity to hear the comments from the Commission and the public, including all of the conditions recommended to be imposed on the project.

Commissioner Holmes suggested that the application should be forwarded to the Council with the Council to decide whether or not the project would be appropriate where located.

Commissioner Leonard stated that as a Real Estate Broker, he was sensitive to the housing needs of the community and to the Central Addition neighborhood. He noted that he had viewed a number of units located in the neighborhood that were rentals and which unfortunately had not been well maintained. He had worked hard with some investors to convert those units to owner occupancy so as to improve Santa Fe Avenue and Twelfth Street. He was also working on converting a duplex to a single family home on Harbor Street.

Commissioner Leonard recognized that the project carried a lot of merit in response to housing needs, although since the General Plan was in the process of being updated, he was uncertain how the subject parcel would be affected. He suggested the development of high density adjacent to existing single family residences was not in the best interests of the community.

Uncertain of another site for the proposal, Commissioner Leonard agreed that transportation and access to services was also a concern since there were no services in the area. He suggested that the project might result in more tenants per dwelling as had occurred elsewhere in the area.

Commissioner Glynn questioned whether or not it would be viable for a portion of the total number of units to be offered through a lease/purchase program. He inquired whether or not that had been
considered to satisfy some of the concerns with the potential owner occupancy for the units.

Commissioner Valentine recognized that lease/purchase options might be a good idea, although if leased for three to five years and if not purchased, the property would still be rented. Regardless of whether the development was single family homes, condominiums, townhomes, for sale, for rent or for lease, he suggested that ultimately at any time they could become rentals.

Commissioner Valentine commented on the difficulties experienced with rentals in his own neighborhood. Through constant vigilance of the neighborhood, all of the homes in his court were owner occupied, with the exception of one home that was leased. That property involved tenants that had pride in renting the property.

Commissioner Kelley inquired of the applicant whether or not a security patrol could be provided on site in response to the concerns with criminal activity in the area.

Mr. Hanna advised that if the Commission imposed such a requirement, a security guard could be provided, although he suggested that with the market rate rental income referenced, the project would involve professional persons that would not require a security guard.

Commissioner Leonard clarified that the City had attempted four years ago to start a lease/purchase program, although that program had ultimately proven to be unsuccessful.

Commissioner Valentine noted the need to keep in mind that the project had not resulted in any of the impacts that had been cited as potential concerns. The problems mentioned were ongoing problems experienced by the neighborhood. He suggested that the neighborhood, in conjunction with the City and everyone else, needed to work together to solve the existing problems. He reiterated that the developer had complied with the direction of the Commission and the residents.

MOTION: Died for Lack of a Second

Motion by Commissioner Valentine to continue DR-00-28 for Pittsburg Family Apartments at 390 Central Avenue to allow a redesign of the proposal to a townhome design. There was no second to the motion.

MOTION:

Motion by Commissioner Tumbaga to adopt Resolution No. 9185, approving DR-00-28, design review approval of site development and architectural plans for a 63-unit apartment complex located at 390 Central Avenue for Pittsburg Family Apartments, with the conditions as shown. The motion was seconded by Commissioner Valentine and carried by the following vote:

Ayes: Commissioners Holmes, Kelley, Tumbaga, Valentine,
Noes: Commissioners Glynn, Leonard
Abstain: Chairman Kee

17 March 27, 2001
Absent: None

In response to a member of the audience as to the appropriateness of the Chair's abstention on the vote, the vote on the motion was retaken at which time Chairman Kee's abstention was not shown.

MOTION:

Motion by Commissioner Tumbaga to adopt Resolution No. 9185, approving DR-00-28, design review approval of site development and architectural plans for a 63-unit apartment complex located at 390 Central Avenue for Pittsburg Family Apartments, with the conditions as shown. The motion was seconded by Commissioner Valentine and carried by the following vote:

Ayes: Commissioners Holmes, Kelley, Tumbaga, Valentine,
Noes: Commissioners Glynn, Leonard
Abstain: None
Absent: None

Chairman Kee advised that a decision by the Planning Commission was not final until the appeal period expired 10 days from the meeting. The applicant, City Council, City Manager, or any affected person may appeal either the denial, approval or any condition of approval of an item within 10 calendar days of the decision, in writing to the City Clerk.

PUBLIC HEARINGS:

ITEM 2: Albertson's Shopping Center Retail and Storage. RZ-00-03 and DR-00-17

Application by J. David Shields, representing Newfoundland Investment Company, LLC, requesting rezoning from CC (Community Commercial) to CC-0 (Commercial with a Limited Overlay) to allow limited warehousing and storage (self storage) and design review approval of architectural and site development plans for the construction of an approximately 84,000 square foot (34,800) square foot site coverage) retail and storage facility consisting of approximately 10,000 square feet of retail that fronts the parking area on a 2.2 acre lot located in the rear of the Albertson's Shopping Center on Railroad Avenue and Frontage Road, CC (Community Commercial) zone; APN 088-030-067.

Mr. Jerome explained that the request for a rezoning would be required to go before the City Council for approval. The action to approve the application by the Planning Commission would be a recommendation only to the City Council. If the application was denied, that would be the end of the application, unless appealed.

Mr. Jerome noted that Albertson's was the prime tenant of the center. At the time the proposal for the shopping center had been considered, it was the intent that the site located at the southwest end of the property be considered for a small box retailer. He noted that the site was tucked behind Railroad Avenue, a Burger King Restaurant and an existing service station.

Mr. Jerome reported that the applicant had proposed a combination of a mini-storage and a retail
use. Mini-storage was not a permitted use in the Community Commercial zone. As a result, the applicant was requesting the approval of an Overlay zone to the Community Commercial zone to allow for mini-storage. The project had been brought before the Commission in April 2000 to solicit input from the Commission. There had been very little support for the project at the staff level, the Commission and the City as a whole, primarily due to what was considered as proliferation of mini-storage units in the City at that time. Since that time, the applicant had decided to proceed and had filed a formal application for consideration.

Mr. Jerome stated that through staff’s analysis of the project, there was a potential operational problem, which had required a traffic study. Staff had hired a traffic consultant to evaluate the project in terms of the truck loading concept that had been approved for the Albertson's store. With the completion of the traffic study, the applicant was now ready for the proposal to be considered by the Commission.

Assistant Planner Ken Strelo presented the request for rezoning from Community Commercial to Commercial with a Limited Overlay to allow limited warehousing and storage (self storage) and design review approval of architectural and site development plans for the construction of an approximately 84,000 square foot retail and storage facility consisting of approximately 10,000 square feet of retail that fronts the parking area on a 2.2 acre lot located in the rear of the Albertson's Shopping Center on Railroad Avenue and Frontage Road.

As reported, the project had originally been brought before the Commission as a Preliminary Plan in April 2000. Since that time, Shurgard Storage with Newfoundland Investment Company had decided to proceed with a formal application for the subject site.

The site plan for the project had not been consistent with what had been approved for the Albertson's shopping center truck route, which was located along the western and southern borders of the center and the western and southern property lines, coming out onto Railroad Avenue in the same area as one exited the drive through for the Burger King Restaurant.

The proposed project would have buildings on the truck route. As a result, the traffic analysis had taken that issue into consideration. The analysis had reviewed what changes would be required both on and off-site in order to accommodate retail delivery to the proposed retail shops fronting the proposed project and other commercial businesses within the shopping center, as well as potential future businesses in and around the shopping center.

Fehr & Peers Consulting firm had prepared the traffic study and had identified solutions for consideration that were identified in the staff report. Proposed options were also listed as project conditions of approval.

