



City of Pittsburgh Planning Commission Agenda

January 23, 2019

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

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

Planning Commission Members

**James Coniglio, Chair
Elissa Robinson, Vice-Chair
Durie Foster, Commissioner
Jeremy Ward, Commissioner
Mark Linde, Commissioner
Sarah Foster, Commissioner
J. Faye Fields, 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 December 11, 2018

PUBLIC HEARINGS

2. Commercial Scaffolding, AP-17-1291 (UP)

This is a public hearing requesting approval of a use permit to establish a contractor yard within an approximately 50,000 square-foot space enclosed by a fence, on an approximately 73,000 square-foot parcel, located at 1451 Loveridge Road, in the IG (General Industrial) District. APN: 073-230-015.

3. Dos Cuñados Market, AP-18-1372 (UP)

This is a public hearing on a request for approval of a use permit to sell beer, wine, and distilled spirits at an existing convenience store for off-site consumption. The convenience store is located at 3105 Railroad Avenue, Suite A-1, in the CN (Neighborhood Commercial) District. Assessor's Parcel No. 088-065-026.

ZONING ADMINISTRATOR REPORTS

4. Notice of Intent to Exercise Delegated Design Review Authority, Conduct a Zoning Administrator Public Hearing, and Submittal of Adopted Zoning Administrator Resolutions

The Zoning Administrator submits: 1) one notice of intent to exercise delegated design review authority for two new air compressor enclosures for DOW Chemical at 901 Loveridge Road; 2) one notice of intent to conduct a Zoning Administrator public hearing on a proposed fence height exception for the Pittsburgh Seventh-Day

Adventist Church at 900 Los Medanos Street and 925 Cumberland Street, and 3) thee resolutions previously approved under the delegated authority (Planning Commission Resolution No. 9918).

STAFF COMMUNICATIONS

Tentative Schedule

Public Hearing Notices on Nextdoor.com

SB35 - Veteran's Square

COMMITTEE REPORTS

ADJOURNMENT OF PLANNING COMMISSION MEETING

NOTICE TO PUBLIC

NOTICE TO THE DISABLED AND VISUALLY OR HEARING IMPAIRED

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

GENERAL INFORMATION

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

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

December 11, 2018

A regular meeting of the Pittsburg Planning Commission was called to order by Chair Coniglio at 7:00 p.m. on Tuesday, December 11, 2018, in the Council Chamber at City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL

Present: Chair Coniglio, Vice-Chair Robinson, Commissioner D. Foster, S. Foster, Fields, Ward

Absent: Commissioner Linde

Staff: Community Development Director Jill Hecht, City Engineer Richard Abono, Planning Manager/ Secretary Kristin Pollot, Deputy City Clerk Amanda McVey, Senior Planner Hector Rojas, Senior Planner Jordan Davis

PLEDGE OF ALLEGIANCE

Commissioner D. Foster 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 27, 2018

On motion by Commissioner Ward seconded by Commissioner D. Foster to approve the Consent Calendar and carried by the following vote:

AYES:	Coniglio, Fields, D. Foster, S. Foster, Robinson, Ward
NOES:	None
ABSTAIN:	None
ABSENT:	Linde

PUBLIC HEARINGS

2. America's Tire, AP-18-1329 (UP, AD, SE, TRP)

A continued public hearing on a request for approval of: 1) use permit to establish a tire replacement business within an existing 7,826 square foot (s.f.) commercial space; 2) design review approval of plans for façade and parking lot improvements; 3) a sign exception to locate a freestanding sign within the public right-of-way; and 4) a tree removal permit to remove up to five protected trees on site. The project site is located at 2220-2224 Railroad Avenue, in the Railroad Avenue Specific Plan (RASP) PD (Planned Development, Ordinance No. 09-1319) District. Assessor's Parcel Nos. 087-042-019, 087-042-020, and 087-042-021.

Senior Planner Jordan Davis gave a presentation.

Travis Brooks, legal representation for America's Tire, spoke on behalf of the applicant.

Bruce Ohlson, Pittsburg, explained that the project is in line with the Railroad Avenue Specific Plan and should be approved .

Adam Sapor, project site property owner, stated the project site is currently a public nuisance while the property sits vacant and asked that the Commission approve the project.

James K. Loesch, Pittsburg, spoke with concern regarding traffic.

Kyle Schoenthaler, President/CEO of Tredshed Pittsburg, expressed his opposition to a competing business opening so close and voiced concern regarding noise disturbances to nearby residents and schools.

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

AYES:	Fields, S. Foster, Robinson, Ward
NOES:	Coniglio, D. Foster
ABSTAIN:	None
ABSENT:	Linde

STUDY SESSION

3. Making Waves Academy Charter School Project, AP-18-1339 (DR)

A study session to accept oral comments on the Draft Environmental Impact Report (EIR) for the Making Waves Academy Charter School Project. The project consists of a new charter school campus on a site located at 420 E. 3rd Street in the

RMD-O (Downtown Medium Density Residential with an Overlay, Ordinance No.07-1284) and CP (Pedestrian Commercial) districts. APN: 073-050-001. The applicant is also contemplating future construction of a multi-purpose sports facility on several vacant parcels immediately north of the campus site in the CW (Waterfront Commercial) and IG (General Industrial) districts. APNs: 073-010-002, 073-010-003, 073-010-004, 073-010-005, 073-010-08, 073-010-013.

Senior Planner Hector Rojas and Consultant Shanna Guiler gave a presentation.

Bruce Ohlson, Pittsburg, spoke on behalf of the Pittsburg bicycle community and asked that bicycle facilities through the project are addressed.

The Commissioners discussed and provided feedback to staff related to vehicle and pedestrian traffic, crosswalks, sidewalks, potential noise disturbances, and the coexistence of the school and industrial businesses nearby.

ZONING ADMINISTRATOR REPORTS

The Zoning Administrator submits two notices of intent to exercise delegated design review authority for: 1) a mobile office trailer at 707 E. 3rd Street, and 2) a new storefront entrance for an existing building at 2035 E. Leland Road

Commissioners acknowledged receipt of the two notices of intent.

STAFF COMMUNICATIONS

Planning Secretary / Planning Manager Kristin Pollot stated the next regularly scheduled meeting falls on a holiday and suggested the Commission adjourns to January 8, 2019.

COMMITTEE REPORTS

Chair Coniglio reported TRANSPLAN is meeting on Thursday, December 13, 2018.

ADJOURNMENT

The meeting was adjourned at 8:12 p.m. to January 8, 2019.

Respectfully Submitted,

Kristin Pollot, AICP, Secretary

**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
January 23, 2019**

ITEM: Commercial Scaffolding, AP-17-1291 (UP).

ORIGINATED BY: Tim Trask, Commercial Scaffolding of CA, 14928 S. Maple Avenue, Gardena, CA 90248.

SUBJECT: This is a public hearing requesting approval of a use permit to establish a contractor yard within an approximately 50,000 square-foot space enclosed by a fence, on an approximately 73,000 square-foot parcel, located at 1451 Loveridge Road, in the IG (General Industrial) District. APN: 073-230-015.

RECOMMENDATION:

Staff recommends the Planning Commission adopt Resolution No. 10113, approving Planning Application No. 17-1291, subject to conditions.

BACKGROUND:

The site was previously owned by the federal government for Navy use. The Contra Costa Industrial Group purchased the property in 1992.

Within the 50,000 sq. ft. enclosed space proposed to be occupied by the business (project site), there is an existing 5,500 square foot industrial building. City records indicate that the existing industrial building has been generally vacant for the last couple of decades, and City staff has no record of a business license at the project address.

On November 16, 2017, Tim Trask of Commercial Scaffolding of California, filed Planning Application No. 17-1291, requesting a use permit to establish a contractor yard at the project site with the existing industrial building serving as an office space.

PROJECT DESCRIPTION:

Existing Conditions: The project site is located within the City of Pittsburg, north of Pittsburg-Antioch Highway, east of Loveridge Road, west of Standard Oil Avenue, and south of the BNSF Railroad tracks. As mentioned above, the project site is developed with a 5,500 square-foot concrete industrial building. Surrounding the building there is approximately 26,500 square feet of unpaved/unimproved area and approximately 18,000 square feet of paved area (see page 2 of the project plans). The project site has an existing 6-foot tall chain link fence surrounding the leased area, with a 20-foot entry gate for access.

The existing building on the site has been vacant for several years and is made of concrete. Inside the building are two offices, a storage room, a restroom, and an approximately 4,400 square-foot warehouse room with 50-foot ceiling height. There

have been eight security cameras installed on the project site, all of which are operational, and there is existing lighting to adequately illuminate the project site.

The subject parcel is entirely contained within a larger parcel (APN: 073-230-033) which has an address of 1501 Loveridge Road. 1501 Loveridge Road contains several industrial type businesses, including: Savage Services, a truck terminal use; ISCO Industries Inc., a wholesaling and storage use; Joel Hewatt Co. Inc., a contractor use; Concord Iron Works, a limited manufacturing use; and Shaker Cabinet Co., a limited manufacturing use.

The project site is accessed via a shared driveway located at the northern edge of the 1501 Loveridge parcel.

See Attachment 3 for a map of the site and the surrounding uses.

Proposed Project: The applicant is requesting Planning Commission approval of a use permit to establish a contractor yard that would be open Monday through Friday between 5:00 a.m. and 6:00 p.m. The site plan shows the proposed yard would generally be divided into 4 areas: 1) the 5,500 square-foot building, 2) the 12,325 square-foot paved area to be used for loading/unloading and truck parking, 3) the 26,380 square-foot unpaved area, to be used for material storage, and 4) the remainder area in front of the building (north side) to be utilized for employee parking and vehicle movement/circulation.

The project site would provide a home base for operation by Commercial Scaffolding. The business would offer scaffolding services to commercial and industrial projects where elevated platforms are required, and the project site would house the equipment and trucks necessary to provide this service. The equipment that would be stored at the proposed contractor yard consists of light gauge steel and wood planks. The wood plank inventory, when not in use, would be stored inside the warehouse portion of the building, and the steel product would be stored outside within the fenced boundaries of the project site. Commercial Scaffolding would have up to four trucks stored on site, each with a gross vehicle weight of 26,000 pounds. The trucks would be used to haul equipment to and from work site locations that have contracted with Commercial Scaffolding for their services.

Typical daily operation would begin at 5:00 a.m. Trucks would be loaded and would leave the property around approximately 6:00 a.m. to the contract work sites. Most trucks would return to the yard at approximately 3:30 p.m. in the afternoon.

Commercial Scaffolding would have approximately five full time employees on site Monday through Friday. These employees would include: three yard personnel who would maintain the space and equipment, and two office persons in administrative positions within the office space in the existing building. Additional employees would include a maximum of 4 drivers, along with additional employees at the contracted work

sites. The business would not provide services to customers or clients within or on the site.

CODE COMPLIANCE:

General Plan: The project site is located in the 'Loveridge Subarea' of the General Plan. The project is consistent with the goals of the Loveridge subarea, specifically 2-G-15, in that the proposed project would maintain an industrial activity in an appropriately designated area. The site has a land use designation of 'Industrial'. Manufacturing, wholesale, warehousing and distribution, commercial and business services, research and development, and storage uses are permitted under this land use designation.

Zoning: The property is located within the IG (General Industrial) District. The proposed use falls under the use classification of 'Contractor Yard,' which is a sub category of "Industrial Service", as defined by the Pittsburgh Municipal Code (PMC) section 18.08.100(B)(2)(a). Per the schedule in PMC section 18.54.010, this use classification is permitted in the IG District, subject to Limitation L-112, which states, "Permitted; provided, that: (1) vehicles with gross vehicle weight in excess of 15,000 pounds, equipment, supplies or merchandise are stored indoors, or, if stored outdoors, are not visible from public right(s)-of-way by means of screening by a building or an eight-foot-tall masonry wall constructed prior to the establishment of the use, and (2) the city engineer has determined that deliveries to and from the site can be made safely and without disruption of circulation patterns or modification to the existing streets that provide access to the site. Use permit required for any use that does not meet all of these provisions." For the proposed project, vehicles of approximately 26,000 pounds would be stored outdoors and would not be screened from Pittsburgh-Antioch Highway by a building or an eight-foot-tall masonry wall. The applicant is instead proposing screening along the existing chain link fence.

