



City of Pittsburg Planning Commission Agenda

10/11/2022

**City Hall Council Chamber
65 Civic Avenue, Pittsburg, CA 94565**

**Regular Meeting
7:00 P.M.**

Planning Commission Members

**Elissa Robinson, Chair
Ivelina Popova, Vice-Chair
Arlene Kobata, Commissioner
Dionne Adams, Commissioner
Sarah Foster, Commissioner
Alvin Jackson, Commissioner**

Any member of the public who wishes to address the Commission should complete a Speaker's Card, available on the public counter below the dais. Please note on the card the agenda item number, or, for items not listed on this agenda, a brief description of the issue on which you would like to address the Commission. Give the completed form to the Minutes Clerk or a staff member, who will give the card to the Commission Chair. The Chair will invite the speaker(s) to the podium at the appropriate time during the meeting. Each individual will be given three minutes to address the Commission, unless additional time is allowed as provided for spokespersons. Prior to speaking, each speaker is requested to state his or her name and business and city of residence in a clear and audible tone of voice. For items listed under the "Public Hearings" or "Commission Consideration" portions of this agenda, the public hearing or public comment period will follow a brief presentation on the item by Planning Department staff and/or the project applicant.

A decision by the Planning Commission is not final until the appeal period expires 10 calendar days after the date the decision occurred. The applicant, City Council member(s), City Manager, or any affected person may appeal the denial, approval, recommendation, or any condition of approval of an item within the 10-day appeal period. A completed appeal form and the applicable filing fee must be filed with the City Planner, 65 Civic Avenue, Pittsburg. The appeal form must include the name and address of the appellant and state the reasons for the appeal. The appeal will be set for City Council consideration and appropriate public notification given.

The Commission requests that you refrain from disruptive conduct during the meeting and that you observe the order and decorum of the Council Chamber. Please turn off or set to vibrate all cellular phones, and refrain from making personal, impertinent or slanderous remarks. Boisterous or disruptive behavior while the Commission is in session, and the display of signs in a manner that violates the rights of others or prevents others from watching or fully participating in the Planning Commission meeting is considered counterproductive and will not be tolerated, and the Commission Chair can order any person who engages in such conduct to leave the Council Chamber.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

DELETIONS, WITHDRAWALS OR CONTINUANCES

COMMENTS FROM THE AUDIENCE

CONSENT

1. **Minutes**
Minutes of September 27, 2022

PUBLIC HEARINGS

2. **Black Crown Tattoo Studio, AP-22-0072 (UP)**
Use Permit application to establish a tattoo studio on the ground floor of an existing vacant commercial space located at 655 Railroad Avenue in the CP - Pedestrian Commercial District of Old Town Pittsburgh. Assessor's Parcel No. 085-171-004.

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1, "Existing Facilities," of the CEQA Guidelines, section 15301.

STAFF COMMUNICATIONS

COMMITTEE REPORTS

ADJOURNMENT OF PLANNING COMMISSION MEETING

NOTICE TO PUBLIC

NOTICE TO THE DISABLED AND VISUALLY OR HEARING IMPAIRED

In compliance with the Americans with Disabilities Act, the city of Pittsburg will provide special assistance for disabled citizens. Upon request, an agenda for any meeting shall be made available in appropriate alternative formats. The Council Chamber is equipped with sound amplifier units for use by the hearing impaired. The units operate in conjunction with the Chamber's sound system. You may request the sound amplifier from the City Clerk for personal use during Commission meetings. If you need special assistance to participate in this meeting, or are requesting a specially formatted agenda, please contact the City Clerk at 925-252-4850. Notification 48 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility to this meeting or provide the requested agenda format. (28 CFR 35.102-35.104 ADA Title II)

GENERAL INFORMATION

Copies of the open session agenda packets that are distributed to the Planning Commission are on file in the office of the Planning Department, 65 Civic Avenue, Pittsburg, California, and are available for public inspection, beginning no fewer than 72 hours in advance of the meeting, during normal business hours (8:00 a.m. – 5:00 p.m., Monday through Friday, except city holidays). Additionally, if any reports or documents that are public records are distributed to the Planning Commission fewer than 72 hours before the meeting, those reports and documents will also be available for public inspection in the city's Planning Department and at the Commission meeting. The Pittsburg Library is also provided a full agenda packet for your convenience. As a courtesy, the agenda is also located on the city's website at www.ci.pittsburg.ca.us.

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

September 27, 2022

A regular meeting of the Pittsburg Planning Commission was called to order by Chair Robinson at 7:00 p.m. on Tuesday, September 27, 2022, in the Council Chamber at City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL

Present: Chair Robinson, Commissioners Foster, Jackson, Kobata, Popova

Absent: Commissioner Adams

Staff: City Attorney Donna Mooney, Director of Community and Economic Development Jordan Davis, Assistant Director of Planning John Funderburg, Assistant Planner Kelsey Gunter, Permit Center Supervisor Shelby Rose, Permit Technician Candace Hatch

PLEDGE OF ALLEGIANCE

Chair Robinson led the Pledge of Allegiance.

DELETIONS / WITHDRAWALS / CONTINUANCES

Item number 3, Consideration of a Resolution Approving a Use Permit and Design Review for Loveridge Contractor's Storage, AP-22-0061 (UP, ADR), was continued to a date uncertain.

COMMENTS FROM THE AUDIENCE

There were no comments from the audience.

CONSENT

1. Minutes of September 13, 2022

On motion by Vice-Chair Popova seconded by Commissioner Foster to approve the consent items and carried by the following vote:

AYES: Foster, Jackson, Kobata, Popova, Robinson
NAYES: None
ABSTAIN: None
ABSENT: Adams

PUBLIC HEARING

2. Consideration of a Resolution Granting a Use Permit for Pentecostals of the Bay Area Office Space, AP-22-0076 (UP)

A public hearing for a Use Permit to establish an office space for a medical services office for the Pentecostals of the Bay Area to provide their congregation therapy and counseling sessions in an existing unit located at 981 Railroad Avenue, Pittsburg. The property is within the CP (Pedestrian Commercial) Zoning District. Assessor's Parcel Number (APN): 085-195-010.

Assistant Planner Kelsey Gunter gave a presentation

Applicant Elden Limones spoke on behalf of the project

Chair Robinson opened the public hearing

There being no one to speak, Chair Robinson closed the public hearing.

On motion by Commissioner Foster to approve of a Use Permit to establish an office space for a medical services office for the Pentecostals of the Bay Area AP-22-0076 (UP), seconded by Vice-Chair Popova and carried by the following vote:

AYES: Foster, Jackson, Kobata, Popova, Robinson

NAYES: None

ABSTAIN: None

ABSENT: Adams

4. Consideration of a Resolution Approving a Major Subdivision, Design Review, and Tree Removal Permit for Civic Station, AP-22-0031 (SUBD, DR, TRP)

A public hearing for three separate applications. The first, is a public hearing for approval of a Major Subdivision to subdivide a 2.28-acre parcel into 11 residential parcels for condominium purposes, connected by 9 common parcels for private streets. The second, for approval of Design Review to construct eleven, three-story dwelling clusters to establish 81 multi-family dwelling units totaling 130,184 square feet as well as two "pocket park" private play areas. The third, for approval of a Tree Removal Permit. The parcel is bound to the north by Civic Avenue, to the east by Center Drive, to the south by City Hall, and to the west by Davi Avenue. The parcel is located in the PD-1319 District (Planned Development, City Council Ordinance No. 09-1319) and has Railroad Avenue Specific Plan (RASP) designation of TOD (Transit Oriented Development) Residential. Assessor's Parcel Number (APN) 086-100-035.