Mr. Strelo advised that the project involved a mixed use of retail fronting the northern end of the development, fronting the existing parking lot. The storage area would be located behind the retail between an existing apartment complex and the Burger King restaurant.
The project would consist of six separate buildings including five single story buildings and one three story building, which would be located where the retail had been sited. The retail portion would be located on the ground floor of the third story building.

The project would include approximately 10,000 square feet of retail space to be separated into storefronts, approximately 2,000 square feet each. The remaining 65,000 square feet would be used for the storage facility. The storage facility would include climate control, which would be located on the upper floors closer to the climate control devices that would be located on the building rooftop.

The design and colors of the building would match the Albertson's grocery store. Access to the storage area had been proposed to be located through the very southern end of the site where patrons would also enter the Burger King parcel. The project entrance would be separate from any other entrance to the shopping center.

Surrounding uses at the site included Washington Mutual Bank and two self-service restaurants that were currently under construction. Albertson's was close to operation at full capacity. Residential was located behind masonry walls to the south of the proposed site and to the west. An auto parts store was also located to the southeast of the site.

The applicant proposed to rezone the site from Community Commercial to a Community Commercial with a Limited Overlay, which would allow mini-storage and warehousing as a permitted use on the parcel.

Mr. Strelo explained that due to the reconfiguration of the proposed shopping center truck route, the traffic study had been prepared and had found that the proposed project would generate fewer trips than the original proposed shopping center with a junior/small box retailer. In order to accommodate the change to the on-site delivery truck circulation, two modifications would need to be completed, both of which had been identified in the traffic study. The proposed project with on-site modification would also meet the requirements for parking pursuant to the Municipal Code.

Mr. Strelo advised that staff had conducted some research and had found that the City had eight facilities that were engaged in warehousing and mini-storage. Of the eight businesses, two were currently located on Railroad Avenue, one at the south end highly visible from the street, and the second located off of El Dorado Drive set back a distance from Railroad Avenue. Most of the other facilities were located somewhere along the State Route 4 Corridor. With the future widening of State Route 4, it was expected that some storage units would be lost and the likelihood of the replacement of those lost units was currently unknown.

The combination of future homeowners, potential decline and the number of storage units, leaned towards an increased demand for additional storage facilities in the near future. As to the location of the site, if approved, the project would be the first self-storage facility located along the Railroad Avenue Corridor, although visibility was reported to be minimal due to the location behind the
Burger King restaurant, the gas station, bank and the two self-service restaurant buildings.

The retail uses that would make up the front of the building would also disguise the use.

Mr. Strelo advised that the project had been subject to an Initial Study. A Notice of Intent to Adopt a Negative Declaration had been filed with the County Clerk's Office and had been posted for a minimum of 20 days. Staff had received no comments with respect to the Initial Study.

Mr. Strelo recommended approval of Resolution No. 9197, approving RZ-00-03 and Resolution No. 9198, approving DR-00-17, with the conditions as shown.

Commissioner Holmes inquired whether or not staff had conducted a survey of the Fort Knox Storage facility in terms of whether or not the applicant had complied with the conditions of approval imposed on that project.

Mr. Strelo explained that staff had not conducted a survey of the Fort Knox Self-Storage facility. He was uncertain whether or not that project had complied with the conditions of approval.

PUBLIC HEARING OPENED

PROPRIETORS:

J. DAVID SHIELDS, 974 Rolling Woods Way, Concord, representing Newfoundland Investment Company, explained that they had been marketing the property since 1998 with the property presented to a number of real estate brokers, a host of potential retailers and major drug chains, who had declined the use of the site.

Shurgard Storage had come to Newfoundland Investment Company with a proposal for the mini-storage retail facility, which he described as the best use of the property offering a retail component with the mini-storage facility that would create synergy with the Albertson's store and with the other retail in the center, while utilizing the space in the corner that had proven to be difficult to market to other parties.

Mr. Shields suggested that Shurgard Storage would do a nice job and that the project would be a credit to the center and the City as a whole. He further suggested that the use would be compatible to the adjacent uses and residential development while also providing a secure and safe environment.

Mr. Shields reiterated that even with the addition of the Albertson's store, they had not received an outpouring of interest in the site other than the proposal from Shurgard Storage, particularly since the site was shielded from view and since most businesses desired clear visibility.

Mr. Shields referenced the conditions of approval that would be imposed on the application, if approved. He requested that the Commission reconsider Condition No. 27, which recommended the
elimination of the lighthouse design element. He noted that the lighthouse design element was a trademark for Shurgard Storage and a feature of the development.

In response to Commissioner Valentine, Mr. Shields reiterated that the property had been marketed to several retailers, including a number of drug store chains. A list of those businesses had been provided to staff and the Commission during the initial Study Session.

Commissioner Valentine recognized that the site had been marketed to drug store chains and auto retailers. Since there were already such uses within close proximity of the site, he questioned whether or not other retailers had been contacted to solicit any interest.

Mr. Shields stated that some of the other retailers that had been contacted had included Hallmark, Michael's, House of Fabrics and the like. There had been no interest in the site other than the proposal from Shurgard Storage.

Commissioner Valentine noted that the companies that had been mentioned as possibilities for the site were all currently experiencing major layoffs since the economy had slowed. He questioned the attempts to solicit businesses that already had a significant presence in the community and were located within a seven to ten mile radius of the subject site, particularly since most companies would not allow their businesses to be located so close to one another.

Mr. Shields reiterated that due to the configuration of the site, it was shielded from view where most retailers demanded visibility from the street. The configuration had made it difficult to market the property to interested businesses.

In response to Commissioner Holmes, Mr. Shields clarified that there was evidence of people coming up and over the walls adjacent to the residential uses at the southwest corner of the site since the area was being used as an apparent shortcut. There were no guarantees that situation would stop as a result of the proposed project, although he hoped that through the development of the site such use would be discouraged.

STEVE TANGNEY, Regional Development Director, Shurgard Self Storage, 21669 Redwood Road, Castro Valley, explained that Shurgard Storage was a publicly traded company based in Seattle, Washington, and was the second largest self-storage chain in the nation, in business for the past 25 years. Shurgard Storage also had a large presence in Europe and always developed their own facilities. As a result, Shurgard seldom purchased other brands and once developed had not sold any stores nationally. He emphasized that Shurgard was involved in long term ownership and commitment to the community.

Mr. Tangney identified the former site plan, which was two to three years old and which had included the original Albertson's store plans. The subject parcel consisted of two acres and had a hypothetical junior box retail use identified for approximately 20,000 square feet for a single user. Another component of that plan had been that the Albertson's store truck route would have run
around the apartments and multi-family to the west and south of the project site.

The current plan would involve a retail component on the first floor of the proposed self-storage center, which served as a demising wall that would separate the retail from the balance of the floor of that building to consist of the storage units. The building would be three stories tall, 35 feet in height on par with the Albertson's building in terms of overall height and scale. The building behind would be single story buildings, a manager's apartment, office and security gates. Circulation and entry to the storage would be accessed directly off of Railroad Avenue.

The architectural design was intended to keep the project self contained while adding security and benefit to the site. The retail component of the building would consist of architectural elements similar to those of the Albertson's store. That design had already been reviewed by Albertson's through their design review process.

A rendering of the frontage of the retail portion facing the Albertson's store was displayed. The roof material would be the same as the Albertson's store, with the use of the same colors and materials.

Mr. Tangney suggested that the project would provide a buffer to the adjacent residential developments while providing a transition to a quiet use prior to the more intense commercial uses. The project was architecturally compatible to the Albertson's store. The separate entry drives would keep the storage traffic and the retail traffic separated. The third level of the multi-story building would be climate controlled and would be where 20 percent of the storage space would be devoted to air conditioned units. Additionally, the storage facility would include security in the use of a number of video, surveillance and closed television monitors/cameras, as well as individual door alarms. The storage of hazardous material would not be permitted.