Development Standards: As shown in Attachment 4 of this report, the proposed project meets, exceeds, or conditionally meets the applicable IG District property development regulations (PMC section 18.52.115), for height, FAR (floor-area-ratio), lot coverage, lot area, lot width, setbacks, and bicycle parking.

Parking: A 'contractor yard' use does not have a minimum number of off-street parking spaces specified in PMC 18.78.040, Schedule A. Per PMC 18.78.040(F), if a use permit is required to establish a use, and the use classification is not included in Schedule A, the planning commission or zoning administrator, as appropriate, shall determine the required number of parking or loading spaces for the use in conjunction with the commission's or zoning administrator's review of the use permit.

As shown in the project plans and as mentioned in the 'Proposed Project' section above, there is an approximately 1,780 square-foot area available for employee parking in front of the building, which appears to be approximately 80 feet by 22.25 feet. This area would accommodate up to eight standard parking stalls (seven 9-foot by 18-foot parking spaces, plus one van accessible ADA parking space).

Landscaping: Due to the unique qualities of the site, in that the parcel is completely enclosed by another parcel, staff recommends allowing landscaping improvements related to this use to be located outside of the project site, along Loveridge Road (adjacent to parcels APNs:073-230-032 and 073-230-033) and within existing landscaped areas, where they would provide the most visual impact. Proposed landscaping improvements would include installing new landscaping (trees and plants) along Loveridge Road and updating (new mulch and replacing plants) existing landscaped areas.

When calculating the landscaping coverage for the three parcels together (the project site at APN:073-230-015, and surrounding parcels at APN:073-230-032 and 073-230-033) there would be approximately 8.9% landscaping spread across the three sites, which is under the minimum 10% required by PMC section 18.52.115.

Pursuant to PMC section 18.76.060, an applicant for a zoning permit in a C or I district for occupancy of a site or structure that is nonconforming due to lack of required planting areas must present a schedule for elimination or substantial reduction of these nonconformities over a period not to exceed two years. Although the proposed project does not meet the minimum required landscaping percentage, it would be conditioned to provide improvements that would result in a substantial reduction of the nonconforming landscaping of the site.

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;

- I. is consistent with the City's approved funding priorities; and
- J. if located within the Pedestrian Commercial (CP) District, will support the goals of creating a vibrant, economically prosperous, visually interesting, and engaging pedestrian oriented atmosphere along the primary downtown corridor.

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 January 13, 2019, notice of the January 23, 2019, public hearing to consider this application was posted at City Hall, at the proposed project site, and on the 'Public Notices' section of the city's website; was delivered to the Pittsburg Library; and was mailed via first class or electronic mail to the applicant/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 use, 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 Planning Commission can make the required findings to approve the use permit, with the inclusion of several conditions of approval, as detailed below:

1. Hours of operation shall be limited Monday through Friday between 5:00 a.m. and 6:00 p.m. (Condition No. 2).
2. The applicant shall provide a minimum of eight (8) striped parking spaces (seven spaces measuring 9 feet wide by 18 feet long, plus one van accessible ADA space). Parking spaces shall be located in front of the building (north side), as shown on the project plans. (Condition No. 3).
3. The applicant shall maintain permanent, fixed bicycle parking for at least one (1) bicycle on-site in a location providing convenient access and natural surveillance. The final location of bicycle parking stall shall be subject to review and approval by the Planning Division prior to installation, and installation must be completed within 60 days of approval of this resolution (Condition No. 4).
4. The applicant shall provide a landscaping plan for planting areas along Loveridge Road and existing landscaped areas to substantially reduce this nonconforming feature of the site, subject to Planning Division approval (Condition No. 6).
5. New chain link screening slats, or similar visual barrier, shall be added to the existing perimeter fence surrounding the 50,000 sq. ft. project site. The business operator shall inspect the perimeter fence regularly in order to maintain the integrity of the screening solution. Any deteriorated screening shall be removed and replaced immediately (Condition No. 8).
6. The business operator shall ensure that the site is maintained in a neat and clean

manner at all times (Condition No. 9).

Regarding Condition Nos. 3 and 4, parking and bicycle parking, staff believes the eight (8) spaces, as conditioned, are appropriate for the site as the number of proposed employees at the site would be between five and nine (five full-time on-site employees and a maximum of four drivers). The number of required stalls for bicycles is a ratio based on the number of required off-street parking spaces; with eight required spaces, the number of required bicycle stalls is one. With the incorporation of the conditions identified above, the use would not be detrimental to the health, safety, and general welfare of the City. The project would help promote the public health of residents by occupying a site that would otherwise be vacant. The proposed project would provide a new commercial business within the city that would have a positive impact on the City's tax base.

ACTION REQUIRED: Move to adopt Resolution No. 10113, approving Planning Application No. 17-1291, subject to conditions.

ATTACHMENTS:

1. Proposed Resolution No. 10113
2. Project Plans, dated January 3, 2018
3. Project Location & Surrounding Land Uses Map
4. Property Development Regulations Table
5. Public Hearing Notice/Vicinity Map

Prepared by: Celina Palmer, Planning Technician

PROPOSED
BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Granting a Use Permit to	)	
Allow a Contractor Yard, located at 1451	)	
Loveridge Road for, "Commercial	)	Resolution No. 10113
Scaffolding Inc., AP-17-1291 (UP)"	)	
	)	
	)	

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. On November 16, 2017, Tim Trask on behalf of Commercial Scaffolding Inc. filed Planning Application No. 17-1291, requesting approval of a use permit to establish a contractor yard within an approximately 50,000 square-foot space enclosed by a fence, on an approximately 73,000 square-foot parcel, located at 1451 Loveridge Road, in the IG (General Industrial) District. APN: 073-230-015.
- B. The proposed project is governed by the policies, development standards, and guidelines contained in the Pittsburg General Plan, and Pittsburg Municipal Code (PMC) Title 18 (Zoning).
- C. Pursuant to PMC section 18.16.040, a use permit may be granted only after the Planning Commission makes a determination that the proposed use:
 - 1. is in accord with the objective of this title, 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 the light of taxation and spending restraints imposed by law;
 9. is consistent with the city's approved funding priorities; and
 10. if located within the Pedestrian Commercial (CP) District, will support the goals of creating a vibrant, economically prosperous, visually interesting, and engaging pedestrian oriented atmosphere along the primary downtown corridor.
- 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 January 13, 2019, notice of the January 23, 2019, public hearing to consider this application was posted at City Hall, near the proposed project site, and on the "Public Notices" section of the City's website; was delivered to 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, 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.
- F. On January 23, 2019, the Planning Commission held a public hearing on Planning Application No. 17-1291, at which time oral and/or written testimony was considered.

Section 2. Findings

- A. Based on the Planning Commission Staff Report entitled, "Commercial Scaffolding Inc. Contractor Yard, AP-17-1291 (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 Commercial Scaffolding Inc. facility:
 - 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, in that the proposed contractor yard is a conditionally permitted use in the IG District.

- b. Will not be detrimental to the health, safety, and general welfare of the City, if the proposed project complies with all applicable local, state, and federal agency regulations.
- c. Will not adversely affect the orderly development of property within the City; rather, approval of the use permit will allow the applicant to occupy a previously vacant site, preventing it from becoming a public nuisance. Further, the project is located in an area where infrastructure is already present, and no changes are needed that could impact the orderly development of the surrounding area.
- d. Will not adversely affect the preservation of property values, rather, it will help to improve values as the proposed project provides a commercial business that will have a positive impact on the City tax base.
- e. Is consistent with the General Plan, specifically goal 2-G-15, in that the proposed use will maintain an industrial activity in an appropriately designated area.
- f. Will not create a nuisance or enforcement problem, in that the use is an industrial use and located in an industrial area that is able to accommodate its presence.
- g. Will not encourage marginal development within the neighborhood, if conditions are added to require the applicant install/improve landscaping along Loveridge Road.
- h. Will not create a demand for public services within the City beyond that of the ability of the City to meet in the light of taxation and spending restraints, in that the project site is located in an area of the City served by existing utilities, and the business will be maintained and operated at the cost of the applicant.
- i. Is consistent with the City's approved funding priorities in that there is no public money involved in this project.
- j. Will not be located in the Pedestrian Commercial (CP) District.

Section 3. Decision

- A. Based on the findings set forth above, the Commission hereby approves Use Permit Application No. 17-1291, subject to the following conditions:
 - 1. The approved use shall be operated substantially as presented to the Planning Commission in the staff report identified in Section 2 above, except as modified by the conditions below. Operation of the approved

business in a manner inconsistent with this use permit shall be grounds for revocation of the use permit.

2. Hours. Hours of operation shall be limited to Monday through Friday between 5:00 a.m. and 6:00 p.m.
3. Employee Parking. The applicant shall provide a minimum of eight (8) striped parking spaces (seven spaces measuring 9 feet wide by 18 feet long, plus one van accessible ADA space). Parking spaces shall be located in front of the building (north side), as shown on the project plans.
4. Bicycle Parking. The applicant shall maintain permanent, fixed bicycle parking for at least one (1) bicycle on-site in a location providing convenient access and natural surveillance. The final location of bicycle parking stall shall be subject to review and approval by the Planning Division prior to installation, and installation must be completed within 60 days of approval of this resolution.
5. Parking Prohibition. There shall be no parking of vehicles or trucks on any unpaved portion of the site.
6. Landscaping. Pursuant to PMC section 18.76.060, the applicant shall provide a landscaping plan for planting areas along Loveridge Road and existing landscaped areas to substantially reduce this nonconforming feature of the site. Landscaping plan shall be submitted to the Planning Division for approval prior to issuance of a building permit.
7. Maintenance/Repair Activities. Applicant shall not conduct any incidental maintenance or repair activities for trucks and/or equipment outside of the building.
8. Fence Screening. New chain link screening slats, or similar visual barrier, shall be added to the existing perimeter fence surrounding the 50,000 sq. ft. project site. The business operator shall inspect the perimeter fence regularly in order to maintain the integrity of the screening solution. Any deteriorated screening shall be removed and replaced immediately.
9. Site Maintenance. The business operator shall ensure that the site is maintained in a neat and clean manner at all times.

Engineering Conditions

10. Grading Plan Review fees. The applicant shall provide an initial payment for review of the grading plans with the first submittal. These fees are based on the Engineer's estimated costs for site grading, which shall be

submitted with the plans. The Grading Plan Check Fee is 2.5% of the cost for grading or may be based upon cubic yards of earth disturbance. Fifty percent (50%) of these total fees are to be paid with the initial submittal of plans and Engineer's Cost Estimate. These initial payments will be credited towards the final fees as determined at engineering permit.

11. Grading Inspection Fees. The applicant shall pay the Grading Inspection Fee to the Engineering Department when the Grading Permit is issued. The current Grading Inspection Fee is 3% of the estimated cost of Grading. The Grading Inspection Fee may also be based upon an approved Engineer's Estimate of total cubic yards, according to the current schedule of Grading Fee Charges.
12. Facility Reserve Charge. The applicant shall pay the City of Pittsburg Facilities Reserve Charge (PMC Chapters 13.08, 13.12 and 13.24) (the "FRC") to the Engineering Department, for water and sewer service in the amounts in effect when the applicant obtains a Building Permit. The applicant understands that the current FRC on file, effective August 20, 2005, shall be paid in accordance with the fee schedule approved by Resolution No. 05-10290, and amended by Resolution No. 12-11778, on February 21, 2012, a copy of which is available at the City. The FRC shall be paid to the Engineering Department prior to the issuance of a Building Permit.
13. Local Traffic Mitigation Fee. The applicant shall pay the Local Transportation Mitigation Fee (PMC Chapter 15.90) (the "LTMF") amount in effect when the applicant obtains a Building Permit. The applicant understands that the LTMF is reviewed and adjusted annually to the current Construction Cost Index (CCI) and may be increased at the City Council's discretion based on revised cost estimates for roadway and transit facilities and other factors that demonstrate an increase is needed to offset traffic impacts caused by new development. The LTMF is calculated by dividing the total fee share of improvement costs by the total number of Dwelling Unit Equivalencies ("DUE") in the City, as described in PMC Chapter 15.90 and the Pittsburg Local Transportation Mitigation Fee Program Update, copies of which are available from the City. Fees shall be paid prior to issuance of a Building Permit.
14. Regional Traffic Mitigation Fee. The applicant shall pay the Regional Transportation Development Impact Mitigation Fee (PMC Chapter 15.103) (the "PRTDIM") amount in effect when the applicant obtains a Building Permit. The RTDIM will be automatically increased or decreased on January 1 of each year based on the percent change in the Engineering News-Record Construction Costs Index – San Francisco Bay Area between September 1 and September 1 of the preceding two calendar years. Fees shall be paid prior to issuance of a Building Permit. If no Building Permit is required, then

the fees are payable in the amount in effect when the project commences pursuant to PMC Section 15.103.