Assistant Planner Kelsey Gunter gave a presentation

Applicant Trent Sanson spoke on behalf of the project

Alicia Chandler, Landscape Architect spoke on behalf of the project

Chair Robinson opened the public hearing

There being no one to speak, Chair Robinson closed the public hearing.

On motion by Vice-Chair Popova to approve of a use permit for approval of a Major Subdivision, Design Review and Tree Removal Permit for Civic Station, AP-22-0031 (SUBD, DR, TRP), seconded by Commissioner Kobata and carried by the following vote:

AYES: Foster, Jackson, Kobata, Popova, Robinson
NAYES: None
ABSTAIN: None
ABSENT: Adams

COMMISSION CONSIDERATIONS

There were no commission considerations.

ZONING ADMINISTRATOR REPORT

5. The Zoning Administrator submitted one notice of intent to exercise delegated design review authority for an application filed by Maria Lorenzana, on behalf of Crossroads Christian Church, requesting administrative design review approval to construct an approximately 960 square-foot patio cover (53 feet by 17 feet), located at 3840 Railroad Avenue in the CN (Neighborhood Commercial) District. Assessor's Parcel Number 087-121-026.

STAFF COMMUNICATIONS

Secretary Funderburg provided information materials and discussed the tentative schedule for upcoming meetings.

Two (2) items being presented at the October 11, 2022 meeting:

1. Blue Wave Car Wash – three separate applications consisting of: (a) Rezone Application; (b) Use Permit and; (c) Design Review
2. Black Crown Tattoo Studio – a single application to establish a tattoo studio on the ground floor of an existing vacant commercial space located in the CP – Pedestrian Commercial District of Old Town Pittsburg.

Two (2) items being presented at the October 25, 2022 meeting:

1. East Bay Auto Sales – two separate applications consisting of: (a) Use Permit and; (b) Design Review.
2. A workshop held at 6:00 pm for a presentation by Optico's on new proposed Objective Design Standards and procedures for streamlining development projects in zones that currently allow multi-family residential use and residential uses as part of a mixed-use development.

COMMITTEE REPORTS

There were no committee reports.

ADJOURNMENT

The meeting was adjourned at 8:24 p.m. to October 11, 2022.

Respectfully Submitted,

John Funderburg, Secretary

**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
October 11, 2022**

ITEM: Black Crown Tattoo Studio, AP-22-0072 (UP)

ORIGINATED BY: Leon Octavio, 1921 Canyon Oaks Circle, Pittsburg, CA 94565

SUBJECT: Use Permit application to establish a tattoo studio on the ground floor of an existing vacant commercial space located at 655 Railroad Avenue in the CP - Pedestrian Commercial District of Old Town Pittsburg. Assessor's Parcel No. 085-171-004.

RECOMMENDATION: Staff recommends the Planning Commission adopt a resolution as outlined in Attachment 1, approving Use Permit Application No. 22-0072 subject to conditions.

BACKGROUND: The tenant space for the proposed tattoo establishment is one of three existing vacant storefronts on the 600 block of Railroad Avenue. Business license records show the subject site was previously utilized as a retail store (Castro's Trophies & Awards Center), which closed in 2006 and since then there is no record of any other intervening use at the site.

On August 8, 2022, the applicant, Mr. Leon Octavio, filed Use Permit Application No. 22-0072 to establish a tattoo studio at the subject location. The site is located in the Pedestrian Commercial (CP) District and serves as one of the core retail storefronts located on Railroad Avenue in Old Town Pittsburg.

The proposed new tattoo studio (Personal Services Commercial Activity) will co-exist among a diverse group of other commercial uses including retail and personal service uses ranging from restaurants, clothing stores, beauty salons, bookshops, martial arts studio, art galleries, and barber shops. The addition of a tattoo (Personal Services Commercial Activity) establishment within the Old Town district would be compatible with the existing and allowed uses in the surrounding area.

PROJECT DESCRIPTION:

Existing Conditions: The site is located within the Commercial Core of Old Town Pittsburg where retail uses are encouraged within ground floor spaces on Railroad Avenue. The proposed tattoo studio establishment would occupy an existing approximately 821 square-foot vacant tenant space within a multi-tenant retail space located in the middle of the 600 block of Railroad Avenue. The building is partially boarded up and would need tenant improvements before beginning operations at the proposed location.

See Attachment 2 for Existing Conditions Photos

Surrounding Land Uses: Surrounding land uses include establishments such as “Revitalize” (a Massage Therapy establishment) and the “Mechanic’s Bank” (which also contains the “Steeltown Coffee and Tea” cafe) to the south end of the block, a vacant space next door to the north, (formerly the “Lion’s Closet” thrift shop), “Lumpy’s Diner” (a restaurant), and Coats Barber Shop to the north end on the same side of the 600 Railroad block. Across the street are commercial uses including “Aim Mensware” (a men’s clothing store), “Railroad Book Depot” (a bookstore), and “Cre Asian Bistro” (a restaurant). The location of the proposed tattoo studio is within a city block from the John Buckley Square and other small-scale commercial establishments and mixed-use buildings along Railroad Avenue and surrounding side streets.

See Attachment 3 for Map of Surrounding Land Uses

Proposed Project: The applicant is requesting approval of a Use Permit to allow a tattoo (Personal Services Commercial Activity) establishment within an existing approximately 821 square-foot commercial multi-tenant building. The proposed tattoo establishment would operate between the hours of 8:00 a.m. to 10:00 p.m., daily (after closing at 10:00 P.M., the operator will have up to 12:00 Midnight to complete unfinished work). The applicant has indicated he will be the sole operator and would not have any employees.

The only proposed exterior alteration would be window signs displaying the name and logo of the business. A separate sign permit application would need to be applied for and reviewed by the planning division before displaying a sign.

See Attachment 4 for the Project Floor Plan and Logo.

CODE COMPLIANCE:

General Plan: The project site is located in the Commercial Core Downtown Subarea of the General Plan (GP) and has a land use designation of Downtown Commercial. The Downtown Commercial land use designation is intended to be a walkable mixed-use district with specialty retail, restaurants, service uses, and professional offices integrated with residential uses.

GP Land Use Goal 5-G-2 states:

“Promote the development and intensification of the Downtown commercial core as both a visitor destination and a neighborhood retail center. Encourage a critical mass of visitor-oriented retail businesses, such as gift shops and galleries, as well as neighborhood retail and personal services.”

The proposed use is consistent with this goal in that the proposed project would promote establishment of a personal service business located within an existing vacant storefront

Zoning: The project site is located within the Pedestrian Commercial (CP) Zoning District which is intended to provide a vibrant destination area that caters to pedestrian shoppers and visitors in the downtown commercial core. Permitted uses on ground floor along the primary corridor consist primarily of pedestrian-oriented retail, entertainment, restaurants, and galleries. The district is intended to create a place for pedestrian-oriented activity by providing inviting, visually interesting, human-scale architecture, pedestrian-friendly storefronts, outdoor dining opportunities, and a limited number of (public) parking facilities.