Mr. Tangney described the project as the highest and best use of the parcel. He emphasized that the parcel had been marketed extensively over the years to all of the retailers that could have located at the site. To date and to his knowledge, no retailer had chosen to locate at the site.

Mr. Tangney further identified the current occupancy of the existing self-storage facilities in the City of Pittsburg as at a 94 percent occupancy rate. He commented on the population projections for the City, which had identified a growing demand for such facilities.

Mr. Tangney referenced the rear view of the site and the location of the manager's office integrated into the lighthouse design element. He noted that the lighthouse design element had been successfully utilized at another storage facility located in the City of Antioch on Deer Valley Road and was a national trademark for the company. The lighthouse element would not be occupied in the evening and would not be illuminated at the top, although there would be surveillance cameras at the top.

Mr. Tangney suggested that the development would be safe and secure through the on-site manager,
would offer a nice transition from the existing uses in the shopping center and a nice transition between the commercial and residential land uses. He suggested that the project was the best use of the land and would respond to the demonstrated market demand for storage facilities.

Mr. Tangney also referenced the statistics of other self-storage facilities in the City and the fact that the community was growing, necessitating the demand for such facilities. He reiterated that Shurgard Storage had recently completed a facility in the Cities of Antioch and Walnut Creek, with another breaking ground in the City of Oakley.

Mr. Tangney advised that they had been working with the management of the Albertson's store, who were supportive of the project. A letter of support had also been submitted to the City from the small retail portion. The adjacent apartment property management company and the Burger King restaurant were all supportive of the project as well.

Mr. Tangney stated that at least three of the existing self-storage facilities located along the State Route 4 Corridor would be impacted by the future widening of the roadway. It was likely that the units affected would be significantly demolished with the roadwork to commence in the summer. He suggested that the proposed facility would offer a modern era of design and would be more attractive than some of the older facilities in the City. He requested support from the Commission for the proposal.

Commissioner Tumbaga inquired of the applicant's experience with the potential leasing of the retail spaces, to which Mr. Tangney characterized the leasing of the retail spaces as good. He cited the self-storage facility that had recently been completed and located in the City of Antioch. That facility currently enjoyed a 72 percent occupancy and was less than a year old.

Commissioner Valentine questioned who would build the retail portion of the project, to which Mr. Tangney explained that the entire proposal for the retail and the self-storage would consist of one phase. Upon the close of escrow on the property, plans could be submitted for the development. Upon the receipt of building permits, ground could be broken for development with the project to involve a seven month construction schedule.

Commissioner Valentine questioned the applicant's assertion that the best use of the land would be for a self-storage facility.

Mr. Tangney reiterated that the property had been originally marketed for a single junior/box retailer user with efforts to solicit interest in the property for such use having been unsuccessful. He was confident that the mix of retail and self-storage would be successful. He also pointed out that the development would involve a $7 million investment with sales taxes returned to the City.

Commissioner Valentine suggested that in time the shopping center would be successful. He disagreed that a self-storage facility was the best use of the land.

Commissioner Tumbaga commented that she had initially disliked the proposal when it had first
been presented to the Commission. Having learned of a similar project in the City of Concord, she was now intrigued with the proposal. She inquired how quickly the retail spaces could be leased.

Mr. Tangney explained that if the project was approved by the Commission, it was likely that the retail component could be leased by December 2001. He acknowledged that the retail spaces had yet to be marketed.

Commissioner Holmes cited an existing large shopping center located on Railroad Avenue, which had a grocery store years ago that was now gone. Existing small retail users now sat relatively empty. He expressed concern that the same situation could occur at the subject site.

Mr. Tangney emphasized his confidence that tenants could be secured for the retail spaces, which would compliment the grocery store and other uses in the center. He cited the Hillcrest shopping center located in the City of Antioch on Deer Valley Road where a Safeway Store was surrounded by small shops. That center had proven to be successful.

Commissioner Tumbaga inquired whether or not the applicant would be willing to offer smaller retail tenants a lease agreement for less money whereby such businesses could be encouraged to stay longer in the center.

Mr. Tangney advised that competitive leasing rates would be imposed. He pointed out that the shopping center was the newest development in the City and in his opinion the most attractive, anchored by the Albertson's store. He suggested that the self-storage facility would be attractive since it would offer the benefit of storage for excess inventory to what could, in effect, allow for storage for less than a larger retail space.

Commissioner Tumbaga referenced the Save Mart shopping center located on Harbor Street, which had been in operation for years and which still had a number of vacant small retail tenant spaces. She questioned what benefit the subject property would offer to smaller retail tenants as opposed to the other centers in the City.

Mr. Tangney described the property location as excellent given that it was just off of State Route 4 and Railroad Avenue. He reiterated that he was confident that the retail spaces could be leased.

Commissioner Leonard requested clarification of the proposed use of climate control units.

Mr. Tangney explained that customers who desired climate control units would be charged an additional ten percent in fees. Climate control units were typically used for the storage of sensitive instruments, electronic equipment, medicines and such items that would require a cool environment.

Commissioner Leonard inquired whether or not wine storage would be available at the subject facility, to which Mr. Tangney advised that wine storage might be offered at the facility. He also
commented, when asked, that climate control would be similar to an office building with a thermostat.

Commissioner Holmes noted his understanding that many people were not using the center due to existing traffic congestion. He questioned the fact that the applicant might be dependent upon that customer traffic to patronize the small retail spaces.

Mr. Tangney noted that the overall traffic circulation for the shopping center had been reviewed through the traffic study. He pointed out that the self-storage facility would be a low traffic generator with little conflict with peak hours on Saturdays. In addition, it had been determined that the traffic generated by the facility would not conflict with commuter traffic periods.

Mr. Tangney reiterated that he was confident that the retail tenant spaces would be successful. The traffic study had also confirmed that there was more than adequate parking available for the project and the existing shopping center uses.

Commissioner Kelley inquired of staff whether or not the Fort Knox Self-Storage facility had been approved for climate control, to which Mr. Jerome affirmed that facility had been approved by the Commission, which he understood would involve some climate control units.

Commissioner Valentine commented that he had supported the Fort Knox Self-Storage facility since it had included climate control, although the applicant for that project had reduced the number of units initially proposed for climate control and he had ultimately opposed that project as a result. He expressed concern with the climate control units contributing to the waste of electricity. He referenced the current energy crisis and questioned the use of climate control units on the third floor, which would result in the use of vast amounts of energy to cool the building.

Mr. Tangney explained that the climate control system utilized a standard thermostat system. The newest facility in the City of Antioch involved climate control units on the second floor of that facility. He acknowledged that it might be possible to revert the use of climate control for the subject facility to the second floor as opposed to the third floor, to address energy concerns. In addition, he noted that the facility would be installed with sensor lights, whereby lights would only be operational when they sensed motion and would turn off automatically.

Mr. Tangney clarified that 15 to 20 percent of the facility would include climate control. He reiterated the number of existing self-storage facilities in the City and also referenced the number of existing facilities in surrounding communities. He suggested the number of facilities balanced out, although he acknowledged that the City of Pittsburg might have more facilities along the freeway corridor than other communities. He suggested that would change with the anticipated widening of State Route 4.

Commissioner Valentine questioned how many of those facilities referenced in other communities had been located at a main entrance to the respective communities. He pointed out that communities, such as the City of Concord, involved a greater number of such facilities since it
involved a larger population. He opposed the facility being placed at one of the entrances to the City.

Mr. Tangney stated that he was uncertain of the number of existing facilities that were located at a main entrance to a community. He again referenced the facility located in the City of Antioch adjacent to an existing and successful Safeway shopping center.