15. GIS update. The applicant shall pay \$0.05/sf for non-residential uses to the Engineering Division at the time the site development permit is issued.
16. Supplemental Studies. If additional engineering studies are deemed necessary by the City Engineer, i.e. geotechnical, structural, hydraulic, etc., or expedited reviews are requested by the developer, the developer shall pay for all costs related to the extra work. The costs may include the preparation of special studies, additional staff time, and/or reviews of the special studies if studies are prepared by the developer's engineer.
17. Grading Plan Submittal. The applicant shall submit to the City's Engineering Department, for review and comment, five (5) copies of the grading plans, prepared by a registered civil engineer, to include but not be limited to the following:
 - A Site Plan
 - A Grading and Drainage Plan
 - A Utilities Plan
 - An Erosion and Sedimentation Control Plan
 - Offsite Improvements due to Project Impacts
18. Shared Driveway. Applicant shall record a reciprocal access agreement with existing parcel owner in order to use existing access road.
19. ADA Access. All public and pedestrian facilities shall be designed in accordance with Title 24, Handicap Access, and the California Department of State Architect's standards for accessibility compliance.

National Pollutant Discharge Elimination System (NPDES) Conditions:

20. Stormwater Pollutants. The applicant shall incorporate long-term best management practices (BMP's) for the reduction or elimination of storm water pollutants. The project design shall incorporate wherever feasible, the following long term BMPs to limit pollutant generation, discharge, and runoff. Such source control design measures may include:
 - a. Incorporating landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices

- b. Providing covered trash, food waste, and compactor enclosures
- c. Use pavers for walkways and other appropriate hardscape surfaces as an option to buyers to minimize impervious areas.
- d. Minimizing the amount of directly connected impervious surface area.
- e. Stencil all storm drains with “No Dumping, Drains to Delta” permanent markings
- f. Constructing concrete driveway weakened plane joins at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter
- g. Plumbing of the following discharges to the sanitary sewer, subject to Delta Diablo’s District’s authority and standards:
 - i. Dumpster drips from covered trash and food compactor enclosures
 - ii. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories
 - iii. Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option

Standard Conditions

- 21. Standard Conditions of Development. The Standard Conditions of Development as adopted by the Pittsburg Planning Commission by Resolution No. 8931 shall apply as condition of approval for this project as applicable. Where there is a conflict between the conditions of approval of Resolution No. 8931 and the specific conditions identified herein, the specific conditions of this resolution shall apply.
- 22. 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.

23. Other Agency Requirements. The applicant shall comply with all the requirements of the City's Community Development Department, the Contra Costa County Fire Protection District and all other applicable local, state and federal agencies.
24. Expiration of approval. This use permit will expire on January 23, 2020, unless the use has been legally established, or a written request for 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 23rd day of January, 2019, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES:

NAYES:

ABSTAIN:

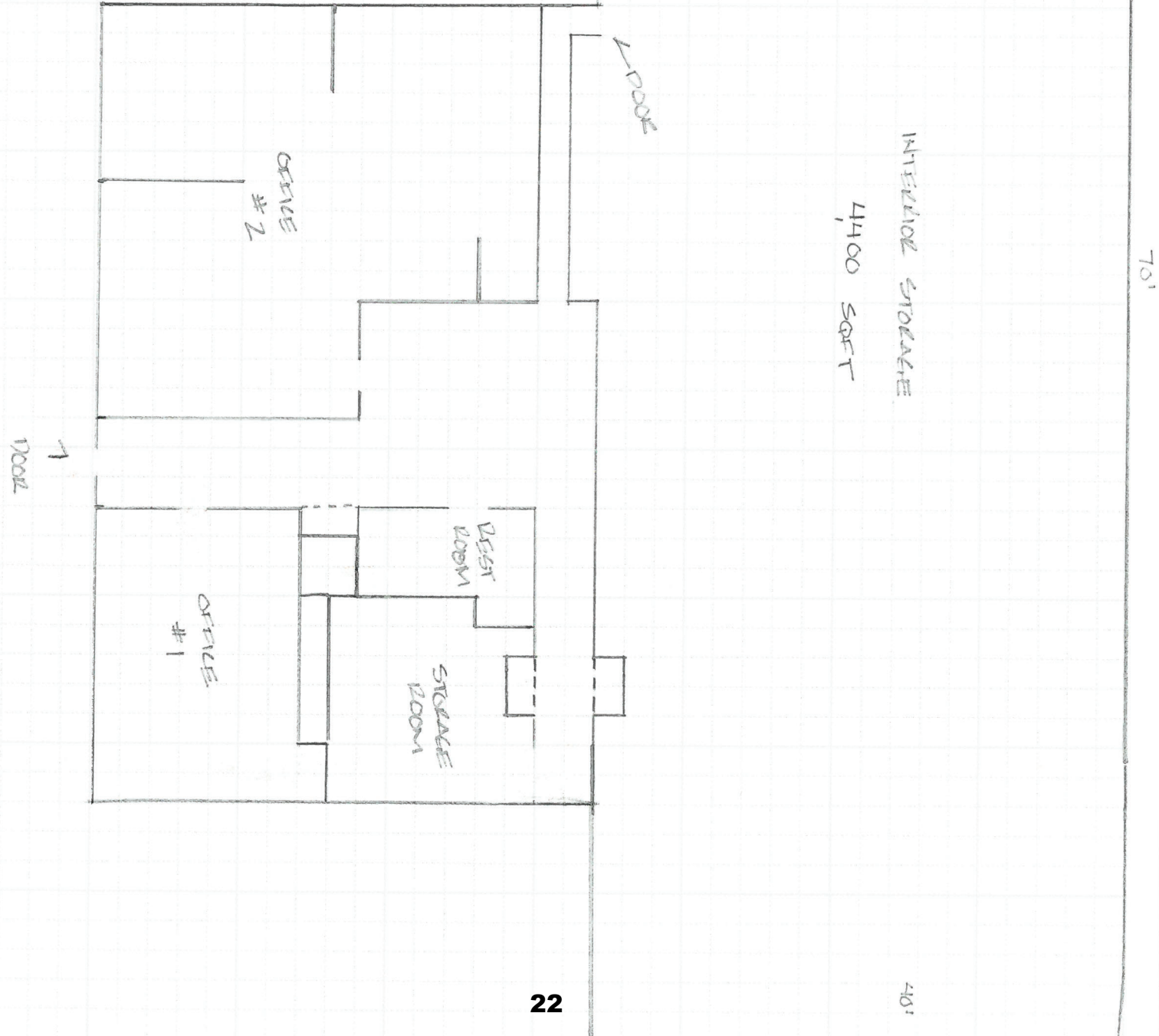
ABSENT:

I hereby certify that the above Resolution No. 10113 was adopted by the Planning Commission of the City of Pittsburg on January 23, 2019.

KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

RECEIVED
JAN 03 2018
PLANNING DIVISION

EXHIBIT (A)



Site Plan – Commercial Scaffolding Inc. (1451 Loveridge Road)

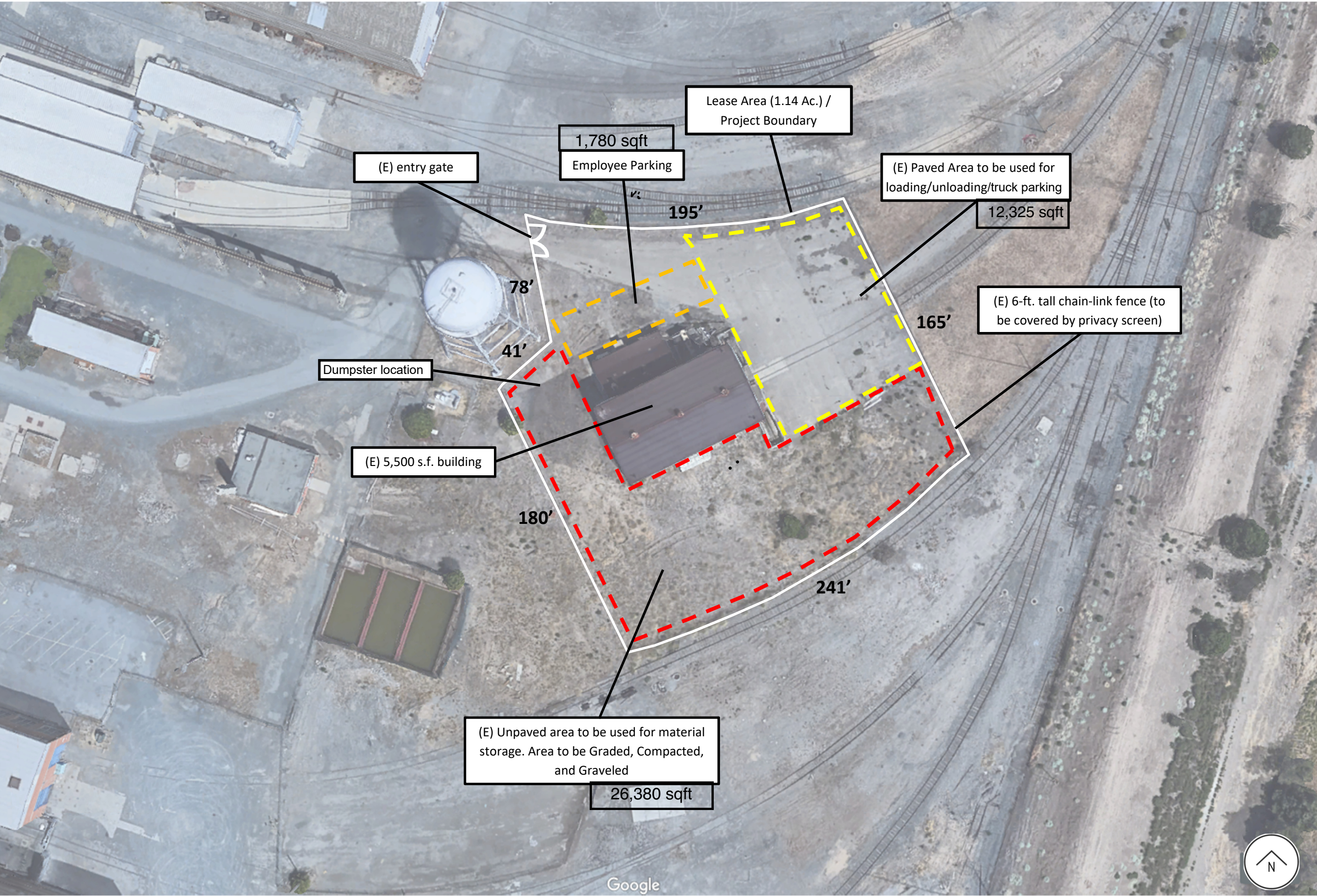


EXHIBIT (C)

±7.5 ACRES OF YARD WITH A ±5,500 SF
LIGHT INDUSTRIAL BUILDING

FOR LEASE
CONTRA COSTA Industrial Park

1501 Loveridge Road, Pittsburg, CA

Scott Bertrand
Director
+1 925 627 2885
scott.bertrand@cushwake.com
LIC #01859508

