

## **City of Pittsburgh Planning Commission Agenda**

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**December 12, 2017**

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

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

**Planning Commission Members**

**Mark Gargalikis, Chair  
James Coniglio, Vice-Chair  
Wolfgang Croskey, Commissioner  
Elissa Robinson, Commissioner  
Durie Foster, Commissioner  
Jeremy Ward, Commissioner  
VACANT, 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, Pittsburgh. 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**

**PRESENTATIONS**

**CONSENT**

(All items listed under the "Consent" portion of the agenda are considered routine and are adopted under one motion. Any item appearing as a Consent item on this agenda will be considered separately only upon request from a member of the Planning Commission, staff or public.)

1. **Minutes**  
Meeting Minutes of November 28, 2017

**PUBLIC HEARINGS**

2. **Rescind Resolution 10075 and Revise Recommendation on an Amendment of an Open Space Overlay District near Avila Road, AP-17-1253 (RZ)**  
This is a public hearing on a request to revise a recommendation for City Council approval of an Overlay District Amendment to add the land use category "warehousing and storage limited," subject to a use permit and limitations, within the existing Open Space Overlay District No. 07-1284, located in the vicinity of 100 - 104 Avila Road. APN's 097-140-014, 016, 017, 018 and 097-130-009.
3. **Nazari Use Permit Amendment, AP-17-1215 (UP).**  
This is a public hearing on a request for a use permit amendment to modify the conditions of approval for auto repair and automobile sales at 1700 N. Parkside Drive in the CS (Service Commercial) District. Assessor's Parcel Nos. 096-093-002, -003, and -004.

**COMMISSION CONSIDERATIONS**

4. **2108 Railroad Avenue Commercial Shell Building, AP-17-1274 (DR).**  
This is a request for design review approval of plans to construct a 3,168-square foot, single-story commercial shell building on an 8,598-square foot parcel located at 2108 Railroad Avenue. The

property is located within the Railroad Avenue Specific Plan (RASP) PD (Planned Development, Ordinance No. 09-1319) District, and has a RASP Land Use Designation of TOD-H (Transit Oriented Development, High Density). Assessor's Parcel No. 087-030-087.

**ZONING ADMINISTRATOR REPORTS**

**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](http://www.ci.pittsburg.ca.us).



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

**November 28, 2017**

A regular meeting of the Pittsburg Planning Commission was called to order by Vice Chair Coniglio at 7:00 p.m. on Tuesday, November 28, 2017, in the Council Chamber, City Hall, 65 Civic Avenue, Pittsburg, California.

**ROLL CALL**

Present: Vice Chair Coniglio, Commissioner Croskey, Foster, Robinson, Ward

Absent: Chair Gargalikis

Staff: Community Development Director Jill Hecht, Planning Manager/Secretary Kristin Pollot, Senior Civil Engineer Richard Abono, Associate Planner Jordan Davis, Planning Technician Celina Palmer, Administrative Assistant Amanda McVey

**PLEDGE OF ALLEGIANCE**

Commissioner Croskey led the Pledge of Allegiance.

**DELETIONS / WITHDRAWALS / CONTINUANCES**

There were no deletions, withdrawals or continuances.

**COMMENTS FROM THE AUDIENCE**

There were no comments from the audience.

**PRESENTATIONS**

There were no presentations

**CONSENT**

1. Minutes of November 14, 2017

On motion by Commissioner Croskey seconded by Commissioner Foster to approve the minutes with a correction showing the minutes approved were those of October 24, 2017, and carried by the following vote:

|          |                                           |
|----------|-------------------------------------------|
| AYES:    | Coniglio, Croskey, Foster, Robinson, Ward |
| NOES:    | None                                      |
| ABSTAIN: | None                                      |
| ABSENT:  | Gargalikis                                |

## **PUBLIC HEARINGS**

### **2. USS-PoscoMinorSubdivision, AP-17-1263 (MS).**

A public hearing on a request for approval of a minor subdivision to split two parcels, totaling approximately 120 acres, into four separate parcels with a designated remainder at 2907 Pittsburg-Antioch Highway. The project site is zoned IL-O (Limited Industrial with a Limited Overlay, Ordinance No. 13-1367) District. APNs 073-200-023 and 073-200-024.

Planning Technician Celina Palmer gave a presentation.

Vice Chair Coniglio opened the public hearing.

Bruce Ohlson, Pittsburg, spoke on behalf of the bicycle community regarding the Great California Delta Trail and other connecting bicycle trails.

Angelo Obertello spoke as the applicant. Mr. Obertello stated he understood and agreed to all conditions as presented.

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

On motion by Commissioner Croskey seconded by Commissioner Ward to approve the application and carried by the following vote:

|          |                                           |
|----------|-------------------------------------------|
| AYES:    | Coniglio, Croskey, Foster, Robinson, Ward |
| NOES:    | None                                      |
| ABSTAIN: | None                                      |
| ABSENT:  | Gargalikis                                |

## **STUDY SESSION**

### **3. Pittsburg Unified School District Workforce Housing, AP-17-1287 (PPR).**

A preliminary plan review of a proposal by Pittsburg Unified School District (PUSD) to construct up to 68 units of workforce housing intended for PUSD employees and their families. The proposed project site is located at 1025 Black Diamond Street, within the GQ (Government/Quasipublic) District. Assessor's Parcel No. 085-203-004.

Associate Planner Jordan Davis gave a presentation.

Enrique Palacios, Deputy Superintendent of Pittsburg Unified School District, spoke on behalf of the applicant.

Ralph le Roux, MADI Architecture + Planning, spoke as the architect for the project.

Bruce Ohlson, Pittsburg, spoke in favor of this proposal. Mr. Ohlson requested adequate secure bicycle storage and racks are made available on the project site.

Christ Traina, a teacher in the City of Pittsburg, spoke in favor of this proposal.

The commissioners were all supportive of applying the High-Density Residential (RHD) Development standards to the project moving forward.

#### **ZONING ADMINISTRATOR REPORTS**

4. Submittal of Adopted Zoning Administrator Resolution.

The Zoning Administrator submit one resolution previously approved under the delegated authority (Planning Commission Resolution No. 9918).

The commissioners acknowledged receipt of the previously approved resolution.

#### **STAFF COMMUNICATIONS**

Planning Manager / Secretary Kristin Pollot informed the Commission of the following:

The next Planning Commission meeting is scheduled for December 12, 2017.

The Pittsburg Holiday Parade will be Saturday, December 9, 2017.

The City is planning a joint Study Session with the City Council to discuss cannabis on Monday, December 18, 2017.

#### **COMMITTEE REPORTS**

There were no committee reports.

#### **ADJOURNMENT**

The meeting was adjourned at 7:48 p.m. to December 12, 2017.

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Kristin Pollot, AICP, Secretary

**CITY OF PITTSBURG  
PLANNING COMMISSION  
STAFF REPORT**

**ITEM: Rescind Resolution 10075 and Revise Recommendation on an Amendment of an Open Space Overlay District near Avila Road, AP-17-1253 (RZ)**

ORIGINATED BY: David and Kathy Rege, PO Box 507, Clayton, CA 94517

SUBJECT: This is a public hearing on a request by Dave and Kathy Rege to revise a recommendation for City Council approval of an Overlay District Amendment to add the land use category “warehousing and storage limited,” subject to a use permit and limitations, within the existing Open Space Overlay District No. 07-1284, located in the vicinity of 100 - 104 Avila Road. APN’s 097-140-014; -015; -016; -017; -018; and 097-130-009.

RECOMMENDATION:

Staff recommends that the Commission rescind Resolution 10075, adopted September 12, 2017, and adopt Resolution No. 10080, recommending City Council approval of an amendment to the land use regulations of an existing OS-O District in order to add the land use category “Warehousing and Storage, Limited” with further refined limitations, and subject to a use permit and design review.

BACKGROUND:

On September 12, 2017, the Planning Commission held a public hearing to consider the proposed amendment to the Open Space Overlay District in order to allow warehousing and storage uses, subject to a use permit (see September 12, 2017, staff report attached for more details). After close of the public hearing, the Commission voted 4-1 to adopt Resolution No. 10075, recommending City Council approval of the Overlay District amendment, as proposed.

Subsequent to the Planning Commission’s action, staff felt it pertinent to assist future project application reviews by further refining the warehousing and storage use limitations in order to maintain better conformance with the General Plan Open Space designation for the area. The amended staff recommendation (described below) requires re-review and approval by the Planning Commission before it can move forward to the City Council for formal consideration.

The applicant has been informed of this proposed change and is supportive of staff’s revised recommendation.

PROJECT DESCRIPTION:

## Planning Commission Staff Report

The project proposal is to revise the existing 'Land Use Regulations' table associated with the OS-O (Ordinance No. 07-1284, and Ordinance No. 91-1016, by reference) District by adding the "Warehousing and Storage, Limited" classification to the list. This use is defined by PMC 18.08.080 as a commercial use including, "Provision of space, within an enclosed building, for the storage of privately owned household goods, personal property, business records, documents, and supplies. This classification includes ministorage facility but excludes wholesaling and storage, and vehicle storage." The previously adopted recommendation was to allow this use within the OS-O District, subject to approval of a use permit. The current refined recommendation is to allow the use subject to the following limitation:

"Use permit required, provided that: 1) such structures shall be of a temporary nature; 2) temporary and/or portable structure height shall not exceed 12-feet maximum; 3) use shall be screened from Avila Road and Highway 4; and 4) design review shall be required."

### GENERAL PLAN/CODE COMPLIANCE:

General Plan: The project site has a General Plan land use designation of Open Space, and according to the description "much of the City's Planning Area is rural privately-owned land that falls within the open space designation. This classification accommodates any greenbelts and/or urban buffer areas that may be designated in the future. Greenbelts are open space, parkland, and agricultural areas located outside urban areas, as opposed to urban parks located within developed areas" (General Plan, page 2-21). Staff believes that the revised limitation on warehousing and storage uses which would only allow structures of a temporary nature, such as storage containers and/or pods, would be more consistent with the General Plan Open Space designation in that it would allow for easier removal of facilities in the future (if needed) thereby allowing space to function as an urban buffer but also be easily reverted to unoccupied open space if ever needed/desired.

Pittsburg Municipal Code: Pursuant to PMC sections 18.16.020 and 18.48.030, the Planning Commission shall include written findings to support any recommendation it makes to the City Council to amend a zoning district or land use regulation of the Municipal Code.

Required Findings: In order to recommend approval of an amendment to the Zoning Ordinance, the Commission must find (in accordance with PMC Section 18.48.030) that:

1. The changes proposed are consistent with the objectives, policies, general land uses and programs specified in the General Plan.
2. In the case of a base district, the change proposed is compatible with the uses authorized in, and the regulations prescribed for, the land use district for which it is proposed.

## Planning Commission Staff Report

3. A community need is demonstrated for the change proposed.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice.

In order to recommend approval of an overlay plan or amendment to an overlay, the Commission must also find (in accordance with PMC section 18.74.060) that the proposed overlay:

1. Is necessary because there are special or unique characteristics of the site or improvements that require land use and development regulations that cannot be adequately accommodated or controlled by the base zoning district;
2. Conforms to the general plan; and
3. Generally complies with the land use and development regulations of the base zoning district.

Environmental: This project is exempt from the requirements of the California Environmental Quality Act under the general rule of State CEQA Guidelines, section 15061, in that there is no possibility that the activity in question may have a significant negative physical impact on the environment. The proposed addition of “warehousing and storage, limited” uses, as defined in PMC section 18.08.080.30, would include storage of non-sensitive items that occur entirely inside of a structure or container. This type of use would present no greater impacts than the existing allowable uses in the OS-O District, such as Vehicle/Equipment Sales and Service, Vehicle Storage, and/or Industrial Contractor Yards. Further, individual site specific proposals that may be initiated in the future would require a discretionary use permit and design review application that would undergo a separate CEQA-specific review, under a separate application process.

Public Notice: On or prior to December 2, 2017, notice of the December 12, 2017, public hearing to consider this application was posted at City Hall and on the ‘public notices’ page of the City’s website; was delivered to the Pittsburg Library; was published in the local newspaper (East County Times); and was mailed via first class mail or email to the property owner, all property owners within 300 feet of the project area, and all interested parties and individuals and organizations that requested such notice, in accordance with PMC sections 18.14.010, and Government Code section 65091.

### ANALYSIS:

Staff believes that the Commission can make the necessary findings to recommend approval of the revised recommendation to add the “Warehousing and Storage, Limited” classification to the existing Overlay District, subject to approval of a use permit and

## Planning Commission Staff Report

design review with limitations to require structures to be of a temporary nature, no taller than 12-feet in height, and screened from Avila Road and Highway 4.

The warehousing and storage limited amendment proposal is compatible with the existing commercial and industrial uses within the area, such as contractor yard, vehicle and boat storage. Limiting these uses to only utilized structures of a temporary nature (such as cargo containers or pods) would be more consistent with the General Plan Open Space designation in that it would allow for easier removal of facilities in the future (if needed) thereby allowing space to function as more of an urban buffer, but also allowing easier reversion to unoccupied open space if ever needed/desired. Future warehousing and storage applications would still require a use permit and design review, even though structures would be temporary in nature. These permits would assure continued compatibility in use, visibility and environmental compliance, as well as conformity with public convenience, general welfare and good zoning practice.

Lastly, there are currently no public warehousing and storage facilities within the overlay area, (see attached "Existing Mini Storage Locations Map"), or in the immediate vicinity. The lack of such facilities in the area paired with the high number of existing and planned residential units in the same area, indicates that there is a community need for this use in the area proposed.

### ACTION REQUIRED:

If the Commission concurs with staff, then the Commission must move to rescind Resolution No. 10075, and adopt Resolution No. 10080, recommending City Council approval of an amendment to the land use regulations of an existing OS-O District in order to add the land use category "Warehousing and Storage, Limited" with further refined limitations, and subject to a use permit and design review.

### ATTACHMENTS:

1. Proposed Resolution No. 10080
2. Previously Approved Resolution No. 10075
3. Planning Commission Staff Report, dated September 12, 2017
4. Excerpt from Ordinance No. 07-1284 Amending OS-O (1016)
5. Ordinance No. 91-1016
6. Avila Road Photos
7. Existing Mini Storage Locations Map
8. Public Hearing Notice & Vicinity Map

Prepared by: Christine Gregory, Contract Planner

PROPOSED  
BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

|                                         |   |                      |
|-----------------------------------------|---|----------------------|
| Rescind Resolution 10075, and Adopt     | ) |                      |
| Resolution Recommending that the City   | ) |                      |
| Council Approve an Amendment to         | ) |                      |
| Ordinance No. 07-1284, and Ordinance    | ) | Resolution No. 10080 |
| No. 91-1016 by reference, to            | ) |                      |
| add "Warehousing and Storage, Limited," | ) |                      |
| Subject to Limitations, for "Avila Road | ) |                      |
| Overlay Amendment, AP-17-1253 (RZ)." )  | ) |                      |

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. On June 27, 2017 the applicant filed Application No.17-1253, to add the "Warehousing and Storage Limited" land use classification, as defined in the Pittsburg Municipal Code (PMC) section 18.08.080.30, to the existing OS-O (Open Space Overlay District, Ordinance No. 91-1016) District, as amended by Ordinance No. 07-1284. While the applicant currently has no specific plan to add this business to his property, the use classification would enable storage uses at his site, and other sites within in the OS-O District boundaries, in the future subject to a use permit and design review.
- B. The proposed project is governed by the policies and development standards in the Pittsburg General Plan, the Open Space Overlay 91-1016 District, as amended by Ordinance No. 07-1284, and the Pittsburg Municipal Code (PMC).
- C. This project is exempt from the requirements of the California Environmental Quality Act under the general rule of State CEQA Guidelines, section 15061, in that there is no possibility that the activity in question may have a significant negative physical impact on the environment. The proposed addition of "Warehousing and Storage, Limited" uses, as defined in PMC section 18.08.080.30 Commercial use classifications, would include storage of non-sensitive items that occur entirely within a structure or container. This type of use would present no greater impacts than the existing allowable uses in the OS-O District, such as Vehicle/Equipment Sales and Service, Vehicle Storage, and/or Industrial Contractor Yards. Further, individual site-specific proposals that may be initiated in the future would require a discretionary use permit and design review application that would undergo a separate CEQA-specific review, under a separate application process.
- D. On September 12, 2017, the Planning Commission held a public hearing to consider a recommendation on the proposed amendment to the Open Space Overlay District.



After close of the public hearing, the Commission voted 4-1 to adopt Resolution No. 10075, recommending City Council approval of the Overlay District amendment, as proposed.

- E. Subsequent to the Planning Commission's action, staff felt it pertinent to assist future project application reviews by further refining the warehousing and storage use limitations in order to maintain better conformance with the General Plan Open Space designation for the area. The amended staff recommendation is to allow the use subject to the following limitation: "Use permit required, provided that: 1) such structures shall be of a temporary nature; 2) temporary and/or portable structure height shall not exceed 12-feet maximum; 3) use shall be screened from Avila Road and Highway 4; and 4) design review shall be required."
- F. On or prior to December 1, 2017, notice of the December 12, 2017 public hearing to re-consider this application was posted at City Hall and on the 'public notices' page of the City's website; was delivered to the Pittsburg Library; was published in the local newspaper (East County Times); and was mailed via first class mail or email to the property owner, all property owners within 300 feet of the project area, and all interested parties and individuals and organizations that requested such notice, in accordance with PMC sections 18.14.010, and Government Code section 65091.
- G. Pittsburg Municipal Code (PMC) section 18.48.030.A specifies that the following determinations must be made in order to recommend approval of an amendment to the Zoning Ordinance:
  - 1. the amendment is consistent with the objectives, policies, general land uses and programs in the General Plan;
  - 2. the land use regulation is compatible with uses and regulations of the land use district for which it is proposed;
  - 3. there is a community need for the change proposed; and
  - 4. the change will be in conformity with the public convenience, general welfare, and good zoning practice.
- H. Pittsburg Municipal Code (PMC) section 18.74.060. specifies that the following determinations must be made in order to recommend approval of an amendment of an overlay plan:
  - 1. Is necessary because there are special or unique characteristics of the site or improvements that require land use and development regulations that cannot be adequately accommodated or controlled by the base zoning district;
  - 2. Conforms to the general plan; and

3. Generally complies with the land use and development regulations of the base zoning district.
- I. On December 12, 2017, the Planning Commission held a public hearing on Planning Application No. 17-1253, at which time oral and/or written testimony was considered.

## Section 2. Findings

- A. Based on the Planning Commission Staff Report entitled “Rescind Resolution 10075, and Revise Recommendation on an Amendment of an Open Space Overlay District near Avila Road, AP-17-1253 (RZ),” 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 amendment is consistent with the General Plan and the Open Space land use designation, in that allowing warehousing and storage uses to only occupy structures of a temporary nature, such as storage containers and/or pods, would allow for easier removal of facilities in the future (if needed) thereby allowing space to function as an urban buffer, which is appropriate in open spaces areas, as discusses on page 2-21 of the General Plan. This limitation would also allow for future facilities to be easily reverted to unoccupied open space, if ever needed/desired.
  3. The proposed land use regulations are compatible with uses and regulations of the land use district for which they are proposed, in that they would provide the community with storage options while still providing site development and operational controls through the use permit and design review process to ensure that new businesses do not become a nuisance for the surrounding neighbors, nor the City as a whole. In addition, the existing OS-O District currently allows other similar uses, including Vehicle/Equipment Sales and Service, Vehicle Storage, and Industrial Contractor Yards, so the proposed addition of “Warehousing and Storage, Limited” would not be out of character or inconsistent with existing land use regulations.
  4. There is currently no public “Warehousing and Storage, Limited” use in the overlay area, and the use permit and design review requirement will ensure that future applications for development of this type of use will be in conformity with public convenience, general welfare and good zoning practice.
  5. The change will be in conformity with the public convenience as it would provide residents with an easily accessible storage and warehousing option along Avila Road, as no mini-storage exists in the area surrounding the project. The

amendment would provide an option for future mini-storage that is currently unavailable to nearby residents.

### Section 3. Decision

A. Based on the findings and the authority set forth above, the Planning Commission hereby:

1. Rescinds Planning Commission Resolution No. 10075 in its entirety; and
2. Recommends that the City Council adopt an ordinance amending Ordinance No. 07-1284, and Ordinance No. 91-1016 by reference, to add "Warehousing and Storage, Limited" as an allowable use within the Avila Road Overlay District, subject to the following limitation:

"L-41. Use permit required, provided that: 1) such structures shall be of a temporary nature; 2) temporary and/or portable structure height shall not exceed 12-feet maximum; 3) use shall be screened from Avila Road and Highway 4; and 4) design review shall be required."

### 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 12<sup>th</sup> day of December, 2017, 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. 10080 was adopted by the Planning Commission of the city of Pittsburg on December 12, 2017.

\_\_\_\_\_  
KRISTIN POLLOT, AICP, SECRETARY  
PITTSBURG PLANNING COMMISSION

PROPOSED  
BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

|                                         |   |                      |
|-----------------------------------------|---|----------------------|
| Resolution Recommending that the City   | ) |                      |
| Council Approve an Amendment to the     | ) |                      |
| Open Space Overlay District 91-1016, to | ) |                      |
| add "Warehousing and Storage, Limited," | ) | Resolution No. 10075 |
| Subject to Use Permit, for "Avila Road  | ) |                      |
| Overlay Amendment, AP-17-1253 (RZ)." )  | ) |                      |

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. On June 27, 2017 the applicant filed Application No.17-1253 to add the "Warehousing and Storage Limited" land use classification, as defined in the Pittsburg Municipal Code (PMC) section 18.08.080.30, to the existing OS-O (Open Space Overlay District, Ordinance No. 91-1016) District, as amended by Ordinance No. 07-1284. While the applicant currently has no specific plan to add this business to his property, the use classification would enable storage uses at his site, and other sites within in the OS-O District boundaries, in the future subject to a use permit and design review.
  
- B. The proposed project is governed by the policies and development standards in the Pittsburg General Plan, the Open Space Overlay 91-1016 District, as amended by Ordinance No. 07-1284, and the Pittsburg Municipal Code (PMC).
  
- C. This project is exempt from the requirements of the California Environmental Quality Act under the general rule of State CEQA Guidelines, section 15061, in that there is no possibility that the activity in question may have a significant negative physical impact on the environment. The proposed addition of "Warehousing and Storage, Limited" uses, as defined in PMC section 18.08.080.30 Commercial use classifications, would include storage of non-sensitive items that occur entirely within a building. This type of use would present no greater impacts than the existing allowable uses in the OS-O District, such as Vehicle/Equipment Sales and Service, Vehicle Storage, and/or Industrial Contractor Yards. Further, individual site specific proposals that may be initiated in the future would require a discretionary use permit and design review application that would undergo a separate CEQA-specific review, under a separate application process.
  
- D. On or prior to September 2, 2017, notice of the September 12, 2017 public hearing to consider this application was posted at City Hall and on the 'public notices' page of the City's website; was delivered to the Pittsburg Library; was published in the local newspaper (East County Times); and was mailed via first class mail or email to

the property owner, all property owners within 300 feet of the project area, and all interested parties and individuals and organizations that requested such notice, in accordance with PMC sections 18.14.010, and Government Code section 65091.

E. Pittsburgh Municipal Code (PMC) section 18.48.030.A specifies that the following determinations must be made in order to recommend approval of an amendment to the Zoning Ordinance:

1. the amendment is consistent with the objectives, policies, general land uses and programs in the General Plan;
2. the land use regulation is compatible with uses and regulations of the land use district for which it is proposed;
3. there is a community need for the change proposed; and
4. the change will be in conformity with the public convenience, general welfare, and good zoning practice.

F. Pittsburgh Municipal Code (PMC) section 18.74.060. specifies that the following determinations must be made in order to recommend approval of an amendment of an overlay plan:

1. Is necessary because there are special or unique characteristics of the site or improvements that require land use and development regulations that cannot be adequately accommodated or controlled by the base zoning district;
2. Conforms to the general plan; and
3. Generally complies with the land use and development regulations of the base zoning district.

G. On September 12, 2017, the Planning Commission held a public hearing on Planning Application No. 17-1253, at which time oral and/or written testimony was considered.

## Section 2. Findings

A. Based on the Planning Commission Staff Report entitled "Recommendation on a Zoning Text Amendment to the Avila Road Open Space Overlay District to Allow Warehousing and Storage Limited, AP-17-1253 (RZ)," 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 Pittsburgh, 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 amendment is not inconsistent with the General Plan.
3. The proposed land use regulations are compatible with uses and regulations of the land use district for which they are proposed, in that they would provide the community with storage options while still providing site development and operational controls through the use permit and design review process to ensure that new businesses do not become a nuisance for the surrounding neighbors, nor the City as a whole. In addition, the existing OS-O District currently allows other similar uses, including Vehicle/Equipment Sales and Service, Vehicle Storage, and Industrial Contractor Yards, so the proposed addition of "Warehousing and Storage, Limited" would not be out of character or inconsistent with existing land use regulations.
4. There is currently no public "Warehousing and Storage, Limited" use in the overlay area and the use permit and design review requirement will ensure that future applications for development of this type of use will be in conformity with public convenience, general welfare and good zoning practice.
5. The change will be in conformity with the public convenience as it would provide residents with an easily accessible storage and warehousing option along Avila Road, as no mini storage exists in the area surrounding the project. The amendment would provide an option for future mini storage that is currently unavailable to nearby residents.

### Section 3. Decision

- A. Based on the findings and the authority set forth above, the Planning Commission hereby recommends that the City Council adopt an ordinance amending Ordinance No. 91-1016, Exhibit "A" OS-O (1016) Zoning District, as amended by Ordinance No. 07-1284, "Land use and development regulations," as identified below:

1. The schedule is amended to add the following land use category under the "Commercial" heading, as follows (new text shown with underlines):

|                                         |          |
|-----------------------------------------|----------|
| <u>Warehousing and Storage, Limited</u> | <u>U</u> |
|-----------------------------------------|----------|

### Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner Ward, seconded by Commissioner Coniglio, the foregoing resolution was passed and adopted the 12<sup>th</sup> day of September, 2017, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES: Gargalikis, Coniglio, Croskey, Ward

NAYES: Robinson

ABSTAIN: None

ABSENT: Guerrero, Foster

I hereby certify that the above Resolution No. 10075 was adopted by the Planning Commission of the city of Pittsburg on September 12, 2017.

A handwritten signature in black ink, appearing to read 'Kristin Pollot', is written over a horizontal line.

KRISTIN POLLOT, AICP, SECRETARY  
PITTSBURG PLANNING COMMISSION



**CITY OF PITTSBURG  
PLANNING COMMISSION  
STAFF REPORT  
September 12, 2017**

**ITEM: No. 6- Recommendation on a Zoning Text Amendment to the Avila Road Open Space Overlay District to Allow Warehousing and Storage Limited, AP-17-1253 (RZ)**

ORIGINATED BY: David and Kathy Rege, PO Box 507, Clayton, CA 94517

SUBJECT: This is a public hearing on a request by Dave and Kathy Rege for a recommendation for City Council approval of a Zoning Text Amendment to add "warehousing and storage limited" subject to a use permit and design review to the Open Space Overlays 07-1284 and 91-1016 located at 101 - 104 Avila Road.

RECOMMENDATION:

Staff recommends that the Commission adopt Resolution No.10075, recommending City Council approval of an amendment to the land use regulations of an existing OS-O District in order to add the land use category "Warehousing and Storage, Limited" subject to a use permit and design review.

BACKGROUND:

Prior to the annexation to the City, the overlay area was used for grazing, stables, residences, dog kennel, vehicle storage yard, and contractor storage. In 1984, the County of Contra Costa approved a land use permit for "a commercial dog kennel, veterinary hospital, pet cemetery, three dwelling units and related accessory structures." It was determined that most of the existing and proposed uses at the time were not permitted in the OS base district. These uses, nonetheless, were determined to be generally consistent with the Pittsburg General Plan and were evaluated in the Southwest Hill General Plan Amendment EIR. Since annexation, permits have been issued for industrial contractor's yard, RV storage, modular office and storage building, and telecommunications towers.

On July 23, 1991, the City of Pittsburg initiated proceedings to prezone consistent with the Pittsburg General Plan and annex into the City of Pittsburg the 129+ acres (Z-91-08) bordered on the north by State Highway 4, to the west and south by unincorporated property and the east by the existing City Limits. A negative declaration was posted for that project having found that no significant effects upon the environment would occur as result of the project.

On November 18, 1991, in conjunction with this project the City Council adopted Avila Road Prezoning Ordinance No. 91-1016, which established a Limited Overlay District (OS-O) for the project area. The Limited Overlay included pre-existing commercial and industrial uses that would not usually be found in the Open Space land use designation (see Attachment 2, OS-O 1016 Exhibit A Land Use Regulations).



This original OS-O (Ordinance No. 91-1016) District remained in effect until it was amended by the City Council on April 17, 2007, through the adoption of Ordinance No. 07-1284, which amended the district in order to allow commercial recreation, commercial filming and artist studio uses (see Attachment 3 for an excerpt from Ordinance No. 07-1284 amending OS-O No. 1016).

On June 27, 2017, David and Kathy Rege filed an application to further amend the existing OS-O District in order to add “Warehousing and Storage, Limited” as an allowable use in the area, subject to approval of a use permit. While the applicant currently has no specific plan to add this business to his property, the use classification would enable storage uses at his site, and other sites within in the OS-O District boundaries, in the future subject to a use permit and design review.

#### PROJECT DESCRIPTION:

The project proposal is to revise the existing ‘Land Use Regulations’ table associated with the OS-O (Ordinance No. 91-1016) District by adding the “Warehousing and Storage, Limited” classification to the list. The PMC 18.08.080 definition for this commercial use is: “Provision of space, within an enclosed building, for the storage of privately owned household goods, personal property, business records, documents, and supplies. This classification includes mini storage facility but excludes wholesaling and storage, and vehicle storage.” No changes to the use classifications or other special regulations are proposed as part of this project.

#### GENERAL PLAN/CODE COMPLIANCE:

General Plan: The project site has a General Plan land use designation of Open Space, and according to the description “much of the City’s Planning Area is rural privately-owned land that falls within the open space designation. This classification accommodates any greenbelts and/or urban buffer areas that may be designated in the future. Greenbelts are open space, parkland, and agricultural areas located outside urban areas, as opposed to urban parks located within developed areas” (General Plan, page 2-21). Staff reviewed all applicable policies in the General Plan related to the Open Space land use designation and while there were no specific policies related to warehousing and storage uses, staff did determine that the proposed use would not be inconsistent with existing policies.

Pittsburg Municipal Code: Pursuant to PMC sections 18.16.020 and 18.48.030, the Planning Commission shall include written findings to support any recommendation it makes to the City Council to amend a zoning district or land use regulation of the Municipal Code.

Required Findings: In order to recommend approval of an amendment to the Zoning Ordinance, the Commission must find (in accordance with PMC Section 18.48.030) that:

1. The changes proposed are consistent with the objectives, policies, general land uses and programs specified in the General Plan.
2. In the case of a base district, the change proposed is compatible with the uses authorized in, and the regulations prescribed for, the land use district for which it is proposed.
3. A community need is demonstrated for the change proposed.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice.

In order to recommend approval of an overlay plan or amendment to an overlay, the Commission must also find (in accordance with PMC section 18.74.060) that the proposed overlay:

1. Is necessary because there are special or unique characteristics of the site or improvements that require land use and development regulations that cannot be adequately accommodated or controlled by the base zoning district;
2. Conforms to the general plan; and
3. Generally complies with the land use and development regulations of the base zoning district.

Environmental: This project is exempt from the requirements of the California Environmental Quality Act under the general rule of State CEQA Guidelines, section 15061, in that there is no possibility that the activity in question may have a significant negative physical impact on the environment. The proposed addition of “warehousing and storage, limited” uses, as defined in PMC section 18.08.080.30 Commercial use classifications, would include storage of non-sensitive items that occur entirely within a building. This type of use would present no greater impacts than the existing allowable uses in the OS-O District, such as Vehicle/Equipment Sales and Service, Vehicle Storage, and/or Industrial Contractor Yards. Further, individual site specific proposals that may be initiated in the future would require a discretionary use permit and design review application that would undergo a separate CEQA-specific review, under a separate application process.

Public Notice: On or prior to September 2, 2017, notice of the September 12, 2017, public hearing to consider this application was posted at City Hall and on the ‘public notices’ page of the City’s website; was delivered to the Pittsburg Library; was published in the local newspaper (East County Times); and was mailed via first class mail or email to the property owner, all property owners within 300 feet of the project area, and all

interested parties and individuals and organizations that requested such notice, in accordance with PMC sections 18.14.010, and Government Code section 65091.

STAFF ANALYSIS:

Staff believes that the Commission can make the necessary findings to recommend approval of the proposed amendment to the overlay district in order to revise the existing Land Use Regulations table associated with Overlay District 91-1016, as amended by Ordinance No. 07-1284, by adding the "Warehousing and Storage, Limited" classification- subject to approval of a use permit and design review- to the list. While the applicant of a couple parcels has requested the amendment, staff determined that due to the existing allowable industrial and commercial uses in the overlay district, adding "Warehousing and Storage, Limited" would best apply to the entire OS-O 1016 district.

The warehousing and storage limited amendment proposal is compatible with the existing commercial and industrial uses within the area, such as contractor yard, vehicle and boat storage. Future warehousing and storage limited applications would require design review and a use permit to assure continued compatibility in use, visibility and environmental compliance, as well as conformity with public convenience, general welfare and good zoning practice.

There is currently no public warehousing and storage in the overlay area, (See Attachment 5 Existing Mini Storage Locations Google Map), or in the immediate vicinity. The lack of such facilities in the area paired with the high number of existing and planned residential units in the same area, indicates that there is a community need for this use in the area proposed.

ACTION REQUIRED:

If the Commission concurs with staff, then the Commission must move to adopt Resolution No. 10075, recommending City Council approval of an amendment to the land use regulations of an existing OS-O (Ordinance No. 91-1016) as amended by Ordinance No. 07-1284, District in order to add the land use category "Warehousing and Storage, Limited," subject to a use permit, and design review.