Mr. Tangney also clarified, when asked, that the such facilities were marketed through yellow page advertisements, signage and other such advertising campaigns typically associated with such a business. He further reiterated the desire to retain the lighthouse design element since it would serve the project well, would be integrated with the manager's office, and would house the bulk of the security and monitoring system.

Commissioner Valentine pointed out that the lighthouse design element was not visible from State Route 4 or Railroad Avenue. Since such design elements were typically used for identification purposes and since in this instance the design element was not easily visible, he questioned retaining that portion of the design. He agreed with the staff recommendation that the lighthouse design element should be eliminated.

Chairman Kee declared a recess at 10:25 P.M. The meeting reconvened at 10:34 P.M. with all Commissioners present.

In response to Commissioner Leonard, Mr. Tangney explained that the lighthouse design element would be 33 feet in height and could be reduced in height if so directed by the City. He noted that the design element was visible from Railroad Avenue. He also clarified that the top of the lighthouse did not include illumination lights, although it would include a surveillance camera. The cameras could be moved to other locations of the facility, if so directed, to provide adequate coverage.

OPPONENTS:

TOM LEWIS, 50 Hawthorne Lane, Pittsburg, explained that he had opposed a similar project located on Kirker Pass Road that had been proposed five years ago. He noted that he had prepared a personal survey of existing self-storage facilities that had been presented to the City Council in response to the facility proposed at that time. That project had ultimately been approved by the City Council. Through his survey, the City of Antioch had 982 less storage cubicles than the City of Pittsburg, although that community had 20,000 more people. He had also contacted the City of Walnut Creek, which had a total of 900 storage cubicles. He had found that the City of Pittsburg had more storage facilities per capita than surrounding communities, many of which involved a greater population than the City of Pittsburg.

Mr. Lewis commented that the applicant had failed to mention his City of residence. He inquired of the number of storage units in the applicant's City of residence.

Mr. Lewis added that while the facility might be attractive, it would not bring economic
development to the City. He too commented on the number of existing self-storage facilities in the City.

Mr. Lewis also commented that with the prospect of another BART Station in the area, future development in the immediate area was almost assured.

Mr. Lewis also questioned the ability of the applicant to secure a single user tenant. He cited the fact that the City did not have a local bookstore or a location to obtain copies of the *Wall Street Journal*. He suggested that other businesses should be encouraged for the site, not another self-storage facility. He encouraged greater vision for the City.

CECILIA BLACKWOOD a resident of Elm Street, Pittsburg, stated that there was a better place in the City to build such a development rather than at one of the main thoroughfares into the community. While she agreed that the project appeared nice and she agreed that tenants were needed, she suggested a more appropriate location should be considered.

MARY MOM, a resident of Pittsburg and Resident Manager of the Stormaster Self-Storage located on California Avenue, stated that there were already a number of existing facilities in the City located within a three mile radius of one another. She commented that she had been in the self-storage business for fifteen years. She suggested that the City would not benefit from another self-storage facility, suggesting that the City was over saturated with such facilities.

Ms. Mom advised that her facility was at a 92 percent occupancy rate. Although that rate might appear high, she suggested it was deceiving in that her facility was also difficult to locate. She acknowledged that those facilities located adjacent to State Route 4 would be impacted by the future widening of the roadway.

Ms. Mom questioned the proposed use of climate control units, particularly since the City was not located in an extremely hot or cold climate and since such units had been found to be used for methamphetamine labs. She preferred to see a storage facility located in the community of Bay Point where she suggested it was needed the most, particularly in light of the development of new single family homes in the area.

Ms. Mom otherwise commented that self-storage facilities did have associated noise impacts with customers coming and going. She questioned whether or not such impacts would negatively impact the Albertson's store. She suggested that the facility would not be appropriate adjacent to a grocery store. She too preferred to see a different business, such as a Barnes and Noble bookstore, be considered for the site.

PETER MOM, a resident of Pittsburg and Resident Manager, Stormaster Self-Storage, echoed the previous comments. He noted the potential traffic and noise impacts associated with customers coming and going to such facilities. He also questioned what type of alarm system would be utilized for the facility since any associated noise impacts could negatively impact the surrounding uses.

Mr. Mom commented that when the Fort Knox Self-Storage facility had opened for business, it had
negatively impacted their facility. While he supported competition, Mr. Mom suggested that another such facility would make it even harder to remain competitive. He agreed that another business use more appropriate to the area should be considered.

DAN SCHOENFELD, a resident of Fort Bragg, acknowledged that the project was aesthetically pleasing and while he recognized that retail uses were needed for the shopping center, he too opposed the project. He advised that he was one of the founding members and managing owners of the Fort Knox Self-Storage facility, which had been approved by the City and which did include climate control units.

Mr. Schoenfeld advised that the first phase of his facility was at a 60 percent occupancy rate. Eight hundred fifty seven total units would be built, including document storage for the facility. Based on the total number of units proposed to be built, his facility was at a 26 percent occupancy rate.

Mr. Schoenfeld questioned the need for more climate control units when there was more than adequate climate control units available in the community. He reported that climate control units represented fifty percent of his facility. He commented that it was expected that his facility would break even financially in around a year, with capacity expected within the next 24 months.

If the applicants were allowed to build another facility in the community, Mr. Schoenfeld advised that it would have a direct negative impact to the success of the Fort Knox Self-Storage facility. He noted that his site was not easily visible to the public, which also made it difficult to obtain customers. He further commented that his project involved a great deal of money that was unsecured and could be lost if the project were ultimately unsuccessful. While he recognized that it was a free market, he suggested that the City should be aware of the real statistics and the negative economic impact the proposed facility would have on his business.

Mr. Schoenfeld expressed concern that if his facility was not successful that the property where located could revert to its previous poor condition. He also noted that at the time he had received approval for his facility, he had been told that the City would not approve any additional self-storage facilities, which had been the reason that he had expended the funds for the business thus far since he had been under the impression that additional facilities would not be approved. He urged the Commission to deny the application.

JOHN GARCIA a resident Barrie Drive, Pittsburg, also commented on the future widening of State Route 4 and the fact that the site was situated at one of the entrances to the City. He also referenced the future potential of another BART Station at the existing Winter Chevrolet Dealership property, characterizing the property as prime land. He emphasized that the subject property had been zoned for commercial, not self-storage, and in that regard he questioned the staff recommendation for approval. He too urged the denial of the project.

REBUTTAL:
Mr. Tangney suggested that the development would provide additional jobs through each of the retail components. He disagreed with references that statistically nothing had changed over the past five years to warrant another facility, reiterating that there were a number of existing facilities in the City and in immediate areas, and the fact that a new Shurgard facility had been built in Antioch and Walnut Creek, with another due to open in Oakley. He emphasized that the demand was there.

In response to concerns with the potential economic impacts to their competitors, Mr. Tangney stated that competition was a fact of life for all businesses and was healthy. With the future widening of State Route 4 and the probable loss of a number of existing storage units, he suggested the demand for storage units would be successfully realized by the competition.

Commissioner Tumbaga inquired what could be expected in terms of employment opportunities as a result of the project and what could be expected typically through a small box retailer.

Mr. Tangney explained that based on past experience, it was likely that three to four employees per tenant would be created. Since there could be nine tenants, it was possible that 27 to 32 employment opportunities could be realized, along with the managers and relief managers who would work with the storage facility.

As to the employment opportunities for a small box retailer, Mr. Shields stated that would depend on the specific use. He was uncertain of specific figures at this time.

Mr. Tangney advised that there were ratios in land use manuals that tended to go down with the size of the junior box retailer, whereby it may be close but slightly less to the previous numbers referenced.