Pursuant to the Pittsburgh Municipal Code (PMC) Section 18.08.080 - Commercial Use Classifications and Section 18.52.010 - CP District – Land Use Regulations, Tattoo Establishments are conditionally permitted in the CP District subject to an approved business permit. Pursuant to Section 18.52.010 - CP District of the PMC, tattoo studios (Personal Service Commercial Activities) are permitted in the CP District and requires use permits when located on the ground floor of buildings located on Railroad Avenue. The purpose of the use permit requirement is to foster a continuous retail atmosphere on Railroad Avenue. The proposed use will keep the storefront transparent and maintain the pedestrian-friendly nature of the setting. The proposed project, if approved, would provide an additional Personal Services use in the Pedestrian Commercial (CP) Zoning District in Oldtown Pittsburgh.

Off-Street Parking: Pursuant to PMC Section 18.78.040.G(3) Off-street parking and loading spaces required by type of use - Exceptions for Downtown and Residential Infill Units – Nonresidential Uses in the CP District, nonresidential uses on properties located in the CP district shall not be subject to the minimum off-street parking and loading spaces.

Signage: The applicant is only proposing window signs and logos and not proposing exterior signage for the tenant space at this time. Signage associated with the proposed project will require a separate sign permit application that demonstrates consistency with the Old Town Design Guidelines. Any future exterior signage will be reviewed by staff for compliance with applicable guidelines prior to application for a building permit and installation.

See Attachment 4 for the window sign and logo

Findings: Pursuant to PMC section 18.16.040, in order to approve the Use Permit for the proposed tattoo studio establishment, the Planning Commission must find that the proposed project:

- A. is in accord with the objective of the Zoning Ordinance, the purposes of the land use district in which it is located and is appropriate to the specific location;
- B. is not detrimental to the health, safety, and general welfare of the city;
- C. will not adversely affect the orderly development of property within the city;

- D. will not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the city;
- E. is consistent with the objectives, policies, general land uses and programs specified in the general plan and applicable specific plan;
- F. will not create a nuisance or enforcement problem within the neighborhood;
- G. will not encourage marginal development within the neighborhood;
- H. will not create a demand for public services within the city beyond that of the ability of the city to meet in the light of taxation and spending restraints imposed by law; and
- I. is consistent with the city's approved funding priorities.

A full analysis of how the proposed project meets the required Use Permit findings is provided in the Resolution (Attachment 1).

Environmental: The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1, "Existing Facilities," of the CEQA Guidelines, section 15301. The proposed project qualifies for a Class 1 categorical exemption because the project site is an existing private structure, and the applicant is not proposing any expansion of the existing structure. The proposed project is not expected to have any significant effect on the environment and therefore categorically exempt from the provisions of CEQA.

If the proposed project is approved, Planning Staff will file a Notice of Exemption with the Governor's Office of Planning and Research (OPR) State Clearinghouse and Contra Costa County Clerk-Recorder's Office.

Public Notice: On September 27, 2022, a notice of the October 11, 2022, public hearing for the proposed project was posted at City Hall and at or near the project site; was delivered for posting at the Pittsburg Library; was posted on the "Public Notices" section of the City's website and was mailed via first class or electronic mail to the applicant, to the property owner, to all owners of property within 300 feet of the project site, to local service agencies expected to provide services to the business, and to individuals who had previously filed written request for such notice, in accordance with PMC section 18.14.010 and Government Code section 65091 (Attachment 5). In addition, a copy of the notice was posted on www.nextdoor.com ("Nextdoor") and was sent directly to all subscribed residents in the Old Town neighborhood.

ANALYSIS: Staff finds that the proposed tattoo studio is consistent with the General Plan goals and is a conditionally permitted use in the Pedestrian Commercial (CP) Zoning District. The new establishment will provide a service in demand to the

community and establish a new business within the City which is expected to have a positive impact on the City's tax base by generating taxable income for the business owner as well as the landlord. The new business will also occupy a vacant tenant space that has been empty for about 16 years that would otherwise continue to remain vacant. Staff therefore recommends that the Planning Commission approve the proposed project based on the attached required findings and grant the Use Permit for the proposed project subject to the applicable conditions of approval. Approval of the proposed project would provide a personal services business that would serve local residents within the community.

See Attachment 1 for a full analysis of how the proposed project meets the required Use Permit findings.

ACTION REQUIRED: Move to adopt a Resolution, approving Use Permit application No. 22-0027, subject to conditions.

ATTACHMENTS:

1. Proposed Resolution
2. Existing Conditions Photos
3. Surrounding Land Uses Map
4. Project Floor Plan and Logo
5. Public Hearing Notice/Vicinity Map

Prepared by: Maurice Brenyah-Addow, Senior Planner

BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Approving a Use Permit to Establish Black)
Crown Tattoo Studio (Personal Service))
On Ground Floor of Existing Vacant Retail)
Space Located at 655 Railroad Avenue for)
"Black Crown Tattoo Studio" in the CP -)
Pedestrian Commercial District AP-22-)
0072 (UP)")

Resolution No. _____

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. On August 8, 2022, Leon Octavio of Black Crown Tattoo Studio, filed Planning Use Permit Application No. AP-22-0072, requesting approval to establish a tattoo studio (Personal Service Commercial Activity) within an 821 square-foot ground floor space of an existing vacant commercial space located at 655 Railroad Avenue in the CP - Pedestrian Commercial District of the Pittsburg Old Town. Assessor's Parcel No. 085-171-004.
- B. The proposed project is governed by the policies, development standards, and guidelines contained in the Pittsburg General Plan, and Pittsburg Municipal Code (PMC) Title 18 ("Zoning") (Section 18.08.080 - Commercial Use Classifications and Section 18.52.010 - CP District – Land Use Regulations).
- C. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1, "Existing Facilities," of the CEQA Guidelines, section 15301.
- D. On September 27, 2022, notice of the October 11, 2022, public hearing was posted at City Hall, near the proposed project site, and on the "Public Notices" section of the city's website; was delivered for posting at the Pittsburg Library; and was mailed via first class or electronic mail to the applicant, to the property owner, to owners of property located within 300 feet of the proposed project site, to local service agencies expected to provide services to the building, and to individuals who had previously filed written request for such notice, in accordance with Pittsburg Municipal Code (PMC) section 18.14.010 and Government Code section 65091. In addition, a copy of the notice was posted on www.nextdoor.com ("Nextdoor") to surrounding neighborhood.
- E. PMC section 18.16.040 specifies that the following findings must be made before approval of a use permit. The Planning Commission may grant approval of a use permit if the proposed use:
 - 1. is in accord with the objective of the Zoning Ordinance, the purposes of the land use district in which it is located and is appropriate to the specific location;

2. is not detrimental to the health, safety, and general welfare of the city;
 3. will not adversely affect the orderly development of property within the city;
 4. will not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the city;
 5. is consistent with the objectives, policies, general land uses and programs specified in the general plan and applicable specific plan;
 6. will not create a nuisance or enforcement problem within the neighborhood;
 7. will not encourage marginal development within the neighborhood;
 8. will not create a demand for public services within the city beyond that of the ability of the city to meet in light of taxation and spending restraints imposed by law; and,
 9. is consistent with the city's approved funding priorities.
- F. On October 11, 2022, the Planning Commission held a public hearing on Planning Application No. 22-0072, at which time oral and/or written testimony was considered.