Planning Commission Staff Report  
Avila Road Overlay Amendment for Warehousing and Storage Limited  
September 12, 2017

ATTACHMENTS:

1. Proposed Resolution No. 10075
2. Exhibit A from Ordinance No. 91-1016 "OS-O (1016) Zoning District Land Use Regulations"
3. Excerpt from Ordinance No. 07-1284 Amending OS-O (1016)
4. Avila Road Photos
5. Existing Mini Storage Locations Google Map
6. Public Hearing Notice & Vicinity Map

Prepared by: Christine Gregory, Contract Planner

Attachment 3 Excerpt from Ordinance No. 07-1284 Amending OS-O (1016)

4. Ordinance No. 02-1203 (Landmark Missionary Baptist Church Overlay) is amended, in order to add "Religious Assembly" as a permitted use in that IL-O (Limited Industrial with a Limited Overlay) District;
5. Ordinance No. 02-1193 (Mill Creek Development Overlay) is amended, in order to add "Religious Assembly" as an allowed use in that CS-O (Service Commercial with a Limited Overlay) District, subject to limitation L-117, which requires a use permit for facilities capable of accommodating an occupancy of 50 or more seated persons based on Uniform Building Code standards, but otherwise permits the use;
6. Ordinance Nos. 98-1154 and 97-1133 (Fort Knox Storage Overlay) is amended, in order to add "Boat Storage" and "Vehicle Storage" as conditionally permitted uses in those CO-O (Office Commercial with a Limited Overlay) Districts;
7. Ordinance No. 91-1016 (Avila Road Overlay) is amended, in order to modify the limitation for "Commercial Recreation and Entertainment Within a Building" to incorporate the following revisions and so as to read, "Limited to **scale model course, shooting gallery, and** exposition hall for animal shows ~~and trade fairs, meetings, live performing arts, and social functions all subject to a use permit,~~" and to add "Commercial Filming and Communications" and "Artist Studio" as conditionally permitted uses in that OS-O (Open Space with a Limited Overlay) District; and
8. An overlay district is established for that portion of the property formerly occupied by Johns Manville, located west of Harbor Street and south of East Third Street (Assessor's Parcel No. 073-050-001), and designated *Downtown Medium Density Residential* in the General Plan. The use and development standards for this overlay district shall be those of the RMD District, except that minimum lot size shall be 2,200 square feet, and maximum building height for attached and detached single-family residential units shall be 35 feet for up to 75 percent of all interior lots and 28 feet for all lots with frontage on more than one public or private street and no fewer than 25 percent of all interior lots.

SECTION 4. Severability.

If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remainder of this ordinance, and this City Council hereby declares that it would have passed the remainder of this ordinance if such invalid portion thereof had been deleted.

SECTION 5. Publication.

The City Clerk shall either (a) have this ordinance published once within 15 days after adoption in a newspaper of general circulation or (b) have a summary of the ordinance published twice in a newspaper of general circulation, once 5 days before its adoption and again 20 days after its adoption.

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

|                               |   |                       |
|-------------------------------|---|-----------------------|
| Avila Road Prezoning          | ) |                       |
| Z-91-08                       | ) | Ordinance No. 91-1016 |
| APN 097-130-033, 097-140-004, | ) |                       |
| 008, & 009                    | ) |                       |

The Pittsburgh City Council does ordain as follows:

Section 1. Background

1. On July 23, 1991, the City of Pittsburgh initiated proceedings to prezone consistent with the Pittsburgh General Plan and to annex into the City of Pittsburgh, 129+ acres bordered on the north by State Highway 4 and east by the existing city limits, on the south and west by unincorporated property. APN 097-130-003, 097-140-004, 008 & 009.

2. A Negative Declaration was posted for this proposed project on July 23, 1991 and October 1, 1991 the Community Development Director having found that no significant effects upon the environment will occur as result of this project.

3. On August 12, 1991 the Planning Commission adopted Resolution No. 8538 approving Z-91-08.

4. On October 22, 1991 the Planning Commission adopted Resolution No. 8559 approving a Limited Overlay District to OS-S.

5. The proposed prezoning conforms with the policies and guidelines of the Pittsburgh General Plan.

6. On November 4, 1991, the City Council held a public hearing on Z-91-08 at which time oral and/or written testimony was considered.

Section 2. Findings

Based on evidence presented at the public hearing, the City Council finds that:

1. Negative Declarations were prepared in compliance with CEQA, State and City Guidelines and that it has reviewed and considered the information contained therein.

2. The zoning district classification and Limited Overlay District assigned to the affected parcels is consistent with the land use designation indicated on the Pittsburgh General Plan and with the development regulations of the Pittsburgh Municipal Code.

Section 3. Approval

Based on the findings as set forth above, this City Council hereby certifies the Negative Declarations except in regards to General Plan consistency which incorrectly indicates that the southwest portion of the annexation area is within the Williamson Act Agricultural Preserve and approves Z-91-08 as described in Exhibit "A" and "D".

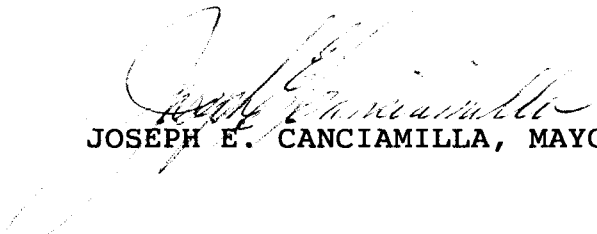
The foregoing ordinance was introduced at a meeting of the City Council of the City of Pittsburg, California, held November 4, 1991 and was duly passed adopted at a meeting of said City Council held on the 18th day of November , 1991 by the following vote:

AYES: Councilpersons Currie, Lewis, Parent, Davis & Mayor Canciamilla

NAYS: None

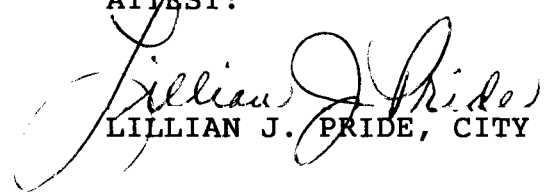
ABSENT: None

ABSTAINED: None



JOSEPH E. CANCIAMILLA, MAYOR

ATTEST:



LILLIAN J. PRIDE, CITY CLERK

CB/fb

A:AVILAPZ.CC

Ordinance No. 91-1016  
Exhibit "A"

OS-O(1016) Zoning District

**Land Use Regulations**

In the following schedule, the letter "P" designates use classifications permitted in OS districts. The letter "L" designates use classifications subject to certain limitations prescribed by the "Additional Use Regulations" which follow. The letter "U" designates use classifications permitted on approval of a use permit (chapter 18.28). The letter "Z" designates accessory use classifications permitted on approval of the zoning administrator. The letter "T" designates temporary use classifications permitted on approval of a temporary activity permit. Letters in parentheses in the "Additional Use and Development Regulations" column refer to development regulations which follow after the schedule.

**OS-O(1016) DISTRICT: LAND USE REGULATIONS**

P - Permitted  
U - Use Permit  
Z - Zoning Administration  
Approval  
T - Temporary Activity  
Permit  
L - Limited (See  
Additional Use  
Regulations)

|                                            | OS-O(1016) | ADDITIONAL AND DEVELOPMENT<br>USE REGULATIONS |
|--------------------------------------------|------------|-----------------------------------------------|
| <b>Residential</b>                         |            |                                               |
| Single Family Residential                  | P          | (A)                                           |
| <b>Governmental and Semipublic</b>         |            |                                               |
| Cemetery                                   | L36        |                                               |
| Government Office                          | L23        |                                               |
| Park and Recreation Facility               | U          |                                               |
| Public Safety Facility                     | U          |                                               |
| Utility, Minor                             | P          |                                               |
| <b>Commercial</b>                          |            |                                               |
| Animal Services                            |            |                                               |
| Animal Boarding                            | P          |                                               |
| Animal Grooming                            | P          |                                               |
| Animal Hospital                            | P          |                                               |
| Animal Retail Sales                        | P          |                                               |
| Commercial Recreation and<br>Entertainment |            |                                               |



|                                     |     |
|-------------------------------------|-----|
| Within a Building                   | L37 |
| Outdoor Facilities                  | L38 |
| Eating and Drinking Establishment   |     |
| Restaurant, Full-service            | P   |
| Horticulture, Limited               | P   |
| School, Commercial                  | L39 |
| Vehicle/Equipment Sales and Service |     |
| Vehicle Storage                     | U   |
| Visitor Accommodations              | L40 |
| <b>Industrial</b>                   |     |
| Industrial Services                 |     |
| Contractor Yard                     | U   |
| <b>Agricultural and Extractive</b>  |     |
| Animal Husbandry                    | P   |
| Crop Production                     | P   |
| Mining and Processing               | U   |
| <b>Accessory Uses</b>               |     |
| Accessory Uses                      | L30 |
| Accessory Structures                |     |
| Nonresidential Accessory Structure  |     |
| Accessory Dwelling Unit             | Z   |
| Accessory Living Quarters           | P   |
| Caretaker's Quarters                | U   |
| <b>Temporary Uses</b>               |     |
| Animal Show                         | T   |
| Christmas Tree Sales                | T   |
| Circus and Carnival                 | T   |
| Commercial Filming, Limited         | T   |
| Holiday Boutique                    | P   |
| Personal Property Sales             | P   |
| Real Property Sales                 | P   |
| Religious Assembly                  | T   |

**OS-O(1016) DISTRICT: ADDITIONAL USE REGULATIONS AND DEVELOPMENT REGULATIONS**

- (A) Minimum lot area is 20 acres per dwelling unit.
- L23 Permitted as part of a park or recreational public service, or utility facility.
- L36 Limited to burial of pets including taxidermy, crematory, columbarium, mausoleum and mortuary.

- L37            Limited to exposition hall for animal shows, trade fairs, meetings, live performing arts and social functions.
- L38            Limited to animal shows and exhibits.
- L39            Limited to training of animal handlers.
- L40            Limited to recreational vehicle hookups for participants and attendees.

#### **Development Regulations**

Development regulations are as specified by a use permit or design review where required. A permitted use or ancillary activity not specifically regulated by a use permit or design review approval is regulated by the property development regulations specified in the Rural Residential District, except as otherwise prescribed by this Chapter.

#### **Review of Plans**

All projects require design review (chapter 18.36).

**\*OS-O DISTRICT: ADDITIONAL USE REGULATIONS AND DEVELOPMENT  
REGULATIONS**

- (A) Minimum lot area is 20 acres per dwelling unit.
- L23 Permitted as part of a park or recreational public service, or utility facility.
- \*L36 LIMITED TO BURIAL OF PETS INCLUDING TAXIDERMY, CREMATORY, COLUMBARIUM, MAUSOLEUM AND MORTUARY.
- \*L37 LIMITED TO EXPOSITION HALL FOR ANIMAL SHOWS, TRADE FAIRS, MEETINGS, LIVE PERFORMING ARTS AND SOCIAL FUNCTIONS.
- \*L38 LIMITED TO ANIMAL SHOWS AND EXHIBITS.
- \*L39 LIMITED TO TRAINING OF ANIMAL HANDLERS.
- \*L40 LIMITED TO RV HOOKUPS FOR PARTICIPANTS AND ATTENDEES.

CB/ly  
a:landuse.reg

CITY OF PITTSBURG  
NOTICE OF NEGATIVE DECLARATION

1. Project Description and Location:

This is a City-initiated proposal to annex into the City of Pittsburg approximately 129 acres located directly west of the proposed San Marco project, which was included in Southwest Hills Annexation #109, and south of Highway 4. Avila Road, an existing arterial street, generally bisects the site north from south. The project involves annexation of four parcels into the City of Pittsburg and rezoning of the property to OS, Open Space. The site contains the Ridge Farms horse stables on the north side of Avila Road and De Bonnevillie animal training center which includes three residential mobile homes. The remaining site is hilly ranch land.

2. Findings:

The Community Development Director has determined that the project described above will not have a significant effect on the environment for the reasons as stated in No. 3 below.

3. Statement of Reasons to Support the Findings:

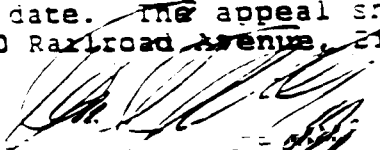
- A. General Plan Consistency: The site is proposed to be rezoned to OS, Open Space. This zoning classification is consistent with the current General Plan designation of Open Space. The southern corner of the site is in a Williamson Act contract (agricultural preserve). The OS zoning will not affect this contract.
- B. Transportation/Circulation: The General Plan designates Avila Road as an existing arterial street which will eventually connect to West Leland Road with the construction of this street in the San Marco development.
- C. Utilities: The site will concurrently be annexed into Delta Diablo Sanitation District No. 7-A and Contra Costa Water District at the time of annexation into the City. The project site is located in the planned ultimate sewer service area of Delta Diablo Sanitation District. All four parcels need to be added to CCWD's Sphere of Influence (SOI).

4. Initial Study:

A precise description of the project and an environmental analysis of the potential effects of the subject proposal may be reviewed at the City of Pittsburg Community Development Department, Planning Division, 65 Civic Avenue, Pittsburg, CA 94565.

5. Appeal Procedure:

The determination of the Community Development Director may be appealed, by any person, not later than the twenty-first (21st) day following the above date. The appeal shall be filed with the City Clerk, 1020 Railroad Avenue, Pittsburg, CA 94565.

  
Ronald J. LaPrade

**CITY OF PITTSBURG  
NOTICE OF NEGATIVE DECLARATION**

**1. Project Description and Location:**

This is a City-initiated proposal to annex into the City of Pittsburg approximately 129 acres located directly west of the proposed San Marco project, which was included in Southwest Hills Annexation #109, and south of Highway 4 and to amend the zoning ordinance (Title 18) and establish a limited overlay zone to allow for flexibility of land uses consistent with the General Plan. Avila Road, an existing arterial street, generally bisects the site north from south. The project involves annexation of four parcels into the City of Pittsburg and rezoning of the property to OS, Open Space. The site contains the Ridge Farms horse stables on the north side of Avila Road and De Bonneville animal training center which includes three residential mobile homes. The animal center will include a full-care veterinarian hospital, pet training and grooming facilities, show facilities that include a multipurpose exhibition hall, dog kennels, cemetery and crematorium. The animal center was previously approved by the County and is referred to in the Southwest Hills Annexation and General Plan Amendment Environmental Impact Report. The remaining site is hilly ranch land.

**2. Finding:**

The Community Development Director has determined that the project described above will not have a significant effect on the environment for the reasons as stated in No. 3 below.

**3. Statement of Reasons to Support the Finding:**

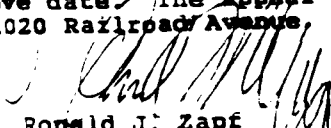
- A. General Plan Consistency: The site is proposed to be rezoned to OS, Open Space with an overlay zone to allow animal sales and services. This zoning classification is consistent with the current General Plan designation of Open Space. Animal sales and services is currently permitted or conditionally permitted in commercial zones and limited industrial zone.
- B. Transportation/Circulation: The General Plan designates Avila Road as an existing arterial street which will eventually connect to West Leland Road with the construction of this street in the San Marco development.
- C. Utilities: The site will concurrently be annexed into Delta Diablo Sanitation District No. 7-A and Contra Costa Water District at the time of annexation into the City. The project site is located in the planned ultimate sewer service area of Delta Diablo Sanitation District. All four parcels need to be added to CCWD's Sphere of Influence (SOI).

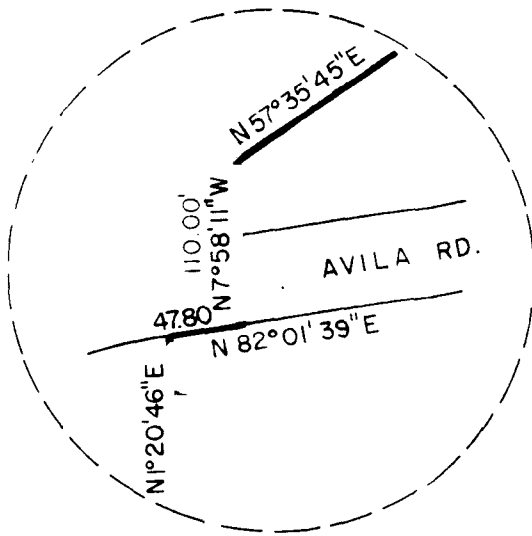
**4. Initial Study:**

A precise description of the project and an environmental analysis of the potential effects of the subject proposal may be reviewed at the City of Pittsburg Community Development Department, Planning Division, 65 Civic Avenue, Pittsburg, CA 94565.

**5. Appeal Procedure:**

The determination of the Community Development Director may be appealed, by any person, not later than the twenty-first (21st) day following the above date. The appeal shall be filed with the City Clerk, 2020 Railroad Avenue, Pittsburg, CA 94565.

  
Ronald J. Zapf  
Community Development Director



DETAIL

17 16

DETAIL

**STATE**

**AVILA ROAD**

**HIGHWAY**

**097-130-003  
RIDGE FARMS**

**097-140-004  
RIDGE FARMS**

**097-140-008  
DE BONNEVILLE**

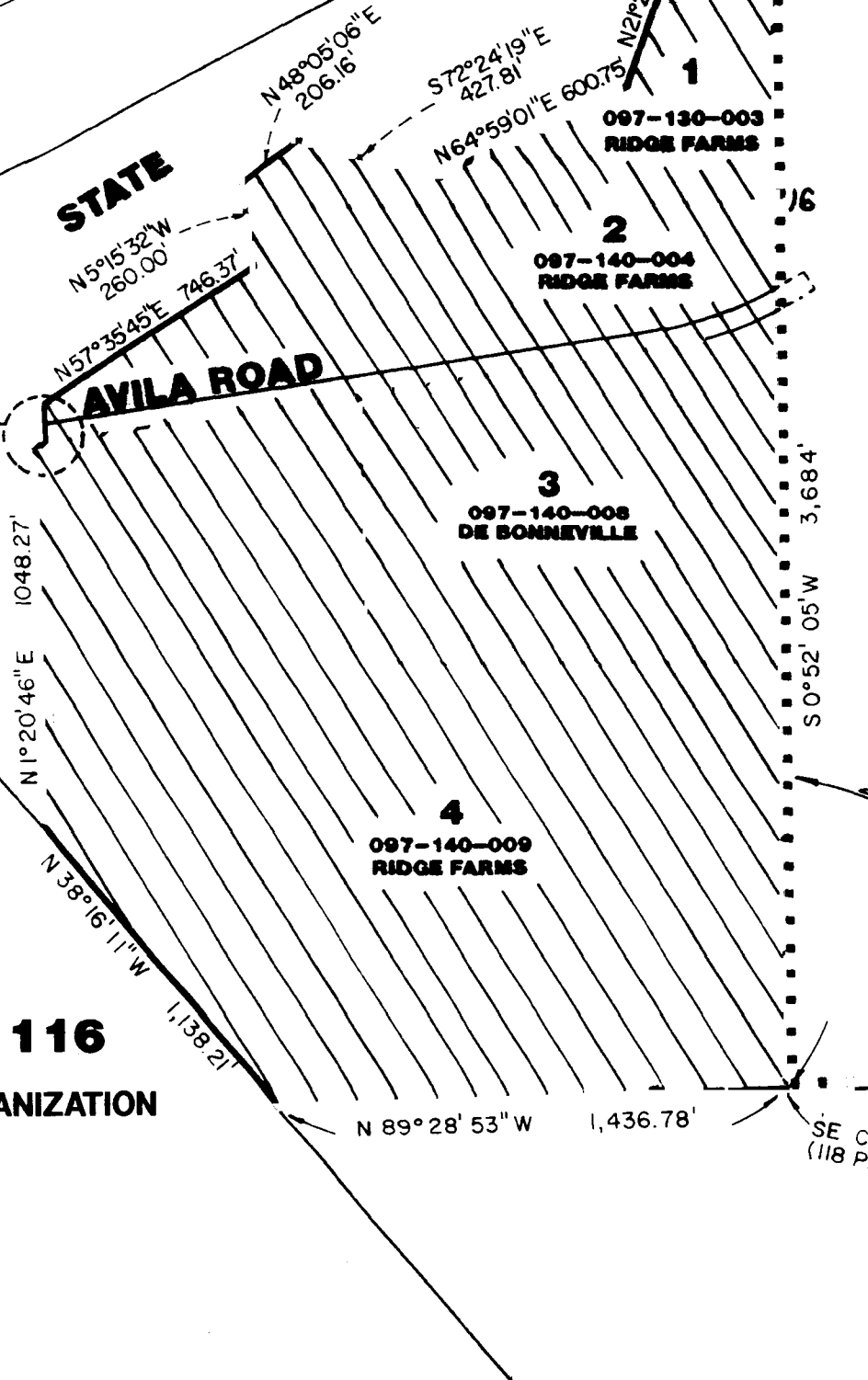
**097-140-009  
RIDGE FARMS**

SE C  
(118 P.)

# ANNEXATION NO. 116

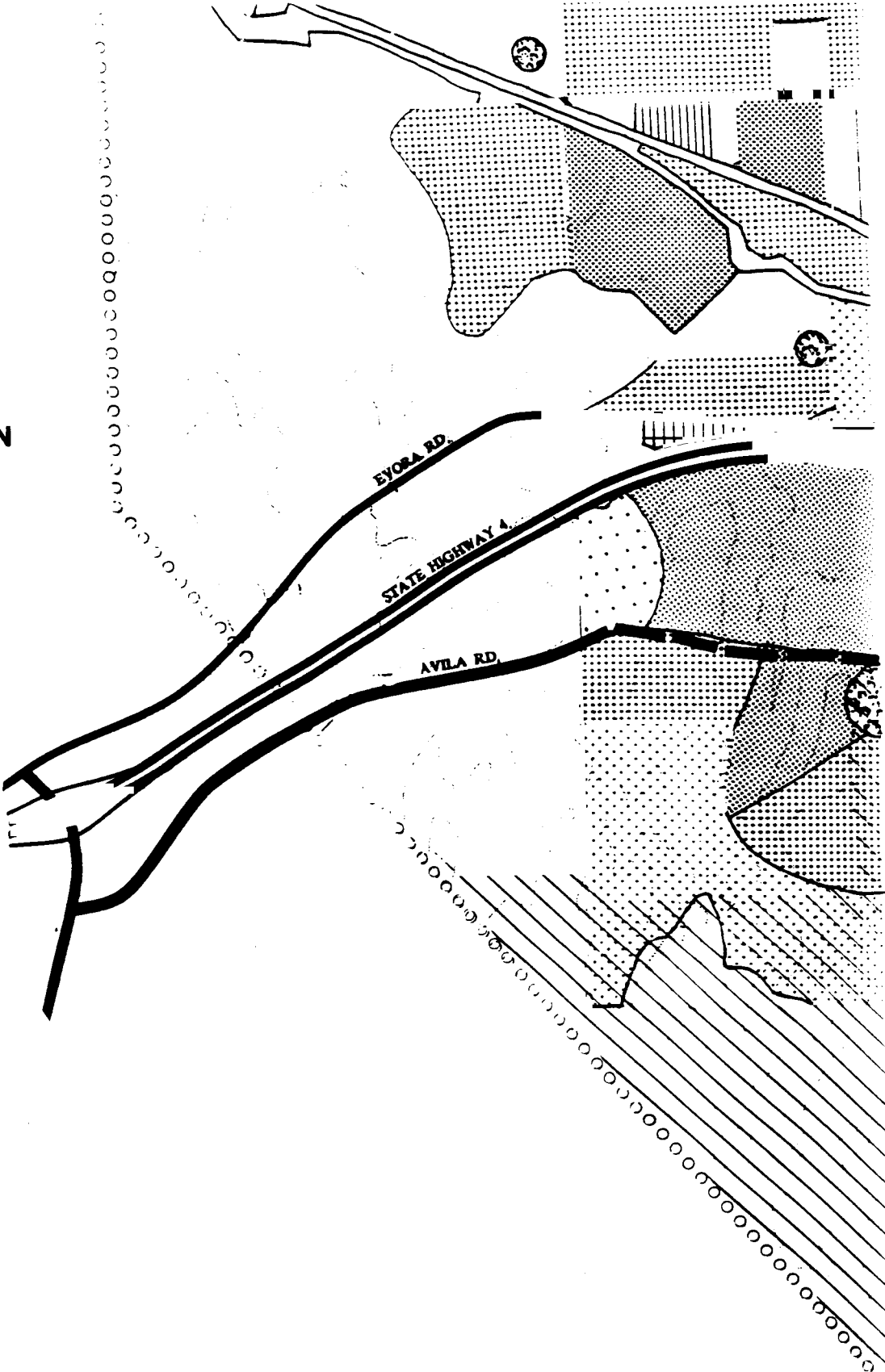
AVILA ROAD BOUNDARY REORGANIZATION

EXHIBIT "B"



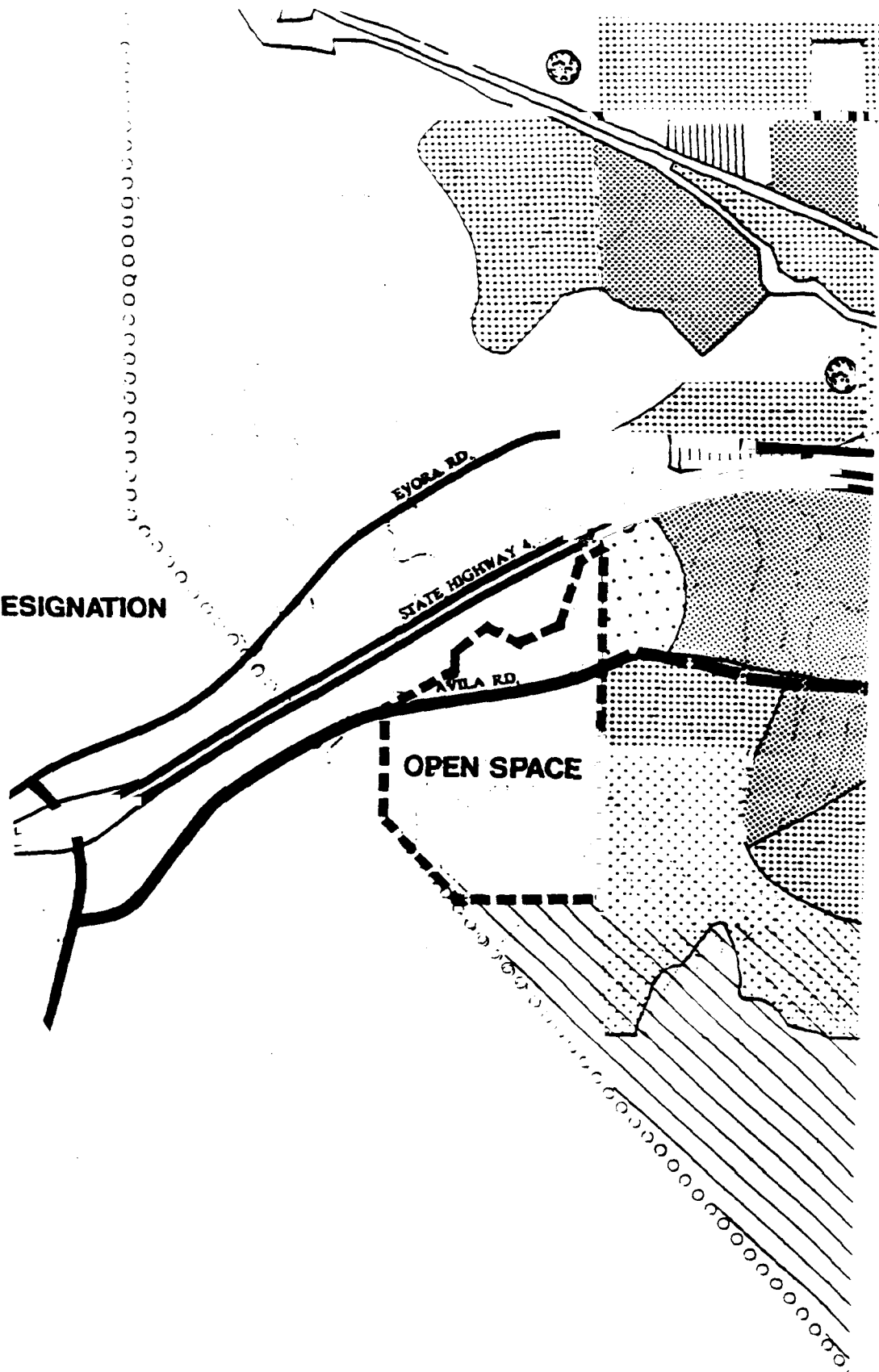
CURRENT GENERAL PLAN  
EXHIBIT "C"

- RURAL RESIDENTIAL
- RESIDENTIAL ESTATE
- RESIDENTIAL LOW DENSITY
- RESIDENTIAL MEDIUM DENSITY
- RESIDENTIAL HIGH DENSITY
- COMMUNITY COMMERCIAL
- NEIGHBORHOOD COMMERCIAL
- OFFICE COMMERCIAL
- SERVICE COMMERCIAL
- LIMITED INDUSTRY
- GENERAL INDUSTRY
- INDUSTRIAL/BUSINESS PARK
- PUBLIC
- UTILITY
- PARKS
- OPEN SPACE
- AGRICULTURAL PRESERVE
- FREEWAY
- EXISTING ARTERIAL STREET
- PLANNED ARTERIAL STREET
- EXISTING COLLECTOR STREET
- PLANNED COLLECTOR STREET
- PLANNED INTERCHANGE
- PLANNED GRADE SEPARATION
- PLANNING AREA BOUNDARY



PROPOSED PREZONING DESIGNATION  
EXHIBIT "D"

-  RURAL RESIDENTIAL
-  RESIDENTIAL ESTATE
-  RESIDENTIAL LOW DENSITY
-  RESIDENTIAL MEDIUM DENSITY
-  RESIDENTIAL HIGH DENSITY
-  COMMUNITY COMMERCIAL
-  GENERAL COMMERCIAL
-  OFFICE COMMERCIAL
-  SERVICE COMMERCIAL
-  LIMITED INDUSTRY
-  GENERAL INDUSTRY
-  INDUSTRIAL/BUSINESS PARK
-  PUBLIC
-  UTILITY
-  PARKS
-  OPEN SPACE
-  AGRICULTURAL PRESERVE
-  FREEWAY
-  EXISTING ARTERIAL STREET
-  PLANNED ARTERIAL STREET
-  EXISTING COLLECTOR STREET
-  PLANNED COLLECTOR STREET
-  PLANNED GRADE SEPARATION
-  PLANNING AREA BOUNDARY





**AVILA ROAD ANNEXATION NO. 116 PREZONING/BOUNDARY REORGANIZATION**  
City initiated request to annex and prezone to OS (Open Space) 129.481 acres between State Highway 4 and existing City limits on the east and adjacent to unincorporated land on the south and west; APN 097-130-003; 097-140-004, 008 and 009.

Mr. Jerome reported that the action to be taken by the Commission would be in relation to the prezoning of the Avila Road Annexation. He added that the City intended to annex the 130± acres to an Open Space designation.

Mr. Bekiaris, the project planner, stated that the annexation was contiguous to City boundaries, was consistent with the General Plan and was appropriate. He further clarified the location of the property to be annexed.

**PUBLIC HEARING OPENED**

**PROPONENT:** The City of Pittsburg

**OPPONENTS:** None

**PUBLIC HEARING CLOSED**

**MOTION:**

Motion by Commissioner Riccio to adopt Resolution No. 8538, recommending that the City Council approve Z-91-08, Avila Road Prezoning and Boundary Reorganization, Annexation 116, as shown on Exhibit D. The motion was seconded by Commissioner Garcia and carried by the following vote:

|          |                                                                    |
|----------|--------------------------------------------------------------------|
| Ayes:    | Commissioners Beck, Bedford, Burns, Garcia, Moline, Riccio, Gordon |
| Noes:    | None                                                               |
| Abstain: | None                                                               |
| Absent:  | None                                                               |

**COMMENTS FROM AUDIENCE:**

There were no comments from the audience.

**STAFF COMMUNICATIONS:**

There were no comments from staff.

**COMMENTS FROM COMMISSIONERS:**

Commissioner Riccio referred the Commission to the two articles in the newspaper she presented, and offered a letter to the editor for discussion.

8-13-91

Ms. Lord explained that the area was well-lit, but vandals frequently broke the mercury vapor lights which were required to be replaced an average of four times a week. She also clarified that the gates were kept closed during the day for security reasons.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Riccio to adopt Resolution No. 8558, approving FE-91-03, St. Vincent De Paul Fence Exception, with the addition of the indemnity section. The motion was seconded by Commissioner Garcia and carried by the following vote:

Ayes: Commissioners Bedford, Beck, Burns, Garcia, Riccio,  
Gordon  
Noes: None  
Abstain: None  
Absent: None

**\*ITEM 6: AVILA ROAD ANNEXATION NO. 116 PREZONING TO AN OPEN SPACE/LIMITED OVERLAY ZONE. Z-91-08.**

City-initiated request to annex and prezone to Open Space with a Limited Overlay Zone (OS-0) allowing expanded land use classifications on the 129.481 acres between State Highway 4 and existing city limits on the east and adjacent to unincorporated land on the south and west. APN 097-130-003; 097-140-004, 008 and 009.

Mr. Jerome explained the City-initiated request to annex and prezone to Open Space with a Limited Overlay Zone, to allow expanded land use classifications on the 129.481 acre site.

Chris Bekiaris, the project planner, explained that in August, the Commission adopted a resolution recommending approval of the prezoning of the site to the City Council. Because County-approved uses in the area were not included in the prezoning designation, the limited overlay district was proposed to allow the existing uses and uses permitted by the County, to facilitate the annexation process. Mr. Bekiaris introduced Exhibit "A" to identify the changes and to clarify the uses of the overlay zone.

PUBLIC HEARING OPENED

PROPONENTS: The City of Pleasant Hill

CHERI DEBONNEVILLE, the owner of the affected property, supported the application and questioned when the utilities and other improvements would be provided to the adjoining development.

10-22-91



BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

|                               |   |                     |
|-------------------------------|---|---------------------|
| Avila Road Rezoning and       | ) |                     |
| Boundary Reorganization,      | ) | Resolution No. 8538 |
| Annexation 116, Z-91-08       | ) |                     |
| APN 097-130-003, 097-140-004, | ) |                     |
| 088 & 009                     | ) |                     |
| Resolution of Approval        | ) |                     |

The Pittsburg Planning Commission does resolve as follows:

Section 1. Background

1. On July 23, 1991, the City of Pittsburg initiated proceedings to prezone consistent with the Pittsburg General Plan and to annex into the City of Pittsburg, 129+ acres bordered on the north by State Highway 4 and east by the existing city limits, on the south and west by unincorporated property. APN 097-130-003, 097-140-004, 008 & 009.
2. A Negative Declaration was posted for this proposed project on July 23, 1991, the Community Development Director having found that no significant effects upon the environment will occur as result of this project.
3. Notice of the August 13, 1991 public hearing for this project was mailed, published and posted August 2, 1991.
4. The proposed rezoning conforms with the policies and guidelines of the Pittsburg General Plan.
5. On August 13, 1991, the Planning Commission held a public hearing on Z-91-08 at which time oral and/or written testimony was considered.