Commissioner Valentine pointed out that such employment opportunities would not involve an income where an employee could afford to purchase a home in the City. He stated that he would rather see high paying employment opportunities brought to the City. He disagreed that the proposed project could be characterized as bringing economic development to the community. While he recognized that the aesthetics of the development were pleasing, he suggested the project did not belong at one of the entrances to the City. He opposed the request for rezoning and he opposed the application for those reasons.

Commissioner Valentine recognized that the center needed retail spaces, although he was willing to wait until the completion of the widening of State Route 4 and the work related to Railroad Avenue. With the potential for BART coming to the area and other future opportunities, he was willing to wait at this time.

PUBLIC HEARING CLOSED

MOTION: RZ-00-03/Denial
Motion by Commissioner Valentine to direct staff to prepare a resolution recommending to the City Council the denial of RZ-00-03, a rezoning from CC (Community Commercial) Zone to CC-0 (Commercial with a Limited Overlay) Zone to allow warehousing and mini-storage located at Railroad Avenue and Frontage Road, APN 087-030-067, for the Albertson's shopping center and storage, for the reasons noted. The motion was seconded by Commissioner Holmes and carried by the following vote:

Ayes: Commissioners Glynn, Holmes, Kelley, Leonard, Valentine, Kee
Noes: Commissioner Tumbaga
Abstain: None
Absent: None

MOTION: DR-00-17/Denial

Motion by Commissioner Valentine to direct staff to prepare a resolution to deny DR-00-17, design review of site development and architectural plans for the Albertson's shopping center retail and storage located at Railroad Avenue and Frontage Road, for the reasons noted. The motion was seconded by Commissioner Holmes and carried by the following vote:

Ayes: Commissioners Glynn, Holmes, Kelley, Leonard, Valentine, Kee
Noes: Commissioner Tumbaga
Abstain: None
Absent: None

Chairman Kee advised that a decision by the Planning Commission was not final until the appeal period expired 10 days from the meeting. The applicant, City Council, City Manager, or any affected person may appeal either the denial, approval or any condition of approval of an item within 10 calendar days of the decision, in writing to the City Clerk.

For clarification purposes, the Chair affirmed that the appeal period would commence as of this date and that staff would prepare resolutions of denial for adoption by the Commission at its next meeting on April 10, 2001.

ITEM 3: Century Plaza 2 Amendment to Tentative Map Subdivision No. 8177 to Remove Street Tree Maintenance Easement.

City initiated revision of Resolution No. 9142 to amend Condition No. 16 to delete a Street Tree Maintenance Easement (STME) located on the south side of Century Boulevard between the Los Medanos Wasteway on the west and Somersville Road on the east, CC (Community Commercial) zone; APN 074-460-016 and 017.

Mr. Jerome suggested that both items could be acted upon together with two separate motions.

Associate Planner Chris Bekiaris presented the City initiated proposed revision of Resolution No.
9142 to amend Condition No. 16 to delete a Street Tree Maintenance Easement (STME) located on the south side of Century Boulevard between the Los Medanos Wasteway on the west and Somersville Road on the east. The STME had been made a condition of approval for the Tentative Maps for Century Plaza 2 and 3. The conditions of approval regarding the STME applied to residential subdivisions and not commercial subdivisions. The City had inadvertently placed the condition in the resolution for approval.

Mr. Bekiaris recommended approval of Resolution No. 9193, Approving Vesting Tentative Map 8177 Century Plaza 2, as conditioned, with the elimination of the STME requirement.

PUBLIC HEARING OPENED

PROPOSENT: City of Pittsburg

Mr. Jerome clarified for the record that he had spoken with Jay Torres-Muga, representative for the property owner, Seecon Financial, who had indicated that the developer was in agreement with the City initiated revision, as proposed.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Kelley to adopt Resolution No. 9193, approving an amended Tentative Map for the 16 lot Century Plaza 2 commercial subdivision, Subdivision 8177, with the conditions as shown. The motion was seconded by Commissioner Valentine and carried by the following vote:

Ayes: Commissioners Glynn, Holmes, Kelley, Leonard, Tumbaga, Valentine, Kee
Noes: None
Abstain: None
Absent: None

Item 4: Century Plaza 3 Amendment to Tentative Map Subdivision No. 8161 to Remove Street Tree Maintenance Easement.

City initiated revision of Resolution No. 9063 to amend Condition No. 17 to delete a Street Tree Maintenance Easement (STME) located on the south side of Century Boulevard between West Leland Road on the west and the Los Medanos Wasteway on the east, CC (Community Commercial) zone; APN 074-090-010.

Associate Planner Bekiaris advised that the situation was the same as the previous item.
Mr. Bekiaris recommended approval of Resolution No. 9194, Approving Vesting Tentative Map 8161 for Century Plaza 3.

PUBLIC HEARING OPENED

PROPONENT: City of Pittsburg

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Glynn to adopt Resolution No. 9164, approving an amended Tentative Map for the 13 lot Century Plaza 3 commercial subdivision, Subdivision 8161, with the conditions as shown. The motion was seconded by Commissioner Kelley and carried by the following vote:

Ayes: Commissioners Glynn, Holmes, Kelley, Leonard, Tumbaga, Valentine, Kee
Noes: None
Abstain: None
Absent: None

For both items, Chairman Kee advised that a decision by the Planning Commission was not final until the appeal period expired 10 days from the meeting. The applicant, City Council, City Manager, or any affected person may appeal either the denial, approval or any condition of approval of an item within 10 calendar days of the decision, in writing to the City Clerk.

COMMISSION CONSIDERATION:

ITEM 5: Pittsburg Marine terminal Bulk Storage Building. DR-01-02. Application by David Stauffer of Koch Carbon for design review approval of architectural and site plans to construct a 124,450 square foot building for the storage of petroleum coke/bulk material, a 1,650 square foot truck dump structure and conveyance equipment at 707 East Third Street, IG (General Industrial) zone; APN 073-020-020.

Mr. Jerome advised that the application before the Commission was for design review approval only and not a public hearing. A new use permit was not required for the application for a storage facility since a use permit had been granted previously for the wharf and terminal facility at the site. The applicant had requested a change to the site plan and architectural design originally approved for the site. The proposal would be consistent with all of the conditions of approval imposed on the original use permit.
Associate Planner Bekiaris presented the request from David Stauffer of Koch Carbon for design review approval of architectural and site plans to construct a 124,450 square foot building for the storage of petroleum coke/bulk material, a 1,650 square foot truck dump structure and conveyance equipment at 707 East Third Street. He explained that an Environmental Impact Report (EIR) had been prepared for Han-Li International, although Koch Carbon had subsequently taken over the site. An Addendum had been prepared for the EIR in 1991.

Mr. Bekiaris advised that the facility had been approved for nine domes, not seven as indicated in the staff report, for the storage of petroleum coke or other products. To date, three existing domes had been used to store petroleum coke, which was transferred to ships by an enclosed conveyor belt system. Five other domes had been approved for the site, with another located across East Third Street. The applicant was of the opinion it would better to store the coke in a large barn/shed, rather than the three domes initially approved.

The domes would store approximately 60,000 cubic square feet of coke, with the proposed building to store approximately 123,450 square feet in lieu of the approved domes. The barn/shed would appear like a barn/shed and would be 620 feet in length, consisting of a corrugated metal roof and siding material. The building would vary in width from 215 to 165 feet at the narrowest portion on the east side.

The proposed color of the barn/shed would be a dark green color. The structure would measure 98 feet 3 inches from grade. The existing storage domes would be located 80 feet from grade, although the plans had indicated 91 feet from the water level, with an additional 22 feet to allow for the mechanical equipment to be placed on the top the domes, for a total height of 102 feet, rather than 116 feet as indicated in the staff report.

The building would be built on the same site as the location of the three approved domes. Additional construction would include a truck loading station with the capability for future rail unloading. Belt conveyors would also be installed to transfer the product to the storage building or directly to the ship loader and belt conveyors from the proposed storage building.