Tim Schmid
Director
+1 925 627 2886
tim.schmid@cushwake.com
LIC #01847650



1333 N. California Blvd., Ste. 500
Walnut Creek, CA 94596
T: +1 925 935 0770
F: +1 925 935 3409

cushmanwakefield.com







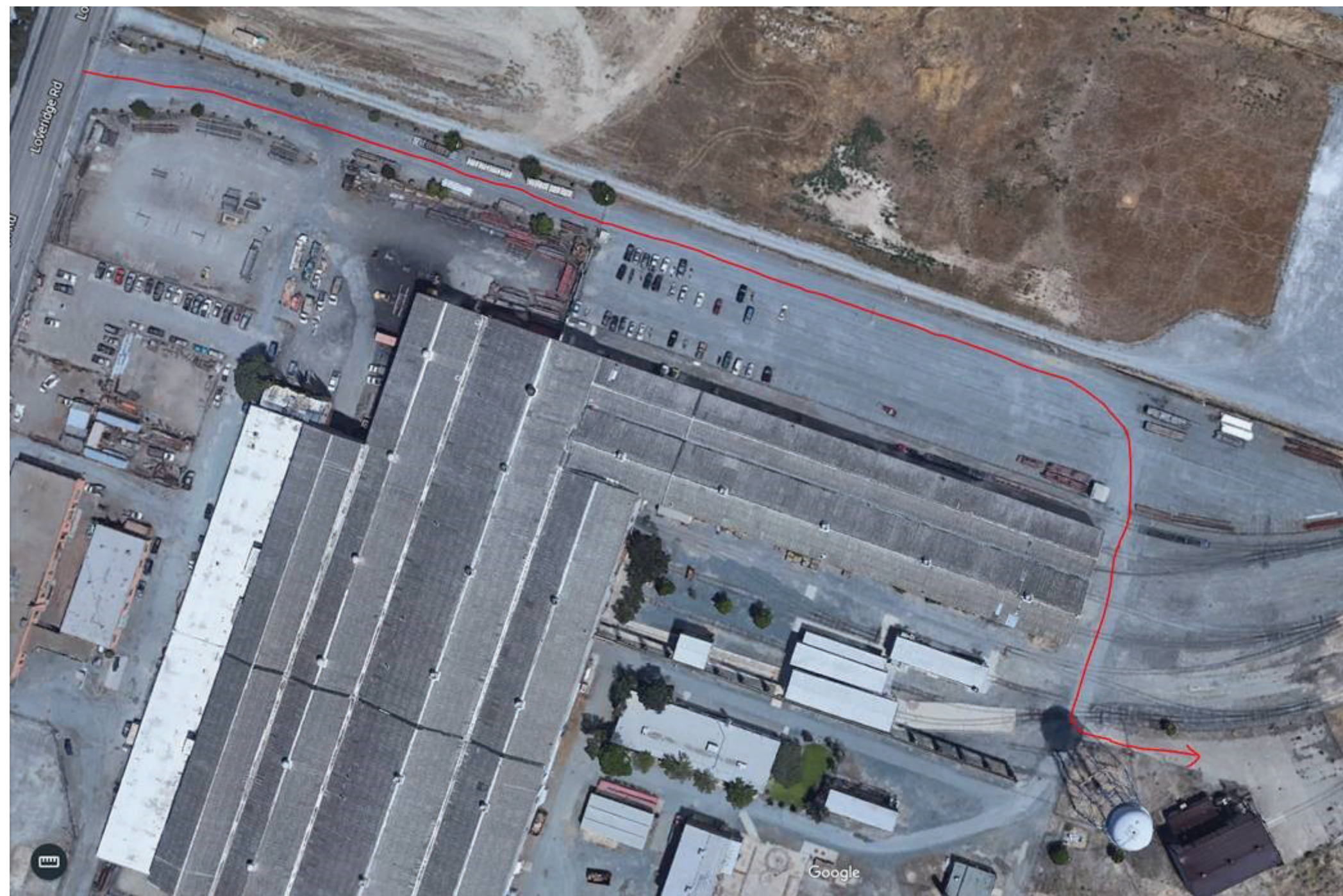
EXHIBIT (C)







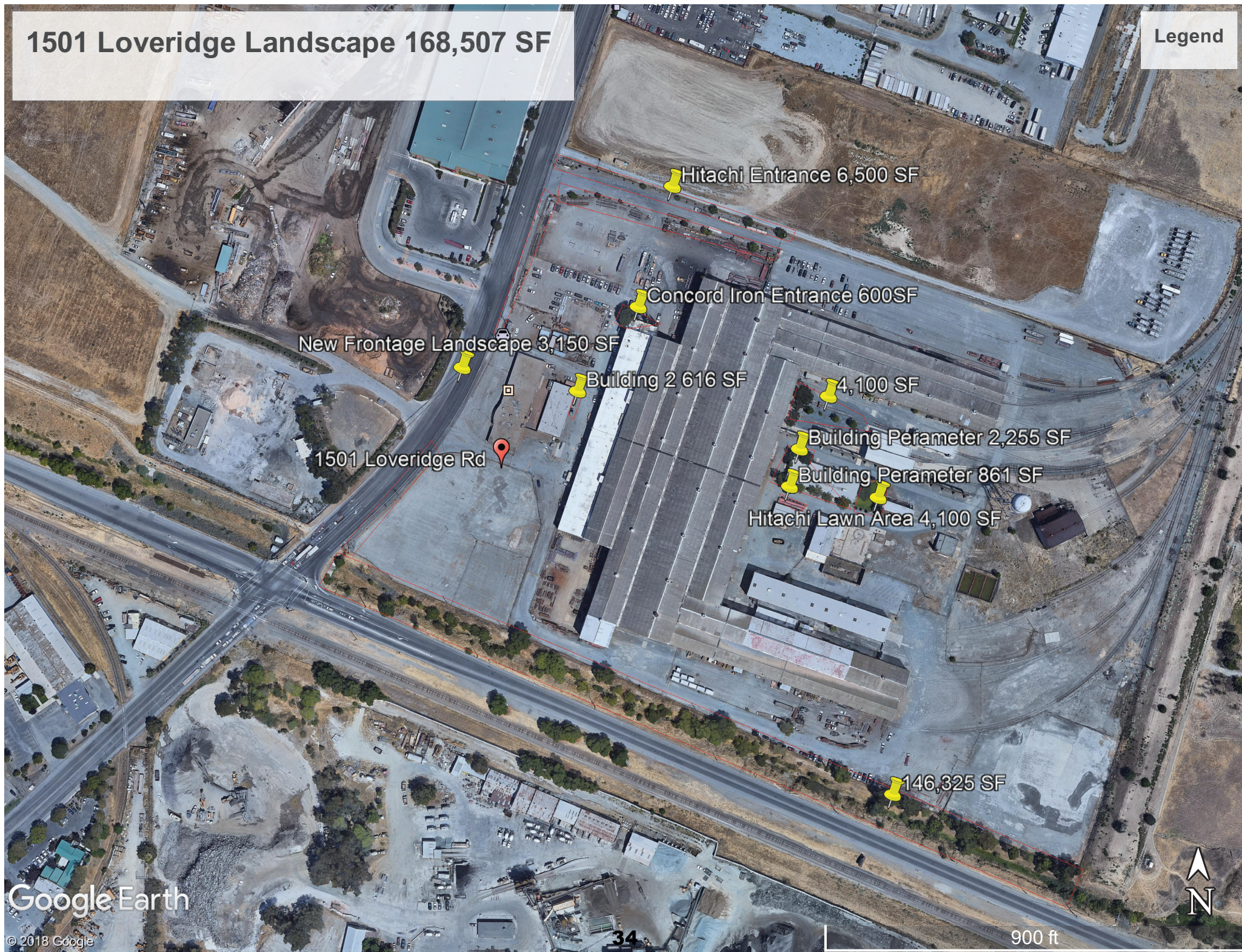






1501 Loveridge Landscape 168,507 SF

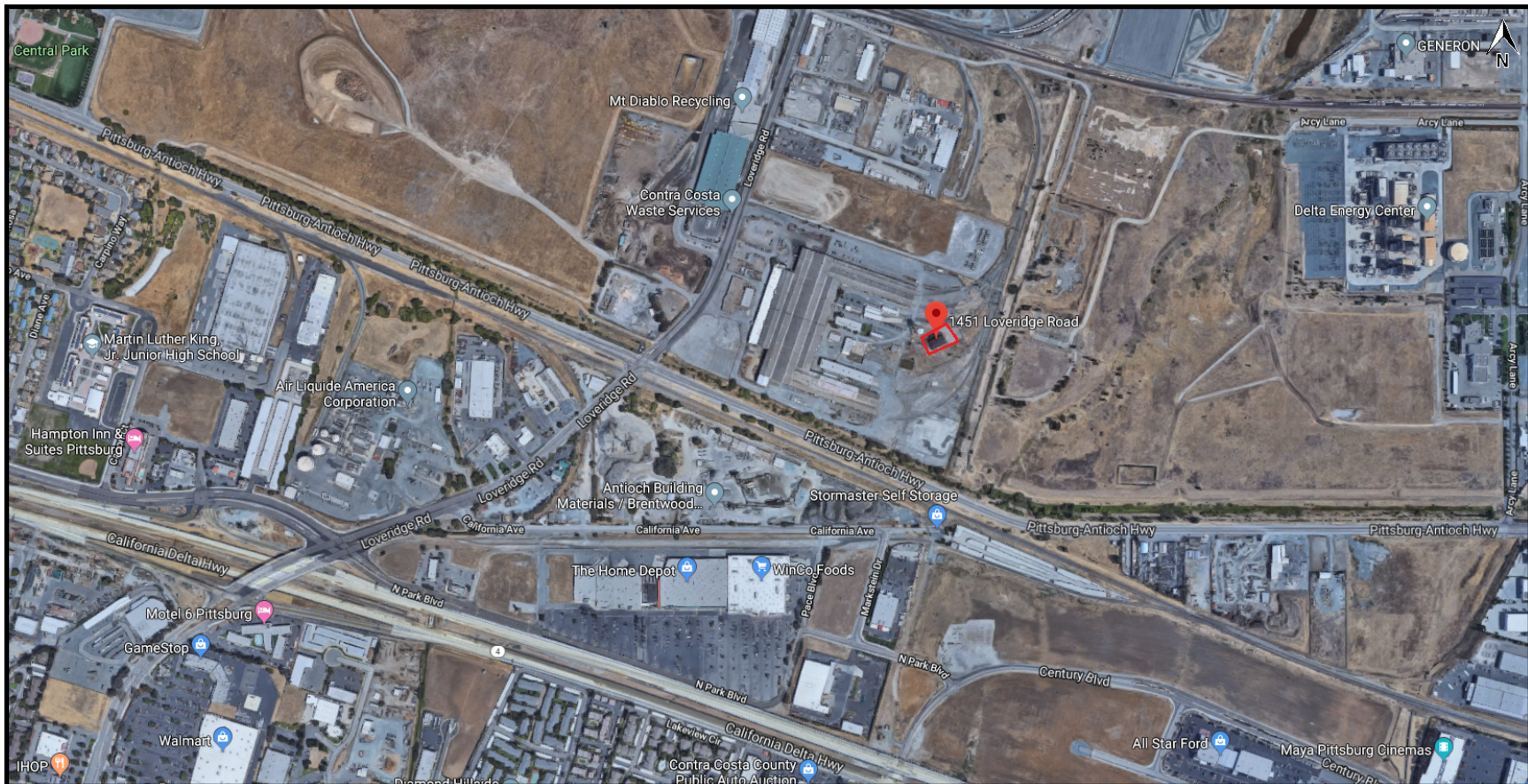
Legend



Google Earth

© 2018 Google

Project Location and Surrounding Land Uses Map



Property Development Regulations
Commercial Scaffolding, Contractor Yard
AP-17-1291 (UP)

Development Regulations: <i>IG District</i>	Requirement:	Proposed Project:
Minimum Lot Area:	20,000 s.f.	Approx. 73,000 s.f.
Minimum Lot Width:	100 ft.	n/a
Minimum Yards:	-	-
Front:	25 ft.	No Change*
Side	-	No Change*
Rear:	-	No Change*
Maximum Height of Structures*:	50 ft.	No Change*
Maximum Lot Coverage:	75%	7%
Maximum Floor-Area Ratio (FAR):	0.8	0.25
Minimum Site Landscaping:	10%	8.9% (See Compliance section in Staff Report for further discussion)
Off Street Parking Requirement:	Contractor Yard not specified in PMC 18.78.040 Schedule A Per PMC 18.78.040F. Uses Not Specified. If a use permit is required to establish a use, and the use classification is not included in Schedule A, the planning commission or zoning administrator, as appropriate, shall determine the required number of parking or loading spaces for the use in conjunction with the commission's or zoning administrator's review of the use permit.	8 employee parking spaces (seven (7) 9x18 spaces plus one van accessible ADA parking space)
Bicycle Parking and Storage:	Based on the Number of Off-Street Parking Spaces Required	1 (conditionally)

*No new buildings or structures are proposed for the site.