Section 2. Findings

- A. Based on the Planning Commission Staff Report entitled, "Black Crown Tattoo Studio, AP-22-0072 (UP)," dated October 11, 2022, and based on all the information contained in the Planning Division files on the project, incorporated herein by reference and available for review in the Planning Division located at 65 Civic Avenue in Pittsburg, and based on all written and oral testimony presented at the meeting, the Planning Commission finds that:
1. All recitals above are true and correct and are incorporated herein by reference.
 2. The proposed tattoo studio use will:
 - a) be in accordance with the objectives of the Zoning Ordinance, the purposes of the land use district in which it is located, and will be appropriate to the specific location, in that pursuant to Section 18.52.010 of the PMC, tattoo studios (Personal Service Commercial Activities) are permitted within the CP District but require a use permit when located on the ground floor of buildings located on Railroad Avenue. The purpose of the use permit requirement is to ensure that business establishments on Railroad Avenue in Old Town Pittsburg are pedestrian-oriented and contribute to a continuous and vibrant retail atmosphere. The proposed Personal Services use is expected to generate foot traffic, maintain the transparency of the storefront and maintain the pedestrian-friendly nature of the setting.

- b) not be detrimental to the health, safety, and general welfare of the city because the proposed the Personal Service use will be required to meet health and safety requirements of the Pittsburg Economic and Community Development Department, the Contra Costa County Fire Protection District, and the Environmental Health Division of Contra Costa Health Services and all other appropriate Health and Safety industry requirements.
- c) not adversely affect the orderly development of property within the city, in that the new establishment does not change the configuration of the building. The proposed new use will occupy and put an existing commercial space that has been vacant for about 16 years back to a productive use.
- d) not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the city because the new business establishment within the City will provide a service to the community, generate income for the business and property owners and have a positive impact on the City's tax base.
- e) be consistent with the General Plan in that the project site is located in the Commercial Core Downtown Subarea of the General Plan (GP) and has a land use designation of Downtown Commercial. The Downtown Commercial land use designation is intended to be a walkable mixed-use district with specialty retail, restaurants, service uses and professional offices integrated with residential uses. GP Land Use Goal 5-G-2 states:

“Promote the development and intensification of the Downtown commercial core as both a visitor destination and a neighborhood retail center. Encourage a critical mass of visitor-oriented retail businesses, such as gift shops and galleries, as well as neighborhood retail and personal services.”

The proposed project is consistent with this goal in that the proposed project would promote establishment of a personal service business located within an existing vacant storefront.

- f) not create a nuisance or enforcement problem within the neighborhood, because the new business complies with the allowable uses in the General Plan and Zoning Code. It would be required to obtain all necessary local, state and federal permits as per Condition of Approval #15 below and will revitalize a vacant tenant space that has been empty for about 16 years that could otherwise continue to remain vacant.
- g) not encourage marginal development within the neighborhood, in that the business will occupy a space located within an existing retail storefront within the Pedestrian Commercial District of Old Town Pittsburg, and does not involve construction of a new building or building addition. The reuse of the vacant space would serve as a catalyst to attract other businesses to the remaining vacant storefronts

- h) not create a demand for public services within the city beyond that of the ability of the city to meet in light of taxation and spending restraints imposed by law, in that any such use will operate in a building that has been designed to utilize existing infrastructure. Further, the proposed project is located on private property and will be maintained privately. Approval of the proposed project would provide a personal service business that would serve local residents and businesses.
- i) not be inconsistent with the city's approved funding priorities, in that the proposed use is on private property, to be maintained privately, and does not propose or require any city funding. There is currently no City funding involved. In the future the Economic development Agency may assist with development and installation of new business signs consistent with the character of Old Town Pittsburg.
- j) will support the goals of creating vibrant, economically prosperous, visually interesting, and engaging pedestrian-oriented atmosphere along Railroad Avenue, in that the new use will likely draw new patrons to Old Town Pittsburg, thereby increasing pedestrian traffic not only on site, but for surrounding sites and businesses.

B. The staff report entitled, "Black Crown Tattoo Studio, AP-22-0072 (UP)," dated October 11, 2022, is referenced hereto as additional support for the findings.

Section 3. Decision

Based on the findings set forth above, the Planning Commission hereby approves Planning Application No. 22-0072, subject to the following conditions:

Planning Conditions of Approval

1. **Conformity with Project Plans:** The approved use shall be operated substantially as presented to the Planning Commission in the staff report identified in Section 2 of this resolution, except as may be modified by the conditions below. Operation of the approved use in a manner inconsistent with this use permit shall be grounds for revocation of the use permit. Any major changes to the project plans shall be subject to review and approval by the Planning Commission at the City Planner's discretion.
2. **Hours of Operation:** The hours of operation for the business shall be limited to 8:00 A.M. to 10:00 P.M. daily (after closing at 10:00 P.M., the operator will have up to 12:00 A.M. Midnight to complete unfinished work). Any future changes to the hours of operation shall be reviewed and approved by the Zoning Administrator.
3. **License and Permitting:** The business owner, operator, and independent contractors employed by the business shall maintain and keep displayed active Business Licenses issued by the City of Pittsburg.

4. **Tenant Improvements:** The applicant shall apply for and obtain Building Permits for all tenant improvements to the subject space from the City of Pittsburg (and comply with all Contra Costa County Fire Protection District standards) prior to commencement of operations.
5. **Maximum Occupancy:** The number of customers/guests shall not exceed the maximum occupancy for the space as determined by the Contra Costa County Fire Protection District.
6. **Transparency:** The business owner shall ensure that front windows are not screened, tinted, or otherwise obscured, and allow for visibility into the business.
7. **Unobstructed Access & Visibility:** The business operator shall maintain unobstructed access and visibility between the main entrance and the rear exit of the tenant space, and shall not construct or install any doors, walls, curtains, or similar screening mechanisms between the reception, foot reflexology, and hallway areas. The operator may install doors or curtains between the hallway and private massage rooms; however, these doors shall not be lockable.
8. **Exterior Signage:** Exterior signage is not approved at this time. No signs shall be installed until plans are reviewed and approved by the Planning Division under a separate sign permit application.
9. **Window Signs:** Illuminated window signage shall be prohibited.
10. **Loitering:** The business operator shall ensure that there is no loitering on the sidewalks, rear or side yards, or streets surrounding the business tenant space, or within the nearby parking lots, during operating hours and within one (1) hour of business closing. If the business operator observes loitering, the Pittsburg Police Department shall be notified immediately.
11. **Security Cameras:** The business owner shall install and maintain exterior video cameras at the front and back doors of the business location. The cameras shall overlook the sidewalk and parking areas in front of the business, the front public entrance, and the rear emergency exit. The cameras shall be web-based, and the business owner shall provide the Pittsburg Police Department with the cameras' internet protocol (IP) addresses.
12. **Peace and Order:** The business operator shall be responsible for maintaining the peace and order on the premises. All necessary steps shall be taken to ensure that the customers refrain from incidents of violence that adversely impact the safety of the community. Should the business operator fail to control loitering, noise, public disturbances or incidents of violence, and in the event that the business necessitates an increased police presence, the Chief of Police may require the business owner to provide additional public safety measures, including but not limited to, additional video cameras, additional exterior lighting, hiring licensed and bonded security guards approved by the Police Department, or such other measures as determined necessary by the Chief of Police. Any such required additional measures shall be at the business owner/operator's sole expense.