The applicant had stated that there would be no increase in the amount of truck trips per day beyond the approved 160 truck trips per day, which had been a condition of the use permit.

Mr. Bekiaris advised that permits would be required through the Bay Area Air Quality Management District (BAAQMD). The building was quite formidable, although staff was of the opinion that the structure was consistent with other large structures in the surrounding area, including the Los Medanos Energy Facility, GWF, Johns Manville, and Ultramar.

Although the plans had indicated that the structure would be a dark green color, staff recommended that the color of the barn/shed be painted either a stone gray or beige Sierra Tan color.

Mr. Bekiaris advised that there should be little to no air borne particulants from the coke product since the system would be totally enclosed within the buildings, and trucks and conveyor belts

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would be sealed. The proposed storage building and conveyance equipment was consistent with the approval of UP-95-05.

Mr. Bekiaris otherwise recommended the addition of Condition No. 19 as follows:

19. The conditions of approval of UP-95-05, Planning Resolution No. 8896 shall apply.

Mr. Bekiaris further clarified that the height to the top of the building was 98 feet, with the building measured per the Uniform Building Code (UBC) at the mid-point of a pitched roof. The building would be 60 feet high according to the measurement standards of the UBC and in compliance with the height requirements.

Mr. Bekiaris recommended approval of Resolution No. 9199, Approving DR-01-02, as conditioned.

In response to Commissioner Tumbaga, Mr. Bekiaris explained that the applicant had indicated that the dust visible on the dome was probably from Ultramar and not from the Koch Carbon facility. He noted that the barn/shed was a more efficient way to store the coke product since it would be enclosed, all in one building and not in three separate structures. The domes were 60,000 square feet each in size. He was uncertain what would happen with the other five domes that had originally been approved and/or whether or not the applicant still planned to build those structures. He suggested the applicant clarify those issues.

Referencing the staff report, Commissioner Glynn requested clarification that the existing terminal received product by truck and stored the product in domes, with a capacity of approximately 60,000 tons. He questioned whether or not that was the storage capacity of three domes.

Mr. Bekiaris understood that each dome had a capacity of 60,000 tons.

Commissioner Glynn inquired of the storage capacity of similar product in the barn/shed, to which Mr. Bekiaris noted that the barn/shed would be a smaller facility than the domes.

Commissioner Glynn inquired what other additional bulk commodities could be stored in the structure as indicated in the staff report. He also questioned how the structure would be enclosed so as to ensure that particulate matter would not be open to the air.

Mr. Bekiaris explained that when the project had originally been approved, the use permit allowed multiple products to be stored and transferred. He was uncertain of the storage of other products and suggested that would have to be clarified by the applicant since the applicant had stated that the structure would be used for the storage of petroleum coke and nothing else. He clarified that the transfer from the truck to the conveyor built would be totally enclosed.

Commissioner Glynn inquired what would occur of the production output of the refinery or whatever entity was producing the petroleum coke product was only realized in a certain number of
days and not spread out over a longer queuing time, resulting in the need to move enough material from the refinery to the storage facilities to load ships to full capacity. As such, the number of truck trips might exceed the 160 truck trip permitted per day. Such a situation could only be relieved if the railroad were ultimately built to allow for more bulk capacity to be moved with bottom dumps as indicated in the plans.

Mr. Bekiaris pointed out that if the applicant exceeded the 160 truck trips per day that would violate the approved use permit.

Commissioner Glynn referenced Condition No. 14 where the applicant would be required to obtain a National Pollution Discharge Elimination System (NPDES) permit from the Regional Water Quality Control Board (RWQCB) and abide by each and every condition therein. Speaking to paragraph one of the staff analysis, he questioned why that had not been mentioned in that section since as indicated in the staff report, a permit would be required from the BAAQMD but not from any other agencies.

Mr. Bekiaris advised that the applicant did have the permit from the RWQCB. The applicant had also checked with the Department of Fish and Game and the Army Corps of Engineers. No permits were required from those agencies.

Commissioner Glynn suggested that section of the staff report should be modified to reflect that permits from the BAAQMD would be required, in additional to all other applicable agencies.

Commissioner Glynn also referenced Condition No. 17, which stipulated that the site and all exterior walls of the structures shall be kept clean and free of any particulates. He suggested that was not true in terms of the particulants on the domes where they were not being cleaned frequently enough to maintain a clean appearance on the exterior, whatever the source. He suggested the condition should be modified as follows:

17. The site and all exterior walls of the structures shall be regularly maintained and kept clean and free of any particulate to include the existing three domes.

Commissioner Glynn otherwise inquired whether or not there would be any problems in regard to the railroad approval for the buildout of the railroad spur.

Mr. Bekiaris explained that the railroad spur situation would occur sometime in the future and would probably involve site development that would require Planning Commission review and approval.

Commissioner Valentine inquired whether or not the particulant matter on the domes had been identified since it flowed into the river and could go into the City's drinking water. He questioned whether or not the discharge was harmful and where it drained off of the site.

Commissioner Valentine also inquired whether or not the trucks for the facility would utilize the new bypass route.
Mr. Bekiaris advised that the conditions imposed on the original use permit stipulated the routes for the truck trips. Those routes included Railroad Avenue, Harbor Street and Third Street.

Commissioner Valentine questioned why the existing conditions on the use permit could not be modified to allow the applicant to access the truck bypass route.

Mr. Jerome advised that the use permit had been approved prior to the construction of the truck bypass route. The approved use permit clearly specified the permitted routes to be utilized and the number of trucks the facility could utilize. He acknowledged that the approved use permit would be required to be modified to allow truck traffic on the bypass route.

Mr. Bekiaris clarified that the use permit could not be modified at this time to allow the company to utilize the truck bypass route. A formal application would be required to be submitted by the property owner to staff.

Commissioner Glynn also commented that based on the construction schedule for State Route 4 and the sequence of events for the roads that would be demolished as part of the project, the trucks might be unable to travel downtown to reach the facility, since some City streets might be under construction. He understood that Railroad Avenue would be done prior to Loveridge Road. He emphasized that those multiple projects should be considered since they might fiscally impact the company's ability to perform.

Mr. Bekiaris advised that the applicant had informed him that it would take two years to go through the permit process for the BAAQMD and construction would not start for another two years. In all likelihood, the applicant might return with a request for an extension since the design review application before the Commission involved a one year time limit, although the time limit could be amended to a two year period if the Commission so directed.

In response to the Chair, Mr. Bekiaris clarified that as indicated on the plans, the barn/shed would be constructed in lieu of the approved domes not yet built.

Speaking to Condition No. 11, Chairman Kee requested that the condition be modified to allow construction on Sundays from 10:00 A.M. to 5:00 P.M., not 8:00 A.M. to 7:00 P.M., as indicated, since he was uncertain of the level of noise impacts that would be associated with the construction of the facility that could impact surrounding residents.

Mr. Bekiaris explained that the hours of construction, as stipulated in Condition No. 11, were consistent with the Municipal Code.

PROONENTS:
DAVID W. STAUFFER, Koch Carbon, 707 East Third Street, Pittsburg, explained that the project had originally been approved in 1991 as indicated by staff for the Han-Li Terminal and consisted of five domes and a large warehouse. In 1995, Isle Capital Corporation, which owned the Pittsburg Marine Terminal site, received approval for several changes to the permit, which led to the current configuration of the nine storage domes, a ship dock for loading and unloading ships, rail receiving, shipping, truck receiving and load out.