Section 2. Findings

Based on evidence presented at the public hearing, the Planning Commission finds that:

1. The Negative Declaration was prepared in compliance with CEQA, State and City Guidelines and that it has reviewed and considered the information contained therein.

2. The zoning district classification assigned to the affected parcels is consistent with the land use designation indicated on the Pittsburg General Plan.

3. The public necessity, convenience and general welfare require the subject site be rezoned.

4. It is recommended that the City Council hold the necessary public hearings and approve Z-91-08.

### Section 3. Approval

Based on the findings as set forth above, this Commission hereby recommends that the City Council certify the Negative Declaration and adopt an ordinance to approve Z-91-08 as shown on Exhibit "B" and "D".

### Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

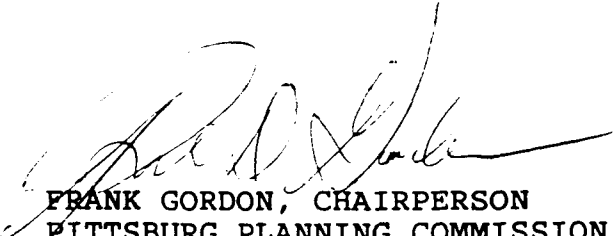
On motion by Commissioner Riccio, seconded by Commissioner Garcia, the foregoing resolution was passed and adopted this 13th day of August, 1991, by the Planning Commission of Pittsburg, California by the following vote:

AYES: Beck, Bedford, Burns, Garcia, Gordon, Moline, Riccio

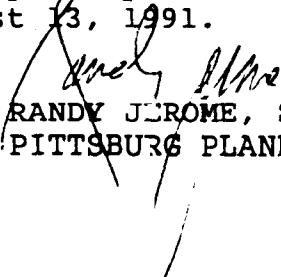
NAYS: None

ABSENT: None

ABSTAINED: None

  
FRANK GORDON, CHAIRPERSON  
PITTSBURG PLANNING COMMISSION

I hereby attest the above signature and certify that the above Resolution No. 8538 was adopted by the Planning Commission of the City of Pittsburg on August 13, 1991.

  
RANDY JEROME, SECRETARY  
PITTSBURG PLANNING COMMISSION

I, the undersigned, acknowledge that the above stated conditions are required to be fulfilled as a part of the approval of this application.

APPLICANT'S NAME (please print)

APPLICANT'S SIGNATURE

PROPERTY OWNER'S NAME (please  
print)

PROPERTY OWNER'S SIGNATURE

2092P

BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

|                        |   |                     |
|------------------------|---|---------------------|
| Avila Road Rezoning    | ) |                     |
| Z-91-08                | ) | Resolution No. 8559 |
| APN 097-130-003        | ) |                     |
| 097-140-004, 008 & 009 | ) |                     |
| Resolution of Approval | ) |                     |

The Pittsburg Planning Commission does resolve as follows:

Section 1. Background

1. On July 23, 1991, the City of Pittsburg initiated proceedings to prezone consistent with the Pittsburg General Plan and to annex into the City of Pittsburg, approximately 129 acres bordered on the north by State Highway 4 and east by the existing city limits, on the south and west by unincorporated property. APN 097-130-003, 097-140-004, 008 & 009.

2. On August 13, 1991, the Planning Commission adopted Resolution No. 8538 recommending the City Council certify the Negative Declaration and adopt an ordinance approving Z-91-08.

3. On September 25, 1991 the involved parties and City staff met to discuss existing uses and uses approved by Contra Costa County.

4. A Negative Declaration was reposted for this proposed project on October 1, 1991 the Community Development Director having found that no significant effects upon the environment will occur as result of this project.

5. Notice of the October 22, 1991 public hearing for this project was mailed, published and posted October 11, 1991.

6. On October 22, 1991, the Planning Commission held a public hearing Z-91-08 at which time oral and/or written testimony was considered.

Section 2. Findings

Based on evidence presented at the public hearing, the Planning Commission finds that:

1. The Negative Declaration was prepared in compliance with CEQA, State and City Guidelines and that it has reviewed and considered the information contained therein.

2. The public necessity, convenience and general welfare require that the Limited Overlay District be adopted as indicated in the attached Exhibit "A" for the area indicated on Exhibit "B".

3. The proposed Limited Overlay District conforms with the policies and guidelines at the Pittsburg General Plan and with the development regulations of the Municipal Code.

4. It is recommended that the City Council hold the necessary public hearings and approve the rezoning request.

### Section 3. Approval

Based on the findings as set forth above, this Commission hereby approves Z-91-08.

### Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner Garcia, seconded by Commissioner Burns, the foregoing resolution was passed and adopted this 22nd day of October, 1991, by the Planning Commission of Pittsburg, California by the following vote:

AYES: Beck, Bedford, Burns, Garcia, Gordon, Riccio

NAYS: None

ABSENT: None

ABSTAINED: None

FRANK GORDON, CHAIRPERSON  
PITTSBURG PLANNING COMMISSION

I hereby attest the above signature and certify that the above Resolution No. 8559 was adopted by the Planning Commission of the City of Pittsburg on October 22, 1991.

RANDY JEROME, SECRETARY  
PITTSBURG PLANNING COMMISSION



I, the undersigned, acknowledge that the above stated conditions are required to be fulfilled as a part of the approval of this application.

APPLICANT'S NAME (please print)

APPLICANT'S SIGNATURE

PROPERTY OWNER'S NAME (please  
print)

PROPERTY OWNER'S SIGNATURE

CB/ly  
a:avilard.8559

WILLIAMS, WOODS & SCHEIDIG

an association including a professional corporation

Charles J. Williams  
*a professional corporation*

Michael R. Woods

Kenneth C. Scheidig

One Summit Center  
2530 Arnold Drive, Suite 360  
Martinez, California 94553

Tel. 415.228.3840  
Fax 415.228.1703

September 18, 1991

MEMORANDUM

TO: Yolanda Lopez, Administrative Assistant

FROM: Charles J. Williams, City Attorney  
Michael R. Woods, Assistant City Attorney

RE: Ordinance Prohibiting the Defacing of Public Property

In response to your request we have reviewed the provisions of the Municipal Code regarding defacing of public property, currently found at the back of Chapter 12.08, entitled "Obstructions and Interference with Public Streets."

We determined that these provisions are more properly placed in a separate chapter under Title 9, Public Peace, Safety and Morals, and have therefore drafted the enclosed ordinance. The language has been modified somewhat; violation of this new chapter 9.74 is a misdemeanor.

You questioned whether the City might broaden the application of these provisions to include private property as well as public property. This appears to be unnecessary. California Penal Code section 594 provides criminal penalties for vandalism against private and public property. This section applies to a broad range of malicious mischief, including but not limited to acts of writing graffiti. Penal Code Section 594.1 regulates the sale of certain aerosol containers of paint to minors, and possession of such containers by minors. (Copies of sections 594 and 594.1 are enclosed for your reference.)

Given these state offenses, it seems that little could be added by broadening provisions of the Municipal Code to apply to private property. Such inclusion might well expand the City's enforcement burden without really creating any new offense that could not already be prosecuted.<sup>1/</sup>

<sup>1/</sup> There seems little harm in retaining existing code provisions protecting public property. Whenever the City enforces these provisions, staff should note the availability of the Penal Code sections referenced here, particularly section 594(c), which allows the court to order the damage to be repaired by or at the expense of the person convicted.

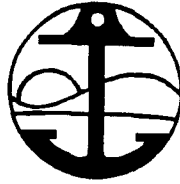
Yolanda Lopez  
September 18, 1991  
Page 2

If you have any questions, please call us.

MRW:sb 

cc: S. A. Donato, City Manager  
Robert Soderbery, Public Services Director  
Sue DeLapp, Code Enforcement

Enclosures



## OFFICE OF THE CITY MANAGER

Administrative Offices  
2020 Railroad Avenue  
Pittsburg, California 94565

**MEMO:** November 4, 1991

**TO:** Mayor and City Council

**FROM:** S. Anthony Donato, City Manager

**SUBJECT:** AVILA ROAD ANNEXATION NO. 116 PREZONING TO AN OPEN SPACE/LIMITED OVERLAY ZONE. Z-91-08 CITY INITIATED REQUEST TO ANNEX AND PREZONE TO OPEN SPACE WITH LIMITED OVERLAY ZONE (OS-0) ALLOWING EXPANDED LAND USE CLASSIFICATION ON THE 129.481 ACRES BETWEEN STATE HIGHWAY 4 AND EXISTING CITY LIMITS ON THE EAST AND ADJACENT TO UNINCORPORATED LAND ON THE SOUTH AND WEST. APN 097-130-003; 097-140-004, 008 & 009.

On August 13, 1991 the Planning Commission adopted Resolution No. 8538 by unanimous vote recommending that the City Council approve the prezoning of the Avila Road site to Open Space.

This unincorporated area located in the southwestern part of Pittsburg is within the City's planning area boundary. The City can annex this area because it is contiguous to City boundaries. The affected parcels must be prezoned in order for the City to initiate the annexation. The proposal is to prezone each parcel with a zoning district classification that corresponds to the current General Plan land use designation. No development projects are proposed or forthcoming as a result of this zoning action and annexation. As such, a Negative Declaration was prepared and posted on July 23, 1991.

The affected properties are as follows:

1. Two parcels totaling 30.156 acres between State Highway 4 and Avila Road presently occupied by horse stables, truck parking and storage of various miscellaneous items. (Sites No. 1 and 2)
2. A 25 acre parcel on the south side of Avila Road to its easternmost terminus contains several residences and grazing land. (Site No. 3)
3. A 71.368 acre parcel located west and southwest of Site No. 3 and south of Avila Road consists of grazing land. (Site

The present General Plan land use classification for the area is OS (Open Space) and is indicated on Exhibit "C". The proposed rezoning district will be consistent with the current General Plan land use designation of Open Space (Exhibit "D").

Planning staff subsequently met with the involved parties to discuss uses on their property relating to enumerated uses in the land use matrix for the OS zone. Currently the area is used for grazing, stables, residences, dog kennel, vehicle storage yard and contractor storage. In 1984, the County of Contra Costa approved a land use permit on the 25 acre De Bonnevillle parcel (Site No. 3 Exhibit "A") for "a commercial dog kennel, veterinary hospital, pet cemetery, three dwelling units and related accessory structures." It was determined that most of the existing and proposed uses are not permitted in the OS base district. These uses, nonetheless, are generally consistent with the Pittsburg General Plan and were evaluated in the Southwest Hill General Amendment EIR. The owners will agree to the annexation if their existing and approved uses with the County are allowed in the City. A limited overlay district is required to allow these existing uses and uses permitted by the County.

On October 22, 1991 the Planning Commission adopted Resolution No. 8559 by unanimous vote recommending the City Council approve the Limited Overlay Zone.

The proposed change involves adding the following land uses to the land use matrix for the proposed Limited Overlay District:

**Commercial**

**A. Animal Sales and Services**

- Animal Boarding
- Animal Grooming
- Animal Hospital
- Animal Retail Sales

**B. Commercial Recreation and Entertainment  
within a Building**

**C. Eating and Drinking Establishment**

- Full Service Restaurant

**D. School, Commercial**

**E. Vehicle/Equipment Sales and Service  
Vehicle Storage**

## Industrial

### F. Contractor Yard

A negative declaration was reposted on October 1, 1991 having determined that the zoning amendment will not have a significant effect on the environment.

ATTACHMENT: Resolution of Approval  
Proposed Limited Overlay District Exhibit "A"  
Negative Declarations Dated July 23 and October 1,  
1991  
Avila Road Annexation No. 116 Map Exhibit "B"  
Current General Plan Map Exhibit "C"  
Proposed Rezoning Designation Map Exhibit "D"  
Planning Commission Minutes of August 13 and  
October 22, 1991  
Planning Commission Resolution No. 8538 and  
No. 8539

CB/fb

A:AVILARD.PRE

# PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA

County of Contra Costa

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter.

I am the Principal Legal Clerk of the California Delta Newspapers, Inc. A newspaper of general circulation, printed and published at 1650 Cavallo Road in the City of Antioch, County of Contra Costa, 94509.

And which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Contra Costa, State of California, under the date of March 26, 1870. Case Number 7467370.

The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

DEC. 2

all in the year of 1991.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Executed at Antioch, California.

On this 2 day of DEC., 1991.

  
Signature

California Delta Newspapers, Inc.  
Daily Ledger • Post Dispatch • Brentwood News  
P.O. Box 2299  
Antioch, CA 94531-2299  
(415) 757-2525

Proof of Publication of 91-1396  
ORDINANCE 91-1016

## AVILA ROAD PREZONING

BEFORE THE CITY COUNCIL OF  
In the Matter of:

Avila Road Prezoning  
Z-01-08  
APN 097-130-033, 097-140-004,  
008, & 009

The Pittsburg City Council does ordain as follows: PITSBURG

Section 1. Findings  
1. On July 23, 1991, the City of Pittsburg initiated proceedings with the Pittsburg General Plan and to annex into the City of Pittsburg bordered on the north by State Highway 4 and east by the existing 1916 south and west by unincorporated property. APN 097-130-033, 097-140-008, & 009.  
2. A Negative Declaration was posted for this proposed project on July 1, 1991 and October 1, 1991 the Community Development Director having found that no significant effects upon the environment will occur as result of this project.  
3. On August 12, 1991 the Planning Commission adopted Resolution No. 8538 approving Z-01-08.

4. On October 22, 1991 the Planning Commission adopted Resolution No. 8559 approving a Limited Overlay District to OS-S.

5. The proposed prezoning conforms with the policies and guidelines of the Pittsburg General Plan.

6. On November 4, 1991, the City Council held a public hearing on Z-01-08 at which time oral and/or written testimony was considered.

Section 2. Findings  
Based on evidence presented at the public hearing, the City Council finds that:  
1. Negative Declarations were prepared in compliance with CEQA, State and City Guidelines and that it has reviewed and considered the information contained therein.  
2. The zoning district classification and Limited Overlay District assigned to the affected parcels is consistent with the land use indicated on the Pittsburg General Plan and with the development regulations of the Pittsburg Municipal Code.

Section 3. Approval  
Based on the findings as set forth above, this City Council hereby certifies the Negative Declarations except in regards to General Plan C-1, which incorrectly indicates that the southwest portion of the annexation area is within the Williamson Act Agricultural Preserve and approves Z-01-08 as described in Exhibit "A" and "D".

The foregoing ordinance was introduced at a meeting of the City Council of the City of Pittsburg, California, held November 4, 1991 and was duly passed adopted at a meeting of said City Council held on the 18th day of November, 1991 by the following vote:

AYES: Councilpersons Currie, Lewis, Parent, Davis & Mayor Canciamilla

NAYS: None

ABSENT: None

ABSTAINED: None

/s/ JOSEPH E. CENCIAMILLA, MAYOR

ATTEST: LILLIAN J. PRIDE,

CITY CLERK

Exhibit's available at the City Clerk's Office.

Legal 91-1396

Publish: December 2, 1991

Attachment 6: Avila Road Photos



Photo 1 Looking Northeasterly along Avila Road (applicant's property behind fence)



Photo 2 Looking Easterly along Avila road. RV storage on left and industrial contractor yard on right





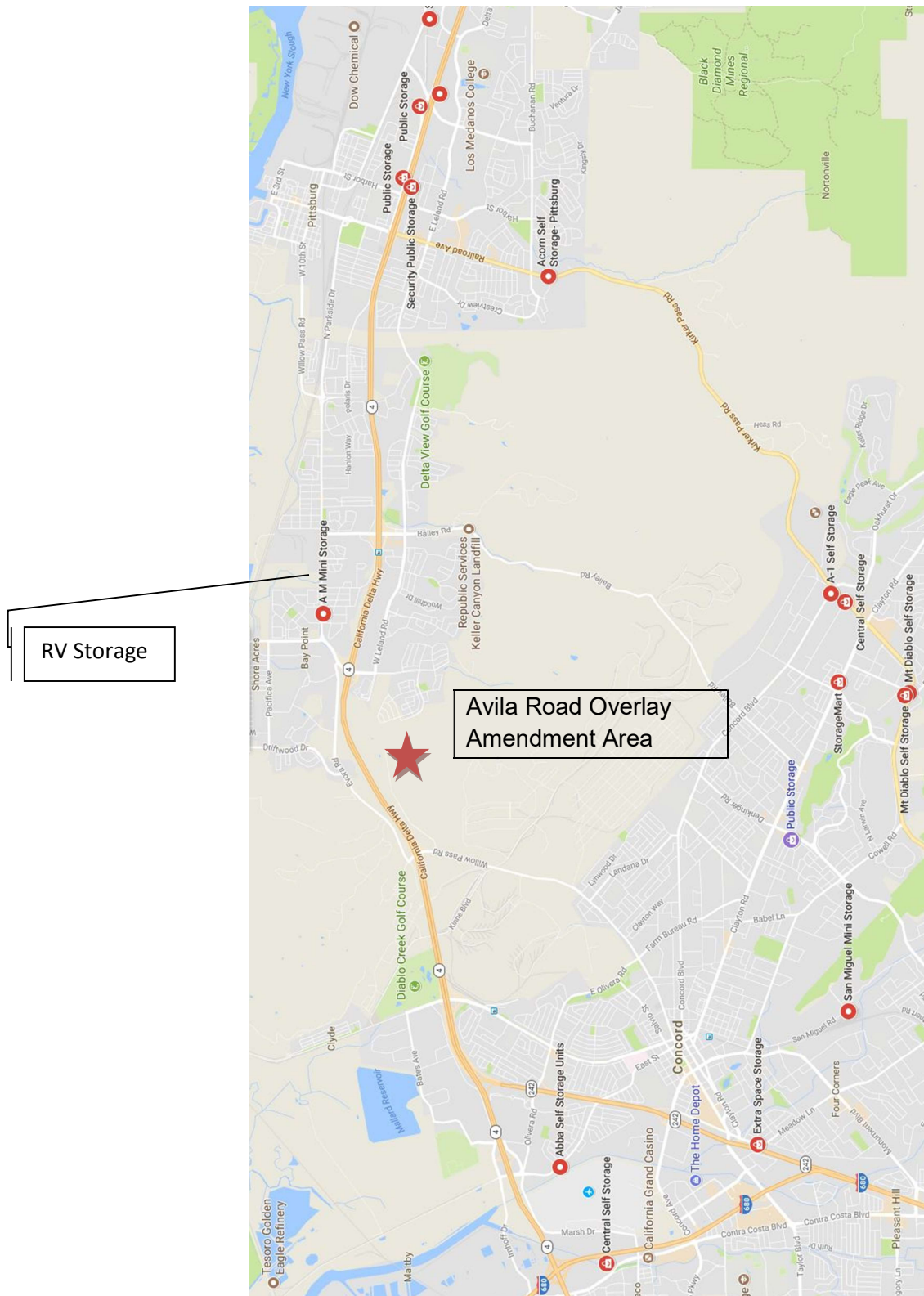
Photo 3 Looking north from Avila Road at applicant's industrial contractor yard



Photo 4 Looking South at RV storage

Planning Commission Staff Report  
Avila Road Overlay Amendment for Warehousing and Storage Limited  
December 12, 2017

Attachment 7: EXISTING MINI STORAGE GOOGLE LOCATIONS MAP





# City of Pittsburg

**Community 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:** December 12, 2017  
**TIME:** 7:00 p.m.  
**PLACE:** City Council Chamber at City Hall  
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

---

**Avila Road Overlay Amendment. Rescind Resolution No. 10075 and Revise Recommendation on an Amendment of an Open Space Overlay District near Avila Road, AP-17-1253 (RZ).**

This is a public hearing on a request to revise a recommendation for City Council approval of an Overlay District Amendment to add the land use category “warehousing and storage limited,” subject to a use permit and limitations, within the existing Open Space Overlay District No. 07-1284, located in the vicinity of 100 - 104 Avila Road.

**PROJECT PLANNER:** Christine Gregory (925) 252-4824 or  
[cgregory@ci.pittsburg.ca.us](mailto:cgregory@ci.pittsburg.ca.us)

---

**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 at the Planning Division, weekdays during the hours of 8:00 AM to 12:00 PM and 1:00 PM to 5:00 PM. You can also find out more about the project by contacting the project planner listed above.

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

Comments or objections to the project can be made by writing or through oral testimony during the public hearing. 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. You may also register your comments or objections by attending the public hearing on the date and time listed above.

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.

KRISTIN POLLOT, AICP, SECRETARY  
PITTSBURG PLANNING COMMISSION

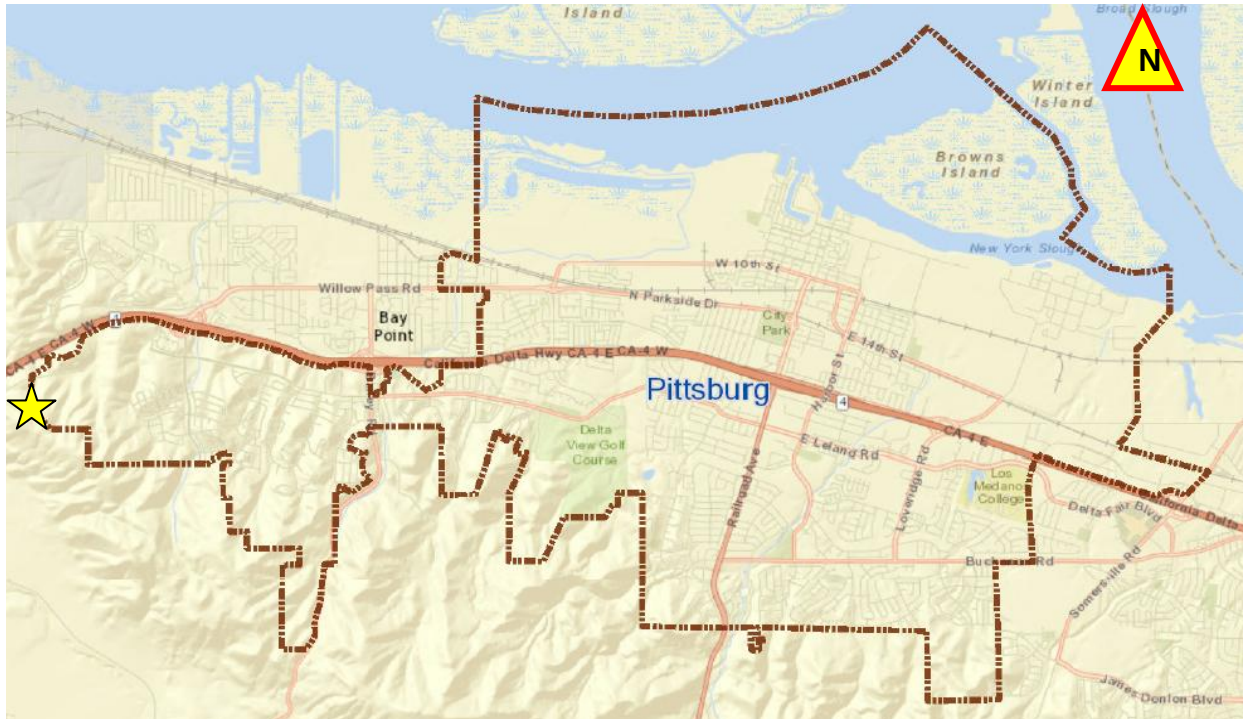




# City of Pittsburg

Community Development Department – Planning Division

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



**Project Title:** Avila Road Overlay  
Amendment  
AP-17-1253

**Location:** 100, 101, 102, 103, & 104 Avila  
Road  
APN's: 097-140-014, 015, 016,  
017, 018, and 097-130-009



**CITY OF PITTSBURG  
PLANNING COMMISSION  
STAFF REPORT**

**ITEM: Nazari Use Permit Amendment, AP-17-1215 (UP).**

ORIGINATED BY: Mike Nazari, 1700 N. Parkside Drive, Pittsburg, CA. 94565

SUBJECT: This is a public hearing on a request for a use permit amendment to modify the conditions of approval for auto repair and automobile sales at 1700 N. Parkside Drive in the CS (Service Commercial) District. Assessor's Parcel Nos. 096-093-002, -003, and -004.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 10082, approving Planning Application No. 17-1215, subject to conditions.

BACKGROUND:

In 2000, the Planning Commission adopted Resolution No. 9135 (see Attachment 7) approving a use permit (CU-99-15) to allow auto sales and auto repair at 1700 N. Parkside Drive (the project site). The applicant purchased the site in 2008 and has been exercising the use permit since then. Through the course of code enforcement (see Attachment 8), City staff noticed the property was being operated out of compliance with the use permit's conditions of approval, specifically those that restrict the quantity, age, and type of automobiles that can be stored or displayed for sale at the site. To address this, the applicant is requesting that these and other conditions be modified as they severely limit the use of his property. Over the last several months, City staff has met with the applicant to draft new conditions that would allow him and future tenants to operate with greater flexibility while requiring that the site come into closer compliance with state and local requirements.

PROJECT DESCRIPTION:

Existing Conditions: The project site consists of a 1.86-acre, triangular parcel bound by the Union Pacific (UP) and Burlington Northern Santa-Fe (BNSF) railways to the north; Willow Pass Road to the west; and N. Parkside Drive to the south. At the center of the site, there is an approximately 4,138-square-foot, single-story, commercial structure containing two tenant spaces. The eastern space is vacant, but the western space is currently occupied by Auto Line Up – a business that is operated by the applicant's brother and which is engaged in the repair and sale of used cars purchased mostly from local auto auctions.

According to City and County records, the existing structure should only total 2,700 square feet, so it would appear the newest portion of the building located at the rear was constructed without permits. In 2015, the Planning Commission adopted Resolution

## Planning Commission Staff Report

No. 10017, approving a use permit and design review to convert this portion of the structure into a caretaker's quarters. However, the applicant did not follow through with a building permit application for the caretaker's quarters. This is because on June 7, 2017, the State Department of Forestry and Fire Protection (CALFIRE) subsequently notified him (see Attachment 9) that the same portion of the building had been surveyed and was determined to be located within an easement for two hazardous liquid pipelines owned and operated by Chevron Pipe Line Company (Chevron) and Crimson Pipeline L.P. (Crimson). According to CALFIRE's letter, Government Code Section 51014.6 provides that "...no person, other than the pipeline operator, shall...build, erect, or create a structure or improvement within the pipeline easement or permit the building, erection, or creation thereof." The use permit and design review approval for the caretaker's quarters expired on November 24, 2017. CALFIRE has directed Chevron and Crimson to work with the applicant to bring their easements into compliance with Section 51014.6.

Directly south of the existing structure, there is an informally striped, asphalt parking lot that can accommodate ten or more cars. The upper half of the parking lot is located north of the southern property line and the bottom half is located south of that property line within the public right-of-way (N. Parkside Drive). The remainder of the site, from the western to eastern direction, is divided into five yards (see Attachment 5): Yard 1 is the largest, has a paved gravel surface, and is currently being used as parking for a limited number of semis, dump trucks, and shipping containers. This use is currently prohibited on the site; however, the applicant intends to submit a separate planning application to rezone the site and legalize that use. Yard 2 is fully paved and is currently used as storage for an RV, a trailer, and other random items. Yard 3 is located immediately west of the existing structure. It is fully paved with asphalt and is used as the sales display area for Auto Line Up. Yard 4 is located immediately east of the existing structure, is also fully paved with asphalt, and is currently used to store cars that have been purchased at auction and are scheduled for repair and subsequent sale. Yard 5 – the smallest yard, is unpaved, and currently unused.

See Attachment 3 for photos of the project site.

### Surrounding Land Uses:

North: UP and BNSF railways

West: D. Foscett Trucking, Inc., CM Excavating and Trucking

South: Rancho Medanos Subdivision

East: UP and BNSF railways

See Attachment 4 for a map of surrounding uses.

Proposed Project: The applicant is requesting a use permit amendment to modify the following conditions of approval from Resolution No. 9135, for conducting auto repair and automobile sales at the site:

## Planning Commission Staff Report

1. Inoperable and unregistered vehicles cannot be stored on the premises. (Condition No. 6, Resolution No. 9135)
2. There shall be no more than ten automobiles displayed for sale. (Condition No. 9, Resolution No. 9135)
3. Cars displayed for sale shall be no more than ten years old. (Condition No. 11, Resolution No. 9135)
4. There shall be outside of the building and after 7:00 PM no more than five vehicles scheduled for repair. (Condition No. 12, Resolution No. 9135)
5. Automobiles and other vehicles subject to repair shall not remain on the premises for more than 30 days from the date of arrival. (Condition No. 13, Resolution No. 9135)

As stated earlier, the applicant's business, Auto Line-Up, is engaged in the repair and sale of used cars purchased mostly from auto auctions. These cars are often unregistered and over ten years old. The applicant also tends to display more than ten cars for sale. There also tends to be more than five cars parked outside the building after 7:00 PM, and scheduled for repair at any given time. Many of these cars remain on the site for more than 30 days while they are repaired and sold to customers. Staff proposes that the above conditions be replaced with the following limitations:

- The automobiles displayed for sale shall be operable and maintained in good visual condition. (Modification of No. 1 above)
- There shall be no more than 16 automobiles offered for sale at any given time. (Modification of No. 2 above)
- During daytime, the automobiles offered for sale shall only be parked in Yard 3 or the eleven (11) parking spaces located perpendicular to N. Parkside Drive. (Modification of No. 2 above)
- Condition No. 11, would be deleted. (Modification of No. 3 above)
- Hours of operation for auto sales shall not exceed 9:00 AM to 9:00 PM, daily. (Modification of No. 4 above)
- Hours of operation for auto repair shall not exceed 8:00 AM to 6:00 PM, daily. (Modification of No. 4 above)
- Condition No. 13, would be deleted. (Modification of No. 5 above)

In addition, staff has proposed the following conditions be added to the use permit relative to auto sales and auto repair:

## Planning Commission Staff Report

- a. During nighttime (after auto sales hours), all the automobiles offered for sale shall be parked in Yard 3 only.
- b. The auto sales operator shall be registered as a vehicle dealer with the California Department of Motor Vehicles (DMV) pursuant to the California Vehicle Code.
- c. Repair activities shall be limited to the bays located inside Portions A and B of the existing building.
- d. There shall be no repair activities allowed outdoors.
- e. Auto repair customers may drop off their automobiles overnight in any one of the eleven (11) parking spaces located perpendicular to N. Parkside Drive. The operator shall move these automobiles into Yard 1, 2, or 4 upon open of business the next day.
- f. Automobiles that are scheduled for repair or ready for customer pick-up shall be parked in Yard 1, 2, or 4 only.
- g. In accordance with the project plan (see Attachment 5) there shall be no more than 15 automobiles stored in Yard 1, 25 automobiles stored in Yard 2, and 17 automobiles stored in Yard 4 at any given time.
- h. All operators on-site shall be registered, as applicable, with the Contra Costa Health Services – Hazardous Materials Program (CCHS-HMP) pursuant to California Health and Safety Code, Division 20, Chapter 6.5, Section 25100 et seq..
- i. All operators on-site, as applicable, shall be registered as automotive repair dealers with the Bureau of Automotive Repair (BAR) pursuant to California Business and Professions Code, Division 3, Chapter 20.3.

### GENERAL PLAN/CODE COMPLIANCE:

General Plan: The project site has a land use designation of 'Community Commercial'. This land use designation is intended to "provide sites for retail shopping areas containing a wide variety of businesses, including retail stores, eating and drinking establishments, commercial recreation, service stations, automobile sales and repair services, financial, business and personal services, motels, education and social services" (General Plan, pg. 2-19). The requested use permit amendment would conform to the General Plan, in that auto sales and auto repair are among the type of businesses envisioned for this site.

Zoning: The project site is zoned 'CS (Service Commercial) District'. In this zoning district, 'auto sales', as defined by Pittsburg Municipal Code (PMC) section 18.08.080(28)(d), and 'auto repair' as defined by PMC sections 18.08.080(28)(a) and (c) require a use permit (PMC section 18.52.010). A request for a use permit amendment is treated as a new application (PMC section 18.28.060).



## Planning Commission Staff Report

As shown in Attachment 2 of this report, the property complies with the CS District development regulations related to height, FAR, lot coverage, lot area, lot width, setbacks, and parking for cars. However, the property is considered non-conforming since it does not meet the District's regulations for landscape coverage, screening of outdoor storage areas, bike parking, and trash enclosures.

Properties in the CS District must provide at least seven percent landscape coverage (PMC section 18.52.115); one bike rack/locker for every 5-10 spaces of required vehicular parking (PMC section 18.78.045); a solid fence or wall to screen outdoor storage areas from view (PMC section 18.84.440); and a roofed trash enclosure (PMC section 18.54.115).

The site's current landscape coverage is less than one percent; the site's outdoor storage areas are not fully or properly screened; and there is no bike rack/locker or trash enclosure provided on site. The applicant is required to substantially reduce these non-conformities as part of their use permit approval (PMC section 18.76.060); however, the definition for 'substantial reduction' is not clearly stated in the PMC and therefore open to interpretation.

Required Use Permit Findings: In accordance with PMC section 18.16.040, a use permit may be granted only if the Planning Commission can make findings that the proposed use:

- 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 light of taxation and spending restraints imposed by law; and,
- I. is consistent with the City's approved funding priorities.

## Planning Commission Staff Report

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

Public Notice: On or prior to December 1, 2017, notice of the December 12, 2017, 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 PMC section 18.14.010 and Government Code section 65091.

### ANALYSIS:

Staff believes that the Commission can make the required findings to approve the requested use permit amendment modifying the conditions of approval for auto repair and automobile sales at 1700 N. Parkside Drive. The use permit amendment would be in accordance with the objectives of the Zoning Ordinance, if conditions of approval are adopted requiring the applicant to substantially reduce the site's non-conformities by: i) increasing the site's landscape coverage along N. Parkside Drive; ii) providing a solid fence to screen outdoor storage areas from view; iii) installing at least one bicycle rack near the building entrance; iv) and providing a roofed trash enclosure somewhere on site hidden from public view.

Lastly, the amendment would not be detrimental to the health, safety, and general welfare of the City, if conditions of approval are adopted requiring the applicant to: i) remove the unpermitted portion of the existing building that is located within an easement for Chevron and Crimson's hazardous liquid pipelines; and ii) obtain a Revocable Encroachment Permit from the City's Engineering Division to continue utilizing the public right-of-way along N. Parkside Drive for parking.