13. **Noise:** The business operator shall ensure any noise generated by the use is not audible outside of the building or within adjacent tenant spaces.

14. **Litter & Debris:** The site shall be kept clean and free of all litter, debris, and refuse at all times. For the cleanup of trash and leaf debris on and around the premises, the applicant shall ensure that dry cleanup methods such as sweeping are used whenever possible, in lieu of hosing the area down with water. There shall be no outside storage of materials, supplies, bins, or other equipment related to the business operation.

Outdoor Cleaning: The business owner shall practice dry clean-up methods for outdoor sidewalk and patio surface areas, in accordance with the guidelines established by the Bay Area Stormwater Management Agencies Association (BASMAA). The business owner shall ensure detergents/degreasers are never used in the process of outdoor cleaning.

15. **Proper Disposal:** The business owner shall ensure employees collect and dispose of water and cleaning liquids to the sanitary sewer, not the exterior storm drain inlets/catch basins.

Standard Conditions:

16. **Standard Conditions of Development:** The Standard Conditions of Development as adopted by the Pittsburg Planning Commission by Resolution No. 8931 shall apply as conditions of approval for this project as applicable. Where there is a conflict between the Standard Conditions of Development and the project-specific conditions identified in this resolution, the specific conditions of this resolution shall govern.

17. **Other Agency Requirements:** The business owner shall comply with all the requirements of the City's Community Development Department, Contra Costa County Fire Protection District, the Environmental Health Division of Contra Costa Health Services, and all other applicable local, state and federal agencies. It is the responsibility of the business owner to contact each local, state, or federal agency for requirements that may pertain to this project.

18. **Indemnification:** Business owner agrees to indemnify, defend, and hold harmless the city, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person challenging the validity of this project approval, subsequent project approval, or other action arising out of, or in connection with, this project approval. The parties shall cooperate in defending such action or proceeding. The parties shall use reasonable efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, city may select its own legal counsel at applicant's sole cost and expense. Business owner may select its own legal counsel to represent business owner's interests at business owner's sole cost and expense. Business owner shall pay for city's costs of defense, whether directly or by timely

reimbursement to city on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by city in defense of any such action or other proceeding, plus staff and City Attorney time spent responding to and defending the claim, action or proceeding.

19. **Expiration of Approval:** This use permit will expire on December 31, 2024, unless the use has been legally established prior to the expiration date, or a written request for an extension is filed with the Planning Division prior to the expiration date and subsequently approved by the Planning Commission.

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner _____, seconded by Commissioner _____, the foregoing resolution was passed and adopted the 11th day of October, 2022, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES:

NAYES:

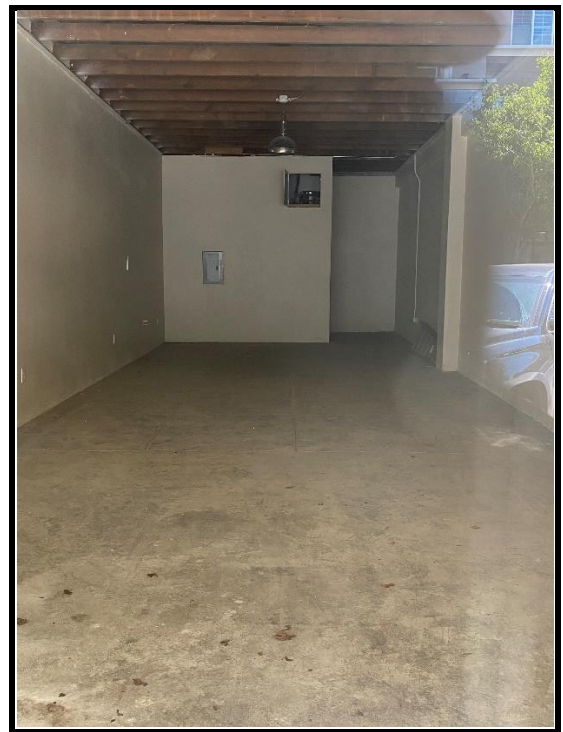
ABSTAIN:

ABSENT:

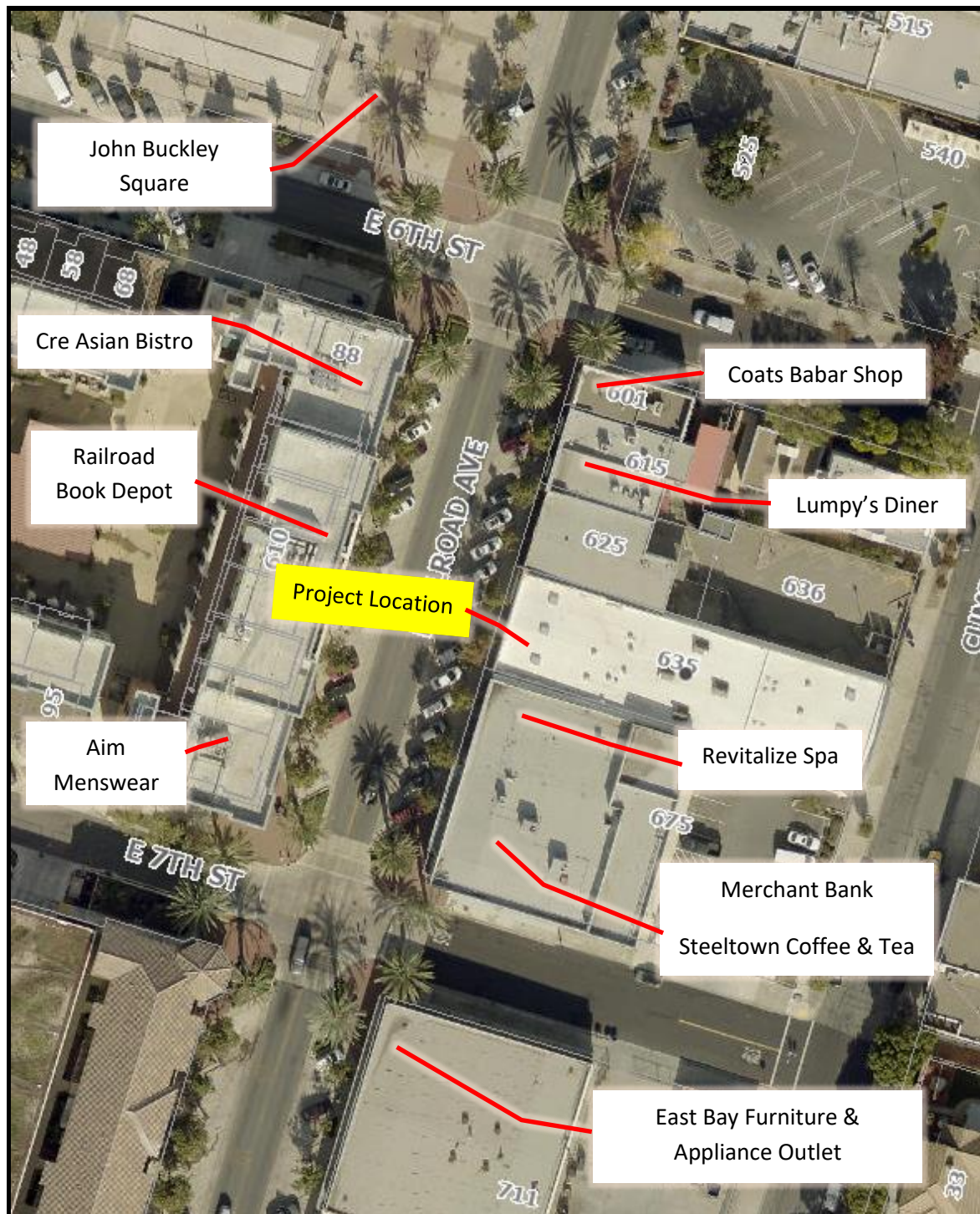
I hereby certify that the above Resolution No. _____ was adopted by the Planning Commission of the City of Pittsburg on October 11, 2022.