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: January 23, 2019
TIME: 7:00 p.m.
PLACE: City Council Chamber at City Hall
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Commercial Scaffolding, Inc., AP-17-1291 (UP).

This is a public hearing on a request for of a use permit to establish a contractor yard within an approximately 50,000 square-foot space enclosed by a fence, on an approximately 73,000 square-foot parcel, located at 1451 Loveridge Road, in the IG (General Industrial) District. APN: 073-230-015.

PROJECT PLANNER: Celina Palmer, (925) 252-4029 or cpalmer@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.

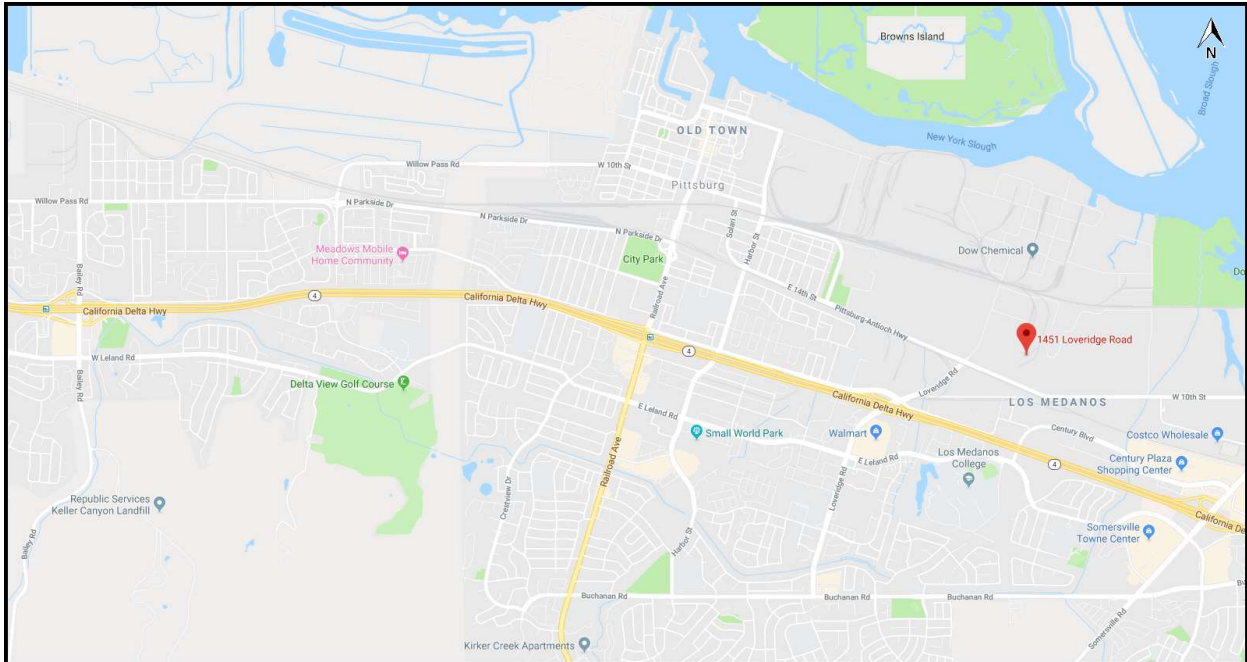
What can I do if I have comments on the project?

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

Project Title: Commercial Scaffolding, Inc., AP-17-1291 (UP)
Location: 1451 Loveridge Road, APN: 073-230-015



**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
January 23, 2019**

ITEM: Dos Cuñados Market, AP-18-1372 (UP).

ORIGINATED BY: Amen A. Saleh, 128 W. 7th Street, Pittsburg, CA 94565

SUBJECT: This is a public hearing on a request for approval of a use permit to sell beer, wine, and distilled spirits at an existing convenience store for off-site consumption. The convenience store is located at 3105 Railroad Avenue, Suite A-1, in the CN (Neighborhood Commercial) District. Assessor's Parcel No. 088-065-026.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 10112, approving Planning Application No. 18-1372, subject to conditions.

BACKGROUND:

In 2006, the State Department of Alcoholic Beverage Control (ABC) approved a Type 20 license for Dos Cuñados Market. The license currently authorizes the sale of beer and wine at the convenience store for consumption off the premises. The store owner and applicant, Amen A. Saleh, has requested that ABC upgrade his license to a Type 21, which would authorize the sale of beer, wine, and distilled spirits for consumption off the premises. According to the applicant, his store needs the license to compete with other convenience stores in the neighborhood that already sell beer, wine, and distilled spirits. The convenience store is an existing non-conforming use because it does not have a use permit as required by the Pittsburg Municipal Code (PMC) section 18.52.010. The applicant must obtain a use permit prior to ABC's approval of the Type 21 license.

PROJECT DESCRIPTION:

Existing Conditions: Existing Conditions: The subject site is a half-acre parcel located at the north east corner of Railroad Avenue and Mariposa Drive. It contains an 8,758-square-foot, multi-tenant commercial building and an angled parking lot for up to 24 vehicles. Dos Cuñados Market is in Suite A-1, which totals approximately 950 square feet. The current convenience store layout includes a cashier's counter and refrigerator to the right of the store entrance and store shelves for groceries and convenience items to the left. A storage area, bathroom, and janitor's sink are located at the back of the store. Other current tenants of the building include KJ's Vapor Shop, Eleven Mag Body Art, Augie's Barber Shoppe, Farmer's Insurance, Paris Salon, C&C Bookkeeping & Tax Services, Nueva Imagen Salon, and Club a Tu Ritmo.

See Attachment 2 for site photos.

Surrounding Land Uses:

North: Contra Costa Canal, Atlantic Plaza Shopping Center
West: Superior Car Wash, Chevron Gas Station
South: Pittsburg Auto Liquidators
East: El Dorado Heights Residential Subdivision

See Attachment 3 for a map of surrounding uses.

Proposed Project: Use Permit Request: The applicant is requesting Planning Commission approval of a use permit to bring his existing convenience store into compliance with PMC 18.52.010 and allow the sale of beer, wine, and distilled spirits for consumption off the premises. The applicant would like to install wall shelves behind the cashier's counter for display of the distilled spirits. No additional interior or exterior improvements are proposed at this time.

See Attachment 4 for plans showing existing site and store conditions.

CODE COMPLIANCE:

General Plan: The subject site is located in the 'Railroad Subarea' of the General Plan and has a land use designation of 'Community Commercial'. This designation is intended to provide sites for retail shopping containing a wide variety of businesses, including convenience stores with alcoholic beverage sales.

Zoning: The subject site is zoned 'CN (Neighborhood Commercial) District'. Convenience stores fall under the land use classification of 'Grocery' as defined by Pittsburg Municipal Code (PMC) sections 18.08.070(12)(a). A use permit is required prior to operating a grocery or convenience store in the CN District (PMC section 18.52.010). The applicant's convenience store is an existing, legal non-conforming use and therefore does not require a use permit to continue operating with the sale of beer and wine. However, a use permit is now required because the applicant is expanding the existing use to include the sale of distilled spirits for consumption off the premises.

Findings: 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.

Environmental: This proposal 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 January 11, 2019, notice of the January 23, 2019, 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:

The applicant has begun to lose customers to other convenience stores in the area that sell beer, wine, and distilled spirits. Within the area's census tract (33131.01), there are four convenience stores similar in size to Dos Cuñados Market. These include Vintage Liquors (1339 Buchanan Road), Rice Wine Liquors (147 Atlantic Avenue), Pittsburg Liquor and Deli (2279 Railroad Avenue), and Amigos Market & Liquor (3801 Railroad Avenue). All these stores have active Type 21 ABC licenses and are authorized to sell beer, wine, and distilled spirits for consumption off site. Staff agrees that the sale of distilled spirits in addition to beer and wine would help the applicant's convenience store remain in business.

Staff believes the Commission can make the required findings to approve the requested use permit for Dos Cuñados Market at 3105 Railroad Avenue if certain conditions are set in place to help maintain public health and safety in the neighborhood (according to ABC and the Pittsburg Police Department (PD), the census tract is not considered a high-crime area). In particular, staff recommends a condition prohibiting the sale of: 1) wine in containers less than 750 milliliters; 2) distilled spirits in containers less than 375 milliliters; 3) malt beverage products, including flavored malt beverage products, with alcohol content greater than 5.5% by volume; 4) wine with an alcoholic content greater

Planning Commission Staff Report
Nazari Contractor Yard, AP-17-1303 (RZ, UP)

than 14% by volume unless in corked bottles and aged at least two years; 5) single containers of beer or malt liquor less than 24 ounces; 6) cooler products, either wine- or malt-beverage-based, in less than three-pack quantities; and 7) alcohol-infused ice cream or ice pops with alcohol greater than 0.5 percent by volume. It should be noted that the Type 21 ABC licenses for Vintage Liquors, Rice Wine Liquors, Pittsburg Liquor and Deli, and Amigos Market & Liquor are currently unrestricted and allow the sale of these alcohol products. According to the Pittsburg Police Department, the sale of these products tends to negatively affect a neighborhood. The applicant understands this and has agreed to this condition.

The applicant has also agreed to other conditions including: 1) prohibiting the possession and consumption of alcoholic beverages in open containers on or around the premises; 2) limiting the sales hours for alcoholic beverages to the hours of 7:00 a.m. to 10:00 p.m., daily; 3) requiring sales clerks to complete a course in “responsible beverage service training” approved by ABC; 4) limiting the new display area for distilled spirits to 32 linear feet of shelving; 5) requiring unobstructed view of the cash register area from the street; 6) requiring installation of security cameras; 7) requiring the convenience store operators to help discourage loitering; 8) prohibiting the sale of drug paraphernalia; 9) requiring the operators to remove trash outside the convenience store on a daily basis; and 10) requiring all graffiti to be removed within 48 hours of its appearance.

ACTION REQUIRED:

Move to adopt Resolution No. 10112 approving Planning Application No. 18-1372, subject to conditions.

ATTACHMENTS:

1. Proposed Resolution No. 10112
2. Site Photos
3. Map of Surrounding Uses
4. Project Plans
5. Public Hearing Notice & Vicinity Map

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 to Allow	)	
the Sale of Beer, Wine, and Distilled	)	
Spirits at 3105 Railroad Avenue, Suite A-	)	Resolution No. 10112
1, for "Dos Cuñados Market, AP-18-1372	)	
(UP)."	)	

The Planning Commission of the City of Pittsburgh DOES RESOLVE as follows:

Section 1. Background

- A. On September 21, 2018, Amen A. Saleh filed Planning Application No. 18-1372, requesting approval of a use permit to sell beer, wine, and distilled spirits at an existing convenience store for off-site consumption. The convenience store is located at 3105 Railroad Avenue, Suite A-1, in the CN (Neighborhood Commercial) District. Assessor's Parcel No. 088-065-026.
- B. The use permit proposal is governed by the Pittsburgh General Plan and Pittsburgh Municipal Code (PMC).
- C. This proposal 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.
- D. On or prior to January 11, 2019, notice of the January 23, 2019 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 Pittsburgh 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 Pittsburgh Municipal Code (PMC) section 18.14.010 and Government Code section 65091.
- E. On January 23, 2019, the Planning Commission held a public hearing on Planning Application No. 18-1372, at which time oral and/or written testimony was considered.