### ACTION REQUIRED:

Move to adopt Resolution No. 10082, approving Planning Application No. 17-1215, subject to conditions.

### ATTACHMENTS:

1. Proposed Resolution No. 10082
2. Development Regulations Table
3. Site Photos
4. Map of Surrounding Uses
5. Project Plan
6. Public Hearing Notice & Vicinity Map
7. Previously Approved Resolution No. 9135

## Planning Commission Staff Report

8. Notice of Violation to the Applicant, dated September 13, 2016
9. Letter from CALFIRE to the Applicant, dated June 7, 2017

Prepared by: Hector J. Rojas, AICP, Senior Planner

## Attachment 1

### PROPOSED BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

|                                            |   |                      |
|--------------------------------------------|---|----------------------|
| Resolution Granting a Use Permit           | ) |                      |
| Amendment to Modify the Conditions of      | ) |                      |
| Approval for Auto Repair and Auto Sales    | ) | Resolution No. 10082 |
| at 1700 N. Parkside Drive, for "Nazari Use | ) |                      |
| Permit Amendment, AP-17-1215 (UP)." )      | ) |                      |

The Planning Commission DOES RESOLVE as follows:

#### Section 1. Background

- A. In 2000, the Planning Commission adopted Resolution No. 9135 approving a use permit (CU-99-15) to allow auto sales and auto repair on a 1.86-acre site located at 1700 N. Parkside Drive (the project site) in the CS (Service Commercial) District. Assessor's Parcel Nos. 096-093-002, -003, and -004.
- B. The applicant purchased the project site in 2008 and has been exercising the use permit since then. Through the course of code enforcement, City staff noticed the property was being operated out of compliance with the use permit's conditions of approval, specifically those that restrict the quantity, age, and type of automobiles that can be stored or displayed for sale at the site.
- C. To address this, on January 19, 2017, Mike Nazari filed Planning Application No. AP-17-1215, requesting a use permit to modify and/or delete five of the original conditions of approval for auto repair and auto sales, adopted through Resolution No. 9135.
- D. This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1, 'Existing Facilities' of the state CEQA Guidelines, section 15301.
- E. On or prior to December 1, 2017, notice of the December 12, 2017, 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.
- F. According to PMC section 18.28.060, a request for modification of an approved use permit shall be treated as a new application. 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.

G. On December 12, 2017, the Planning Commission held a public hearing on Planning Application No. 17-1215, at which time oral and/or written testimony was considered.

## Section 2. Findings

A. Based on the Planning Commission Staff Report entitled, "Nazari Use Permit Amendment, AP-17-1215 (UP)," 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 use permit amendment will:
  - a) be in accordance with the objectives of the Zoning Ordinance, if conditions of approval are adopted requiring the applicant to substantially reduce the site's non-conformities by: i) increasing the site's landscape coverage along N. Parkside Drive; ii) providing a solid fence to screen outdoor storage areas from view; iii) installing at least one bicycle rack near the building entrance; iv) and providing a roofed trash enclosure.

- b) be in accordance with the purposes of the land use district in which they are located and will be appropriate to the specific location, in that they are service businesses on a transitional site between residential and industrial areas (consistent with PMC section 18.52.005(B)(4)) and will be located among other service businesses and light industrial uses in the area, including Four Star Tires (1592 Willow Pass Road), D. Foskett Trucking, Inc. (1500 Willow Pass Rd.), CM Excavating and Trucking (1500 Willow Pass Road), D.P. Nicoloi, Inc. – Superior Piling and Shoring Solutions (1666 Willow Pass Road), Diverse Steel Sales, Inc. (1666 Willow Pass Road), and Concord Sheet Metal (1666 Willow Pass Road).
- c) not be detrimental to the health, safety, and general welfare of the City, if conditions of approval are adopted requiring the applicant to: i) remove a portion of the existing building that is located within an easement for two liquid pipelines traversing the property; and ii) obtain a Revocable Encroachment Permit from the City's Engineering Division in order to continue utilizing the public right-of-way along N. Parkside Drive for parking. Further, the use as proposed will meet health and safety requirements of the City's Community Development Department, the California Department of Forestry and Fire Protection (CAL FIRE), Contra Costa County Fire Protection District, and all other applicable local, state and federal agencies.
- d) not adversely affect the orderly development of property within the City, in that they will be located among other service businesses as mentioned above.
- e) not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the City, in that property values stand to benefit from improvements the applicant will make to the premises, including repairing or replacing existing fences along the site perimeter and increasing the site's landscape coverage.
- f) be consistent with the General Plan, in that the site's General Plan land use designation (Community Commercial) is intended to provide sites for a variety of businesses, including auto sales and auto repair establishments (General Plan, pg. 2-19).
- g) not create a nuisance or enforcement problem within the neighborhood, in that they will be required to meet performance standards, as set forth by PMC chapter 18.82, which are intended to address ongoing safety, noise, odor, and maintenance concerns.
- h) not encourage marginal development within the neighborhood, in that the applicant will make improvements to the premises that will improve the overall appearance of the property and nearby neighborhood.
- i) 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 they will have access to existing infrastructure, including fire and police.

- j) not be inconsistent with the City's approved funding priorities, in that they will not require any municipal funding.

B. The staff report entitled, "Nazari Use Permit Amendment, AP-17-1215 (UP)," dated December 12, 2017, 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. 17-1215, subject to the conditions listed below. The conditions listed shall take the place of all prior conditions adopted through Planning Commission Resolution No. 9135.

1. References to Project Plan: For the purposes of this resolution, the Project Plan dated November 30, 2017, and attached to this Resolution as "Exhibit A," shall be used for all references to portions of the existing building, outdoor yards, and parking area.
2. Unpermitted Addition: The applicant shall remove Portion D of the existing building which was constructed without permits. Upon removal, the area shall be considered a part of Yard 3.
3. Automobile Sales: Automobile sales, as defined in PMC section 18.08.080 (28) (d), shall be allowed on the site, subject to the following limitations:
  - a) Hours of operation shall not exceed 9:00 AM to 9:00 PM, daily.
  - b) There shall be no more than 16 automobiles offered for sale at any given time.
  - c) The automobiles shall be operable and maintained in good visual condition.
  - d) During daytime (business hours), the automobiles shall only be parked in Yard 3 or the eleven (11) parking spaces located perpendicular to N. Parkside Drive.
  - e) During nighttime (after business hours), all the automobiles shall be parked in Yard 3 only.
  - f) The operator shall be registered as a vehicle dealer with the California Department of Motor Vehicles (DMV) pursuant to the California Vehicle Code.
4. Auto Repair: Auto repair, as defined in PMC sections 18.08.080 (28) (a) and (c), shall be allowed on the site, subject to the following limitations:
  - a) Hours of operation shall not exceed 8:00 AM to 6:00 PM, daily.
  - b) Repair activities shall be limited to the bays located inside Portions A and B of the existing building.
  - c) There shall be no repair activities allowed outdoors.

- d) Auto repair customers may drop off their automobiles overnight in any one of the eleven (11) parking spaces located perpendicular to N. Parkside Drive. The operator shall move these automobiles into Yard 1, 2, or 4 upon open of business the next day.
  - e) Automobiles that are scheduled for repair or ready for customer pick-up shall be parked in Yard 1, 2, or 4 only.
  - f) There shall be no more than 15 automobiles stored in Yard 1, 25 automobiles stored in Yard 2, and 17 automobiles stored in Yard 4 at any given time.
  - g) Operators shall be registered with the Contra Costa Health Services – Hazardous Materials Program (CCHS-HMP) pursuant to California Health and Safety Code, Division 20, Chapter 6.5, Section 25100 et seq.. Operators may contact CCHS-HMP by calling (925) 335-3200.
  - h) Operators shall be registered as automotive repair dealers with the Bureau of Automotive Repair (BAR) pursuant to California Business and Professions Code, Division 3, Chapter 20.3. Operators may contact BAR by calling (855) 735-0462.
5. Customer and Employee Parking: The six (6) off-street parking spaces located immediately south of Yard 3 shall be reserved for exclusive use by customers and employees.
6. Shipping Container Storage: Placement of storage containers shall be allowed on the site, subject to the following limitations:
- a) No more than five shipping containers shall be allowed.
  - b) Each shipping container shall have a maximum dimension of 8 feet (width) by 20 feet (length) by 9 feet (height).
  - c) Storage of shipping containers shall be limited to Yard 1 only.
  - d) Shipping containers shall be set back as far away as possible from the front property line along N. Parkside Drive, but outside any 3<sup>rd</sup> party easement areas traversing the site.
  - e) Stacking of shipping containers and other items shall be prohibited.
  - f) Shipping containers shall be painted and shall not show any sign of wear or disrepair.
7. Other Outdoor Storage: Outdoor storage or placement of automobile parts, tires, contractor equipment, construction equipment, and/or other equipment, merchandise, products, or materials shall be prohibited.



8. Vehicle Washing: Vehicle washing shall not occur outdoors, unless the methods used comply with the National Pollutant Discharge Elimination System permit, and no rinse water or soap shall be allowed to enter the City's storm drain system pursuant to PMC section 13.28.
9. Vehicle Maintenance: All vehicles stored on site shall be maintained so as not to leak oil or other potentially hazardous fluids onto the ground. Operators shall inspect the site regularly for spills or leaks from stored vehicles, and any spills or leaks shall be immediately cleaned using dry clean-up methods such as rags or other absorbent material for cleanup of leaks and spills. No part of the site shall be cleaned by hosing the area down with water, unless the wastewater is collected and properly discarded into a sanitary sewer.
10. Light and Glare: Any new lighting fixtures shall be of a type and be located in such a manner that no light or reflected glare is directed off site and shall provide that no light is directed above a horizontal plane passing through the bottom of the fixture. All glare shall be directed onto the site and away from adjacent properties.
11. Surface Maintenance: All paved surfaces on site shall be maintained in good condition and cleaned as needed. Surface cleaning shall only occur during non-rainy season, between July 15<sup>th</sup> and October 15<sup>th</sup>. Best Management Practices shall be used when maintaining paved surfaces. Surface cleaning measures as outlined by the Bay Area Stormwater Management Agencies Association (BASMAA) guidelines shall be used. Site operators are encouraged to visit [www.basmaa.org](http://www.basmaa.org) for free surface cleaning training, or to seek a professional surface cleaner that has received BASMAA certification.
12. Landscape Coverage: The property owner shall increase the site's total landscape coverage by planting trees, shrubs, and mulch cover in the existing dirt areas located between the southern property line and N. Parkside Drive in accordance with the Project Plan. At least one 15-gallon tree shall be planted for every 50 feet of street frontage. This landscaping and the proper irrigation shall be installed within 90 days of the date of adoption of this resolution.
13. Screening of Yards: The property owner shall screen Yards 1, 2, and 4 from view by installing fencing in accordance with the Project Plan. The fencing shall be installed within 60 days of the date of adoption of this resolution.
14. Bike Rack: The property owner shall install at least one bicycle rack in front of the existing building within 90 days of the date of adoption of this resolution. The bicycle rack shall be selected and installed in accordance with the City's standard specifications.
15. Parking Area Restriping: The property owner shall restripe the parking area located in front of the existing building consistent with the Project Plan. The striping design shall be in accordance with the City's standard specifications and shall be subject to review and approval by the Planning Division prior to installation. The parking lot shall be restriped within 60 days of the date of adoption of this resolution.

16. Revocable Encroachment Permit: The property owner shall obtain a Revocable Encroachment Permit from the City's Engineering Division in order to continue utilizing the public right-of-way along N. Parkside Drive for parking. The permit shall be obtained within 30 days of the date of adoption of this resolution.
17. Trash Enclosure: The property owner shall construct a roofed trash enclosure for shared use among the site users. The enclosure shall be designed in accordance with the City's standard specifications and shall be subject to review and approval by the Planning Division prior to the issuance of a building permit. Construction of the enclosure shall be completed within 90 days of the date of adoption of this resolution.
18. Grounds for Revocation: Operation in a manner inconsistent with that described in the report, violation of a zoning regulation or condition of this resolution, existence of a public nuisance, or conviction of a federal or state law or city ordinance in connection with the operation of the use shall be grounds for revocation of the use permit (PMC section 18.28.100).
19. 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.
20. Other Agency Requirements: The applicant shall comply with all the requirements of the City's Community Development Department, California Department of Forestry and Fire Protection (CAL FIRE), Contra Costa County Fire Protection District, and all other applicable local, state and federal agencies. It is the responsibility of the applicant to contact each local, state, or federal agency for requirements that may pertain to this project.
21. Indemnification: Applicant 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. Applicant may select its own legal counsel to represent applicant's interests at applicant's sole cost and expense. Applicant 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.
22. Expiration of Approval: This use permit amendment will expire on December 12, 2018, 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 12<sup>th</sup> day of December 2017, 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. 10082 was adopted by the Planning Commission of the city of Pittsburg on December 12, 2017.

\_\_\_\_\_  
KRISTIN POLLOT, AICP, SECRETARY  
PITTSBURG PLANNING COMMISSION

**Attachment 2**  
**Property Development Regulations Table – PMC Schedule 18.54.115 et.al.**  
 Nazari Use Permit Amendment, AP-17-1215 (UP)

| <b>Development Regulations:</b><br><i>Service Commercial (CS) District</i>    | <b>Requirement:</b>                                                   | <b>Existing:</b>     | <b>Proposed:</b>                    |
|-------------------------------------------------------------------------------|-----------------------------------------------------------------------|----------------------|-------------------------------------|
| Max. Height                                                                   | 50 ft.                                                                | 15 ft.<br>(approx.)  | No Change                           |
| Max. FAR                                                                      | 0.5                                                                   | 0.21<br>(approx.)    | No Change                           |
| Max. Lot Coverage                                                             | 60%                                                                   | 21%<br>(approx.)     | No Change                           |
| Min. Lot Area                                                                 | 5,000 sq. ft.                                                         | 1.86 acres           | No Change                           |
| Min. Lot Width                                                                | 70 ft.                                                                | 904 ft.<br>(approx.) | No Change                           |
| Min. Front Yard Setback                                                       | 10 ft.                                                                | 27 ft.<br>(approx.)  | No Change                           |
| Min. Side Yard Setback                                                        | --                                                                    | 86 ft.<br>(approx.)  | No Change                           |
| Min. Rear Setback                                                             | --                                                                    | 26 ft.<br>(approx.)  | No Change                           |
| Min. Site Landscaping                                                         | 7%                                                                    | --                   | See Condition of<br>Approval No. 12 |
| Outdoor Storage for Auto Repair                                               | Must be screened<br>from view of<br>streets by solid<br>fence or wall | --                   | See Condition of<br>Approval No. 13 |
| Min. Parking for Auto Repair<br>1 space/500 sq. ft. of floor area             | 3 spaces                                                              | --                   | 3 spaces                            |
| Min. Parking for Automobile Sales<br>1 space/500 sq. ft. of floor area        | 3 spaces                                                              | --                   | 3 spaces                            |
| Min. Bike Parking<br>1 rack/locker per 5-10 <u>required</u> parking<br>spaces | 1                                                                     | --                   | See Condition of<br>Approval No. 14 |
| Trash Enclosure                                                               | 1                                                                     | --                   | See Condition of<br>Approval No. 17 |

### Attachment 3

### Site Photos

Nazari Use Permit Amendment, AP-17-1215 (UP)



Above: View of Yard 5 (at right) looking west from N. Parkside Drive

Below: View of Yard 4 (at right) looking west from N. Parkside Drive





### Attachment 3

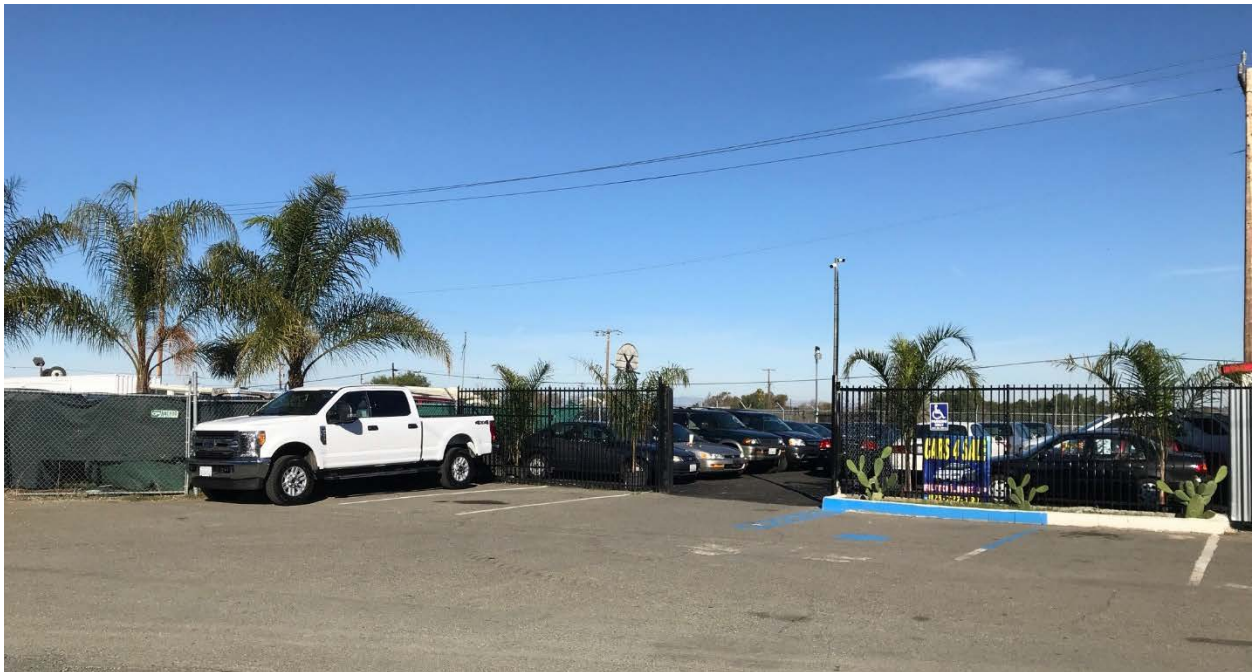
### Site Photos

Nazari Use Permit Amendment, AP-17-1215 (UP)



Above: View of building and parking (at right) looking west from N. Parkside Drive

Below: View of Yard 3 and parking looking north from N. Parkside Drive



**Attachment 3**  
**Site Photos**  
Nazari Use Permit Amendment, AP-17-1215 (UP)



Above: View of Yard 2 looking west from N. Parkside Drive

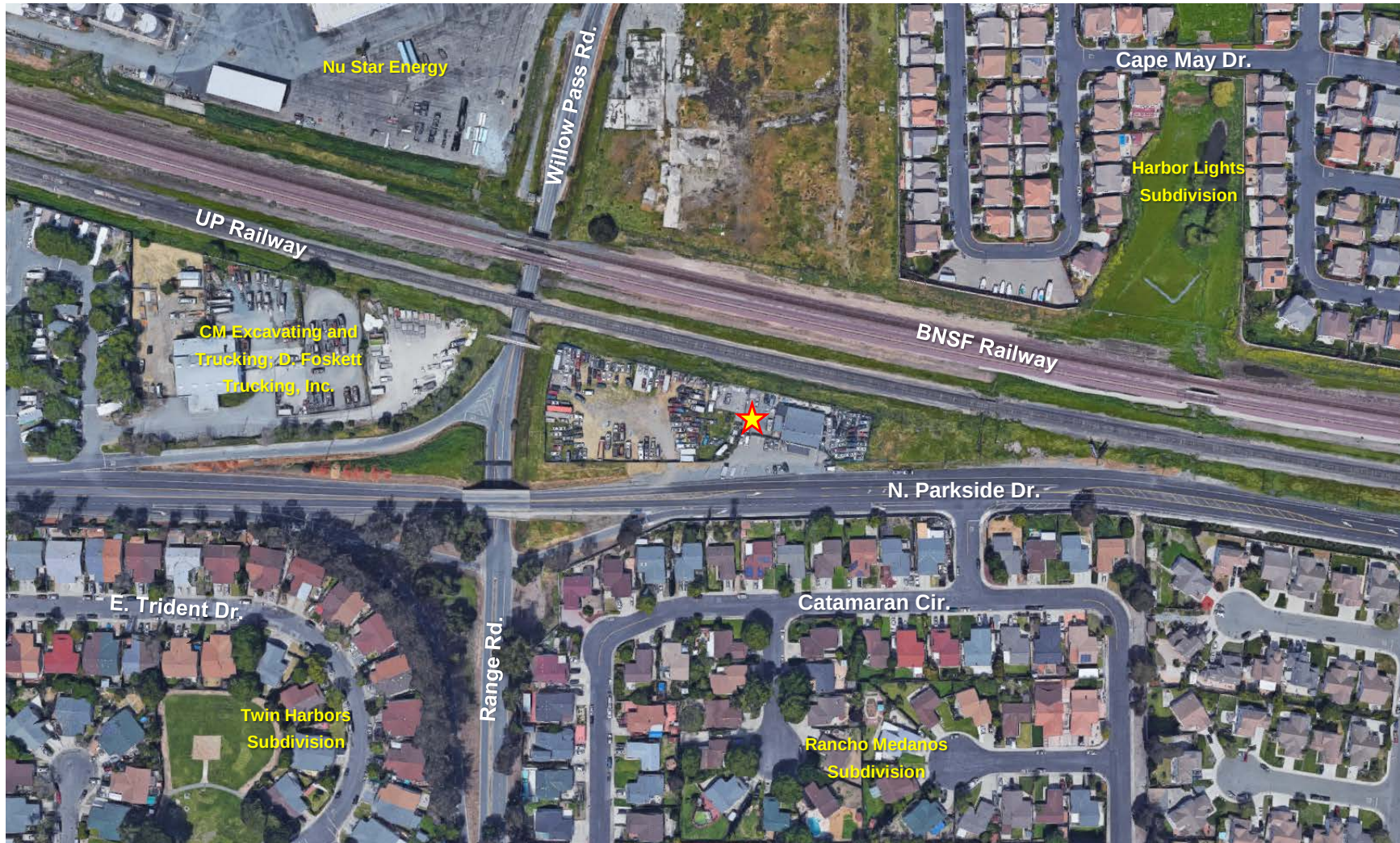
Below: View of Yard 3, parking, and building looking north from N. Parkside Drive





**Attachment 4**  
**Map of Surrounding Uses**  
Nazari Use Permit Amendment, AP-17-1215 (UP)

★ **Project Site**





**Attachment 5**  
**Resolution No. 10082 – Exhibit A**  
**Project Plan**

December 6, 2017 | Drawn by City of Pittsburgh Staff



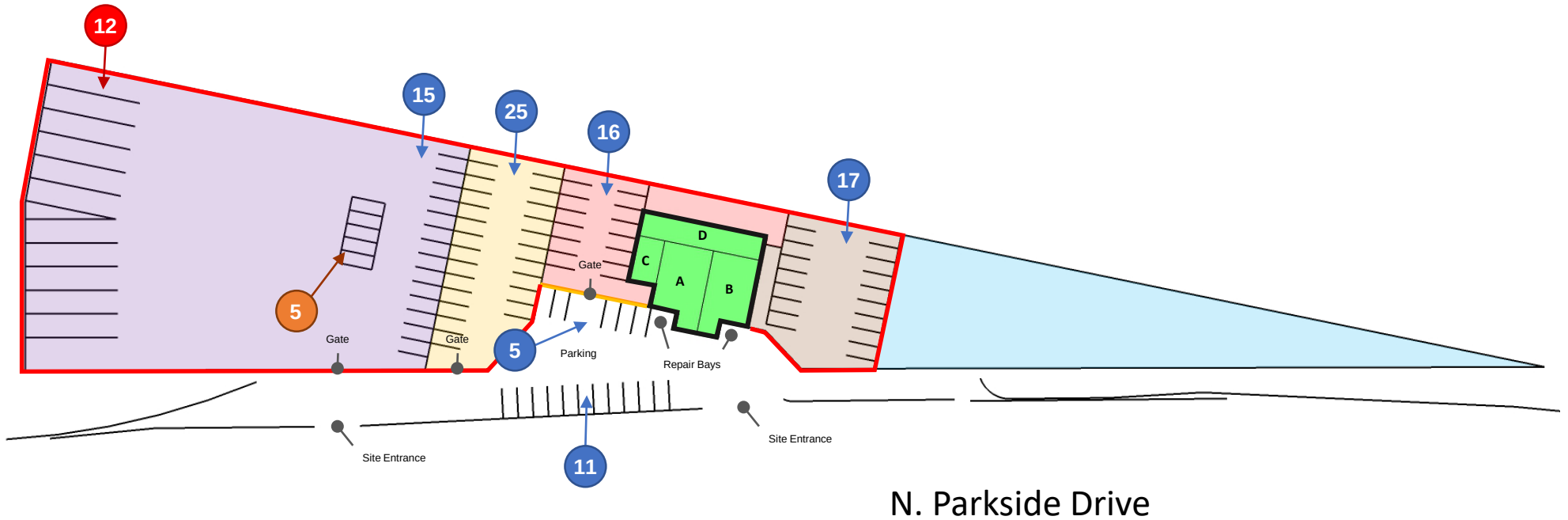
**Legend:**

- |                                                                                     |                   |                                                                                     |                                                             |
|-------------------------------------------------------------------------------------|-------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------|
|  | Yard 1            |  | New trees, shrubs, mulch, and irrigation                    |
|  | Yard 2            |  | 6-foot-tall, chain-link, metal fence with brown vinyl slats |
|  | Yard 3            |  | 6-foot-tall, black, wrought-iron fence                      |
|  | Yard 4            |  | Automobile parking capacity                                 |
|  | Yard 5            |                                                                                     |                                                             |
|  | Building Portions |                                                                                     |                                                             |

# Project Plan

November 11, 2017

Drawn by City of Pittsburgh Staff



## Legend:

- |                                                                                     |                   |                                                                                     |                                                             |
|-------------------------------------------------------------------------------------|-------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------|
|  | Yard 1            |  | 6-foot-tall, chain-link, metal fence with brown vinyl slats |
|  | Yard 2            |  | 6-foot-tall, black, wrought-iron fence                      |
|  | Yard 3            |  | Automobile parking capacity                                 |
|  | Yard 4            |  | Semi-truck parking capacity                                 |
|  | Yard 5            |  | Shipping container capacity                                 |
|  | Building Portions |                                                                                     |                                                             |



# City of Pittsburg

Community 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:** December 12, 2017  
**TIME:** 7:00 p.m.  
**PLACE:** City Council Chamber at City Hall  
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

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**Nazari Use Permit Amendment, AP-17-1215 (UP).**

This is an application by Mike Nazari, requesting a use permit amendment to modify the conditions of approval for auto repair and automobile sales on a 1.86-acre site located at 1700 N. Parkside Drive in the CS (Service Commercial) District. APNs: 096-093-002, -003, and -004.

**PROJECT PLANNER:** Hector J. Rojas, (925) 252-4043 or [hrojas@ci.pittsburg.ca.us](mailto:hrojas@ci.pittsburg.ca.us)

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**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.

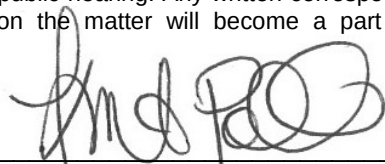
**Where can I get more information about this project?**

The complete file for this project is available for public inspection at the Planning Division, weekdays during the hours of 8:00 AM to 12:00 PM and 1:00 PM to 5:00 PM. You can also find out more about the project by contacting the project planner listed above.

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

Comments or objections to the project can be made by writing or through oral testimony during the public hearing. 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. You may also register your comments or objections by attending the public hearing on the date and time listed above.

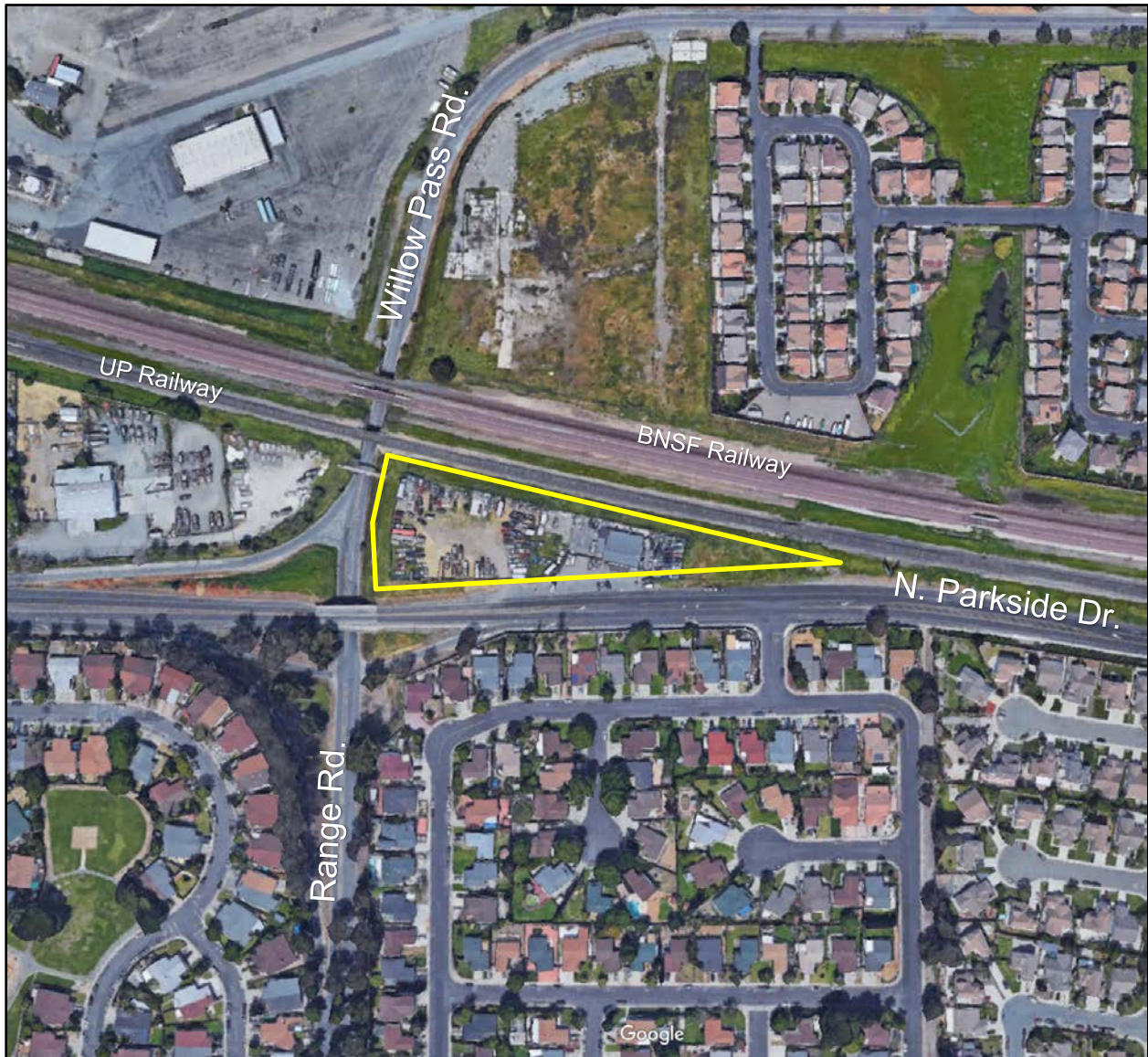
Pursuant to Section 65009 of the California Government Code, if you challenge this matter in court, you may be limited to those issues you or someone else raised at the public hearing described in this notice, or in written correspondence on the matter delivered to this agency at, or prior to the public 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.



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KRISTIN POLLOT, AICP, SECRETARY  
PITTSBURG PLANNING COMMISSION

**Project Title:** Nazari Use Permit Amendment, AP-17-1215 (UP)  
**Location:** 1700 N. Parkside Drive, APNs: 096-093-002, -003, and -004.



**City of Pittsburg**

Community Development Department - Planning Division  
65 Civic Avenue  
Pittsburg, CA 94565

**NOTICE OF PUBLIC HEARING**

## Attachment 7

### BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

|                                                       |   |                     |
|-------------------------------------------------------|---|---------------------|
| Resolution Approving a Use Permit for                 | ) |                     |
| Auto Sales and Auto Repair at 1700 N. Parkside Drive, | ) | Resolution No. 9135 |
| R & A Automotive                                      | ) |                     |
| (UP-99-15)                                            | ) |                     |

The Planning Commission DOES RESOLVE as follows:

#### Section 1. Background

1. On November 11, 1999, Kulbir S. Bajwa filed UP-99-15 in accordance with Section 18.12 of the Pittsburg Municipal Code requesting Planning approval to establish an auto sales and automotive repair operation at 1700 N. Parkside Drive in a CS (Service Commercial) zone; APN 096-093-004.

2. The proposed use conforms with the policies and guidelines of Pittsburg General Plan and the development regulations of the Pittsburg Municipal Code.

3. This project is categorically exempt from the requirements of the California Environmental Quality Act under Class 1, "Existing Facilities" of the State CEQA Guidelines.

4. Notice of the January 25, 2000 public hearing for this project was published, mailed and posted on January 10, 2000.

5. On January 25, 2000, the Planning Commission held a public hearing on UP-99-15 at which time oral and/or written testimony was considered.

#### Section 2. Findings

Based on evidence presented at that public hearing, the Planning Commission finds that:

A. The proposed use for Vehicle/Equipment Sales and Rental and Major Vehicle/Equipment Repair:

1. is in accordance with the objectives of this Title, the purposes of the land use district in which it is located and is appropriate to the specific location in that the use is allowed with a use permit in this particular district;



2. is not detrimental to the health, safety and general welfare of the City in that the use does not engage in any activities that are injurious to the City if all regulations are met;

3. will not adversely affect the orderly development of property within the city in that the use of this property is compatible with uses on surrounding properties;

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 in that the property will be maintained per Pittsburg Municipal Code regulations and the conditions of approval of this resolution;

5. is consistent with the objectives, policies, general land uses and programs specified in the Pittsburg General Plan and in that the use conforms with permitted uses of this Title;

6. will not create a nuisance or enforcement problem within the neighborhood with compliance with regulations of the Pittsburg Municipal Code and the conditions of approval of this resolution;

7. will not encourage marginal development within the neighborhood in that the use is not detrimental to the neighborhood.

B. The Staff Report entitled "R & A Automotive. UP-99-15", dated January 25, 2000, is referenced hereto as additional support for findings.