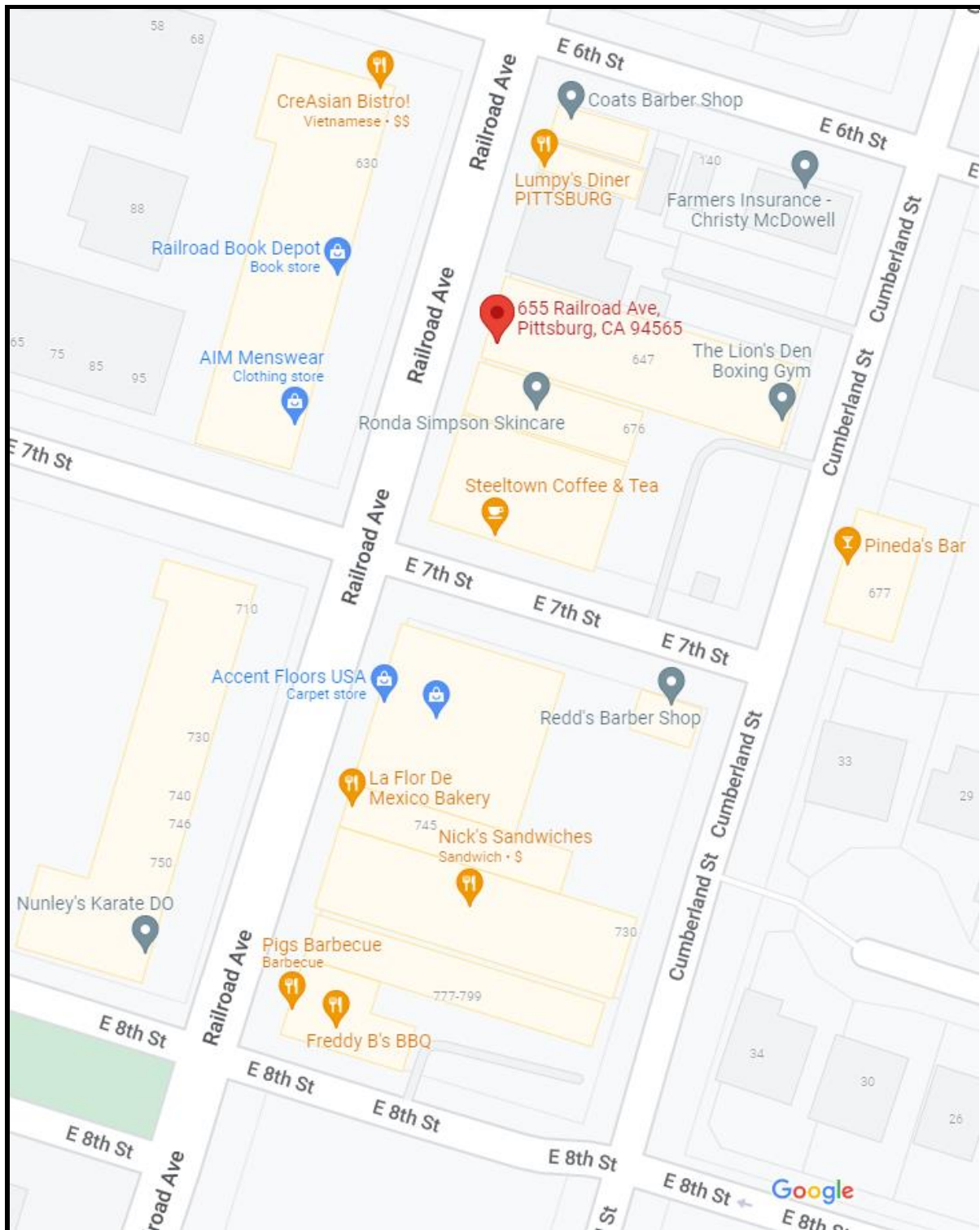
JOHN FUNDERBURG, SECRETARY
PITTSBURG PLANNING COMMISSION

Black Crown Tattoo Studio (AP-22-0072) – Existing Conditions



Black Crown Tattoo Studio (AP-22-0072) - Surrounding Land Uses