In 1996, Koch Carbon came to the City and entered into a lease with the Pittsburg Marine Terminal, Isle Capital Corporation, as one of two tenants at the marine terminal site. Koch Carbon constructed the first phase of the construction for the three storage domes, truck receiving station and the ship loading dock, all of which had been in operation since January 1998. The original construction involved the unloading of trucks, conveyance, storage and loading of petroleum coke product into the ships through an enclosed storage, enclosed transfers, water spray system to keep the dust in the structures down. All equipment was used to minimize any impact of petroleum coke dust on the environment.

The facility had been recognized by the South Coast Air Quality Management District (SCAQMD) as being the best of its type in the world. The SCAQMD also indicated that Koch Carbon's facility had reduced the potential for fugitive emissions to a level that others should emulate.

Koch Carbon hoped to be a valuable asset to the City. The site employed five managers and had ten well paid union operator maintenance positions currently filled. The site paid approximately $200,000 a year in property taxes. Koch Carbon was attempting to enter into Phase Two of its Development Plan. In an effort to expand the facility and attract new customers, they were proposing to construct a storage building in place of three of the domes currently authorized, but yet to be built. If the Commission approved the project, Koch Carbon would be in the position to make a competitive proposal to the coke handler adjacent to the facility.

The warehouse building would provide the inventory flexibility and blending capability that would be required to attract new customers to the facility. The warehouse building would be built to meet the environment emission standards as required by the BAAQMD.

Mr. Stauffer commented that in relation to the dust that stuck to the domes, that area of town involved other construction dust, and other products and dust in the air. From the work that a laboratory had done for the company, they had indicated that there was a static charge on the membrane of the dome that dust adhered to. A metal building would not produce the same static charge and would be more of a self cleaning structure.

Mr. Stauffer noted that they had difficulties in developing equipment to clean the domes since when they had first started the process there was no off-the-shelf technology or system that could be purchased. In working with other firms on different scrubbing apparatus and soaps, they continued to make progress to address that situation.
Mr. Stauffer explained that if they were successful in attracting the customers they hoped to attract, they would be spending approximately $15 million on the addition to accommodate the new customer. He otherwise commented that the proposal would not involve any changes to the originally approved use permit, with the only change to three of the domes, to be replaced with a warehouse structure. Environmental impacts would be no greater than that permitted at this time. The same environmental controls would be utilized as required by the environmental permits.

Mr. Stauffer clarified that the structure would involve a larger square foot area than the three domes, which held 20,000 tons per dome, for a total of 60,000 tons. The barn/shed structure would also handle 60,000 tons, equivalent to the three existing domes. He also clarified, that by contract, Koch Carbon would not be allowed to handle cement product. A list of materials was available of those products the company was allowed to handle and a list of products the other tenants at the marine terminal were allowed to handle could be made available as well.

Mr. Stauffer also clarified in relation to the truck bypass route, that the approved use permit was in the name of the Pittsburg Marine Terminal. Unless modified, they were unable to utilize the bypass at this time. He suspected that the landlord for the Pittsburg Marine Terminal would bring a request for the use of the bypass truck route to the appropriate body in the near future.

Mr. Stauffer further clarified that permits from the BAAQMD were complete and were awaiting approval of the project from the Planning Commission. If the Commission approved the project, it would meet all requirements of the BAAQMD to allow the permit to go into effect for a two year period.

In response to the Chair, Mr. Stauffer affirmed that he had read the conditions of approval to the original use permit and was in agreement with those conditions. He also affirmed that he was in agreement to the conditions of approval amended by staff.

Commissioner Valentine inquired whether or not the dust on the exterior of the domes had been tested. He also inquired whether water was used to wash the dust off the domes, and if so, where the dust drained.

Mr. Stauffer acknowledged that the dust had not been tested. Water was used to wash it off of the domes, which went on the ground, was mopped up, and thereafter entered the company's processed water system, thereafter recycled back into the product.

Commissioner Valentine questioned the staff recommendation to paint the structure a beige color. He suggested the proposed green color be retained or that a blue color be considered.

Mr. Bekiaris acknowledged that the green color matched some of the metal on the facility.

Mr. Stauffer advised that the green color had been proposed since it stayed clean.
Mr. Bekiaris stated that staff was not opposed to the structure being painted green. Staff was of the opinion the building would be further obscured from view if painted beige.

In response to the proposed construction projects on State Route 4, Mr. Stauffer acknowledged that the work may cause a problem as the roads were narrowed, although that would not stop the manufacture of their product. The trucks would have to access the freeway one way or another. He also clarified that the number of truck trips were monitored with records kept on the number of trucks that accessed the facility on a daily basis.

Commissioner Leonard inquired whether or not the coating on the warehouse shed could also be used on the domes.

Mr. Stauffer described the coating as a slick special paint that worked on steel material and would not adhere to the flexible vinyl fabric membrane on the dome.

In response to Commissioner Tumbaga, Mr. Stauffer advised that the coke product was most often blended with coal and used as fuel in power plants and steel mills and had been used to produce electricity.

Commissioner Glynn emphasized the importance of coordinating the State Route 4 construction schedule with the truck traffic for the facility.

Mr. Stauffer reiterated that currently there were three approved routes for the truck traffic, with time limits on the use of some of those routes. To minimize the impacts on the community, ninety percent of the material brought to the site to date, came in between the hours of 7:00 P.M. and 4:00 or 5:00 A.M.

Commissioner Glynn expressed concern with the truck traffic traveling during those time periods particularly due to the potential noise and safety impacts to the community.

OPPONENTS:

RON WAITE, a resident of Pittsburg, advised that he was the owner/operator of the Dockside Market located in the Marina District. He noted that coke product was insidious and came into the homes in the area. He suggested that if the applicant was not responsible for the dust in the area, he encouraged the City to identify the responsible party. He suggested that the dust situation should be investigated either by the Commission or by some other entity.

CECILIA BLACKWOOD, a resident of Elm Street, Pittsburg, requested clarification that if the project were approved and completed, the bypass road could not be utilized for a two year period.

Mr. Bekiaris noted that the two year limit was on the BAAQMD permit approval. The applicant would be required to appear before the Commission at a future date with a request for modification to the approved use permit to allow the use of the truck bypass route.
Ms. Blackwood inquired whether or not the applicant had any intention to expand and buy out the existing plant located at the end of Third Street and Harbor. She also commented that she was uncertain whether or not she was in favor of trucks utilizing the bypass road at all hours of the night, since that could result in potential impacts to the surrounding residents. She expressed concern with the impacts that could result if the bypass route were used. She noted that the residents of the Central Addition had not been provided with information on the application or copies of any conditions of approval. She encouraged such information to be made available to the residents.

Mr. Bekiaris clarified that if the applicant were to apply for a modification to the existing use permit for the use of the bypass road, it would include a public hearing, with notification to all residents within 300 feet of the subject property. In addition, the conditions of approval for the original use permit limited the time that the bypass route could be used. If the permit were further modified in the future, the Commission could impose further time restrictions at that time.

Ms. Blackwood otherwise requested that the applicant consider not conducting any construction on Sundays, particularly due to the amount of construction projects in the area. She further commented that as discussed by the City Council, there had been consideration of placing a sound wall around the ballfield along the Central Park side of the bypass road. She requested that the applicant consider assisting in the expense for the construction of such a sound wall, suggesting a chain link fence would not keep trucks off of the ballfield if a truck were to lose control on the roadway. She also encouraged the applicant to meet with the residents of the Central Addition prior to any approval of the application.

MIKE LENGYEL, a resident of Pittsburg, questioned how the applicant would use the same amount of trucks and double the product manufactured at the site. He expressed concern about piecemealing a larger project than what was visible through the subject application. He questioned the relevancy of the project as it related to City Council Resolution No. 99-9027, which had been adopted on September 17, 1999, and which provided a mechanism and payment in the amount of $175,000 to the City for lifting the current 160 truck trips a day limit imposed on the Pittsburg Marine Terminal.