### Section 3. Approval

Based on the findings as set forth above, this Commission hereby approves UP-99-15 subject to the following conditions:

1. The proposed use for Vehicle/Equipment Sales and Rental and Major Vehicle/Equipment Repair shall be conducted as specified in this application, except as hereinafter modified.

2. The Standard Conditions of Development as adopted by the Pittsburg Planning Commission by Resolution No. 8868 shall apply as conditions of approval of this proposal as applicable.

3. The applicant shall defend, indemnify and hold harmless the City of Pittsburg, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval, which action is brought within the applicable time period of Government Code section 65907. In the event the City becomes aware of any such claim, action, or proceeding, the City shall promptly notify the applicant and shall cooperate fully in the defense. If the City fails to promptly notify the applicant, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City. Nothing contained

in this condition prohibits the City from participating in the defense of any claim, action, or proceeding, if both the following occur: (a) the City bears its own attorneys' fees and costs; and (b) the City defends the action in good faith. The applicant shall not be required to pay or perform any settlement unless the settlement is approved by the applicant.

4. The Conditions of Approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code section 66020 (d) (1), these conditions constitute written notice of a statement of the amount of fees, and a description of the dedications, reservations and other exactions. The Applicant is hereby notified that the 90 day approval period in which you may protest these fees, dedications, reservations and exactions, pursuant to Government Code section 66020 (a) has begun. If you (the Applicant) fail to protest within this 90 day period by complying with all of the requirements of section 66020, you (the Applicant) will be legally barred from later challenging such exactions.

5. It is required by State Law (Business and Professional Code section Nos. 5537 and 5538 and section 301 (b) of the Uniform Building Code) that all commercial buildings, new or existing, must have a licensed professional designer (Architect, Civil or Structural Engineer) to design all changes of use or occupancy as well as new construction.

6. Inoperable and un-registered vehicles cannot be stored on the premises.

7. All auto repairs shall be conducted within the building.

8. Outdoor storage of vehicle equipment, oil and/or containers is prohibited.

9. There shall be on site no more than ten automobiles displayed for sale.

10. Cars for sale shall be displayed only within the designated fenced area west of the existing building.

11. Cars displayed for sale shall be no more than ten years old.

12. There shall be outside of the building and after 7:00 p.m. no more than five vehicles scheduled for repair.

13. Automobiles and other vehicles subject to repair shall not remain on the premises for more than 30 days from the date of arrival. The owner of the facility shall maintain a log to substantiate the arrival and departure of vehicles and such log shall be available for inspection by the Community Development Department upon request.

14. To prevent the discharge of contaminated water into the drains, a covered trash enclosure shall be constructed on the premises.

15. To comply with the County Regulations, the Applicant shall provide proof of Hazardous Material Business Plan.

16. The applicant shall provide a minimum of 5 parking spaces for customers and 2 parking spaces for employees.

17. Any permanent wall, window or freestanding sign shall be approved by the Community Development Department prior to installing. The use of portable signs such as A-frame signs is prohibited.

18. Outdoor security lights shall be installed as directed by the Community Development Department.

19. Landscaping shall be installed within the display area and the existing landscaping along the south property line shall be maintained. New species to be installed shall be approved by the Community Development Department.

20. The site shall be maintained in a neat and clean manner at all times. Trash and debris shall not be allowed to accumulate.

21. The Applicant shall modify the existing business license within 30 days from the date of approval of the use permit. The modified business license shall incorporate auto sales.

22. Prior to issuance of the business license, the applicant shall obtain City of Pittsburg Building Division approval.

23. The Applicant shall comply with all requirements of the Building Division, Engineering Division, Contra Costa County Fire Protection District and all local, state and federal agencies as applicable.

24. All site improvements shall be completed within 60 days from the date of approval of this resolution unless written approval to extend this time is given by the Community Development Director.



Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

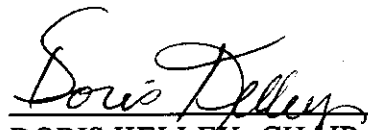
On motion by Commissioner Harris, seconded by Commissioner Tumbaga, the foregoing resolution was passed and adopted the 25th day of January 2000, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES: Garcia, Harris, Holmes, Kee, Kelley, Tumbaga

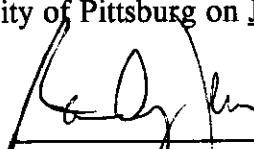
NAYS: None

ABSTAIN: None

ABSENT: Valentine

  
\_\_\_\_\_  
DORIS KELLEY, CHAIR  
PITTSBURG PLANNING COMMISSION

I hereby attest the above signature and certify that the above Resolution No. 9135 was adopted by the Planning Commission of the City of Pittsburg on January 25, 2000.

  
\_\_\_\_\_  
RANDY JEROME, SECRETARY  
PITTSBURG PLANNING COMMISSION

CITY OF PITTSBURG  
PLANNING COMMISSION  
STAFF REPORT  
January 25, 2000

**ITEM:    3    R & A AUTOMOTIVE.    UP-99-15**

**ORIGINATED BY:** Kulbir S. Bajwa, 1700 North Parkside Drive, Pittsburg, CA 94565

**SUBJECT:** This a request for a use permit to operate a used car sales lot and car repair business at 1700 North Parkside Drive, CS (Service Commercial) zone; APN 096-093-004.

**BACKGROUND:** On November 11, 1999, Kulbir S. Bajwa submitted an application requesting Planning Commission approval for a Use Permit to establish an auto sales and auto repair business at 1700 North Parkside Drive. The 1.07 acre site northwest of the Americana residential development has a 2,400 square foot structure. The applicant has three bays within the building which are used for auto repair. R & A Automotive was in operation prior the annexation of the property into the City of Pittsburg. Henceforth, this operation was considered legally established nonconforming use. The proposed operation is surrounded by vacant parcels to the east and west, residential developments to the south, and railroad tracks to north.

The Applicant plans to have space for at least 25 cars (for sale and repair). Used cars will be displayed on the vacant lot west of the existing building. The site will also have space for five customer and employee parking spaces. There will be two to three employees on the site during hours of operation. The lot will be open between the hours of 8:00 a.m. to 6:00 p.m., five days a week.

No physical changes to the exterior of the building are proposed at this time. Future plans call for the redesign of the exterior walls that face North Parkside Drive and the installation of wall mounted signs. The Applicant indicated that he will submit a separate application for design review approval of the signs and exterior modifications.

**STAFF ANALYSIS:**

The applicant is proposing to establish a Vehicle/Equipment Sales and Rental and Major Vehicle/Equipment Repair operation at 1700 North Parkside Drive.

**History:** On October 5, 1991, the City of Pittsburg annexed 186 acres between Willow Pass Road and North Parkside Drive. This process resulted in the inheritance of some business that were established in the County and were governed by County standards. Research indicated that R & A Automotive was established in the county as major auto repair. A 'Business Licence Inquiry -Search by Business Name' confirmed the nonconforming status of R & A Automotive and also indicated that the Applicant has an active business license to repair automobiles at 1700 North Parkside Drive.

Nonconforming Use: Pittsburgh Municipal Code Section 18.76.030(C) indicates that a nonconforming use may not be enlarged or extended so as to occupy a part of the structure or site, or other structure or site which it did not occupy on April 19, 1990. The Applicant is proposing to expand his business; this action will result in the elimination of the nonconformity status, thus requiring the Applicant to comply with current zoning standards to obtain a use permit to operate a used car lot.

Zoning Consistency: The site is located in a CS (Service Commercial) zoning district. A used car lot is referred to as "*Vehicle/Equipment Sales and Rental*" according to 18.52.010 of the Pittsburgh Municipal Code (PMC). Vehicle sales are conditionally permitted in CS zoning districts, and are subject to a use permit approved by the Planning Commission. Additionally, the Applicant has stated that vehicle repairs and service will take place on this site.

Auto repair is referred to as "*Vehicle/Equipment Repair, Major*" according to 18.52.010 of the PMC. As with a used car lot, vehicle repair is conditionally permitted in CS zoning district subject to a use permit approved by the Planning Commission. Staff believes the application should be conditioned for used car sales and automotive repair. The Application is in compliance with the requirements of the PMC. A used car operation adjacent to an automotive repair establishment is acceptable. Staff believes the proposed use is appropriate for this location.

Traffic/Circulation/Parking: Vehicle access to the site will be via North Parkside Drive and parking will be available on site. The PMC requires that vehicle sales businesses have one parking space for every 500 square feet of building; consequently, the Applicant is required to have at least five spaces.

Signage: At this time, the Applicant has not submitted plans for a business sign. Future signage plans for the business will be required to be reviewed and approved by the Planning Division, with building permits required from the Building Division.

Landscaping: Section 18.52.015 of the PMC requires 7% of the site be landscaped. The Applicant has agreed to comply with the requirement and provide adequate landscaping along the south side of the chain link fence and the existing building.

RECOMMENDATION: Move to adopt Resolution No. 9135 approving UP-99-15 as conditioned.

PROJECT PLANNER: Dana Hoggatt

ATTACHMENTS: Resolution of Approval  
Site Plan  
Vicinity Map



# City of Pittsburg

Community Development Department – Planning Division

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

## NOTICE OF VIOLATION

September 13, 2016

Mike Nazari  
1700 N. Parkside Drive  
Pittsburg, CA. 94565-3659

**RE: SUMMARY OF VIOLATIONS AT 1700 N. PARKSIDE DR.**

Dear Mr. Nazari,

It has come to our attention that the property located at 1700 N. Parkside Drive (APN: 096-093-002) is in violation of the Pittsburg Municipal Code (PMC) and the Use Permits that have been approved for the site. Below is a summary of these violations and the corrective actions that should be taken within the timeframes specified.

- **PMC section 18.52.010 – Vehicle Storage in the CS District**

It appears the site is currently being used for vehicle storage. PMC section 18.08.080(28)(h) defines 'vehicle storage' as the storage of operative or inoperative vehicles. This classification includes storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, trailers, buses, and recreational vehicles, but does not include vehicle dismantling. The site is zoned CS (Service Commercial) District. In this district, vehicle storage requires Planning Commission approval of a use permit prior to operation. There is no record of a business license or use permit for vehicle storage on this site.

Corrective Action: Within (30) days of the date of this letter, please terminate the vehicle storage and remove all associated vehicles from the site.

- **Use Permit No. UP-99-15 – Conditions of Approval**

On January 25, 2000, the Planning Commission adopted Resolution No. 9135 granting a use permit for 'vehicle/equipment sales and rental and major vehicle/equipment repair' (copy enclosed). It appears the business operating at the site is out of compliance with the following conditions of approval specified in the use permit:

1. Condition #6 states that "inoperable and un-registered vehicles cannot be stored on the premises." Several inoperable vehicles are currently being stored on the premises.

Corrective Action: Within fourteen (14) days of the date of this letter, please remove all inoperable and un-registered vehicles from the site.

2. Condition #7 states that "all auto repairs shall be conducted within the building." It appears that auto repairs are also being performed outside the building.

Corrective Action: Please immediately terminate all outdoor auto repairs.

3. Condition #12 states that "there shall be outside of the building and after 7:00 p.m. no more than five vehicles scheduled for repair". It appears that more than five vehicles scheduled for repair are kept outside on a nightly basis.

Corrective Action: Within seven (7) days of the date of this letter, please remove any vehicles scheduled for repair in excess of the number allowed by Condition #12.

4. Condition #13 states that "automobiles and other vehicles subject to repair shall not remain on the premises for more than 30 days from the date of arrival. The owner of the facility shall maintain a log to substantiate the arrival and departure of vehicles and such log shall be available for inspection by the Community Development Director upon request." It appears inoperative vehicles are being kept on site for periods exceeding 30 days.

Corrective Action: Within seven (7) days of the date of this letter, please provide a copy of the arrival and departure log to the Community Development Director.

5. Condition #15 states that "to comply with County regulations, the applicant shall provide proof of a Hazardous Material Business Plan." The City has no records of such plan on file.

Corrective Action: Within seven (7) days of the date of this letter, please provide a copy of the Hazardous Material Business Plan to the Community Development Director.

- **Use Permit No. AP-15-1078 – Conditions of Approval**

On November 24, 2015, the Planning Commission adopted Resolution No. 10017 granting design review and use permit approval to establish a 'caretaker's quarters' at the site (copy enclosed). It appears the caretaker's quarters has been completed and occupied without benefit of building permits, inspections, or a certificate of occupancy. Additionally, you appear to be out of compliance with Conditions of Approval #4-7, 12-20, 22, 24-27, and 29 (Resolution No. 10017).

Corrective Action: Immediately terminate occupancy of the caretaker's quarters and within (14) days of the date of this letter, please either apply for building permits to either demolish or legalize the unpermitted work. The following comments apply if you choose to apply for building permits to legalize the unpermitted work:

1. Claims of an existing office space are unsubstantiated by any record or permits; therefore the concept of a 286 square-foot addition is not acceptable. Work done must be documented as proper which may include destructive investigation.



2. The scope of the true work has been recalculated to encompass 1,300 square feet. The new fees have been provided to you.
3. School fees must be paid to the Pittsburg Unified School District. Proof of fee payment is required prior to the issuance of a building permit.
4. A portion of the unpermitted work has been constructed over an existing water well without approval of Contra Costa County Environmental Health.
5. A portion of the unpermitted 'habitable' work includes a shed that was previously permitted. The shed lacks a proper foundation and was not permitted as habitable space.
6. Due to the fact that this is now deemed 'new construction' the Contra Costa County Fire Protection District will need to review the plans once more. Fire sprinklers will be required. Written approval from the Contra Costa County Fire Protection District is needed.
7. The plans that were submitted do not properly reflect the work that has taken place and must be corrected to reflect all new work.
8. The existing underground septic system will need approval from Contra Costa County Environmental Health for the new use.
9. The building fees were originally calculated upon a construction cost of \$8,500. Fees were recalculated to reflect a 1300 square-foot addition. The new fees have been provided to you.
10. Title 24 calculations must be reproduced and supplied on a plan sheet with the construction drawings.
11. Occupancy separation details must be supplied with the corrected drawings. The location of the furnace within the automotive shop is not allowed due to the transmission of auto exhaust into the residence as well the potential fire issues. An acceptable location must be found and depicted in the revised construction drawings.

**If you take no action to complete the remedies required within the time period described, then you may be subject to an Administrative Citation. Failure to comply may result in additional code enforcement action by the City and may include issuance of an Administrative Citation. Please note that each offence issued on the Administrative Citation may be deemed as a separate offence, and fines of \$100, \$200 and \$500 can be assessed for each offence. Concurrently, the State Franchise Tax Board may be notified, possibly resulting in the loss of specific tax benefits related to the property.**

If you have any questions about this matter, please do not hesitate to contact Hector Rojas, Senior Planner, (925) 252-4043, or via email at: [hrojas@ci.pittsburg.ca.us](mailto:hrojas@ci.pittsburg.ca.us).

Sincerely,

Fritz McKinley  
Public Works Director/City Engineer/Community Development Director

Cc: Kristin Pollot, Planning Manager  
Hector Rojas, Senior Planner  
Curtis Smith, Building Division  
Devina Uribe, Engineering Division  
Code Enforcement  
File



DEPARTMENT OF FORESTRY AND FIRE PROTECTION  
OFFICE OF THE STATE FIRE MARSHAL

P.O. Box 944248  
SACRAMENTO, CA 94244-2460  
(916) 653-7772  
Website: [www.fire.ca.gov](http://www.fire.ca.gov)



**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

June 7, 2017

Mike Nazari  
Auto Smog and Repair  
1700 North Parkside Drive  
Pittsburg, California 94565

**SUBJECT: PIPELINE RIGHT-OF-WAY AND EASEMENT**

Dear Mr. Nazari:

The CAL FIRE – Office of the State Fire Marshal (OSFM) is providing this notice concerning a matter of your safety and the safety of the public. You are likely aware of the issue already but the OSFM felt it necessary to officially inform you that there are two (2) hazardous liquid pipelines operating within an easement on your property. These pipelines are owned and operated by Chevron Pipe Line Company (Chevron) and Crimson Pipeline L.P. (Crimson). The OSFM is providing this letter to you to ensure that you, as the property owner, are aware of the potential health and safety issues associated with having structures erected above active hazardous liquid pipelines. The OSFM takes this safety issue seriously, which is why we are contacting you and including the enclosed materials.

You will find several enclosures included with this letter including: the Notice of Probable Violations letter issued to Chevron and Crimson, the Compliance Orders issued to Chevron and Crimson, California Government Code Section 51014.6, and California Government Code Section 51018.6. Please read these enclosures as they will provide additional background information that is not included here.

In October 2016, a representative from the OSFM completed an inspection of the Crimson and Chevron pipeline rights-of-way and easements in the Pittsburg, CA area. As a result of these inspections, it was determined that several structures are located directly over the Crimson and Chevron pipelines in violation of California Government Code Section 51014.6. Section 51014.6(a) – (a)(1) provides that "...no person, other than the pipeline operator, shall...[b]uild, erect, or create a structure or improvement within the pipeline easement or permit the building, erection, or creation thereof." Further, Section 51014.6(a)(2) states that "no person, other than the pipeline operator, shall...[b]uild, erect, or create a structure,



fence, wall, or obstruction adjacent to any pipeline easement which would prevent complete and unimpaired surface access to the easement...."

One of the primary purposes of Section 51014.6 is to facilitate the protection of health, safety, and property in the event of a release or potential release from a pipeline through timely identification and response. With structures located directly above a pipeline, the ability to visually identify and respond to a release or potential release in a timely manner is diminished thereby increasing the possibility of injury to persons and property. This is of great concern to the OSFM. It is the OSFM's position that all pipeline operators, including Chevron and Crimson, are responsible for maintaining easements in compliance with Section 51014.6. Under the present situation, Chevron and Crimson must work with property owners to bring their easements into compliance with Section 51014.6.

How property owners and pipeline operators bring an easement into compliance with Section 51014.6 is typically determined through agreement between those parties, without direct involvement from the OSFM. However, due to the potentially significant health and safety issues presented by structures located directly above a hazardous liquid pipeline, the OSFM issued the enclosed Notice of Probable Violations and Compliance Orders to Chevron and Crimson. These documents directed the pipeline operators to take immediate action to ensure the safety of nearby residents living over the pipelines, and to develop a plan to remove the mobilehomes from the easement. Following the issuance of the Notice of Probable Violations and the Compliance Orders, it was discovered that structures on your property are also located directly above or adjacent to the pipeline easement. Chevron and Crimson provided this information to the OSFM. Subsequently, your property became subject to the appropriate provisions of the Notice of Probable Violations and the Compliance Orders. We encourage you to work with Chevron and Crimson to help meet their obligation, ensure your safety, and bring your property into compliance with the law.

Because Chevron and Crimson are in violation of Section 51014.6, both operators may be subject to civil penalties pursuant to California Government Code Section 51018.6. Section 51018.6(b) provides that "[i]f the State Fire Marshal determines...that a person has violated this chapter or any regulation adopted pursuant thereto, that person is subject to a civil penalty of not more than two hundred thousand dollars (\$200,000) for each day that violation persists, except that the maximum civil penalty shall not exceed two million dollars (\$2,000,000) for any related series of violations." If civil penalties are assessed here, they will be assessed against Chevron and Crimson, not against you. The OSFM's decision not to assess penalties against you should not be construed to limit the rights of any other state or federal agency that may seek relief under any state or federal law, implementing regulations of state or federal law, or permit conditions.

Chevron and Crimson have informed the OSFM that you have been contacted by their representatives and that the parties are working jointly to resolve the easement issues. In some cases, other parties have already reached agreements with Chevron and Crimson. The OSFM looks forward to a successful resolution of the concerns arising out of the October inspections as we all work to ensure the safety of the pipelines and the public near

Mike Nazari  
June 7, 2017  
Page 3 of 3

the pipelines. The OSFM's primary concern is, and continues to be, the health and safety of the mobilehome residents and those property owners subject to the easement.

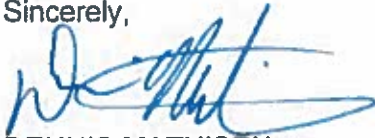
We encourage you to work with Chevron and Crimson who can be reached at:

Chevron Pipe Line Company  
Attn: Patrick T. Green – Operations Manager  
9525 Camino Media E-Wing  
Bakersfield CA 93311  
Phone: (661) 654-7734

Crimson Pipeline, LLC  
Attn: Compliance Department  
Email: Compliance@crimsonpl.com  
3760 Kilroy Airport Way Suite #300  
Long Beach, CA 90806  
Phone: (805) 833-0177

Should you have any questions or concerns regarding this letter, please contact Chuck MacDonald, Supervising Pipeline Safety Engineer at (661) 665-0107.

Sincerely,



DENNIS MATHISEN  
State Fire Marshal

Enclosures: Notice of Probable Violation – Chevron  
Compliance Order – Chevron  
Notice of Probable Violation – Crimson  
Compliance Order - Crimson  
Government Code Section 51014.6  
Government Code Section 51018.6

cc: Mike Richwine, Assistant State Fire Marshal, California Department of Forestry and Fire Protection-Office of the State Fire Marshal  
Chuck MacDonald, Supervising Pipeline Safety Engineer, California Department of Forestry and Fire Protection-Office of the State Fire Marshal  
Joshua Cleaver, Attorney, Legal Office, California Department of Forestry and Fire Protection  
Richard Weinert, Deputy Director, Codes and Standards Division, California Department of Housing and Community Development  
Lisa Campbell, Attorney, Legal Affairs Division, California Department of Housing and Community Development

**CITY OF PITTSBURG  
PLANNING COMMISSION  
STAFF REPORT**

**ITEM: 2108 Railroad Avenue Commercial Shell Building, AP-17-1274 (DR).**

ORIGINATED BY: Randy Baugh, Development Consultants, Inc., 3941 Park Drive, Suite #20338, El Dorado Hills, CA 95762

SUBJECT: This is a request for design review approval of plans to construct a 3,168-square foot, single-story commercial shell building on an 8,598-square foot parcel located at 2108 Railroad Avenue. The property is located within the Railroad Avenue Specific Plan (RASP) PD (Planned Development, Ordinance No. 09-1319) District, and has a RASP Land Use Designation of TOD-H (Transit Oriented Development, High Density). Assessor's Parcel No. 087-030-087.

RECOMMENDATION:

Staff recommends the Commission adopt Resolution No. 10083, denying Design Review Application No. 17-1274, for the reasons stated below.

BACKGROUND:

On February 24, 1998, the Planning Commission adopted Resolution Nos. 9028 and 9030, approving the use permit and design review requests for the development of the large grocery store building and a 6,000-square foot multi-tenant commercial building within a four-pad shopping center, known currently as Railroad Plaza. On January 24, 2006, the Planning Commission adopted Resolution No. 9619, approving the construction of a one-story 9,500 square foot multi-tenant commercial building, a parking lot and site improvements on Pad 4 of the shopping center. The building (which is currently occupied by Panda Express and Western Dental, among others) was constructed in 2007 by the current applicant, Development Consultants, Inc. (DCI), and was subsequently sold to Klein Limited Partnership in 2013.

On November 2, 2009, the City Council adopted Ordinance No. 09-1319 establishing a PD (Planned Development) District and approving the Railroad Avenue Specific Plan (RASP) for the areas closest to the future Pittsburg Center BART Station at Railroad Avenue and State Route 4. The RASP contains development and design standards intended to capitalize on the future transit oriented development (TOD) growth potential around the BART Station, and to "describe a preferred character and overall direction for development associated with the future [BART] Station" (Railroad Avenue Specific Plan, 2).

On September 9, 2014, the Planning Commission adopted Resolution No. 9983, granting approval for the development of an 8,250-square foot, multi-tenant retail shell building (Building A) and site improvements on 0.62 acres (including the parcel subject to the application). In addition, the Planning Commission approved a variance allowing

for the construction of five parking stalls in excess of the maximum parking allowed under the RASP.

The single-story commercial building that was previously approved does not meet the criterion of the RASP which requires new structures within the TOD-H land use classification be constructed with a minimum of three stories. However, due to a conflict between the minimum TOD-H building height standard (25 feet) and the requirement for a minimum of three stories for new construction, it was determined that a two-story structure could be more appropriate, considering the identified minimum building height of 25 feet. Due in part to the project being the first to occur within the RASP area, and the fact that it was proposed more than three years prior to the scheduled opening of the BART Station, the development was seen as key in kickstarting development in the RASP area. As such, a compromise was reached in which the applicant was approved to construct a single-story building which included a parapet wall and faux windows to give the appearance of a second story; however, it was to be engineered in a manner that could accommodate development of a second story at a future date, once market conditions adjusted.

On February 22, 2016, the Land Use Subcommittee met to discuss the community vision and planning principles adopted for the RASP Area, and the Plan's applicability to future development projects. The Subcommittee supported continuing to implement the development standards and policies of the RASP, as adopted.

#### PROJECT DESCRIPTION:

Existing Conditions: The subject site consists of an 8,598-square foot parcel currently housing 13 parking stalls which serve the existing commercial building to the south (Attachment 2). An approximately 56-foot wide, signalized driveway at Railroad Avenue and Bliss Avenue (southeast of the subject site) provides direct access to the shopping center. The parcel is bounded by the Railroad Plaza shopping center to the west and south, and the Frontage Road Class I trail to the north. Beyond the Frontage Road trail is the eastbound State Route 4 offramp. To the east is Railroad Avenue, as well as a 20- to 30-foot-wide landscaped area which runs adjacent to the eastern boundary of the subject parcel and the previously developed commercial building; while the majority of this landscaped area is within the City's right-of-way, and the northern third is within Caltrans right-of-way. This landscaped area has been designated as the northern-most portion of the future linear parkway which will extend from State route 4 to the Delta de Anza Trail. Finally, the Pittsburg Center BART Station is located approximately 250 feet northeast of the project area and is scheduled to open in May 2018.

See Attachment 3 for a detailed overview of surrounding land uses.

Project: The project, as proposed, includes development of an approximately 3,168 square foot, single-story commercial building (Building B). The new structure would be located approximately 23 feet north of Building A, and approximately 15 feet south of the Frontage Road Trail. Building B would be designed to accommodate one to two

tenants, and would provide a main entry along the western façade of the building, directly adjacent to the interior parking lot, as well as a secondary entry along the southern façade. The building height for the main roof is proposed at 22 feet (measured from the top of the lower parapet). Portions of the parapet do extend up to 26 feet along the eastern and western facades; however, it's important to reiterate that the building would be designed similar to its neighbor with only one usable story.

The existing sidewalk running along the front (west side) of Building A would be continued across the project site to the Frontage Road Trail. Five parking spaces would be relocated north of the existing bay of stalls along the western face of Building A; as a result of the proposed development the total number of parking spaces would decrease from 30 to 20, bringing the project into conformance with the maximum allowable parking prescribed in the RASP. No additional drive aisles or driveways would be constructed, and the existing signalized intersection at Bliss Avenue and Railroad Avenue would function as the main access to the parking area.

Approximately 11 percent of the combined site area would be landscaped. Two existing, immature trees located within the parking area along the northern side of the exiting commercial structure would be removed and replaced/relocated to the existing landscaped area at the north side of the proposed project. Landscaped planting areas with various types of ground cover would be located around the site at the edges of the parking stalls.

#### GENERAL PLAN/CODE COMPLIANCE:

General Plan: The project site has a General Plan land use designation of Mixed Use, which is generally intended to allow for greater flexibility of land uses around transit. The subject site is located in the Transit Village sub-area of the RASP, and has a land use designation of TOD-H (Transit Oriented Development-High Density). The TOD-H land use designation, and the goals and policies contained within the RASP, are intended to promote vertical mixed-use development in the areas closest to the Pittsburg Center BART Station, where “[s]pecial attention should be given to pedestrian circulation within the area. The designation is intended to encourage ground floor, pedestrian friendly, retail sales and services uses with upper floors of residential uses or offices.” (Railroad Avenue Specific Plan, page 51).

Zoning/Railroad Avenue Specific Plan: The property is located in the Railroad Avenue Specific Plan PD (Planned Development, Ord. 09-1319) District. Pursuant to Pittsburg Municipal Code (PMC) section 18.53.030, land use and development regulations for properties located within the RASP area shall conform to the applicable use and development regulations identified in the RASP. The RASP outlines land use, design, and development goals and policies for the Specific Plan area (for a detailed analysis of the proposed projects consistency with these goals and policies, see Attachment 4). Additionally, Chapter 4.4 of the RASP provides standard development regulations within the RASP area. These include development intensity, as well as height, setback,

parking, and landscaping requirements. RASP section 4.5 provides architectural and site design criteria for projects.

The proposed project is inconsistent with several design and development criteria. Most notably, the project proposes only a one-story structure, though the TOD-H land use classification calls for a minimum of three-stories for all new structures. In addition, the proposed project is not consistent with RASP Architectural and Site Design Criteria 4.5(1) and 4.5(2), which are intended to maximize the number of units and building entries fronting the street, and maximize storefront transparency through inclusion of windows, doors, or outdoor areas to encourage walking. Further, there are no specifically identified outdoor areas (such as seating areas, patios, arcade, or other covered outdoor public space) proposed with the development.

The proposed project also does not meet the intent of Criterion 4.5(5), which requires that all building facades facing public rights-of-way (Railroad Avenue) “engage the pedestrian through well-articulated building facades by incorporating architectural elements and features.” While the proposed eastern (street facing) elevation would include some architectural detailing to generally match the neighboring building (minor building projections, multiple materials, and metal awnings), the proposed structure does not provide any pedestrian access or transparent elements to engage pedestrians along Railroad Avenue. Rather, the proposed building essentially presents a rear façade to the street view, and treats the rear façade (where many pedestrians will be arriving from) in a manner that is not as engaging as the front façade facing the interior parking lot.

Attachments 5-6 provide a detailed project consistency analysis with the development and design standards set forth in the RASP.

Required Findings: The Planning Commission may grant design review approval for a project only after the Commission makes a determination that the proposed project is consistent with PMC section 18.36.220(B), summarized below:

- a. the structure conforms with good taste, good design and in general contributes to the character and image of the city as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality;
- b. the structure will be protected against exterior and interior noise, vibrations and other factors that may tend to make the environment less desirable;
- c. the exterior design and appearance of the structure is not of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value;
- d. the structure is in harmony with proposed developments on land in the general area; and,

## Planning Commission Staff Report

e. the application conforms with the criteria set forth in any applicable city-adopted design guidelines.

Environmental: The project is exempt from the requirements of the California Environmental Quality Act (CEQA) under CEQA Guidelines, section 15061(b)(4), as a project that is being recommended for disapproval by a public agency.

### ANALYSIS:

The current application has been deemed “incomplete,” as there are several outstanding items that the applicant must address in order for staff to complete a more thorough review of the application (Attachment 8). The project is being brought before the Commission at this time as the developer does not wish to conform to certain development standards contained within the RASP (Attachments 4-6).

Staff does not believe that the Planning Commission can make the required findings to approve the proposed project, as submitted. Specifically, staff feels the project does not conform with good taste or good design, nor does it contribute to the character and image of the city as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality, in that the proposed project does not meet the adopted standards for design and development included in the RASP, which were recommended by the Planning Commission and adopted by the City Council in order to ensure the area around the Pittsburg Center BART Station was developed with high-quality, attractive structures and higher-density mixed-use buildings that promoted transit use and pedestrian movement (a key aspect of providing fitness opportunities) and provided balance to the lower-density areas near the outskirts of the City. Further, not meeting the goals and policies identified within the RASP would potentially negatively affect use of the new BART Station, and cause the neighborhood to materially depreciate in value.

The proposed one-story building would also not be in harmony with potential development within the RASP area, if future buildings are held to the standards contained within the RASP. During the September 9, 2014, meeting at which the first phase of this project was approved, the applicant stated he felt the RASP was a long-term vision, and suggested that a successful first building would foster continued high-quality development in the area; however, approval of this project was more than three years ago, and the RASP area has seen significant activity since then, including development of the BART Station, the multimodal transfer facility at the corner of Railroad Avenue and California Avenue, the 82-unit Belle Harbor subdivision at Harbor Street and School Street, and the entitlement of a two-story mixed-use building along Railroad Avenue between School Street and 17th Street. In addition, applications have been filed to develop a four-story office building at the corner of Railroad Avenue and the westbound SR 4 on-ramp, and to construct 57 units of medium-density housing along Central Avenue just east of Railroad Avenue. Several additional potential projects within the RASP area have gone before the Land Use Subcommittee for discussion.

## Planning Commission Staff Report

In other words, projects that do not meet the development standards of the RASP are no longer needed to jump-start development in the area, and a single-story building at the proposed project site would not be in harmony with the projects mentioned above. By allowing development that does not meet the RASP standards at this time, the City would also be setting a significant precedent, in which future developments could continue to seek to circumvent the RASP in order to build inferior projects.

As mentioned, the RASP is intended to promote walkability and other pedestrian-centric activity, as well as reduced reliance on personal automobiles within the areas immediately surrounding the newly constructed Pittsburg Center BART Station. RASP section 4.5.17 requires private developments in the Transit Village sub-areas to include publicly accessible greenways, trails, and paths for pedestrians and bicyclists. Staff believes additional improvements that encourage safe pedestrian movement between the project site, BART, and nearby office and residential uses are warranted. These improvements would likely include development of the planned linear parkway within the existing right-of-way along the east side of the proposed project, from the corner of Railroad Avenue/State Route 4 offramp to the entry drive south of the Building A, complete with a Class I trail from the corner of Railroad Avenue/State Route 4 offramp to the entry drive south of the 2110 Railroad Commercial Building; plaza areas at each respective corner, as well as adjacent to the area between Existing Building A and proposed Building B; and appropriate site furnishings. Raised planters, with adequate width for sitting, between existing Building A and proposed Building B would also provide outdoor seating and eating opportunities that would help activate the streetscape.

Lastly, RASP section 4.5.14, encourages the use of shared trash enclosures, provided that the enclosure is sized appropriately to handle the refuse and recycling needs of all uses. Staff believes that the existing trash enclosure would not adequately serve an additional 3,168 square feet of commercial space, particularly if a restaurant use was to occupy the proposed new building. While the applicant has stated he would be willing to replace the existing four-yard bins with larger, six-yard bins, and have them picked up six days a week, staff believes the potential for up to eight businesses utilizing the existing enclosure could cause overflow, which could end up strewn throughout the parking lot or trail area.

For the reasons described above, staff is recommending denial of the proposed project at this time. Staff believes it is crucial that the developer meet the adopted standards of the RASP in order to ensure the goal of creating a transit-oriented area that is sustainable and walkable is met.

### ACTION REQUIRED:

Move to adopt Resolution No. 10083, denying Design Review Application No. 17-1274.