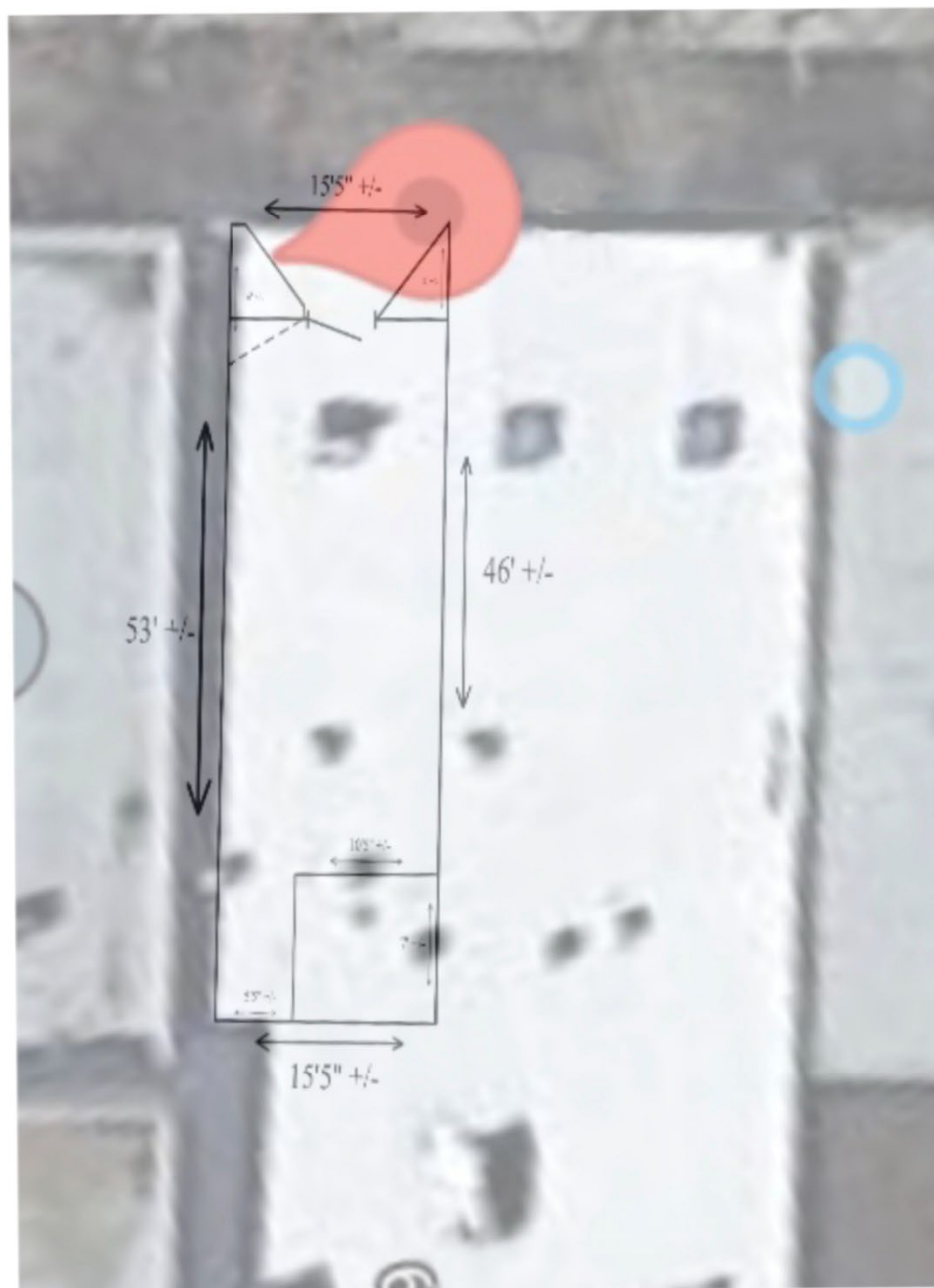




Black Crown Tattoo Studio (AP-22-0072) – Plans & Logo



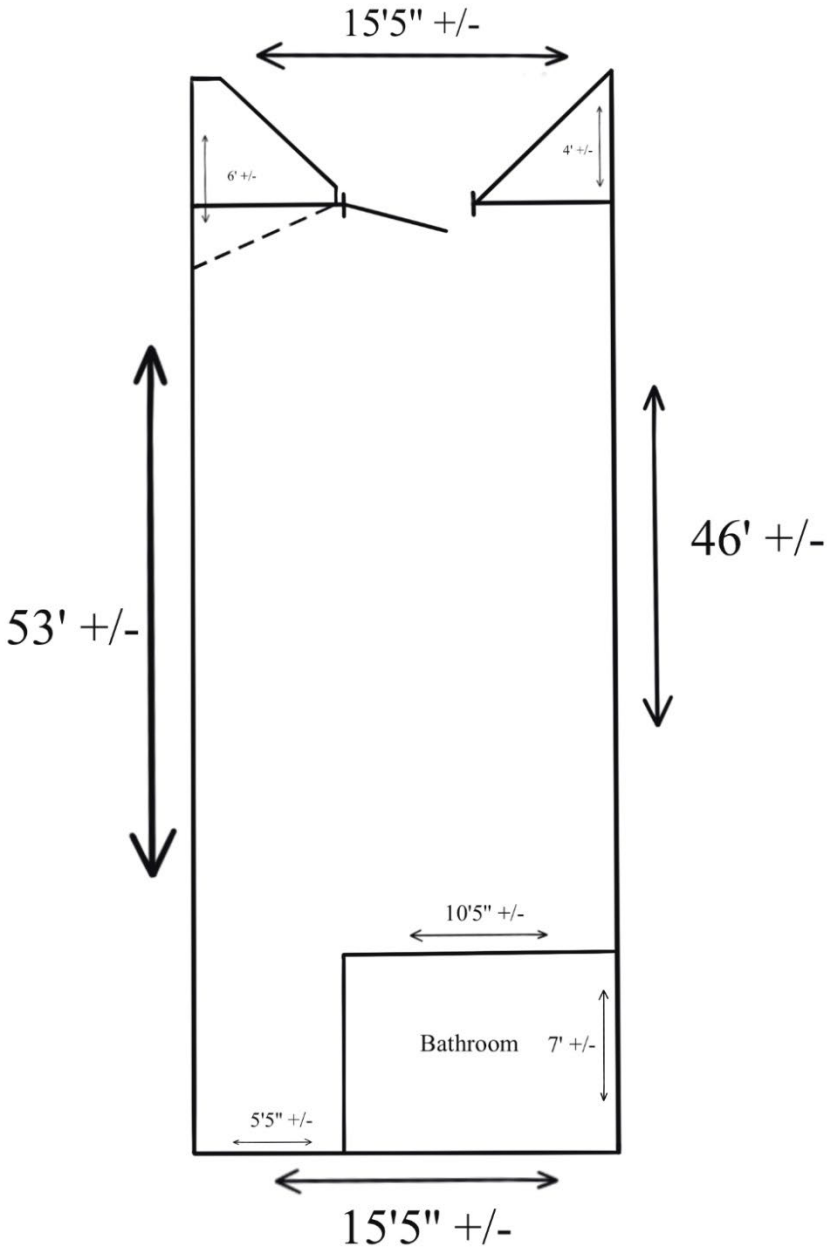
Black Crown Tattoo Studio
655 Railroad Ave.