Section 2. Findings

- A. Based on the Planning Commission Staff Report entitled, "Dos Cuñados Market, AP-18-1372 (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 use permit proposal will:
 - a) Be in accordance with the objectives of the Zoning Ordinance, the purpose of the land use district in which it is located and is appropriate to the specific location, in that convenience stores with alcoholic beverage sales are conditionally permitted uses in the CN District.
 - b) Not be detrimental to the health, safety, and general welfare of the City, if conditions of approval are adopted, including, but not limited to the following: 1) prohibiting the possession and consumption of alcoholic beverages in open containers on or around the premises; 2) limiting the sales hours for alcoholic beverages; 3) requiring sales clerks to complete a course in “responsible beverage service training” approved by the State Department of Alcoholic Beverage Control (ABC); 4) prohibiting the sale of certain alcoholic beverages including those in smaller containers; 5) limiting the display area for distilled spirits; 6) requiring unobstructed view of the cash register area from the street; 7) requiring installation of security cameras; 8) requiring the convenience store operators to help discourage loitering; 9) prohibiting the sale of drug paraphernalia; 10) requiring the operators to remove trash outside the convenience store on a daily basis; and 11) requiring all graffiti to be removed within 48 hours of its appearance.
 - c) Will not adversely affect the orderly development of property within the City, in that the convenience store will continue occupying an existing commercial space, and the applicant is proposing no exterior building expansions or parking lot changes that would otherwise conflict with the City’s goals, policies, and development standards.
 - d) Not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the City, if the convenience store operator complies with the conditions of approval summarized above. The conditions of approval are intended to ensure the convenience store operates in a manner that does not affect neighborhood safety. According to ABC, the neighborhood is not considered a high-crime area.
 - e) Will be consistent with the General Plan. The subject site has a land use designation of ‘Community Commercial’. This designation is intended to provide sites for retail shopping containing a wide variety of businesses, including convenience stores with alcoholic beverage sales.
 - f) Will not create a nuisance or enforcement problem within the neighborhood, in that it 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.

- g) Will not encourage marginal development within the neighborhood, in that the convenience store will continue occupying an existing commercial space and the use permit proposal does not involve construction of a new building or building addition.
- 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, in that the convenience store has access to existing infrastructure, including fire, police, and water.
- i) Will not be inconsistent with the City's approved funding priorities, in that it does not require City funding.

B. The staff report entitled, "Dos Cuñados Market, AP-18-1372 (UP)," dated January 23, 2019, 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. 18-1372, subject to the following conditions:

1. ABC Approval: The business operator shall obtain California Department of Alcoholic Beverage Control (ABC) approval of an off sale general (Type 21) license prior to the sale of any distilled spirits.
2. Possession and Consumption: The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages are prohibited on or around the premises.
3. Sales Hours: Alcoholic beverage sales shall not occur between the hours of 10:00 p.m. and 7:00 a.m.
4. Employee Training: All sales clerks shall complete an ABC approved course in "responsible beverage service training" within 90 days of the beginning of employment. Evidence of the employee's completion of this training shall be provided to the Pittsburg Police Department upon request.
5. Prohibited Products: The sale of the following products shall be prohibited:
 - a. Wine in containers less than 750 milliliters.
 - b. Distilled spirits in containers less than 375 milliliters.
 - c. Malt beverage products, including flavored malt beverage products, with alcohol content greater than 5.5% by volume. A 'flavored malt beverage' product is a malt

beverage product to which is added an alcoholic or other flavoring ingredient and is labeled or packaged in a manner that is similar to labeling or packaging used for non-alcoholic beverages such as sodas, teas, lemonades, fruit punches, energy drinks, and slushes. Youth-oriented flavored malt beverage products are sold in bright, colorful packaging and are commonly known as 'alcopops'.

- d. Wine with an alcoholic content greater than 14% by volume unless in corked bottles and aged at least two years.
 - e. Single containers of beer or malt liquor less than 24 ounces.
 - f. Cooler products, either wine- or malt-beverage-based, in less than three-pack quantities.
 - g. Alcohol-infused ice cream or ice pops with alcohol greater than 0.5 percent by volume.
6. Distilled Spirits Display Area: At no time shall there be more than 32 linear feet of shelving within the convenience store sales area that is devoted to the sale and/or display of distilled spirits.
7. Cups: The sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging is prohibited.
8. Cash Register Visibility: Windows shall allow for unobstructed interior view of the cash register area from the street.
9. Advertising: Signage advertising the availability of alcohol for purchase from the store, including display of corporate logos of alcohol vendors, shall not be posted so as to be visible to any individual positioned outside of the store.
10. Signage: The following signs shall be placed in a prominent location near the main entrance of the building in English, Spanish, and the predominant language of patrons. The signs shall be at least one square foot in size, or larger as necessary to ensure that the text of the sign is legible at a minimum distance of five feet.
- a. "California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age";
 - b. "No Loitering or Public Drinking"; and
 - c. "It is illegal to possess an open container of alcohol in the vicinity of this establishment".
11. Security Cameras: The applicant shall install security cameras around the site and shall cooperate with the Pittsburg Police Department to: a) install the cameras on-site and in the building in a quantity and at locations that optimize the safety of customers and employees on the property; and b) ensure that the Pittsburg Police Department

establishes and is provided continuous access to live and recorded feed from the security cameras installed on-site.

12. Loitering: The establishment's operators shall discourage loiterers and ask persons loitering longer than 15 minutes to leave the area and contact Pittsburg Police for enforcement of applicable trespassing and loitering laws if the persons requested to leave fail to do so.
13. Additional Security Measures: The business operator shall be responsible for maintaining the peace and order on the premises. All necessary steps shall be taken to ensure that the customers refrain from incidents of violence and/or intoxication that adversely impact the safety of the community. Should the business experience loitering, noise, public disturbances or incidents of violence, and in the event that the business necessitates an increased police presence, the Chief of Police may require the business operator to provide additional public safety measures, including but not limited to, video cameras, additional exterior lighting, hiring licensed and bonded security guards approved by the Police Department, or such other measures as determined necessary by the Chief of Police. Any such required additional measures shall be at the business operator's sole expense.
14. License Transfer: In accordance with California Business and Professions Code subsection 23800(E), and upon application for transfer of ownership of the ABC license, the Pittsburg Police Department shall reserve the right to amend the conditions of the ABC license.
15. Drug Paraphernalia: The sale of drug paraphernalia products as defined in Health and Safety Code sections 11014.5 and 11364.5 shall be prohibited. "Drug paraphernalia" means all equipment, products and materials of any kind that are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the California Uniform Controlled Substances Act (commencing with California Health and Safety Code 11000).
16. Trash Receptacles: Trash receptacles shall be located at convenient locations outside the establishment, and operators of the business shall remove trash on a daily basis.
17. Graffiti Removal: All graffiti shall be removed on any part of the property within 48 hours of its appearance.
18. 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.

19. Other Agency Requirements: The applicant shall comply with all the requirements of the City's Community Development Department, California Department of Alcoholic Beverage Control, 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.
20. 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.
21. Expiration of Approval: This use permit shall expire on January 23, 2020, 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 23rd day of January 2019, 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. 10112 was adopted by the Planning Commission of the City of Pittsburg on January 23, 2019.

KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

Attachment 2
Site Photos
Dos Cuñados Market, AP-18-1372 (UP)



Above: View of Dos Cuñados Market and other tenants from Mariposa Drive looking northwest
Below: View of other tenants from Mariposa Drive looking northeast





Above: View of Dos Cuñados Market entrance from parking lot looking north

Below: Interior view of Dos Cuñados Market (sales floor)





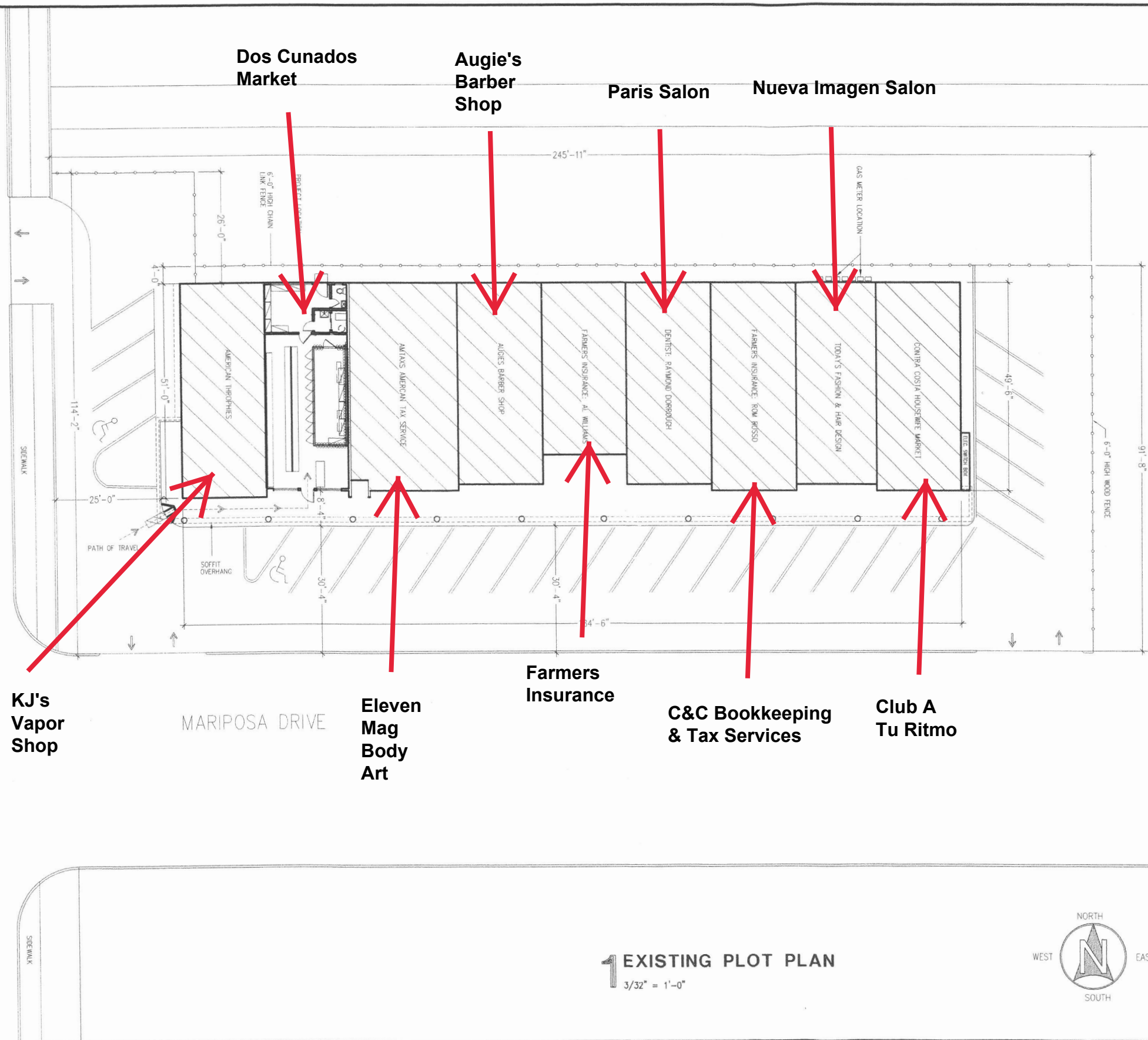
Above: Interior view of Dos Cuñados Market (cashier counter)

Attachment 3
Map of Surrounding Uses
Dos Cuñados Market, AP-18-1372 (UP)

★ **Project Site**

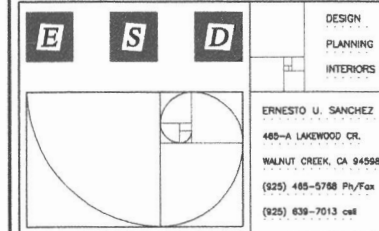


Attachment 4 - Project Plans



**DOS CUNADOS
MARKET
MINOR REMODEL**

3105 RAILROAD AVENUE
PITTSBURG, CA



DESIGN CONSULTANT

Cdus

DISCLAIMER

IT IS THE PURPOSE OF THESE DRAWINGS TO SHOW THE GENERAL ARRANGEMENT OF REMODELING AND ADDITIONS TO THE EXISTING STRUCTURE. ASSUMPTIONS HAVE BEEN MADE REGARDING THE STRUCTURE AND ARCHITECTURAL CONDITIONS OF EXISTING WALLS, FLOORS, AND CEILINGS WHICH WILL NEED TO BE VERIFIED AND PERHAPS MODIFIED AS THESE CONDITIONS ARE REVEALED DURING CONSTRUCTION. THE DESIGNER DOES NOT ASSUME ANY RESPONSIBILITY FOR THE EXISTING STRUCTURE.