### ATTACHMENTS:



## Planning Commission Staff Report

1. Proposed Resolution No. 10083
2. Proposed Project Plans
3. Surrounding Uses Map/Existing Condition Photos
4. RASP Land Use, Design, and Development Goals and Policies
5. RASP Land Use, Design, and Development Standards
6. RASP Architectural Design Criteria
7. Design Review and Development Guidelines
8. Aerial/Vicinity Map

Prepared by: Jordan Davis, AICP, Associate Planner

PROPOSED  
BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

|                                        |   |                      |
|----------------------------------------|---|----------------------|
| Resolution Denying Design Review       | ) | Resolution No. 10083 |
| Approval to Construct a 3,168 Square   | ) |                      |
| Foot Commercial Shell Building at 2108 | ) |                      |
| Railroad Avenue, for "2108 Railroad    | ) |                      |
| Avenue Commercial Shell Building, AP-  | ) |                      |
| 17-1274 (DR)"                          | ) |                      |

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. On September 12, 2017, Randy Baugh of Development Consultants, Inc., filed Design Review Application No. 17-1274, requesting approval of plans to construct a 3,168-square foot, single-story commercial shell building on an 8,598-square foot parcel located at 2108 Railroad Avenue. The property is located within the Railroad Avenue Specific Plan (RASP) PD (Planned Development, Ordinance No. 09-1319) District, and has a RASP Land Use Designation of TOD-H (Transit Oriented Development, High Density). Assessor's Parcel No.: 087-030-087.
- B. On November 2, 2009, the City Council adopted Ordinance No. 09-1319 establishing a PD (Planned Development) District and approving the Railroad Avenue Specific Plan for the areas closest to the future eBART Station at Railroad Avenue and State Route 4. The Railroad Avenue Specific Plan (Specific Plan) contains development and design standards intended to capitalize on future transit oriented development growth potential around the future eBART Station and to describe a preferred character and overall direction for development associated with the future BART Station.
- C. On September 9, 2014, the Planning Commission adopted Resolution No. 9983, granting approval for the development of an 8,250-square foot, multi-tenant retail shell building (Building A) and site improvements on 0.62 acres (including the parcel subject to the application). In addition, the Planning Commission approved a variance allowing for the construction of five parking stalls in excess of the maximum parking allowed under the RASP.
- D. On February 22, 2016, the Land Use Subcommittee met to discuss the community vision and planning principles adopted for the RASP Area, and the Plan's applicability to future development projects. The Subcommittee supported continuing to implement the development standards and policies of the RASP, as adopted.

E. The current proposal does not conform to the applicable, “Land Use, Design, and Development Standards,” prescribed within section 4.4 of the RASP for the TOD-H land use classification, or the applicable goals and policies of the RASP. The subject site is located within the Transit Village sub-area of the RASP, which requires new commercial buildings be at least three stories. RASP goals and policies applicable to the development include the following:

1. Goal 3-G-1: Maximize the benefit of the proposed eBART Station and other transit options and increase ridership by creating a high density, mixed-use community around the potential station site and by integrating the area with the surrounding neighborhoods.
2. Policy 3-P-1: Create a vibrant, mixed-use, transit-oriented development district nearest the proposed eBART Station.
3. Policy 3-P-2: Foster an engaging and active street environment.
4. Policy 3-P-3: Provide additional housing opportunities, including multifamily and affordable housing, within one-half mile of the proposed eBART Station.
5. Policy 3-P-6: Designate land as public space to provide opportunities for gathering, social interaction, and recreation.
6. Policy 3-P-7: Create an integrated network of open spaces and trails that connect different neighborhoods and sub-areas to each other and to transit facilities.
7. Policy 3-P-10: Allow residential uses above ground floor commercial uses in all commercial land use designations subject to the design review approval by the Planning Commission.
8. Goal 4-G-1: Provide a safe and inviting pedestrian environment to draw people to and from the eBART Station.
9. Goal 4-G-3: Promote high quality development that is socially and environmentally sustainable.
10. Policy 4-P-1 Require high quality, pedestrian-friendly design and a high level of transparency along street fronts and pathways to activate the street environment, promote social interaction and support crime prevention.
11. Policy 4-P-2 Incorporate public pathways and greenways throughout private development located within the Civic Center and Transit Village sub-areas to facilitate pedestrian and bicycle movement throughout the Specific Plan Area.

12. Goal SP5-G-1: Provide a range of parks, open spaces and public facilities in the Specific Plan Area to meet the diverse needs of residents, employees, students and visitors.
  13. Policy SP5-P-1.2: Require new development to provide land or funding to help create a strong network of parks, plazas and pathways.
  14. Policy SP5-P-3.1: Install street furniture that improves the transit rider's experience, including bus shelters, seats, and informational signage.
  15. Goal 6-G-1: Make the Specific Plan Area a walkable center at the crossroads of the Pittsburg community.
  16. Policy 6-P-6: Create dedicated mid-block greenway connections throughout the Transit Village and into the Civic Center sub-areas.
- F. The project is exempt from the requirements of the California Environmental Quality Act (CEQA) under CEQA Guidelines, section 15061(b)(4) as a project that is being denied by a public agency.
- G. On December 12, 2017, the Planning Commission held a public meeting on Design Review Application No. 17-1274, at which time oral and/or written testimony was considered.

## Section 2. Findings

- A. Based on the Planning Commission Staff Report entitled, "2108 Railroad Avenue Commercial Shell Building, AP-17-1274 (DR)," dated December 12, 2017, and based on all the information contained in the Planning Division files on the project, incorporated here by reference and available for review in the Planning Department 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 structure does not conform with good taste, good design and in general contributes to the character and image of the city as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality, in that the proposed project does not meet the adopted standards for design and development included in the RASP, which were recommended by the Planning Commission and adopted by the City Council in order to ensure the area around the Pittsburg Center BART Station was developed with high-quality, attractive structures and higher-density mixed-use buildings that promoted transit use and pedestrian movement (a key aspect of providing fitness opportunities) and provided

balance to the lower-density areas near the outskirts of the City. More specifically, the project does not: 1) meet requirements for a minimum of three stories for new buildings (RASP section 4.4); 2) provide any building entries or storefront transparency on those sides of the proposed building fronting the street (RASP sections 4.5.1 and 4.5.2); 3) include design features and amenities that would engage pedestrians (RASP section 4.5.5); 4) provide an adequately-sized trash enclosure for shared use (RASP section 4.5.14); or 5) provide publicly accessible greenways trails and paths for pedestrians and bicyclists in accordance with the land use and circulation plans set forth in the RASP (RASP sections 4.5.17 and 4.5.26).

3. The exterior design and appearance of the structure is of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value, in that not meeting the goals and policies identified within the RASP to encourage development of more intense transit-oriented and pedestrian friendly development will negatively affect use of the new BART Station, and cause the neighborhood to materially depreciate in value.
4. The structure will not be harmony with proposed developments on land in the general area, in that other proposed projects within the area have been held to the design standards of their respective RASP land use designations, including a two-story mixed-use structure approved along Railroad Avenue between School Street and 17<sup>th</sup> Street, and a new four-story office building to be located at the corner of Railroad Avenue and Center Drive. Further, the proposed project would have a lower building height than the established neighboring structure to the south, which was constructed as an earlier phase of the larger project.
5. The application does not conform with the criteria set forth in the adopted RASP Architectural and Site Design Criteria, including RASP sections 4.5.1 and 4.5.2, which call for maximizing the number of units and building entries fronting the street and orienting building and store entrances to the street with maximized storefront transparency through inclusion of windows, doors, or outdoor areas incorporated into the structure (RASP 4.5.1); and engaging pedestrians along rights-of-way through well-articulated building facades by incorporating elements such as cornices, lintels, sills, awnings, fenestration, varied materials and colors, columns and other architectural elements and features (RASP 4.5.1). In addition, the project would also conflict with sections 4.5.17 and 4.5.26, which requires the inclusion of publicly accessible greenways, trails and paths for pedestrians and bicyclists in accordance with the land use and circulation plans set forth in the Specific Plan.

### Section 3. Decision

- A. Based on the findings set forth above, the Commission hereby denies Design Review Application No. 17-1274.

### 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 12<sup>th</sup> day of December, 2017, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES:

NAYES:

ABSTAIN:

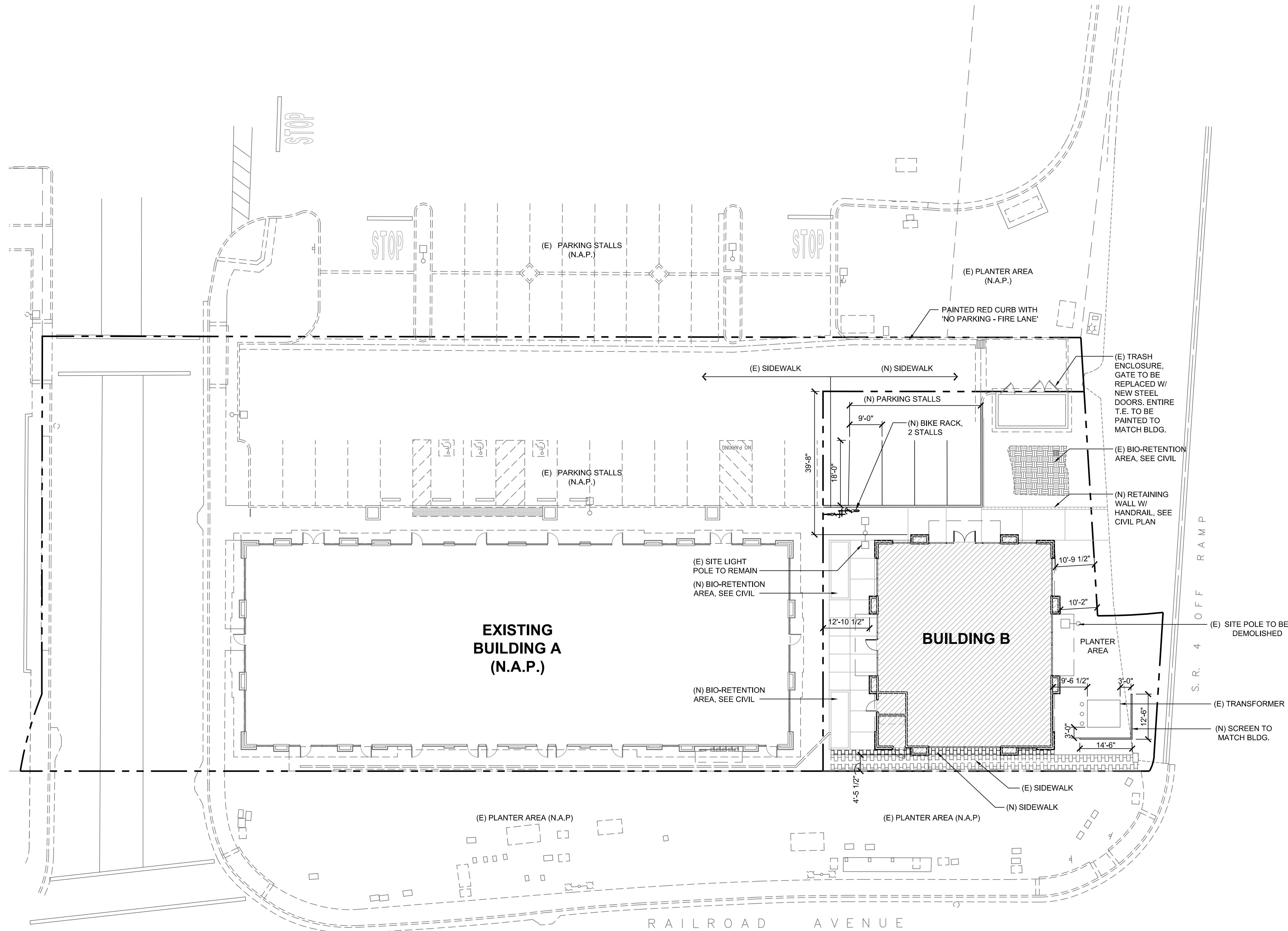
ABSENT:

I hereby certify that the above Resolution No. \_\_\_\_\_ was adopted by the Planning Commission of the City of Pittsburg on December 12, 2017.

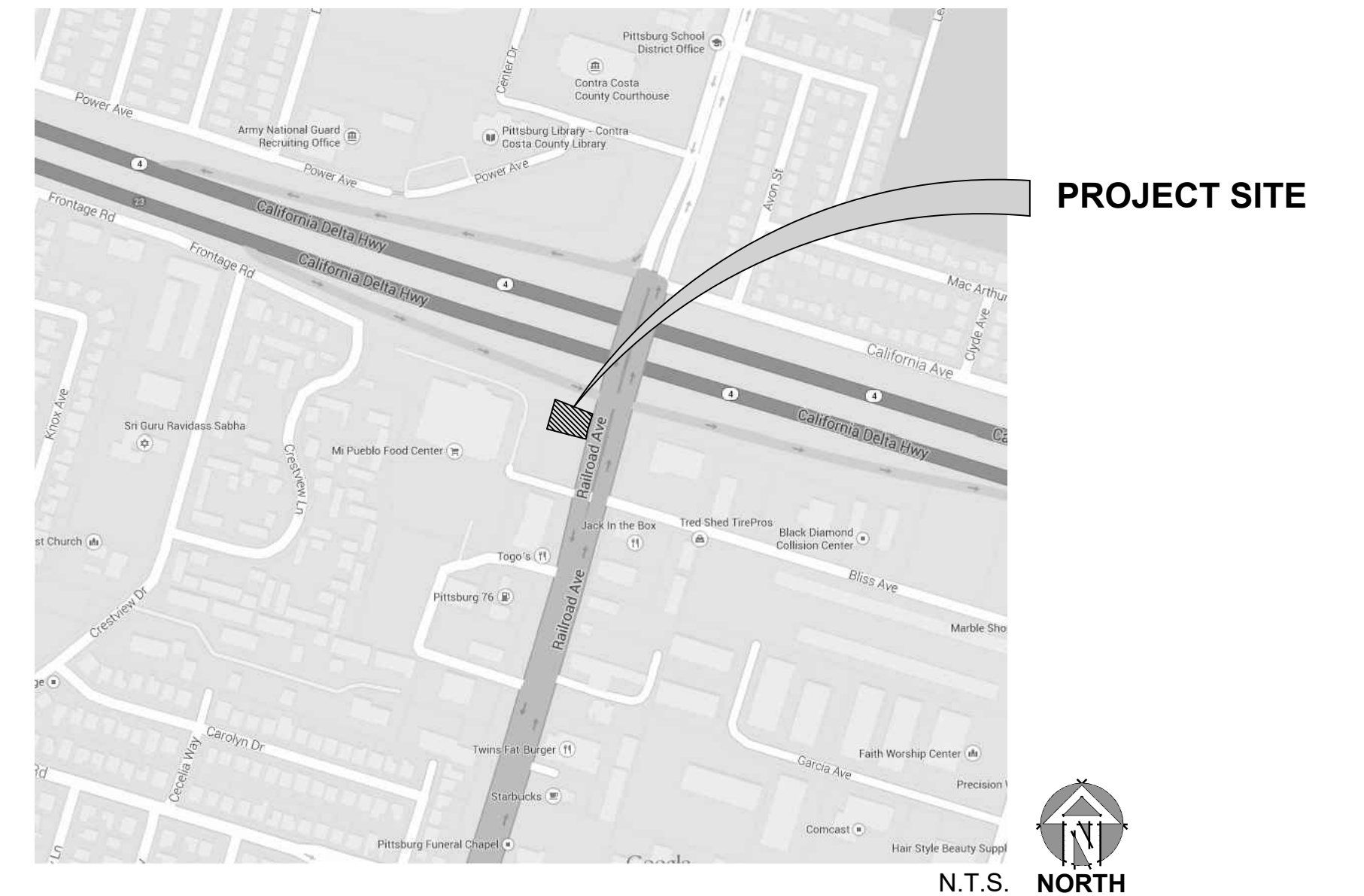
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KRISTIN POLLOT, AICP, SECRETARY  
PITTSBURG PLANNING COMMISSION





#### VICINITY MAP:

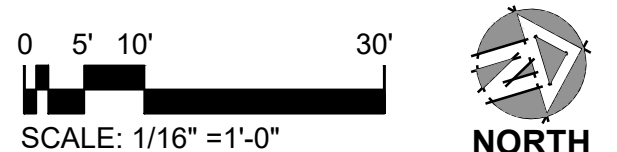


#### PROJECT INFORMATION:

|                                |                                                                                                                                                                                                                                   |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| APN:                           | 087-030-083 PARCEL A - (N.A.P.)<br>087-034-084 (PREVIOUSLY 087) PARCEL B                                                                                                                                                          |
| ZONING:                        | PD                                                                                                                                                                                                                                |
| OCCUPANCY GROUP:               | RETAIL (EXISTING BUILDING A)<br>RETAIL (BUILDING B)                                                                                                                                                                               |
| CONSTRUCTION TYPE:             | V - B                                                                                                                                                                                                                             |
| SPRINKLERED:                   | YES                                                                                                                                                                                                                               |
| GROSS FLOOR AREA:              | +/- 8,600 S.F. - ONE STORY (EXISTING BUILDING A - N.A.P.)<br>+/- 3,168 S.F. - ONE STORY (BUILDING B)<br>+/- 11,768 S.F.                                                                                                           |
| LOT AREA:                      | +/- 20,171 S.F. OR 0.463 ACRES (PARCEL A - N.A.P.)<br>+/- 8,598 S.F. OR 0.197 ACRES (PARCEL B)<br>+/- 28,769 S.F. OR 0.660 ACRES                                                                                                  |
| BUILDING HEIGHT:               | +/- 26'-0" (MIN. 25'-0" - MAX. 65'-0" ALLOWED)                                                                                                                                                                                    |
| OVERALL LEVEL OF TRANSPARENCY: | 104'-2" L.F. GLASS WALL / 110'-0" L.F. SOLID WALL =<br>94% TRANSPARENCY (70% MIN. REQ'D)                                                                                                                                          |
| PARKING ANALYSIS:              | AT 1 PARKING SPACE / 333 S.F. FOR COMMERCIAL TOD-HIGH LAND USE<br><br>(E) PARCEL A (N.A.P.) - 8,000 S.F. / 333 S.F. = 25 STALLS MAX. ALLOWED (15 PROV.)<br>PARCEL B - 3,168 S.F. / 333 S.F. = 10 STALLS MAX. ALLOWED (5 PROVIDED) |
| BICYCLE PARKING:               | 2 PARKING SPACES PROVIDED                                                                                                                                                                                                         |

#### SHEET INDEX:

|       |                                      |
|-------|--------------------------------------|
| A-100 | OVERALL SITE PLAN                    |
| A-101 | FLOOR PLAN - BUILDING B              |
| A-201 | EXTERIOR ELEVATIONS - BUILDING B     |
| A-301 | BUILDING SECTIONS - BUILDING B       |
| C1    | PRELIMINARY GRADING AND UTILITY PLAN |
| SW1   | STORMWATER CONTROL PLAN              |
| LA    | PRELIMINARY LANDSCAPE PLAN           |



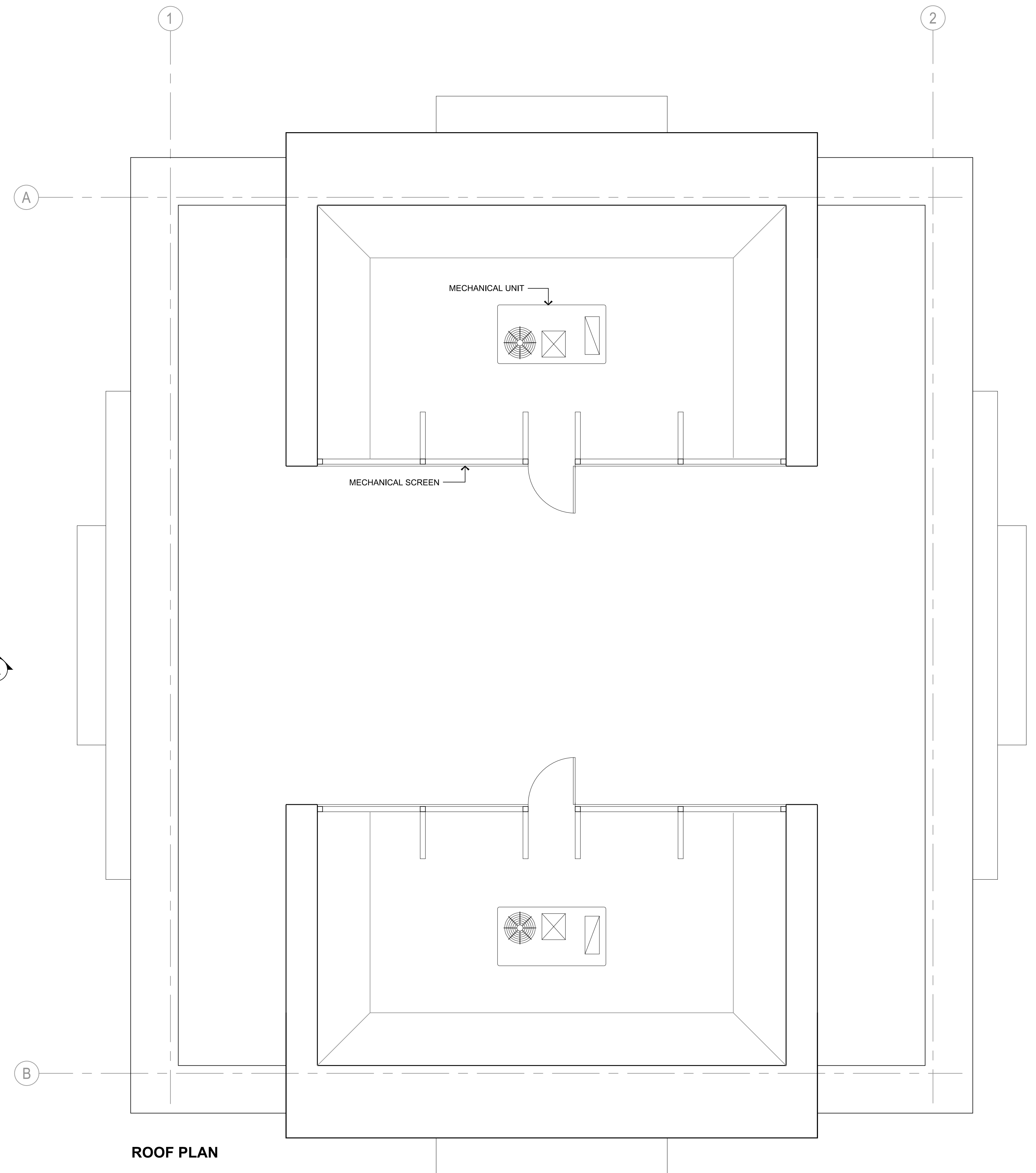
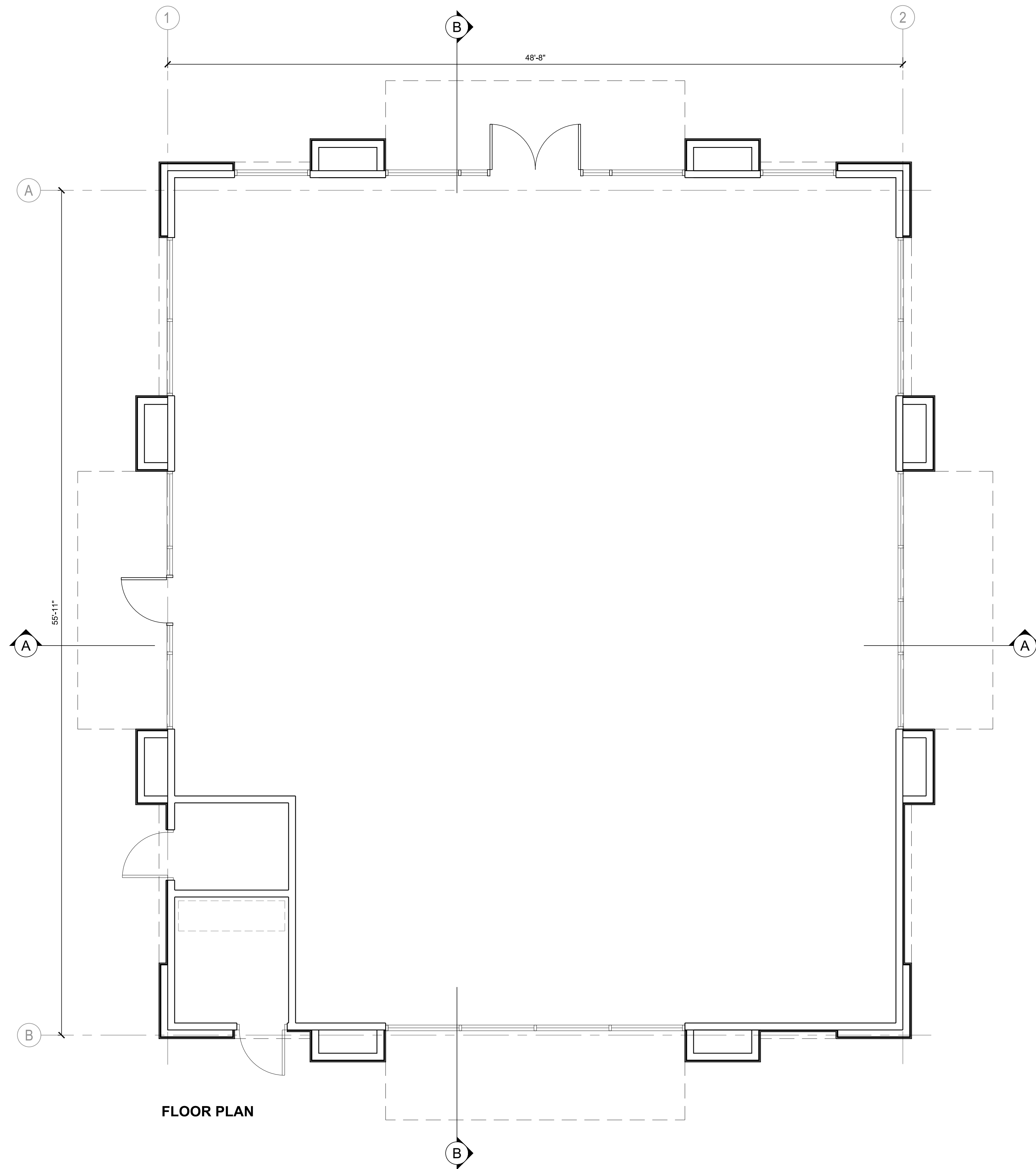
## RAILROAD AVENUE RETAIL OVERALL SITE PLAN & PROJECT DATA

PITTSBURG, CA 14020-B 11-08-2017

1478 STONE POINT DRIVE SUITE 350 ROSEVILLE, CA 95661 T | 916 782 7200 borgesarch.com

A-100  
ARCHITECTURAL GROUP  
**Borges**



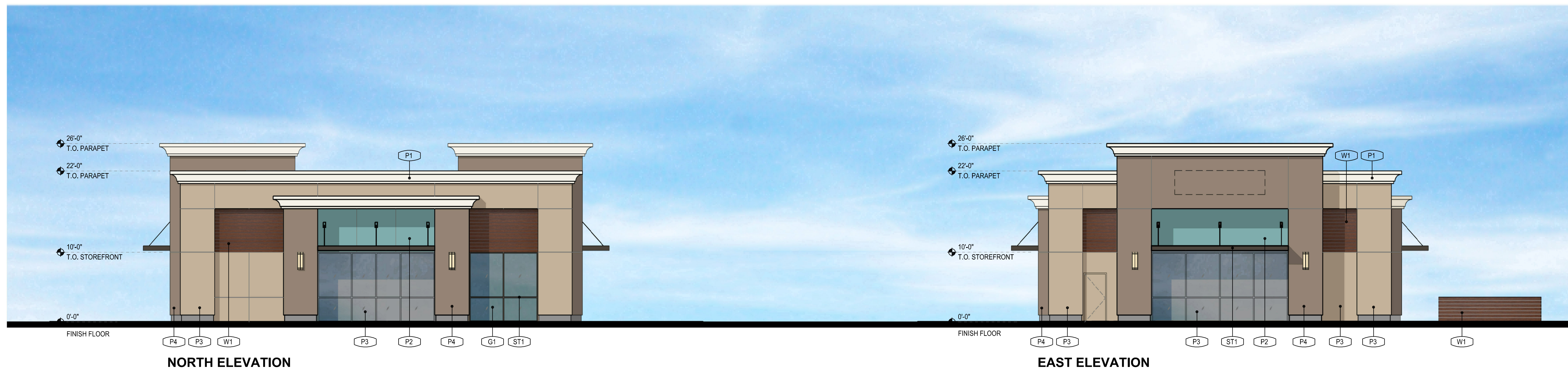


# RAILROAD AVENUE RETAIL FLOOR PLAN & ROOF PLAN - BUILDING B

A-101

Borges ARCHITECTURAL GROUP





# RAILROAD AVENUE RETAIL EXTERIOR ELEVATIONS - BUILDING B

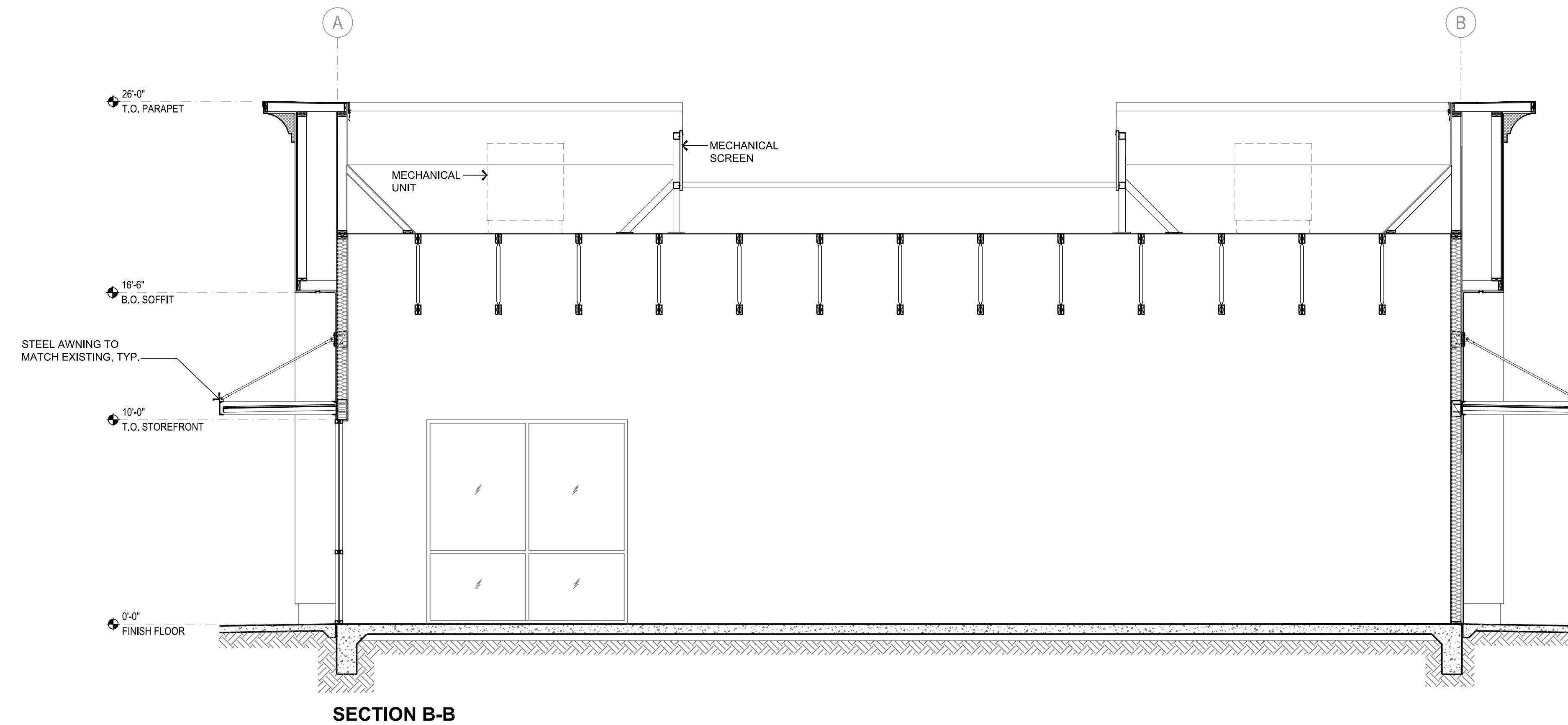
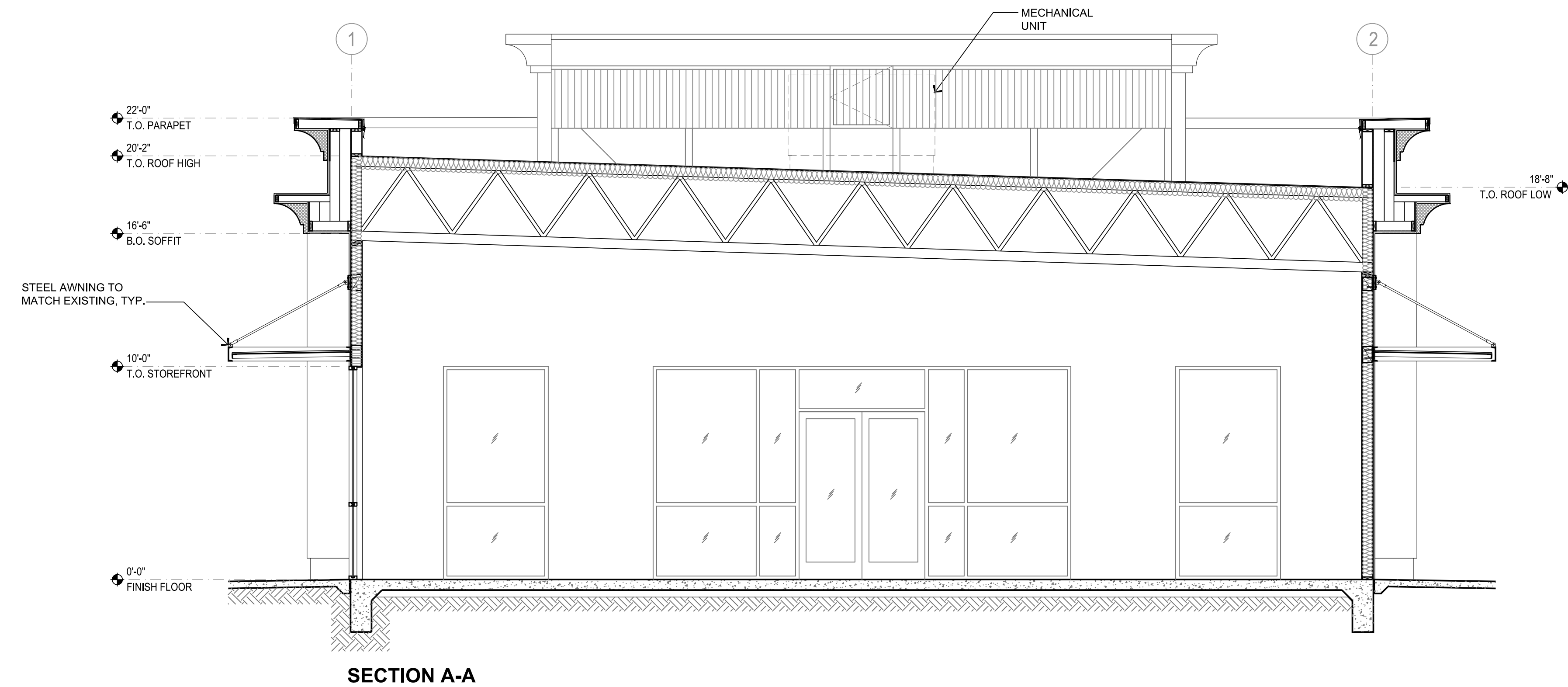
A-201