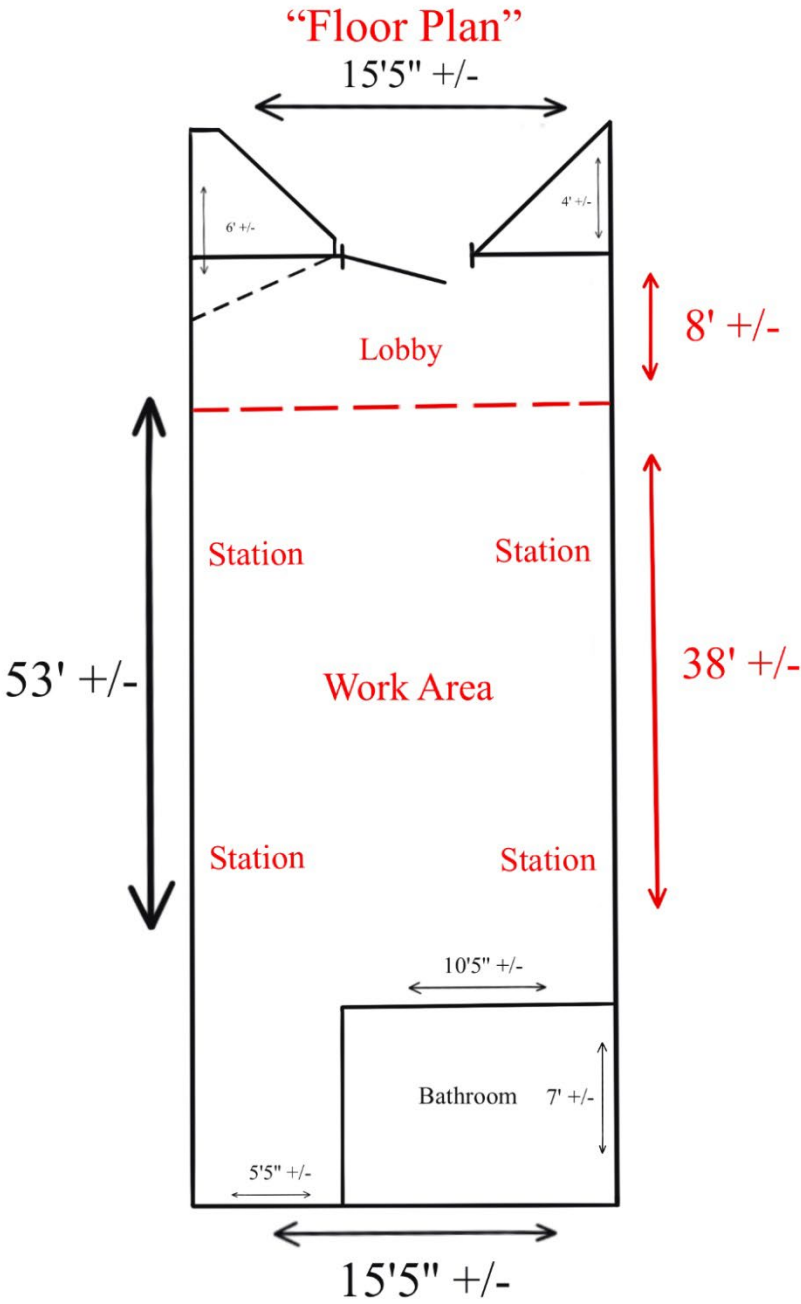
Black Crown Tattoo Studio

655 Railroad Ave.

“Site Plan”



Black Crown Tattoo Studio
655 Railroad Ave.





City of Pittsburg

Community and Economic Development Department – Planning Division

65 Civic Avenue, Pittsburg, CA 94565 | Tel: (925) 252-4920 | Fax: (925) 252-4814

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the **PLANNING COMMISSION** of the City of Pittsburg will conduct a public hearing on:

DATE: October 11, 2022
TIME: 7:00 p.m.
PLACE: City Council Chamber at City Hall
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Black Crown Tattoo Studio, AP-22-0072 (UP)

Use Permit (UP) application to establish a tattoo studio (Personal Service) on the ground floor of an existing vacant commercial space located at 655 Railroad Avenue in the CP - Pedestrian Commercial District of the Pittsburg Old Town. Assessor's Parcel No. 085-171-004

Environmental Determination

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1, "Existing Facilities," of the CEQA Guidelines, section 15301.

PROJECT PLANNER: Maurice Brenyah-Addow, (925) 252-4261 or
mbrenyah-addow@pittsburgca.gov

Why am I receiving this notice?

You are receiving this notice because you have either previously requested notifications from the Planning Division, or a project has been proposed in your neighborhood and all property owners within a minimum 300-foot radius of the project site are required to be notified under the Pittsburg Municipal Code.

Where can I get more information about this project?

The complete file for this project is available for public inspection; please contact the project planner listed above to make necessary arrangements.

What can I do if I have comments on the project?

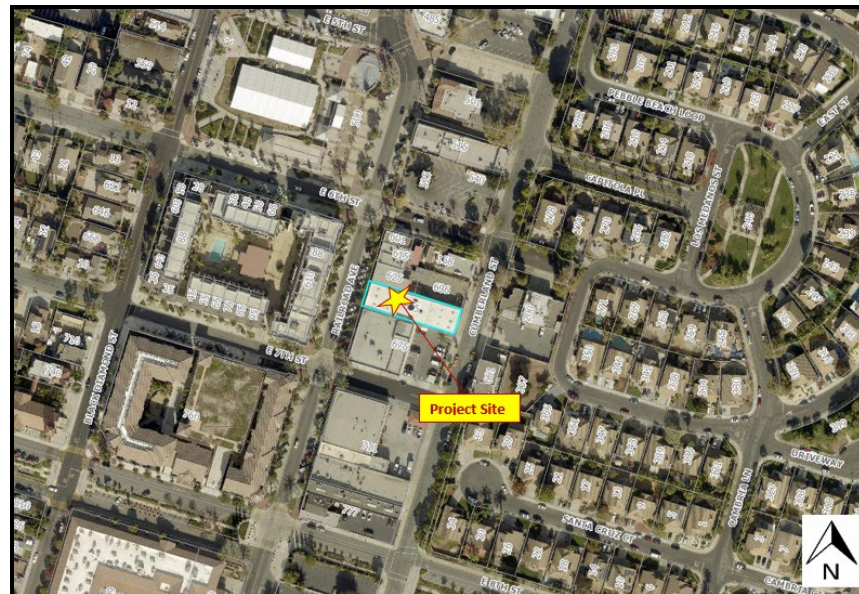
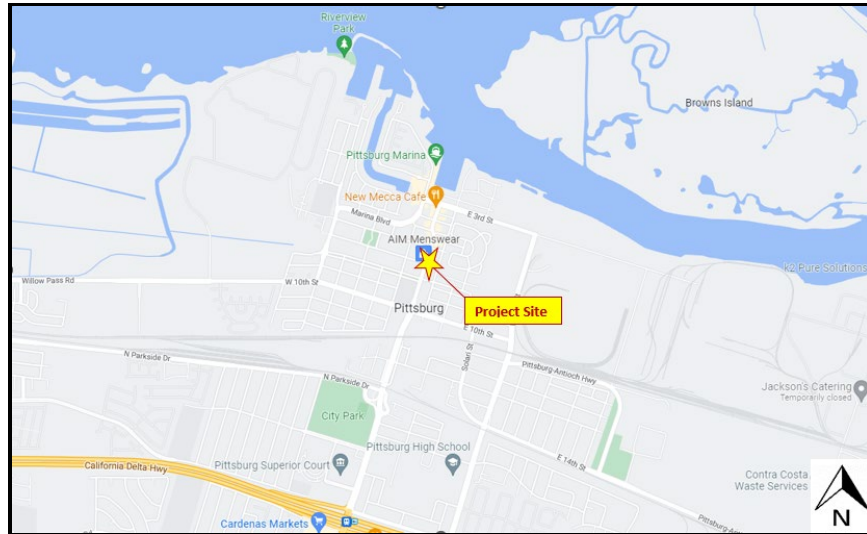
Comments or objections to the project can be made by writing or through e-mailed testimony prior to the meeting or provided orally during the meeting. Written comments citing the project name may be emailed to the project planner listed above or may be mailed or delivered to Pittsburg Planning Division, 65 Civic Avenue, Pittsburg, CA 94565.

Pursuant to Section 65009 of the California Government Code, if you challenge this matter in court, you may be limited to those issues you or someone else raised at the public hearing described in this notice, or in written correspondence on the matter delivered to this agency at, or prior to the public hearing. Any written correspondence delivered to the Planning Division before the hearing body's action on the matter will become a part of the administrative record.

*Para información en
español:
(925) 252-4920*

JOHN FUNDERBURG, SECRETARY
PITTSBURG PLANNING COMMISSION

Project Title: Black Crown Tattoo Studio, AP-22-0072 (UP)
Location: 655 Railroad Avenue, Assessor's Parcel No. 085-171-004



City of Pittsburg

Community and Economic Development Department - Planning
Division

65 Civic Avenue
Pittsburg, CA 94565

NOTICE OF PUBLIC HEARING