[illegible]

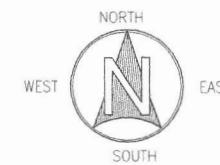
PROJECT NAME	DOS CUNADOS MARKET
	PITTSBURG, CALIFORNIA

PROJECT NO.	
DESCRIPTION	EXISTING PLOT PLAN

ELECTRONIC FILE NO. --A1.0.1.DWG

SCALE $3/32" = 1'-0"$

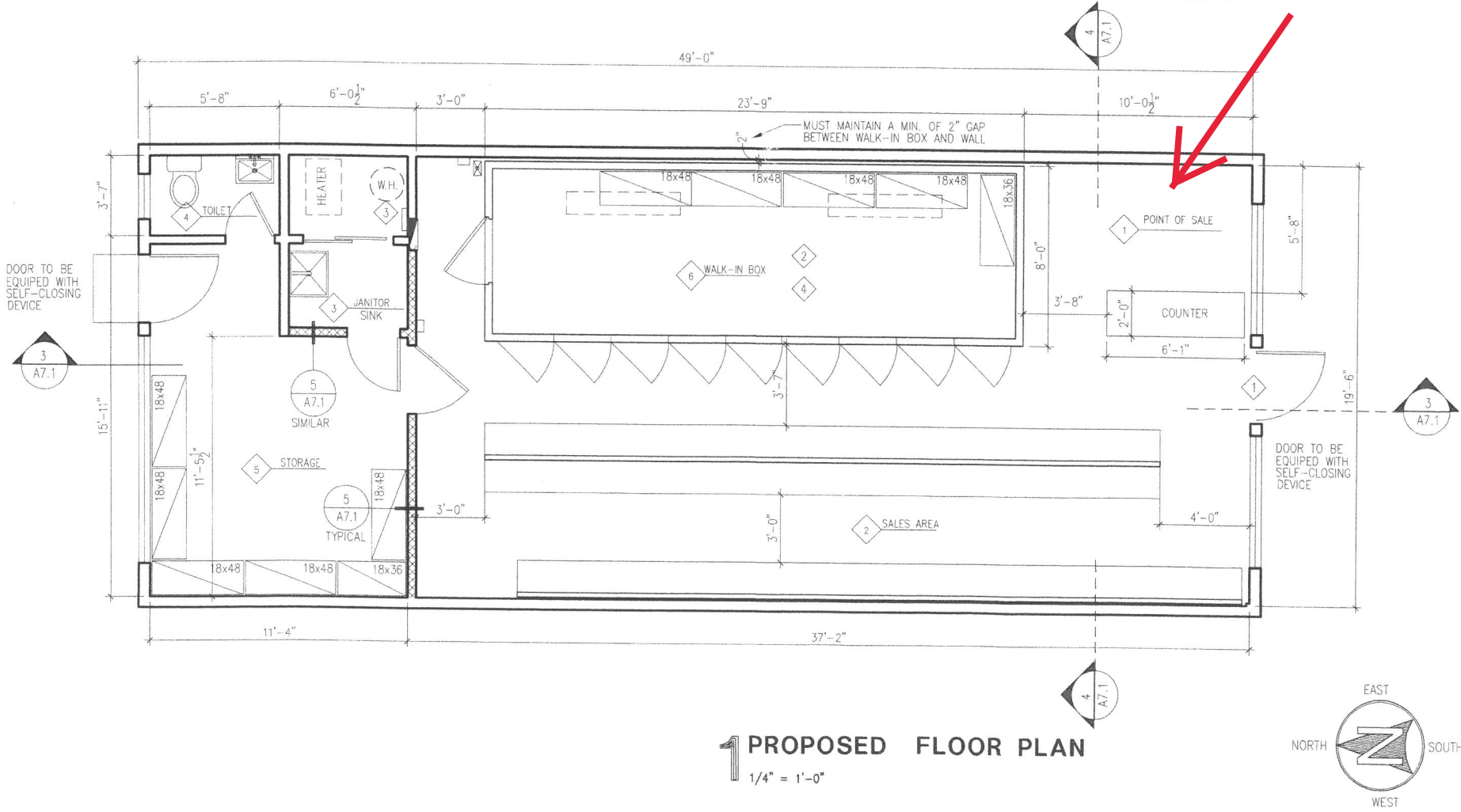
1 EXISTING PLOT PLAN



A1.0.1

LEGEND	KEY NOTES	SHEET NOTES
 NEW 2x WOOD STUD WALLS  (E) WALLS  (E) WATER HEATER FOR: 1) REST ROOM SINK 2) MOP SINK 3) SPECS: RICHMOND MISE MODEL # 5V30-6 A21952 GLASS LINED CP U.S. GALS. 30 INPUT BTUH: 342,000 TYPE: GAS 1ST HOUR RATING: 53 GALS.	1 STOREFRONT, GLAZING & ENTRY TO REMAIN, TYPICAL 2 WALK-IN BOX NOT IN CONTRACT TO BE INSTALLED BY VENDOR 3 WATER HEATER ON 6" LEGS SEE EQUIPMENT SCHEDULE SHEET A3.1 4 WALK-IN BOX VENDOR TO VERIFY AND COORDINATE ALL UTILITY PENETRATIONS THROUGH ROOF HEALTH NOTES STRUCTURAL -FULLY ENCLOSED BUILDING & VERMIN PROOF WALLS: -LIGHT IN COLOR THROUGHOUT (NOTE: LIGHT COLORED MEANS HAVING A LIGHT REFLECTANCE VALUE (LRV) OF 70% OR GREATER) LIGHTING: -SUFFICIENT NATURAL OR ARTIFICIAL LIGHTING I.E. 20 FT. CANDLES 30" ABOVE THE FLOOR. LIGHT FIXTURES SHALL BE SHATTERPROOF OR W/ SHATTERPROOF SHIELDS AND EASILY CLEANABLE UTENSILS & EQUIPMENT: ALL EQUIPMENT MEETS OR IS EQUIVALENT TO APPLICABLE SANITATION STANDARDS. ALL CRACKS & CREVICES AT JOINTS SEALED W/ AN APPROVED MATERIAL. -COUNTERS /CABINETS OF ACCEPTABLE QUALITY.	1. PROVIDE, ERECT AND MAINTAIN BARRICADES, LIGHTING AND GUARD RAILS AS REQUIRED BY APPLICABLE REGULATORY ADVISORY TO PROTECT OCCUPANTS OF BUILDING, WORKERS AND PEDESTRIANS 2. CEASE OPERATIONS AND NOTIFY THE OWNER IMMEDIATELY IF SAFETY OF STRUCTURE APPEARS TO BE ENDANGERED. TAKE PRECAUTIONS TO PROPERLY SUPPORT STRUCTURE. DO NOT RESUME OPERATION UNTIL SAFETY IS RESTORED. 3. ARRANGE AND PAY FOR DISCONNECTING, REMOVING AND CAPPING UTILITY SERVICES WITHIN AREAS OF DEMOLITION. DISCONNECT AND STUB OFF. NOTIFY THE AFFECTED UTILITY COMPANY AND BUILDING MANAGER IN ADVANCE AND OBTAIN APPROVAL BEFORE STARTING THIS WORK. 4. ALL ENCLOSING UTILITIES, PIPES, LINES, & CONDUITS WHICH ARE TO REMAIN SHALL BE CONCEALED WITHIN FLOORS, WALLS, OR CEILINGS. 5. ALL EXTERIOR DOORS TO BE EQUIPPED WITH SELF-CLOSING DEVICE

Proposed Display Area for Distilled Spirits



1 PROPOSED FLOOR PLAN
1/4" = 1'-0"

DOS CUNADOS MARKET MINOR REMODEL

3105 RAILROAD AVENUE
PITTSBURG, CA

E

S

D

DESIGN
 PLANNING
 INTERIORS

 ERNESTO U. SANCHEZ
 405-A LAKEWOOD CR.
 WALNUT CREEK, CA 94588
 (925) 485-5788 Ph/Fax
 (925) 638-7013 cell

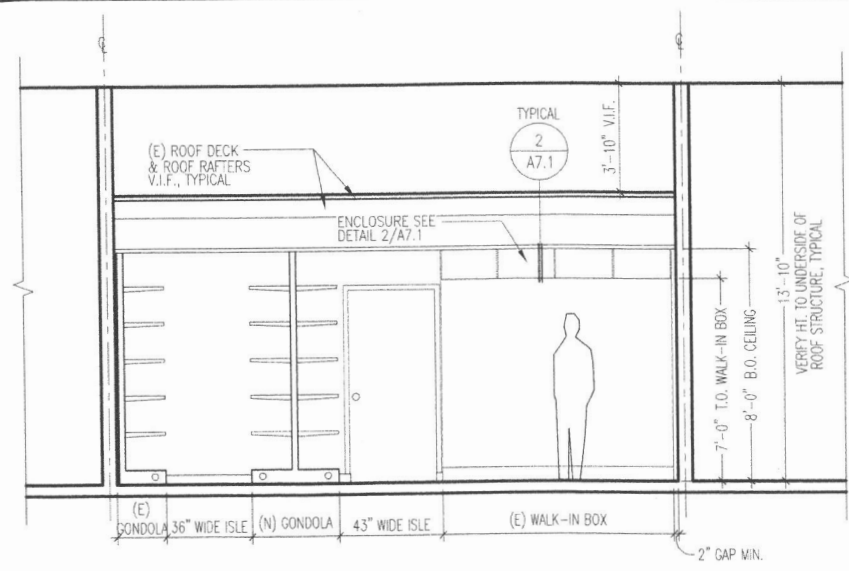
DESIGN CONSULTANT
Ernesto U. Sanchez

DISCLAIMER
IT IS THE PURPOSE OF THESE DRAWINGS TO SHOW THE GENERAL ARRANGEMENT OF REMODELING AND ADDITIONS TO THE EXISTING STRUCTURE. ASSUMPTIONS HAVE BEEN MADE REGARDING THE STRUCTURE AND ARCHITECTURAL CONDITIONS OF EXISTING WALLS, FLOORS, AND CEILINGS WHICH WILL NEED TO BE VERIFIED AND PERHAPS MODIFIED AS THESE CONDITIONS ARE REVEALED DURING CONSTRUCTION. THE DESIGNER DOES NOT ASSUME ANY RESPONSIBILITY FOR THE EXISTING STRUCTURE.

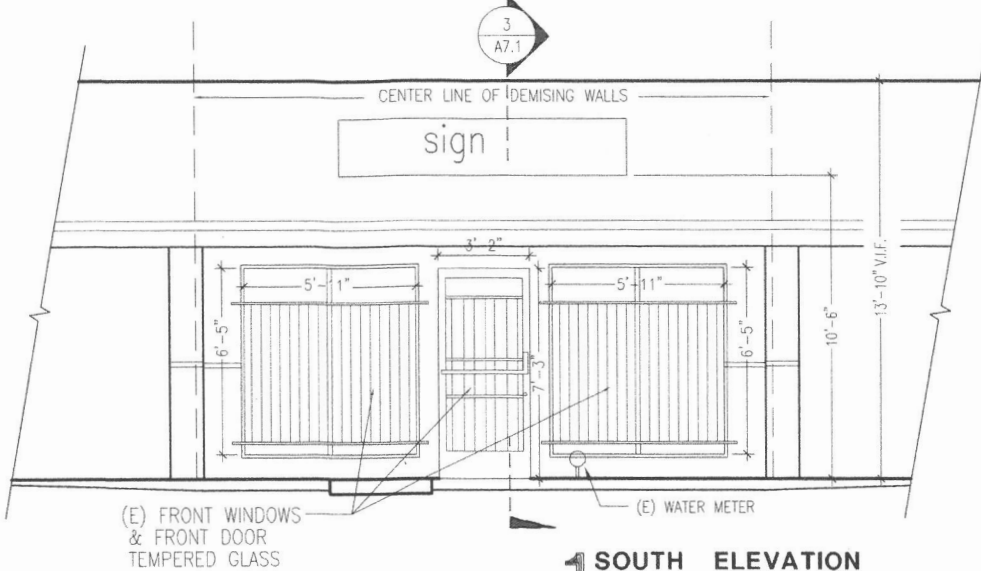
ISSUES AND REVISIONS				
NO.	DATE	ISSUES	BY	CHECK
1	7/11/06	C.C.C. HEALTH DEPT. PLAN CHECK	EUS	AS

PROJECT NAME	DOS CUNADOS MARKET
PROJECT NO.	PITTSBURG, CALIFORNIA
DESCRIPTION	PROPOSED FLOOR PLAN
ELECTRONIC FILE NO.	-A2.1.DWG
SCALE	1/4" = 1'-0"