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PITTSBURG, CA 14020-B 11-01-2017

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# RAILROAD AVENUE RETAIL BUILDING SECTIONS - BUILDING B

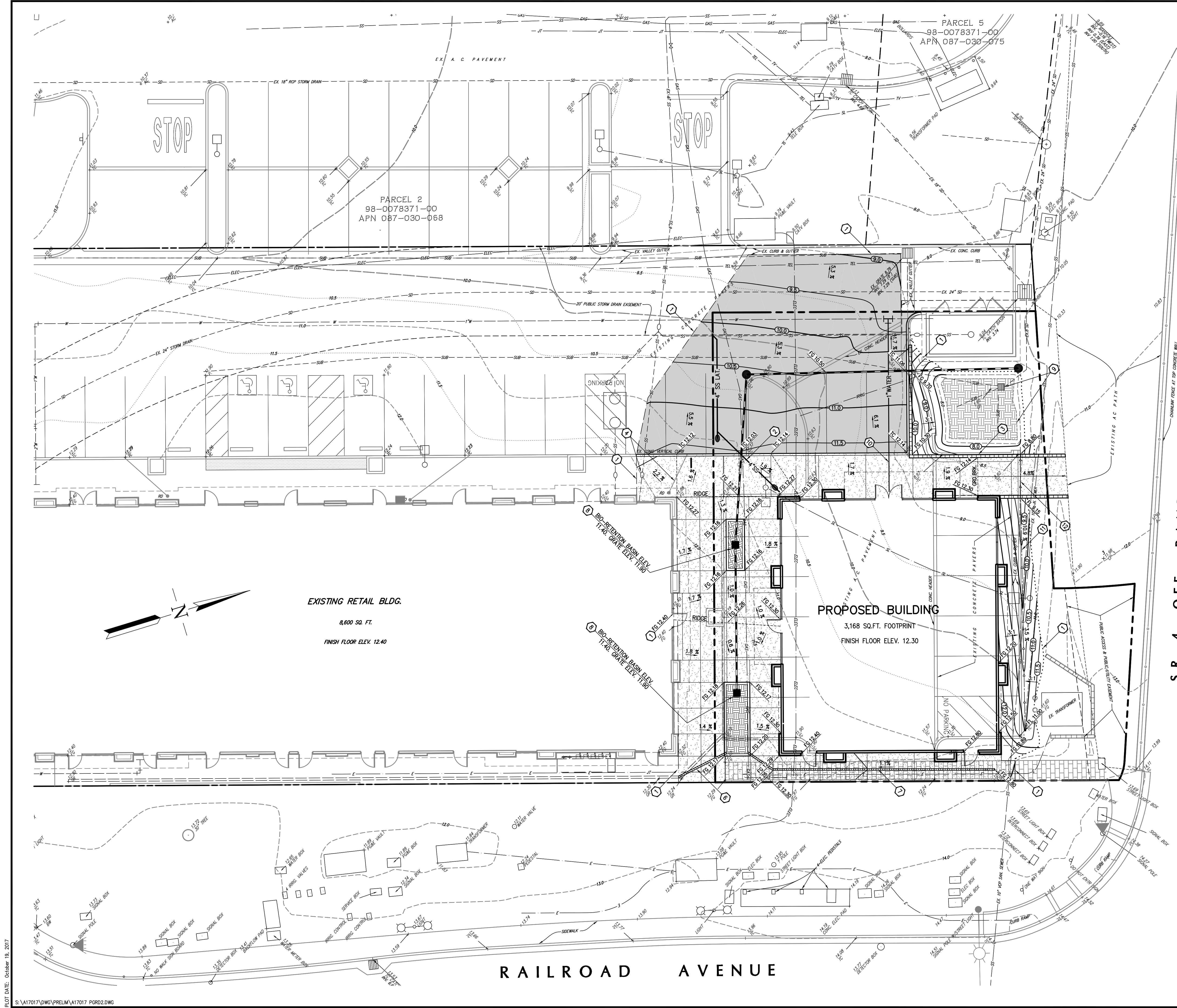
PITTSBURG, CA 14020-B 11-01-2017

1478 STONE POINT DRIVE SUITE 350 ROSEVILLE, CA 95661 T | 916 782 7200 borgesarch.com

A-301

Borges  
ARCHITECTURAL GROUP





CONSTRUCTION NOTES:

- 1 NEW CURB AND PAVING GRADES TO MATCH EXISTING GRADES AT SAW-CUT OR DAYLITE LINE.
- 2 INSTALL NEW SEWER LATERAL WITH CLEANOUT AS SHOWN.
- 3 CONSTRUCT RETAINING WALL WITH HAND RAIL TO PREVENT FALLING HAZARD.
- 4 ADJUST TO NEW FINISH GRADE.
- 5 INSTALL TRENCH DRAIN TO DRAIN INTO PROPOSED BIO-RETENTION AREA AS SHOWN.
- 6 RE-ROUTE EXISTING TRENCH DRAIN TO NEW BIO-RETENTION AREA AS SHOWN.
- 7 INSTALL TRENCH DRAIN ALONG CENTER OF RE-GRADED WALK, CONNECT TO NEW BIO-RETENTION AREA AS SHOWN.
- 8 PROPOSED BIO-RETENTION AREA SIZED TO ACCOMMODATE RUNOFF FROM PROPOSED AND EXISTING WALKWAYS.
- 9 EXISTING BIO-RETENTION AREA ELEVATION RAISED TO ELEVATION 8.00 AND INLET GRATE RAISED TO ELEVATION 8.50. AREA TO ACCOMMODATE RUNOFF FROM PROPOSED BUILDING ROOF AND SWALE ADJACENT TO NEW BUILDING NORTH SIDE.
- 10 EXTEND 1" WATER TO BUILDING AS SHOWN.
- 11 GRADE SWALE TO DRAIN TO BIO-RETENTION AREA AS SHOWN.
- 12 INSTALL CROSS CULVERT UNDER SIDEWALK.

LEGEND:

|                                      | PROPOSED | EXISTING |
|--------------------------------------|----------|----------|
| BOUNDARY LINE                        | ---      | ---      |
| STREET CENTERLINE                    | ---      | ---      |
| EASEMENT LINE                        | ---      | ---      |
| PUBLIC RIGHT OF WAY                  | ---      | ---      |
| WATER LINE                           | ---      | ---      |
| FIRE SERVICE LINE                    | ---      | ---      |
| SANITARY SEWER LINE                  | ---      | ---      |
| STORM DRAIN PIPE                     | ---      | ---      |
| GAS LINE                             | ---      | ---      |
| ELECTRICAL CONDUIT                   | ---      | ---      |
| ROOF DRAIN                           | ---      | ---      |
| SITE LIGHT                           | ---      | ---      |
| STREET LIGHT                         | ---      | ---      |
| DRAINAGE INLET                       | ---      | ---      |
| MANHOLE                              | ---      | ---      |
| WATER VALVE                          | ---      | ---      |
| CLEANOUT                             | ---      | ---      |
| FIRE HYDRANT                         | ---      | ---      |
| TRAFFIC SIGN                         | ---      | ---      |
| VERTICAL CURB                        | ---      | ---      |
| CURB AND GUTTER                      | ---      | ---      |
| RETAINING WALL                       | ---      | ---      |
| CONTOUR                              | ---      | ---      |
| GRADE BREAK                          | ---      | ---      |
| GRADING DAYLITE LINE                 | ---      | ---      |
| FLOW LINE                            | ---      | ---      |
| SPOT ELEVATION                       | ---      | ---      |
| PAVEMENT ELEVATION                   | ---      | ---      |
| FINISH GRADE                         | ---      | ---      |
| TOP OF CURB GRADE                    | ---      | ---      |
| CONCRETE FLATWORK                    | ---      | ---      |
| NEW PERMEABLE PAVING WITH SUB-DRAINS | ---      | ---      |
| BIO-RETENTION AREA                   | ---      | ---      |



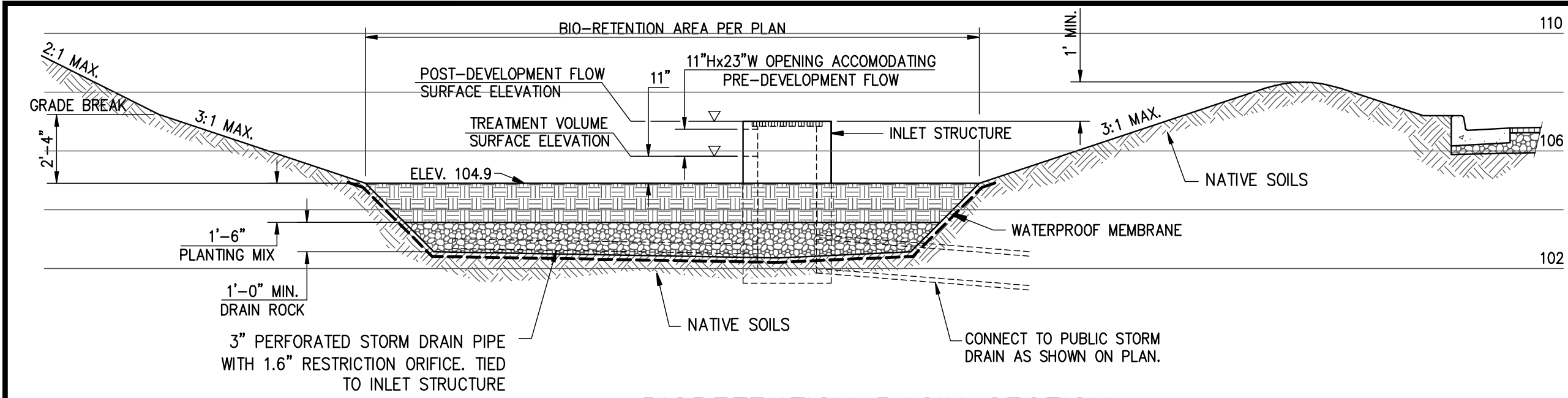
PRELIMINARY GRADING AND UTILITY PLAN  
2110 RAILROAD AVENUE  
PITTSBURG, CALIFORNIA

FOR: DEVELOPMENT CONSULTANTS INC.

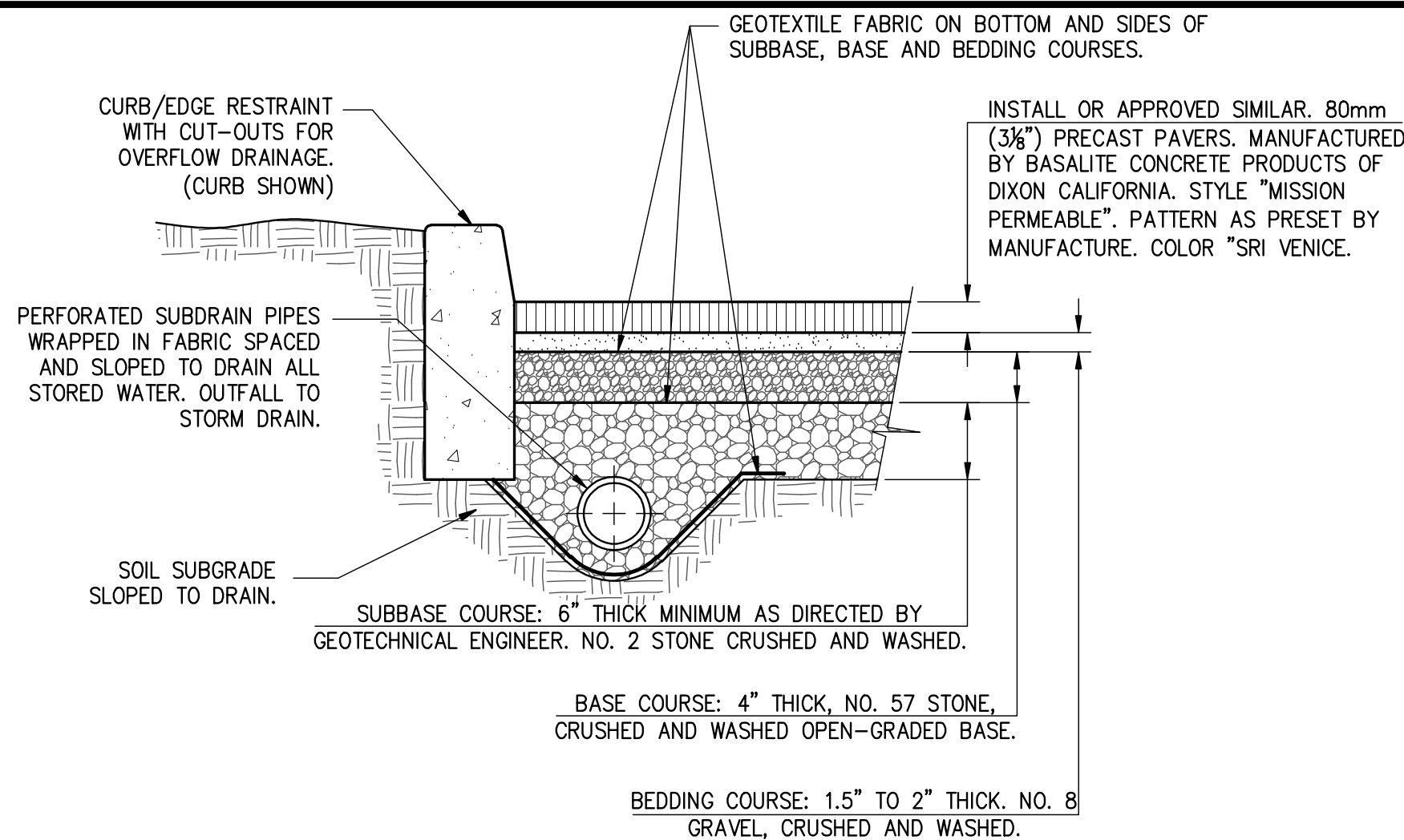
|             |          |
|-------------|----------|
| SCALE       | 1"=10'   |
| DATE        | 10-19-17 |
| DRAWN       |          |
| CHECKED     |          |
| PROJ. MGR.  |          |
| T.W.P.      |          |
| SHEET NO.   | 1        |
| OF 2 SHEETS |          |
| JOB NO.     | A17017   |

ROBERT A. KARN  
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CIVIL ENGINEERS  
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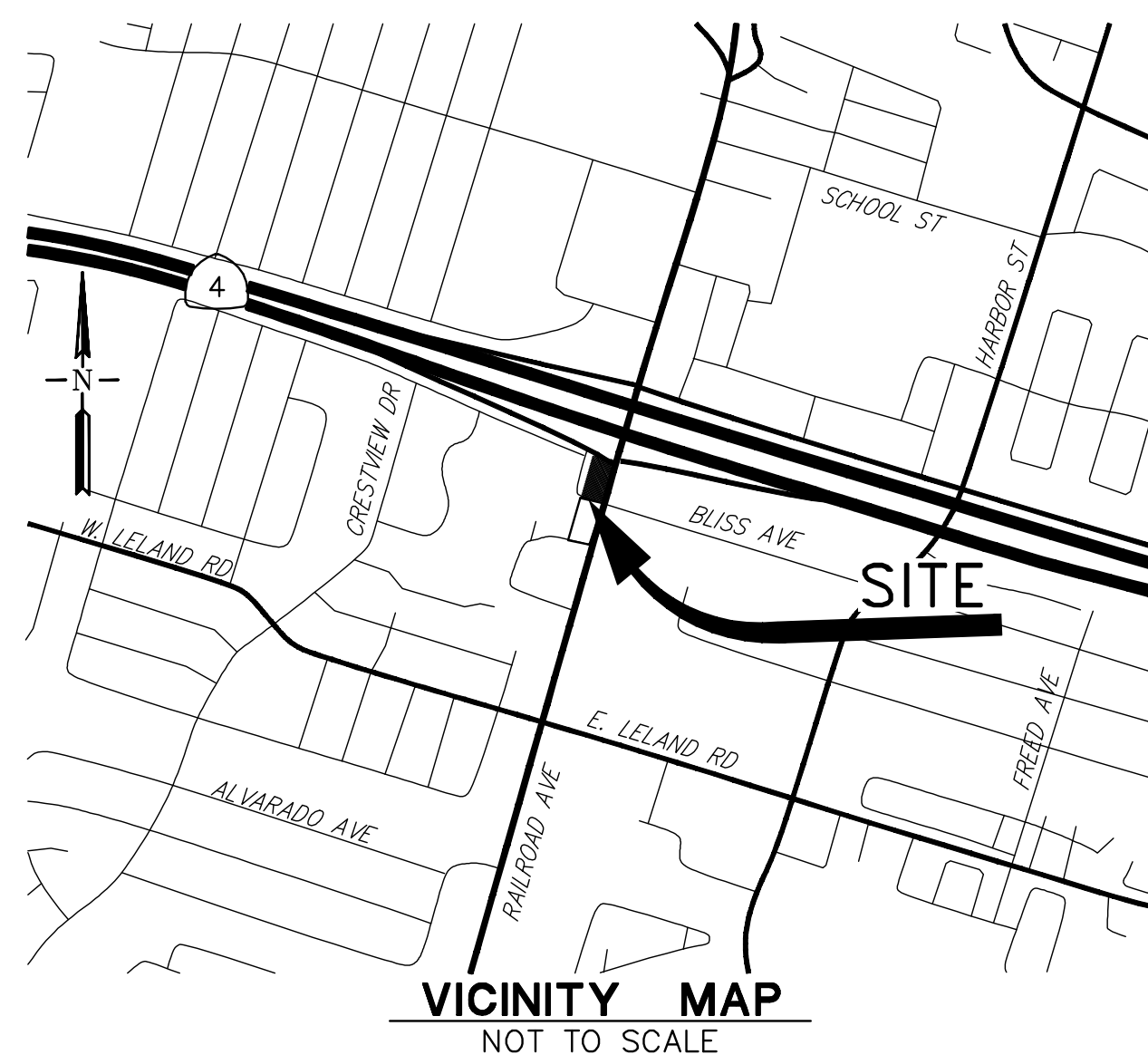




BIORETENTION BASIN SECTION



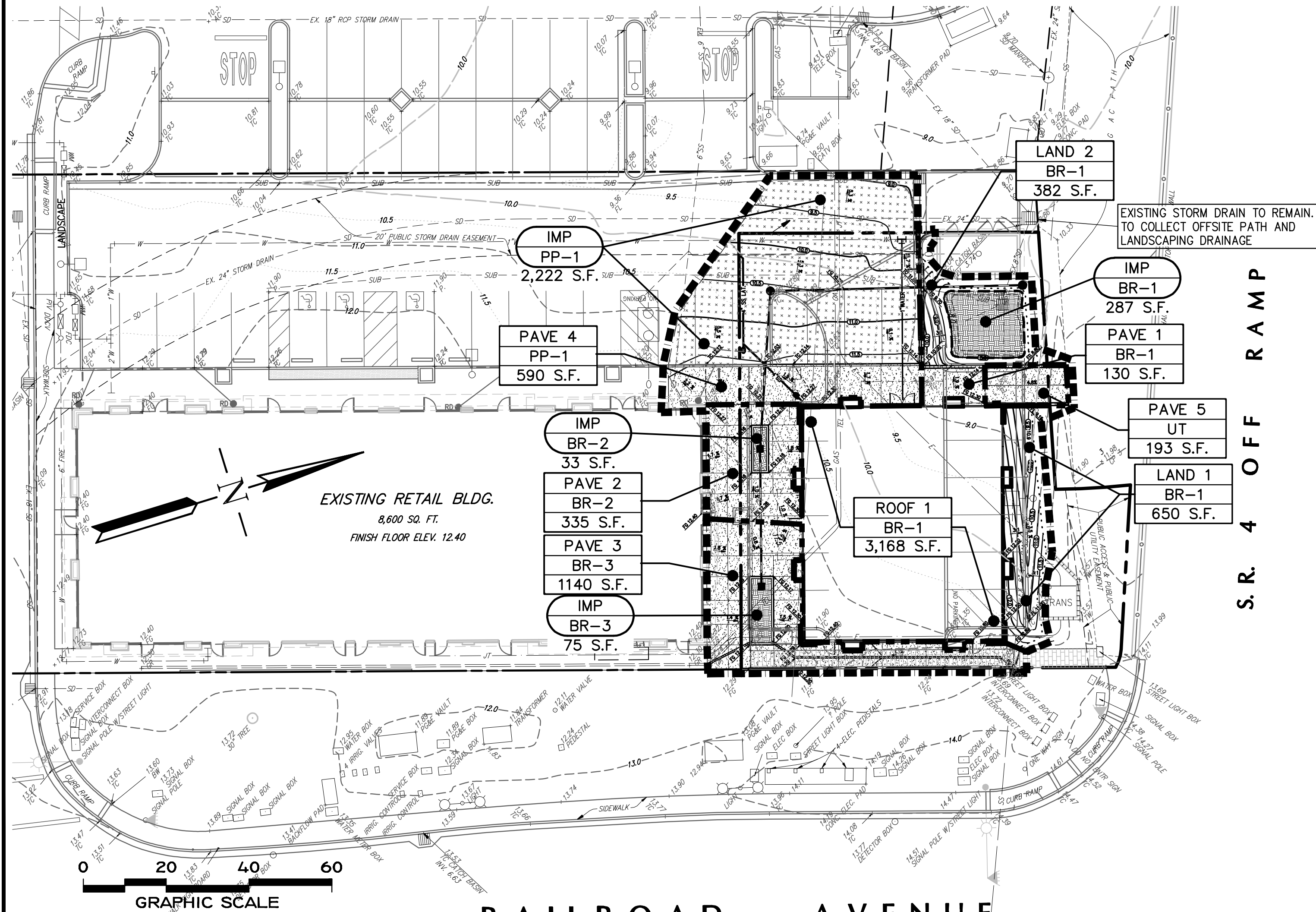
PERMEABLE PAVER SECTION WITH PARTIAL EXFILTRATION TO SOIL SUBGRADE



VICINITY MAP  
NOT TO SCALE

LEGEND:

| BOUNDARY LINE              | PROPOSED | EXISTING | LIMIT OF SITE IMPROVEMENTS                      | PROPOSED |
|----------------------------|----------|----------|-------------------------------------------------|----------|
| STORM DRAIN PIPE           |          |          | DRAINAGE AREA BOUNDARY                          |          |
| DRAINAGE INLET             |          |          | BIO-RETENTION TREATMENT AREA                    |          |
| MANHOLE                    |          |          | PERMEABLE PAVER OR PAVEMENT SELF RETAINING AREA |          |
| VERTICAL CURB              |          |          | DRAINAGE MANAGEMENT AREA (DMA) ID               | PAVE 1   |
| CURB AND GUTTER            |          |          | TREATMENT DEVICE ID                             | BR-1     |
| CONTOUR                    |          |          | BIO-RETENTION PLANTER (BR) UNTREATED (UT)       | S.F.     |
| GRADE BREAK                |          |          | PERMEABLE PAVEMENT (PP)                         |          |
| GRADING DAYLITE LINE       |          |          | INTEGRATED MANAGEMENT PRACTICE (IMP)            | IMP      |
| FLOW LINE                  |          |          | BIO-RETENTION PLANTER (BR)                      | BR-1     |
| SPOT ELEVATION             |          |          | PERMEABLE PAVEMENT (PP)                         | S.F.     |
| PAVEMENT ELEVATION         |          |          |                                                 |          |
| FINISH GRADE               |          |          |                                                 |          |
| TOP OF CURB GRADE          |          |          |                                                 |          |
| DRAINAGE DIRECTION & SLOPE |          |          |                                                 |          |



C.3 COMPLIANCE SUMMARY

PROJECT NAME: 2110 RAILROAD AVE.  
PROJECT TYPE: TREATMENT ONLY  
APN: 087-030-083  
DRAINAGE AREA: 9,012 sf  
MEAN ANNUAL PRECIPITATION: 13.4

I. Self-Treating DMAs

| DMA Name | Area (sq ft) |
|----------|--------------|
| NONE     |              |

II. Self-Retaining Areas

| DMA Name | Area (sq ft) |
|----------|--------------|
| NONE     |              |

III. Areas Draining to Self-Retaining Areas

| DMA Name | Area (sq ft) | Surface Type | Runoff Factor | Product (Area x Runoff Factor) [A] | Receiving Self Retaining DMA | Receiving Self Retaining DMA Area (sq ft) [B] | Ratio [A]/[B] |
|----------|--------------|--------------|---------------|------------------------------------|------------------------------|-----------------------------------------------|---------------|
| NONE     |              |              |               |                                    |                              |                                               |               |

IV. Areas Draining to IMPs

IMP Name: BR-1  
IMP Type: Bioretention Facility  
Soil Group: D

| DMA Name | Area (sq ft) | Post Project Surface Type | DMA Runoff Factor | DMA Area x Runoff Factor | IMP Sizing | IMP Sizing Factor | Rain Adjustment Factor | Minimum Area or Volume | Proposed Area or Volume |
|----------|--------------|---------------------------|-------------------|--------------------------|------------|-------------------|------------------------|------------------------|-------------------------|
| LAND 1   | 650          | LANDSCAPE                 | 0.10              | 65                       |            |                   |                        |                        |                         |
| LAND 2   | 382          | LANDSCAPE                 | 0.10              | 38                       |            |                   |                        |                        |                         |
| PAVE 1   | 130          | CONCRETE OR ASPHALT       | 1.00              | 130                      |            |                   |                        |                        |                         |
| ROOF 1   | 3,168        | CONVENTIONAL ROOF         | 1.00              | 3,168                    |            |                   |                        |                        |                         |
| Total    |              |                           |                   | 3,401                    |            |                   |                        |                        |                         |
| Area     |              |                           |                   |                          | 0.040      | 1.000             | 136                    | 287                    |                         |

IMP Name: BR-2  
IMP Type: Bioretention Facility  
Soil Group: D

| DMA Name | Area (sq ft) | Post Project Surface Type | DMA Runoff Factor | DMA Area x Runoff Factor | IMP Sizing | IMP Sizing Factor | Rain Adjustment Factor | Minimum Area or Volume | Proposed Area or Volume |
|----------|--------------|---------------------------|-------------------|--------------------------|------------|-------------------|------------------------|------------------------|-------------------------|
| PAVE 2   | 335          | CONCRETE OR ASPHALT       | 1.00              | 335                      |            |                   |                        |                        |                         |
| Total    |              |                           |                   | 335                      |            |                   |                        |                        |                         |
| Area     |              |                           |                   |                          | 0.040      | 1.000             | 14                     | 33                     |                         |

IMP Name: BR-3  
IMP Type: Bioretention Facility  
Soil Group: D

| DMA Name | Area (sq ft) | Post Project Surface Type | DMA Runoff Factor | DMA Area x Runoff Factor | IMP Sizing | IMP Sizing Factor | Rain Adjustment Factor | Minimum Area or Volume | Proposed Area or Volume |
|----------|--------------|---------------------------|-------------------|--------------------------|------------|-------------------|------------------------|------------------------|-------------------------|
| PAVE 3   | 1140         | CONCRETE OR ASPHALT       | 1.00              | 1140                     |            |                   |                        |                        |                         |
| Total    |              |                           |                   | 1140                     |            |                   |                        |                        |                         |
| Area     |              |                           |                   |                          | 0.040      | 1.000             | 46                     | 75                     |                         |

IMP Name: PP-1  
IMP Type: Permeable Pavement  
Soil Group: D

| DMA Name | Area (sq ft) | Post Project Surface Type | DMA Runoff Factor | DMA Area x Runoff Factor | IMP Sizing | IMP Sizing Factor | Rain Adjustment Factor | Minimum Area or Volume | Proposed Area or Volume |
|----------|--------------|---------------------------|-------------------|--------------------------|------------|-------------------|------------------------|------------------------|-------------------------|
| PAVE 4   | 590          | CONCRETE OR ASPHALT       | 1.00              | 590                      |            |                   |                        |                        |                         |
| Total    |              |                           |                   | 590                      |            |                   |                        |                        |                         |
| Area     |              |                           |                   |                          | 0.040      | 1.000             | 24                     | 2,222                  |                         |

Untreated Area

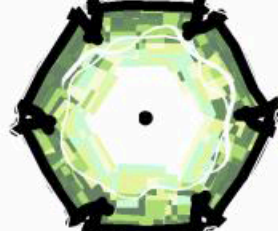
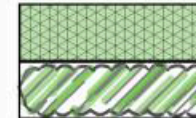
| DMA Name | Area (sq ft) |
|----------|--------------|
| PAVE 5   | 130          |



PARKING LOT  
SHADE CALCULATIONS:

| TREE TYPE             | AREA/<br>FULL |      | QUANTITY |     |     |     | SUBTOTAL   | TOTAL     |
|-----------------------|---------------|------|----------|-----|-----|-----|------------|-----------|
|                       |               |      | FULL     | 3/4 | 1/2 | 1/4 |            |           |
| 20' DIA. TREES        |               |      |          |     |     |     |            |           |
| EXISTING CHITALPA T.  | 314           | S.F. | 0        | 0   | 3   | 0   | 471 S.F.   | 471 S.F.  |
| 20' TOTAL:            |               |      |          |     |     |     |            |           |
| 25' DIA. TREES        |               |      |          |     |     |     |            |           |
| EXISTING QUERCUS W.   | 490           | S.F. | 0        | 1   | 0   | 0   | 368 S.F.   | 490 S.F.  |
| ULMUS PROPINQUA       | 490           | S.F. | 0        | 0   | 0   | 1   | 123 S.F.   |           |
| 25' TOTAL:            |               |      |          |     |     |     |            |           |
| 30' DIA. TREES        |               |      |          |     |     |     |            |           |
| EXISTING GEIJERA P.   | 706           | S.F. | 0        | 0   | 1   | 0   | 353 S.F.   | 4589 S.F. |
| EXISTING PISTACHIA C. | 706           | S.F. | 4        | 2   | 1   | 0   | 4236 S.F.  |           |
| 30' TOTAL:            |               |      |          |     |     |     |            |           |
| PARKING AREA:         |               |      |          |     |     |     | 14403 S.F. |           |
| SHADE REQUIRED: 35%   |               |      |          |     |     |     | 5041 S.F.  |           |
| SHADE PROVIDED: 35%   |               |      |          |     |     |     | 5550 S.F.  |           |

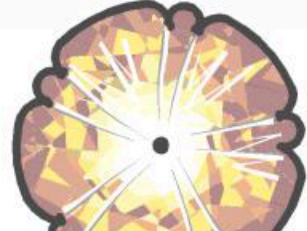
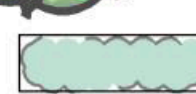
PLANT LIST & LEGEND

| SYMBOL                                                                            | BOTANIC NAME/COMMON NAME                                | SIZE      |
|-----------------------------------------------------------------------------------|---------------------------------------------------------|-----------|
|  | ULMUS PROPINQUA/EMERALD SUNSHINE/HYBRID ELM             | 15 GALLON |
|  | CAREX DIVULSA/EURASIAN GRAY SEDGE                       | LINER     |
| SHRUB & GROUNDCOVER PALETTE:                                                      |                                                         |           |
|                                                                                   | ACHILLEA TOMENTOSA/WOOLLY YARROW                        | 1 GALLON  |
|                                                                                   | CHONDROPETALUM TECTORUM/DWF. CAPE RUSH                  | 5 GALLON  |
|                                                                                   | DIETES X. 'NOLA ALBA'/FORTNIGHT LILY                    | 2 GALLON  |
|                                                                                   | ERIGERON KARVINSKIANUS/FLEABANE                         | 1 GALLON  |
|                                                                                   | HESPERALOE X. 'BRAKE LIGHTS'/HYBRID RED YUCCA           | 2 GALLON  |
|                                                                                   | PENSTEMON HETEROPHYLLUS 'MARGARITA B.O.P.'/BEARD TONGUE | 1 GALLON  |
|                                                                                   | RHAMNUS CALIFORNICA 'MOUND SAN BRUNO'/COFFEEBERRY       | 5 GALLON  |
|                                                                                   | SALVIA MICROPHYLLA 'HOT LIPS'/AUTUMN SAGE               | 5 GALLON  |

LANDSCAPE AREA:

|                       |                    |
|-----------------------|--------------------|
| TOTAL SITE AREA:      | 36,060 S.F.        |
| ON-SITE LANDSCAPE:    | 3,125 S.F. (8.7%)  |
| OFF-SITE LANDSCAPE:   | 1,668 S.F. (4.6%)  |
| TOTAL LANDSCAPE AREA: | 4,793 S.F. (13.3%) |

EXISTING PLANT LEGEND

| SYMBOL                                                                              | BOTANIC NAME/COMMON NAME                    |
|-------------------------------------------------------------------------------------|---------------------------------------------|
|  | CHITALPA TASHKENTENSIS 'PINK DAWN'/CHITALPA |
|  | GEIJERA PARVIFLORA/AUSTRALIAN WILLOW        |
|  | PISTACHIA CHINENSIS/CHINESE PISTACHE        |
|  | QUERCUS WISLIZENII/INTERIOR LIVE OAK        |
|  | EXISTING SHRUB & GROUNDCOVER AREA           |



RAILROAD AVENUE



Garth Ruffner Landscape Architect (916) 797-2576  
4120 Douglas Blvd., Suite 300, #101, Roseville, CA 95714-5908  
GarthRuffner.com California R.L.A. #2888

RAILROAD AVENUE RETAIL PRELIMINARY LANDSCAPE PLAN

PITTSBURG, CA 14020-B 11-02-2017

1478 STONE POINT DRIVE SUITE 350 ROSEVILLE, CA 95661 T | 916 782 7200 borgesarch.com

LA  
Borges



### Attachment 3: Project Location and Surrounding Land Uses





## Existing Condition Photos

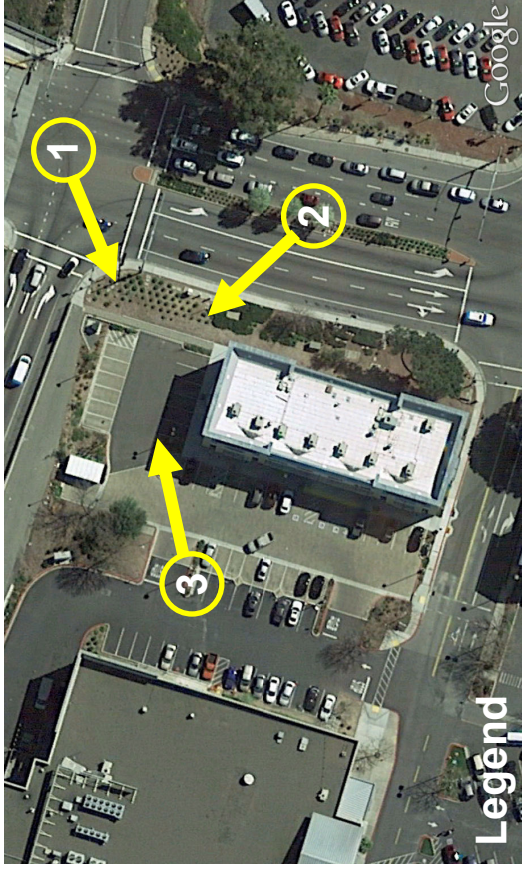


Photo 1: Facing southwest from Railroad Ave./State Route 4 Intersection.