Mr. Lengyel commented that on September 14, 1999, the Planning Commission had met and had discussed a desire to amend or improve the environmental work on the bypass road, although that information had not been forwarded to the City Council at that time. He submitted copies of City Council Resolution No. 99-9027 and copies of the minutes prepared from the City Council meeting of September 17, 1999.

Mr. Lengyel spoke in detail to Resolution No. 99-9027, and a letter agreement with Isle Capital with respect to the 160 truck limitation. He expressed concern that if the limitation was not lifted Isle Capital would receive the $175,000 in funds. He requested that the Commission not approve the application and postpone the application to the next meeting to allow the Commission the opportunity to rectify an omission in the staff report, that an agreement did exist. He suggested that staff had not kept faith with the people who had been informed that there would be no increase in truck traffic as a result of the construction of the industrial truck road.
Chairman Kee advised that the Planning Commission had no control over what stipulation the City Council had placed on the limitations of the number of truck trips. He suggested such comments would be better addressed with the City Council.

Mr. Lengyel reiterated his request that the staff report be reconciled to address the omission of the City Council resolution as indicated and that action on the project be postponed for a two week period.

JOHN GARCIA, a resident of Pittsburg, supported a postponement of action on the application until the Commission had the opportunity to review Mr. Lengyel's submitted correspondence as it related to City Council Resolution No. 99-9027, particularly since no legal counsel was present to address the matter. He suggested that the documentation should be reviewed and clarified prior to any action.

Commissioner Tumbaga agreed that the Commission should take into consideration Mr. Lengyel's documentation to determine whether or not it was relevant to the subject issue.

Commissioner Leonard understood that the original use permit stipulated the number of truck trips allowed that the applicant was not permitted to exceed. Accumulation of truck trips was not applicable to the subject discussion.

JOHN BASS, General Manager, Pittsburg Marine Terminal, advised that Isle Capital held the use permit on the subject project. He clarified that with the product coming from Equalon or the Shell Refinery, they were bringing in on average 50 trucks a day. References to the 160 trucks trip was the limitation as stipulated in the use permit. They would not be looking to change the 160 truck limitation with the addition of the new building and the associated business.

The number of trucks that would be accessing the site would be increased, although the intent of the building was to bring the business adjacent to the subject facility that was currently stored in an open pile, into the enclosed building.

Mr. Bass commented to the extent that those trucks were currently coming to the adjacent business from outside the City, if they brought that material into the enclosed building it would be coming to their facility rather than the adjacent business, resulting in no increase in trucks into the City.

Mr. Bass advised that there were no other customers that Koch Carbon was considering for their product, although if another customer was presented or if the applicant became aware of an opportunity of another customer for the facility, it was likely that customer would be pursued.

Mr. Bass further explained in relation to the concerns with the truck route, that Isle Capital had every intention of using the alternate truck route and adding it to the existing use permit as an authorized
route to be utilized, since it was likely that all of their trucks would run through the new alternate truck route. That would be added to the three authorized routes. In the event of construction problems along State Route 4 with the future widening project, there would still be other routes available to minimize any impacts and not add to the disruption on State Route 4.

Stating that modification would be required to be made to the existing use permit which Isle Capital fully intended to request, Mr. Bass added that once notified by the City that the alternate truck route had been completed, Isle Capital would apply for a change to the use permit.

Mr. Bass otherwise clarified that the agreement referenced by Mr. Lengyel would be addressed with the Planning Commission and the City Council at that time. He emphasized that Isle Capital had not proposed to remove the 160 truck trip limitation at this time. He clarified that the agreement referenced had been entered into between Isle Capital and the City in order for the Enron project, now Calpine project, to move forward in order to access Third Street.

Isle Capital owned Third Street, which was not a public road as it ran through the project. The City had approached Isle Capital and had requested easements for all of the current users, the power plant, potentially USS POSCO and potentially other users that might sometime in the future utilize the land across the road from the project. Isle Capital informed the City at that time that it had no problem with easements.

Mr. Bass went on to explain that the use permit approved in 1991 only included limitations on the number of trucks that could access the site until that point in time when the alternate truck route was built. In 1995, Isle Capital had approached the City and had been informed by the City that the alternate truck route would never be built since the cost approached $30 million. The City had inquired whether or not Isle Capital would be willing to accept the 160 truck limitation indefinitely, and Isle Capital had agreed to that stipulation at that time.

Things had changed since that time, the alternate truck route was being built, and was essentially completed. Isle Capital had informed the City that it would give the City the easement in exchange for the removal of the truck limitation, once the alternate truck route was complete. The payment of $175,000 in funds had been placed in escrow pending the outcome of the Planning Commission and Council decision, and would go to the City under certain conditions. If unsuccessful in receiving the removal of the truck limitation, essentially Isle Capital had given up their road with no compensation.

As a result, the City had indicated if that were to occur, the $175,000 in funds would be returned to Isle Capital as compensation for giving up the easements for the other users and future users that might need to use Third Street. That situation did not impact the subject matter before the Commission.

MOTION:

Motion by Commissioner Valentine to adopt Resolution No. 9199, approving DR-01-02, design review approval of architectural plans for a bulk storage building, truck dump structure and
conveyance equipment, with the conditions as shown, and with the elimination of Condition No. 16, modification to Condition No. 17, and the addition of Condition No. 19, as recommended by staff. The motion was seconded by Commissioner Tumbaga and carried by the following vote:

Ayes: Commissioners Glynn, Holmes, Kelley, Leonard, Tumbaga, Valentine, Kee
Noes: None
Abstain: None
Absent: None

Chairman Kee advised that a decision by the Planning Commission was not final until the appeal period expired 10 days from the meeting. The applicant, City Council, City Manager, or any affected person may appeal either the denial, approval or any condition of approval of an item within 10 calendar days of the decision, in writing to the City Clerk.

STAFF COMMUNICATIONS:

Mr. Jerome thanked everyone who had attended the Planning Institute.

Mr. Bekiaris reported that he had attended a Census Workshop and that the State 2000 Census data should be available on the Internet this week, although it was currently being provided in a piecemeal fashion.

GENERAL PLAN UPDATE REPORT:

Next Public Hearing on March 28, 2001

Mr. Jerome advised that the next General Plan Update public hearing had been scheduled for March 28, 2001. The Chair had presented information to the staff and the Commission with respect to hillside standards from the City of Alamo. Staff had received bids from the General Plan consultants and from another consultant to provide some additional visual analysis on the City's hillsides to determine how the impacts on development might occur. It could take another two weeks before that work was completed.

ZONING ADMINISTRATOR REPORT:

Cason Accessory Dwelling (ZA-01-02)

Mr. Jerome reported that ZA-01-02 for Cason had been approved by the Zoning Administrator with no community concern expressed on the proposal for an accessory dwelling unit that would be occupied by the property owner's son and his family.

The approval included a ten day appeal period and could be called up by the Planning Commission for review if the Commission so directed.
COMMITTEE REPORTS:

There were no committee reports.

COMMENTS FROM COMMISSIONERS:

Commissioner Leonard advised that he would not be present for the March 28, 2001 General Plan Update meeting.

Commissioner Holmes stated that he had attended the Planning Institute and had attended two separate sessions.

Commissioner Valentine stated that he had also enjoyed the Planning Institute. He otherwise encouraged staff to review the hillside guidelines that had been provided by the Chair.

ADJOURNMENT:

There being no further business, the meeting adjourned at 12:30 A.M. to a Special Meeting of the Planning Commission on March 28, 2001 at 7:30 P.M. in the City Council Chambers at 65 Civic Avenue, Pittsburg, CA.

RANDY JEROME, Secretary
Pittsburg Planning Commission