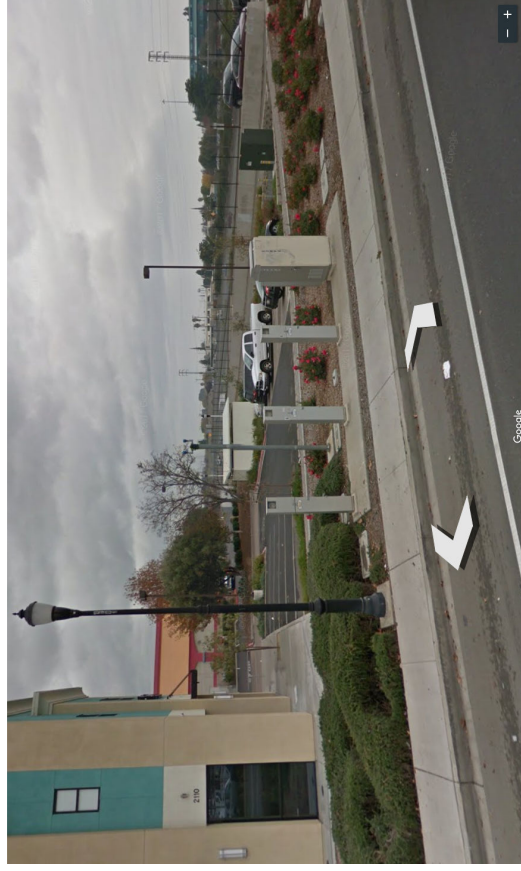


Photo 2: Facing west from Railroad Ave.



Photo 3: Facing northeast from existing parking lot.

## RASP Applicable Goals and Policies

| Goal/Policy                                                                                                                                                                                                                                                                                                                | Analysis                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Land Use                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                          |
| <p><b>Goal 3-G-1:</b> Maximize the benefit of the proposed eBART Station and other transit options and increase ridership by creating a high density, mixed-use community around the potential station site and by integrating the area with the surrounding neighborhoods.</p>                                            | <p><b>Not Compliant.</b> The proposed project does not meet the minimum requirements for number of stories for new buildings. The TOD-H land use designation requires a minimum of three stories for new buildings, a policy which is intended to foster mixed-use developments which allow for additional jobs and housing opportunities within the areas nearest the BART station.</p> |
| <p><b>Policy 3-P-1:</b> Create a vibrant, mixed use, transit-oriented development district nearest the proposed eBART Station.</p>                                                                                                                                                                                         | <p><b>Not Compliant.</b> The proposed project does not include multiple use which would allow it to be considered a mixed-use project, and does not propose pedestrian improvements which would encourage use of transit (i.e., walking to the BART station).</p>                                                                                                                        |
| <p><b>Policy 3-P-2:</b> Foster an engaging and active street environment.</p>                                                                                                                                                                                                                                              | <p><b>Not Compliant.</b> The proposed project's main entrance is oriented toward the interior parking lot, rather than the public right-of-way, and does not create an active street environment.</p>                                                                                                                                                                                    |
| <p><b>Policy 3-P-3:</b> Provide additional housing opportunities, including multifamily and affordable housing, within one-half mile of the proposed eBART Station.</p>                                                                                                                                                    | <p><b>Not Compliant.</b> The proposed project does not propose any housing opportunities.</p>                                                                                                                                                                                                                                                                                            |
| <p><b>Policy 3-P-4:</b> Provide services and amenities that meet the needs of transit riders, local residents, employees, students and visitors such as childcare, education and job skills services, community centers, healthcare services, and neighborhood serving retail in close proximity to the eBART Station.</p> | <p><b>Partially Compliant.</b> The proposed development would provide neighborhood serving retail opportunities. However, the proposed project does not propose any amenities which would encourage the safe movement of pedestrians from the BART station to the proposed development.</p>                                                                                              |



|                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Policy 3-P-5:</b> Provide land uses that accommodate both City-wide and locally-oriented retail opportunities for different consumers to patronize within the Specific Plan Area.      | <b>Compliant.</b> The proposed project would provide locally-oriented retail opportunities.                                                                                                                                                                                                                                                  |
| <b>Policy 3-P-6:</b> Designate land as public space to provide opportunities for gathering, social interaction, and recreation.                                                           | <b>Not Compliant.</b> The proposed project does not provide amenities which would encourage gathering, social interaction, and/or recreation.                                                                                                                                                                                                |
| <b>Policy 3-P-7:</b> Create an integrated network of open spaces and trails that connect different neighborhoods and sub-areas to each other and to transit facilities.                   | <b>Not Compliant.</b> The proposed project does not include any open space or trail improvements that would serve to connect the proposed project to other areas/neighborhoods.                                                                                                                                                              |
| <b>Policy 3-P-9:</b> Retain and expand a variety of employment opportunities in the Specific Plan Area by providing a range of land uses in close proximity to the eBART station.         | <b>Partially Compliant.</b> The proposed project would provide locally-oriented retail opportunities. However, the proposed single-story project would severely limit job creation within the area by failing to maximize the potential additional employment opportunities that could occupy additional floors, as required under the RASP. |
| <b>Policy 3-P-10:</b> Allow residential uses above ground floor commercial uses in all commercial land use designations subject to the design review approval by the Planning Commission. | <b>Not Compliant.</b> The proposed project does not include a residential component.                                                                                                                                                                                                                                                         |
| Design and Development                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                              |
| <b>Goal 4-G-1:</b> Provide a safe and inviting pedestrian environment to draw people to and from the eBART Station.                                                                       | <b>Not Compliant.</b> The proposed project does not include any open space or trail improvements that would serve to connect the proposed project to other areas/neighborhoods, and does not provide amenities which would encourage gathering, social interaction, and/or recreation.                                                       |

|                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Goal 4-G-3:</b> Promote high quality development that is socially and environmentally sustainable.</p>                                                                                                                                        | <p><b>Not Compliant.</b> The proposed project does not meet the development intensity standards which are designed to promote walkable and transit-oriented development that reduces reliance on personal automobiles, which are major sources of air pollution and costly to maintain and operate.</p>                                                                                                                                                                         |
| <p><b>Policy 4-P-1:</b> Require high quality, pedestrian-friendly design and a high level of transparency along street fronts and pathways to activate the street environment, promote social interaction and support crime prevention.</p>         | <p><b>Not Compliant.</b> The proposed project does not include any open space or trail improvements that would serve to connect the proposed project to other areas/neighborhoods, and does not provide amenities which would encourage gathering, social interaction, and/or recreation. Further, the proposed project's main entrance is oriented toward the interior parking lot, rather than the public right-of-way, and does not create an active street environment.</p> |
| <p><b>Policy 4-P-2:</b> Incorporate public pathways and greenways throughout private development located within the Civic Center and Transit Village sub-areas to facilitate pedestrian and bicycle movement throughout the Specific Plan Area.</p> | <p><b>Not Compliant.</b> The proposed project does not include any open space or trail improvements that would serve to connect the proposed project to other areas/neighborhoods, and does not provide amenities which would encourage gathering, social interaction, and/or recreation.</p>                                                                                                                                                                                   |
| Community Resource                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>Goal SP5-G-1:</b> Provide a range of parks, open spaces and public facilities in the Specific Plan Area to meet the diverse needs of residents, employees, students and visitors.</p>                                                         | <p><b>Not Compliant.</b> The proposed project does not include any open space, trails, or other public facility improvements that would serve to connect the proposed project to other areas/neighborhoods, and does not provide amenities which would encourage gathering, social interaction, and/or recreation.</p>                                                                                                                                                          |

|                                                                                                                                                         |                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Policy SP5-P-1.2:</b> Require newdevelopment to provide land orfundingto help create a strong network of parks, plazas andpathways.                  | <b>Not Compliant.</b> The proposed project does not include any open space, trails, or other public facility improvements, and does not propose to help fund these endeavors.       |
| <b>Policy SP5-P-3.1:</b> Install street furniture that improves the transitrider's experience, including bus shelters, seats, andinformational signage. | <b>Not Compliant.</b> The proposed project does not propose any street furniture that would improve the transit rider's experience.                                                 |
| Transportation and Circulation                                                                                                                          |                                                                                                                                                                                     |
| <b>Goal 6-G-1:</b> Make the Specific Plan Area a walkable center at thecrossroads of the Pittsburgcommunity.                                            | <b>Not Compliant.</b> The proposed project does not propose any amenities which would encourage the safe movement of pedestrians from the BART station to the proposed development. |
| <b>Policy 6-P-6:</b> Create dedicated mid-block greenway connectionsthroughout the Transit Village and into the Civic Center sub-areas.                 | <b>Not Compliant.</b> The proposed project does not include any open space, trails, or other public facility improvements.                                                          |

## RASP Land Use, Design, and Development Standards.

| <b>Development Regulations:</b><br><i>TOD-H Land Use</i>                  | <b>Requirement:</b>    | <b>Proposed Project:</b>                                   |
|---------------------------------------------------------------------------|------------------------|------------------------------------------------------------|
| Residential Density (units/acre)                                          | 30 (min.) – 65 (max.)  | N/A. The applicant has not proposed any residential units. |
| Min. Building Height                                                      | 25 ft.                 | 22 ft.*                                                    |
| Max Building Height                                                       | 65 ft.                 | 26 ft.                                                     |
| Minimum Number of Stories                                                 | 3                      | 1                                                          |
| Minimum Floor Area Ratio                                                  | 0.25                   | Approx. 0.38                                               |
| Maximum Floor Area Ratio                                                  | 1.0                    | Approx. 0.38                                               |
| Min. Ground Floor Commercial Ceiling Height                               | 15 ft.                 | 22 ft.                                                     |
| Front Yard Setback                                                        | 0-15 ft.               | Approx. 3.8 ft.                                            |
| Side Yard Setback                                                         | N/A                    | N/A                                                        |
| Rear Yard Setback                                                         | N/A                    | N/A                                                        |
| Upper-Story Balcony Depth                                                 | N/A                    | N/A                                                        |
| Min. Site Landscaping                                                     | 10%                    | 10%**                                                      |
| Parking Lot Trees (requirement: 1 tree for every 4 parking spaces)        | 10 trees               | 12 trees***                                                |
| Commercial Parking (1 space / 333 S.F. of floor space)                    | 30 (max)               | 20                                                         |
| Residential Parking                                                       | 1 (min.) to 1.5 (max.) | N/A. The applicant has not proposed any residential units. |
| Bicycle Parking (requirement: 1 space for every 2,500 s.f. of floor area) | 5 spaces               | 6 spaces****                                               |
| Parking areas screened from ROW                                           | Yes                    | Yes                                                        |

\* Height of main roof. Small architectural elements along the east and west facades extend to 26 feet.

\*\* The calculated landscape percentage has been calculated by combining the proposed development with the previous project on the parcel directly south in order to ensure the entire development maintains the required minimum landscaped area.

\*\*\* This is the number of trees directly adjacent to parking lot area(s).

\*\*\*\* Combined total for both the proposed project and the previously approved development adjacent to the south. The proposed new development includes two additional bicycle parking spaces.

## RASP Architectural and Site Design Criteria

| Design Criteria                                                                                                                                                                                                                                                 | Meets Criteria?                                                                                                                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>TOD-H:</b> Use landscaping and other treatments such as low fences, porches, unique paving materials, low gates, or other defining elements to clearly delineate private open space to promote a sense of ownership.                                         | <b>Not applicable.</b> The proposed project does not include any private residential areas.                                                                                                                                                                                                                                  |
| <b>TOD-H:</b> Use stamped and/or colored concrete or other decorative material to provide clearly-delineated pedestrian-friendly pathways throughout surface parking lots.                                                                                      | <b>Not applicable.</b> The proposed project does not include any private pedestrian pathways though the existing parking lot.                                                                                                                                                                                                |
| <b>TOD-H:</b> Locate parking lot trees and landscaping either in a center median between rows of parking stalls and/or in landscaped planters placed throughout the parking lot. Planters less than three feet wide, excluding curbs and walls, are prohibited. | <b>Yes.</b> The proposed project includes parking lot trees placed sporadically throughout the parking area.                                                                                                                                                                                                                 |
| <b>TOD-H:</b> Incorporate permeable surfaces and pavers for parking lots, driveways and alleys where feasible.                                                                                                                                                  | <b>To be determined.</b> The previously approved project to the south includes pervious pavers within the bank of stalls adjacent to the western side of the building. Staff would likely recommend that these pavers be continued along the western side of the proposed building as a condition of approval in the future. |
| <b>4.5.1:</b> Maximize the number of units and building entries fronting the street.                                                                                                                                                                            | <b>No.</b> The proposed commercial building does provide any building entries fronting the street.                                                                                                                                                                                                                           |
| <b>4.5.2:</b> Orient building and store entrances to the street with maximized storefront transparency through inclusion of windows, doors, or outdoor areas incorporated into the structure.                                                                   | <b>No.</b> The proposed commercial building does provide any building entries fronting the street.                                                                                                                                                                                                                           |

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| <p><b>4.5.3:</b> There shall be at least 70% transparency for ground level retail uses and a minimum of 60% transparency for ground level office uses.</p>                                                                                                                                                                                      | <p><b>To be determined.</b>The proposed plans note that 94% of the linear footage of the building is transparent, glass wall. However, elevations on page A-201 of the proposed project plans do not identify any glass wall along the 'East Elevation," and minimal glass along the 'North Elevation."</p> |
| <p><b>4.5.4:</b> Emphasize the primary entry of buildings (e.g. Entrance lobby) with special architectural elements.</p>                                                                                                                                                                                                                        | <p><b>Yes.</b> All Entry points are proposed to include steel awnings that help define entrances, and the main entrance along the western elevation includes an extended parapet.</p>                                                                                                                       |
| <p><b>4.5.5:</b> All building facades, including parking garages, facing public rights-of-way shall engage the pedestrian through well-articulated building facades by incorporating elements such as cornices, lintels, sills, awnings, fenestration, varied materials and colors, columns and other architectural elements and features.</p>  | <p><b>No.</b> While the proposed elevation along the public right-of-way includes multiple types of materials and minor architectural reliefs, it does not propose elements such as fenestration which would engage pedestrians traveling along Railroad Avenue or the Frontage Road Trail.</p>             |
| <p><b>4.5.6:</b> Residential buildings shall incorporate porches, stoops, and balconies to provide variation on all elevations.</p>                                                                                                                                                                                                             | <p><b>Not applicable.</b>The proposed project does not include any residential component at this time.</p>                                                                                                                                                                                                  |
| <p><b>4.5.7:</b> Prohibit expanses of blank wall in excess of 10-feet along any portion of a building visible from public right-of-way or a parking facility. Where this is necessary due to interior layout of the building, the structure shall contain a mural, display, window box or other decorative element to break up the massing.</p> | <p><b>No.</b>The elevation of the proposed building contain an expanse which appears to be greater than 10 feet in length, and is not treated with any decorative element to break up the massing.</p>                                                                                                      |
| <p><b>4.5.8:</b> Use varied materials, forms and colors on buildings to provide visual interest to break up the massing of the structures and to provide visual interest to pedestrians.</p>                                                                                                                                                    | <p><b>Yes.</b> The proposed project would include a combination of stucco, glass, metal awnings, and wood paneling.</p>                                                                                                                                                                                     |
| <p><b>4.5.9:</b> Step back upper stories of buildings over three stories in height to mask building height and reduce massing on the street level.</p>                                                                                                                                                                                          | <p><b>Not applicable.</b>The project as proposed is single-story.</p>                                                                                                                                                                                                                                       |



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| <p><b>4.5.10:</b> Articulate front facades with windows, both along the ground floor and upper residential floors. Carry all exterior materials including veneer, finishes or materials utilized on the front of the structure around to all sides of the buildings.</p>          | <p><b>Yes.</b>The proposed western (front) elevation would contain fenestration to allow visibility into the storefront.</p>                                                                                                                                                                                                                                  |
| <p><b>4.5.11:</b> Incorporate outdoor stairs, railings, fences, gates, and other outdoor utilitarian elements that are decorative, painted or stained, composed of high quality materials, and architecturally compatible with the structure to which they are accessory.</p>     | <p><b>Yes.</b>The proposed project includes a proposed screen around the existing transformer at the northeast corner of the building, which would be designed to match the wood paneling on the building.</p>                                                                                                                                                |
| <p><b>4.5.12:</b> Incorporate variations in building elements including roof silhouettes, fenestration patterns and colors in adjoining residential units.</p>                                                                                                                    | <p><b>Not applicable.</b>The proposed project does not include any residential component at this time.</p>                                                                                                                                                                                                                                                    |
| <p><b>4.5.13:</b> In areas classified Business Commercial, encourage the use of steel and corrugated metal as an accent material to define lintels, create awnings and enhance roof form. Wood and stucco should be used sparingly within industrial areas.</p>                   | <p><b>Not applicable.</b>The area is not classified as Business Commercial.</p>                                                                                                                                                                                                                                                                               |
| <p><b>4.5.14:</b> All developments must provide a trash enclosure in accordance with Title 18 of the PMC. Shared trash enclosures are encouraged among adjacent uses provided that the enclosure is sized appropriately to handle the refuse and recycling needs of all uses.</p> | <p><b>No.</b> Staff believes the existing trash enclosure is not of adequate size to meet the demands of the existing uses on the neighboring parcel, as well as the newly proposed building.</p>                                                                                                                                                             |
| <p><b>4.5.15:</b> Locate all utilities, utility boxes or equipment underground or on the roof and screened from view.</p>                                                                                                                                                         | <p><b>Yes.</b>However, the developer is proposing the equipment be screened by mechanical screens that differ from the parapet to be constructed on all the remaining three sides of the area surrounding mechanical equipment. A likely recommended condition of approval would require the developer continue the parapet extensions to all four sides.</p> |

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| <p><b>4.5.16:</b> Parking garages shall be developed as mixed-use structures with ground floor frontage along heavily utilized pedestrian pathways devoted to commercial uses.</p>                                                                                                                                                                                        | <p><b>Not applicable.</b> The proposed project does not include any public or shared parking garage/facility.</p>                                                                                                       |
| <p><b>4.5.17:</b> Private developments in the Transit Village and Civic Center sub-areas shall include publicly accessible greenways, trails and paths for pedestrians and bicyclists in accordance with the land use and circulation plans set forth in the Specific Plan.</p>                                                                                           | <p><b>No.</b> The project does not propose any publicly accessible greenways, trails, or paths for pedestrians and bicyclists in accordance with the land use and circulation plans set forth in the Specific Plan.</p> |
| <p><b>4.5.18:</b> Public bicycle parking lockers shall be installed on the ground floor of parking garages at a ratio of one bicycle parking locker per 50 parking spaces.</p>                                                                                                                                                                                            | <p><b>Not applicable.</b> The proposed project does not include any public or shared parking garage/facility. Bicycle parking areas shall be required and should be shown on all future submittals.</p>                 |
| <p><b>4.5.19:</b> Utilize ecologically conscious designs that include natural light, shade, and energy efficient materials.</p>                                                                                                                                                                                                                                           | <p><b>To be determined.</b> This item would likely be proposed as a required condition of approval.</p>                                                                                                                 |
| <p><b>4.5.20:</b> Projects should include sustainable site and building design elements such as improved insulation, operable windows, energy efficient lighting and appliances, solar energy sources built into the development, natural ventilation and permeable paving materials.</p>                                                                                 | <p><b>To be determined.</b> This item would likely be proposed as a required condition of approval.</p>                                                                                                                 |
| <p><b>4.5.21:</b> The ground floor of live-work lofts shall not be used exclusively for storage of materials.</p>                                                                                                                                                                                                                                                         | <p><b>Not applicable.</b> The proposed project does not include any live-work spaces at this time.</p>                                                                                                                  |
| <p><b>4.5.22:</b> Residential developments located within 500 feet of a travel lane on State Route 4 shall have central heating, ventilation, and air conditioning (HVAC) systems with high efficiency filters. Air intake systems for the HVAC systems shall be located as far away from the roadway as possible and shall include an ongoing HVAC maintenance plan.</p> | <p><b>Not applicable.</b> The proposed project does not include any residential component at this time.</p>                                                                                                             |

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| <p><b>4.5.23:</b> All residential projects must comply with development standards and amenities applicable to all multi-family residential and senior projects set forth in Chapter 18.52, Residential Districts, of the PMC unless otherwise specified within the Specific Plan.</p>                                                                                                                                                                                                                                                                                                                                                      | <p><b>Not applicable.</b>The proposed project does not include any residential component at this time.</p>                                                                                                                                                                                                                                          |
| <p><b>4.5.24:</b> All fences in the Transit Village, Civic Center, High School Village, Industrial/Mixed Use and Railroad Avenue Retail Corridor shall comply with the height standards for commercial and residential uses (where applicable) set forth in Chapter 18.84, Special Land Use Regulations Applicable to Specific Uses, in the PMC. Wrought iron and wood fencing is encouraged in these sub-areas. Chain-link fencing is permitted at the discretion of the City Planner, and must be vinyl clad in a dark color material with winged slats. Razor wire and barbed wire are not permitted within any of these sub-areas.</p> | <p><b>Yes.</b> The proposed project includes a screening fence around the eastern and northern sides of an existing transformer located at the northeast corner of the proposed building. The height of the fence is to be determined, and a likely recommended condition of approval would identify the required height of the proposed fence.</p> |
| <p><b>4.5.25:</b> All accessory structures and accessory dwelling units must comply with applicable standards set forth in Title 18 of the PMC.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p><b>Not applicable.</b>The proposed project does not include any accessory structures and accessory dwelling units at this time.</p>                                                                                                                                                                                                              |
| <p><b>4.5.26:</b> Greenways, trails, and paths for pedestrians and bicyclists that are incorporated into site design and development shall not be fenced, gated or hidden by the wall of a building in such a manner to eliminate the visual connection from the street, public right-of-way, and/or buildings and the greenway, trail and/or path. Structures adjacent to greenways, trails and/or paths shall incorporate balconies and windows to overlook the paths, and all effort shall be made to allow visual connections through and along the paths.</p>                                                                         | <p><b>No.</b> The project does not propose any publicly accessible greenways, trails, or paths for pedestrians and bicyclists in accordance with the land use and circulation plans set forth in the Specific Plan.</p>                                                                                                                             |

## Development Review Design Guidelines

| Design Review Guideline                                                                                                                                                                                                                                       | Meets Guideline?                                                                                                                                                                                                                                                                                                                                                           |
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| <i>Commercial/Industrial</i>                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                            |
| Parking areas should be screened from view from any public right-of-way (beaming or hedge-type plant material). Parking areas should be broken up (landscapeislands, projections, etc.) to eliminate vast areas of parking especially along street frontages. | <b>Yes.</b> The parking area would be screened from view from the right-of-way along Railroad Avenue by the proposed structure.                                                                                                                                                                                                                                            |
| Provisions should be made for permanent shopping cart corrals in retail shopping centers.                                                                                                                                                                     | <b>Not applicable.</b> The proposed structure would not house a use which would utilize shopping carts.                                                                                                                                                                                                                                                                    |
| Existing trees on site should be incorporated into the project side design, unless waived by the City Planner or Planning Commission.                                                                                                                         | <b>No.</b> The proposed project would likely require the removal of two existing trees; however, the project also proposes to plant two additional trees within the existing landscaped area to the north of the building site. A recommended condition of approval would likely require the developer relocated the existing trees in addition to the proposed new trees. |
| Developer should elect, at least, one of the schemes provided in Appendix #1 for screening all utility box transformers, backflow preventers, meters and junction boxes.                                                                                      | <b>Yes.</b> The proposed project includes a screening fence around the eastern and northern sides of an existing transformer located at the northeast corner of the proposed building. The height of the fence is to be determined, and a likely recommended condition of approval would identify the required height of the proposed fence.                               |
| Projects with many buildings (greater than three) should have a variety of building sizes and masses.                                                                                                                                                         | <b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                                                     |
| Continuous horizontal roof lines should be broken up whenever possible. An expanse should not exceed 50 (fifty) feet in length unless architecture or size dictate a greater expanse.                                                                         | <b>Yes.</b> The proposed structure contains elements which would serve to break up long, horizontal roof lines.                                                                                                                                                                                                                                                            |

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| Building entries should be designed as a focal point. They should be designed to set the theme or be the primary feature of the building or commercial center.                                                | <b>No.</b> The proposed building entries do not create a focal point which includes a primary feature identifying the entryway.                                                                                                                                                                                                                         |
| Building elevations (example: rear of shopping centers) visible from public right-of- ways should be addressed in design review and treated appropriately.                                                    | <b>No.</b> The proposed northern and eastern elevations are considered the rear of the proposed buildings and face public rights-of-way, but do not contain elements that would encourage pedestrian engagement and visitors traveling down Railroad Avenue or the Frontage Road Trail.                                                                 |
| A free-standing structure within an existing commercial or industrial center should be architecturally compatible with the center, including but not limited to materials, colors and architectural elements. | <b>Yes.</b> The proposed project is architecturally-compatible with the existing structure to the south.                                                                                                                                                                                                                                                |
| All roof mounted equipment should be screened completely from view from all public rights-of-way. A site-line study may be necessary to determine appropriate screening method.                               | <b>Yes.</b> However, the developer is proposing the equipment be screened by mechanical screens that differ from the parapet to be constructed on all the remaining three sides of the area surrounding mechanical equipment. A likely recommended condition of approval would require the developer continue the parapet extensions to all four sides. |
| All Structures, including, but not limited to, "tilt-up" type structures, should have structural reliefs and articulated entries (Encourage the creation of shadow lines).                                    | <b>Yes.</b> The proposed building includes structural reliefs intended to help articulate the entry points of the building.                                                                                                                                                                                                                             |
| Exterior fire escapes, stairs and other appurtenances should be designed or treated as integral parts of the building façade.                                                                                 | <b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                                  |
| Downspouts should be designed into the façade of the building unless architecturally treated.                                                                                                                 | <b>To be determined.</b> This item would likely be proposed as a required condition of approval.                                                                                                                                                                                                                                                        |
| Add murals, lattice or some other spaceframe type treatment to blank walls visible from public view.                                                                                                          | <b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                                  |

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| Prototype or “theme” architecture is discouraged.                                                                                                                                                                                                                                           | <b>Yes.</b> The proposed building design does not include what could be considered “theme” architecture.                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| New or remodeled buildings should be designed to be compatible in design, color and materials with adjacent development.                                                                                                                                                                    | <b>Yes.</b> The proposed project is architecturally-compatible with the existing structure to the south. However, the structure will not be harmony with proposed developments on land in the general area, in that other proposed projects within the area have been held to the design standards of their respective RASP land use designations, including a two-story mixed-use structure approved along Railroad Avenue between School Street and 17 <sup>th</sup> Street, and a new four-story office building to be located at the corner of Railroad Avenue and Center Drive. |
| The street-oriented elevations shall be designed so as not to present the appearance of a rear elevation (i.e., no loading doors or large blank walls, absence of architectural features found on other elevations, and limited landscaping as typically found on interior property lines). | <b>No.</b> The proposed northern and eastern elevations are considered the rear of the proposed buildings and face public rights-of-way, but do not contain elements that would encourage pedestrian engagement and visitors traveling down Railroad Avenue or the Frontage Road Trail.                                                                                                                                                                                                                                                                                              |
| Trash enclosures should include area for collection of recyclables.                                                                                                                                                                                                                         | <b>Yes.</b> However, staff believes the existing trash enclosure is not of adequate size to meet the demands of the existing uses on the neighboring parcel, as well as the newly proposed building.                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Green Building Design Guideline</b>                                                                                                                                                                                                                                                      | <b>Meets Guideline?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <i>Section D: Commercial / Industrial</i>                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Roofs should be designed to integrate renewable energy generation systems and provide a cool urban environment.                                                                                                                                                                             | <b>To be determined.</b> This item will likely be proposed as a required condition of approval.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |



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| Roofs should host a renewable energy generation system appropriate to its natural resources (i.e. solar photovoltaic cells where there is ample sunlight, and low-profile wind energy generation turbines where wind currents are adequate). Renewable energy systems should be installed unless they are demonstrated to be cost prohibitive after considering their energy saving benefits over their lifetime. | <b>To be determined.</b> This item will likely be proposed as a required condition of approval.                                                                             |
| Roofs should be covered with a cool roof underneath any energy generation structures, and either a green/living roof or cool roof for uncovered portions.                                                                                                                                                                                                                                                         | <b>To be determined.</b> This item will likely be proposed as a required condition of approval.                                                                             |
| Uncovered rooftop expanses greater than 200 square feet should be designed to be strong enough to support rooftop gardens and other passive recreational uses for employees.                                                                                                                                                                                                                                      | <b>To be determined.</b> This item will likely be proposed as a required condition of approval.                                                                             |
| Urban heat island impacts may be minimized through the shading or paving material design choices. Recommended choices include renewable energy systems on carports, shade trees, underground parking, and open-grid pavement systems                                                                                                                                                                              | <b>To be determined.</b> This item will likely be proposed as a required condition of approval.                                                                             |
| Outdoor parking lots with more than 20 spaces and solar access over 75% of more of its surface area should install renewable energy systems on carport structures. The builder may arrange a power-purchase agreement where the energy system is funded and owned by a third party, as a way to alleviate initial cost burden.                                                                                    | <b>Not applicable.</b> The proposed project, combined with the previously approved project to the south, include only 20 spaces, and do not propose any carport structures. |

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| <p>Hardscapes should be constructed with permeable surfaces (e.g. pervious concrete, porous asphalt, unit pavers, and granular materials). Permeable paving consisting of porous above-ground materials, a 6- inch porous sub-base, and a base layer that is designed to ensure proper drainage away from the building and neighboring properties. Alternatively, impermeable surfaces may be used if they direct all runoff toward an appropriate permanent infiltration feature (e.g. vegetated swale, on-site rain garden, or rainwater cistern).</p> | <p><b>Yes.</b>The existing bank of parking stalls along the western face of the existing building includes pervious pavers; the newly created parking area would be a continuation of this bank of stalls, and a likely recommended condition of approval would require the developer finish the proposed parking stalls with pavers to match existing.</p> |
| <p>Within parking lots, electric vehicle charging units should be made available to employees and patrons with electric vehicles. The parking spaces with charging units should be clearly marked with signs designating them for assigned employees or electric vehicle use only.</p>                                                                                                                                                                                                                                                                   | <p><b>To be determined.</b> This item will likely be proposed as a required condition of approval.</p>                                                                                                                                                                                                                                                      |
| <p>Fuel cell technology should be considered for application where (1) space or cost prohibits non-emitting on-site generation (such as solar, wind or geothermal), AND either (2) the heat resulting from fuel combustion is utilized for water or space heating, and/or (3) the fuel cells would be used primarily during peak utility hours.</p>                                                                                                                                                                                                      | <p><b>Not applicable.</b></p>                                                                                                                                                                                                                                                                                                                               |
| <p>Reclaimed (purple pipeline) water should be used for as much non-potable water uses as feasible and practical. Landscaping water fixtures using reclaimed water should be purple, and purple and white signage should clearly mark areas that are irrigated with reclaimed water.</p>                                                                                                                                                                                                                                                                 | <p><b>Not applicable.</b></p>                                                                                                                                                                                                                                                                                                                               |
| <p>Large commercial and institutional facilities that are anticipated to employ more than 50 employees, should consider providing on-site shops and services for those employees.</p>                                                                                                                                                                                                                                                                                                                                                                    | <p><b>Not applicable.</b></p>                                                                                                                                                                                                                                                                                                                               |

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| <p>Street side building faces should encourage walking. No more than 40% of a building's street side length, or 50 feet, whichever is less, should be blank walls without doors or windows. Functional entries to buildings should occur at an average of 75 feet or less along sidewalk facing walls. Additional design techniques contained in the Downtown Design Guidelines that encourage walking, should also be utilized where applicable.</p>                                                                   | <p><b>No.</b> The proposed project does not include any entries along the street side building face.</p>                                                                 |
| <p>Secure bicycle parking facilities should be provided for at least 10% of expected peak hour trips. Bicycle parking structures should be complementary to the surrounding structures and may be partially obscured by vegetation or painted with a mural design that is consistent with surrounding aesthetics. Shade trees should be planted if the parking facility is located in an area not shaded by surrounding structures. They should be located in an accessible and visible space to discourage misuse.</p> | <p><b>Yes.</b> The proposed project would include an additional two bicycle parking spaces, for a combined total of six parking spaces between the two developments.</p> |

## Vicinity Map

**Project Title:** Commercial Shell Building, AP-17-1274 (DR)

**Location:** 2108 Railroad Avenue, APN: 087-030-087