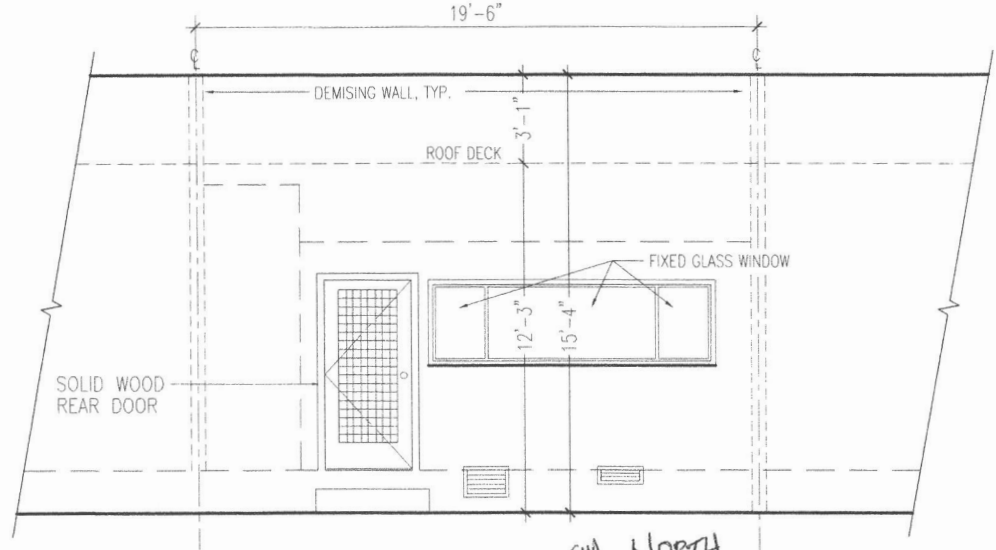
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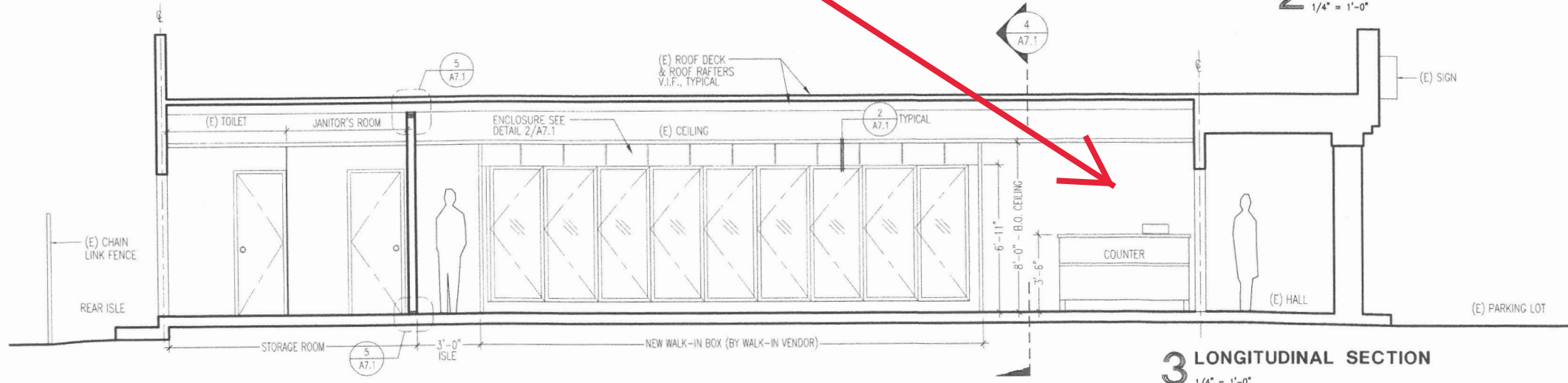
4 CROSS SECTION
1/4" = 1'-0"



1 SOUTH ELEVATION
1/4" = 1'-0"

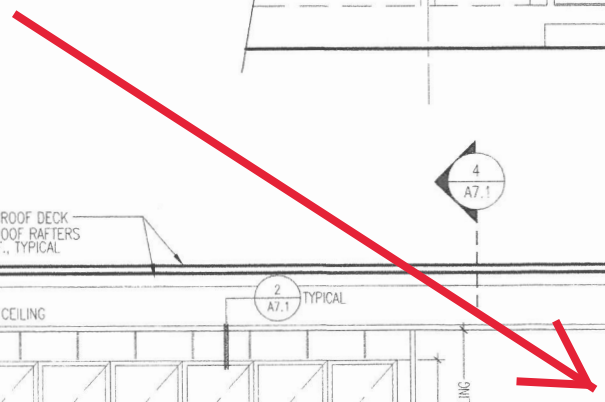


2 NORTH ELEVATION
1/4" = 1'-0"



3 LONGITUDINAL SECTION
1/4" = 1'-0"

**Proposed Display Area
for Distilled Spirits**



**DOS CUNADOS
MARKET
MINOR REMODEL**

**3105 RAILROAD AVENUE
PITTSBURG, CA**

E S D

DESIGN
PLANNING
INTERIORS

ERNESTO U. SANCHEZ
465-A LAKEWOOD CR.
WALNUT CREEK, CA 94598
(925) 465-0768 Ph/Fax
(925) 638-7013 cell

DESIGN CONSULTANT
E. Sanchez

DISCLAIMER
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ISSUES AND REVISIONS				
NO.	DATE	ISSUES	BY	CHECK
	7/11/06	C.C.C. HEALTH DEPT. PLAN CHECK	EUS	AS

PROJECT NAME	DOS CUNADOS MARKET
PROJECT NO.	PITTSBURG, CALIFORNIA
DESCRIPTION	ELEVATIONS & SECTIONS
ELECTRONIC FILE NO.	-A6.1.DWG
SCALE	1/4" = 1'-0"

A6.1



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: January 23, 2019
TIME: 7:00 p.m.
PLACE: City Council Chamber at City Hall
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Dos Cuñados Market, AP-18-1372 (UP).

This is a public hearing on a request for approval of use permit to allow the sale of distilled spirits at an existing convenience store for off-site consumption. The convenience store is already licensed to sell beer and wine for off-site consumption and is located at 3105 Railroad Avenue in the CN (Neighborhood Commercial) District. Assessor's Parcel No. 088-064-026.

PROJECT PLANNER: Hector J. Rojas, (925) 252-4043 or hrojas@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

Project Title: Dos Cuñados, AP-18-1372 (UP)
Location: 3105 Railroad Avenue, APN: 088-064-026



City of Pittsburg

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

**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
January 23, 2019**

ITEM: Notice of Intent to Exercise Delegated Design Review Authority, Conduct a Zoning Administrator Public Hearing, and Submittal of Adopted Zoning Administrator Resolutions.

ORIGINATED BY: City of Pittsburg, Zoning Administrator, 65 Civic Avenue, Pittsburg, CA 94565

SUBJECT: The Zoning Administrator submits: 1) one notice of intent to exercise delegated design review authority for two new air compressor enclosures for DOW Chemical at 901 Loveridge Road; 2) one notice of intent to conduct a Zoning Administrator public hearing on a proposed fence height exception for the Pittsburg Seventh-Day Adventist Church at 900 Los Medanos Street and 925 Cumberland Street, and 3) three resolutions previously approved under the delegated authority (Planning Commission Resolution No. 9918).

RECOMMENDATION: Staff recommends that the Commission acknowledge receipt of the attached Notice of Intent to Exercise Design Review Authority, Notice of Intent to Conduct a Zoning Administrator Public Hearing, and the three attached adopted Zoning Administrator resolutions.

BACKGROUND:

Delegated Design Review Authority: Planning Commission Resolution No. 9444, as later amended by Resolution No. 9918, allows for delegation of nine categories of design review applications from the Planning Commission to the Zoning Administrator, as follows:

1. Freestanding signs: Applicable to signs not already part of a sign program; must be consistent with sign standards and architecturally compatible with associated building.
2. Wireless Communication Equipment: New or replacement antennas on existing poles and their related equipment.
3. Minor Building Remodels: Limited to changes in building colors, awnings, fenestration, and finishes.
4. Changes to Existing Parking Lots.
5. Changes to Existing Landscaping.
6. Additions to Existing Buildings: Additions must be smaller than 2,500 square feet and designed to complement existing building architecture.

7. New Model Homes in Approved Subdivisions. Must be consistent with the general size, quality of architecture and materials, and general character of the originally approved models. Must comply with approved zoning development standards.
8. Ancillary Structures: Structures in any district where visual impacts are minimal, including miscellaneous mechanical equipment associated with legal uses in the Industrial Districts.

The intent of the delegation is to allow a more efficient approval process for non-controversial design review applications, without compromising the integrity of the design review process or removing from public scrutiny those projects that would be most visible or of high interest to the general public. Prior to approving any delegated design review application, the Zoning Administrator must notify the Commission of his or her intent to exercise delegated design review authority. Copies of resolutions approving any delegated design review application must also be provided to the Commission.

PROJECT DESCRIPTION:

Since the last Commission meeting, staff has received one application requesting design review approval which qualifies within one or more of the nine categories of delegated authority established by Resolution No. 9918, and one application requiring a Zoning Administrator public hearing:

1. Dow Air Compressor Project, AP-19-1401 (AD) – Delegated Design Review Category 8.

This is an application by Dave O’Sullivan, on behalf of the Dow Chemical Company, requesting administrative design review approval to build two enclosures, approximately 701 square-foot and 1041 square-foot, to contain new air compressors. These enclosures will not be visible from the public right-of-way. The subject site is located at 901 Loveridge Road, in the IG (General Industrial) District. APNs: 073-220-048 and 073-220-049.

2. Pittsburg Seventh-Day Adventist Church Fence Height Exception, AP-19-1398 (ZA) – Delegated Authority under PMC 18.84.205.F.2

This is an application by Garrett Anderson, on behalf of Pittsburg Seventh-Day Adventist Church, requesting Zoning Administrator approval of a fence height exception, where the maximum fence height permitted is three feet, in order to legalize a seven-foot-tall wrought fence, located at 900 Los Medanos Street and 925 Cumberland Street in the RH-D (Downtown High Density Residential) District. APNs: 085-196-003 and 085-196-004.

The Zoning Administrator has also adopted three resolutions approving delegated design review applications, as follows:

Planning Commission Staff Report

1. Resolution No. 332: Empire Business Park Temporary Office Trailer, AP-18-1373
2. Resolution No. 333: APS Mobile Office Trailer, AP-18-1386
3. Resolution No. 334: Pittsburg Police Storage Container, AP-18-1392

CODE COMPLIANCE:

Zoning Administrator Public Hearings: PMC sections 18.32.010 and 18.84.560 authorize the Zoning Administrator to hear and decide on applications for approval of variances, exceptions to fence regulations, large day care homes, small recycling facilities, and wireless telecommunications collocation facilities. PMC section 18.10.100 directs the Zoning Administrator to notify the Planning Commission of his or her intent to schedule and conduct a public hearing on any application for which the Zoning Administrator is authorized to act, prior to the Zoning Administrator acting on the application.

Delegated Design Review Authority: Resolution No. 9918 established nine categories of design review applications upon which the Commission would authorize the Zoning Administrator to act. Resolution No. 9918, and PMC section 18.10.100, direct staff to notify the Planning Commission of intent to exercise delegated design review authority on any application that falls within one of those nine categories, prior to approving the application. Upon receiving such notification, a majority of the Commission may direct that the matter be scheduled for future consideration by the entire Commission. Resolution No. 9918 also directs staff to keep the Commission informed about delegated design review application approvals by providing copies of resolutions adopted by the Zoning Administrator.

ANALYSIS:

Not applicable.

ACTION REQUIRED:

Acknowledge receipt of the attached Notices of Intent and the adopted Zoning Administrator resolutions.

ATTACHMENTS:

1. Notice of Intent: Dow Air Compressor Project, AP-19-1401 (AD)
2. Notice of Intent: Pittsburg Seventh-Day Adventist Church Fence Height Exception, AP-19-1398 (ZA)
3. Zoning Administrator Resolution No. 332
4. Zoning Administrator Resolution No. 333
5. Zoning Administrator Resolution No. 334

Prepared by: Kristin Pollot, Zoning Administrator

**NOTICE OF INTENT
TO EXERCISE DESIGN REVIEW AUTHORITY DELEGATED TO STAFF
PURSUANT TO PLANNING COMMISSION RESOLUTION NO. 9918**

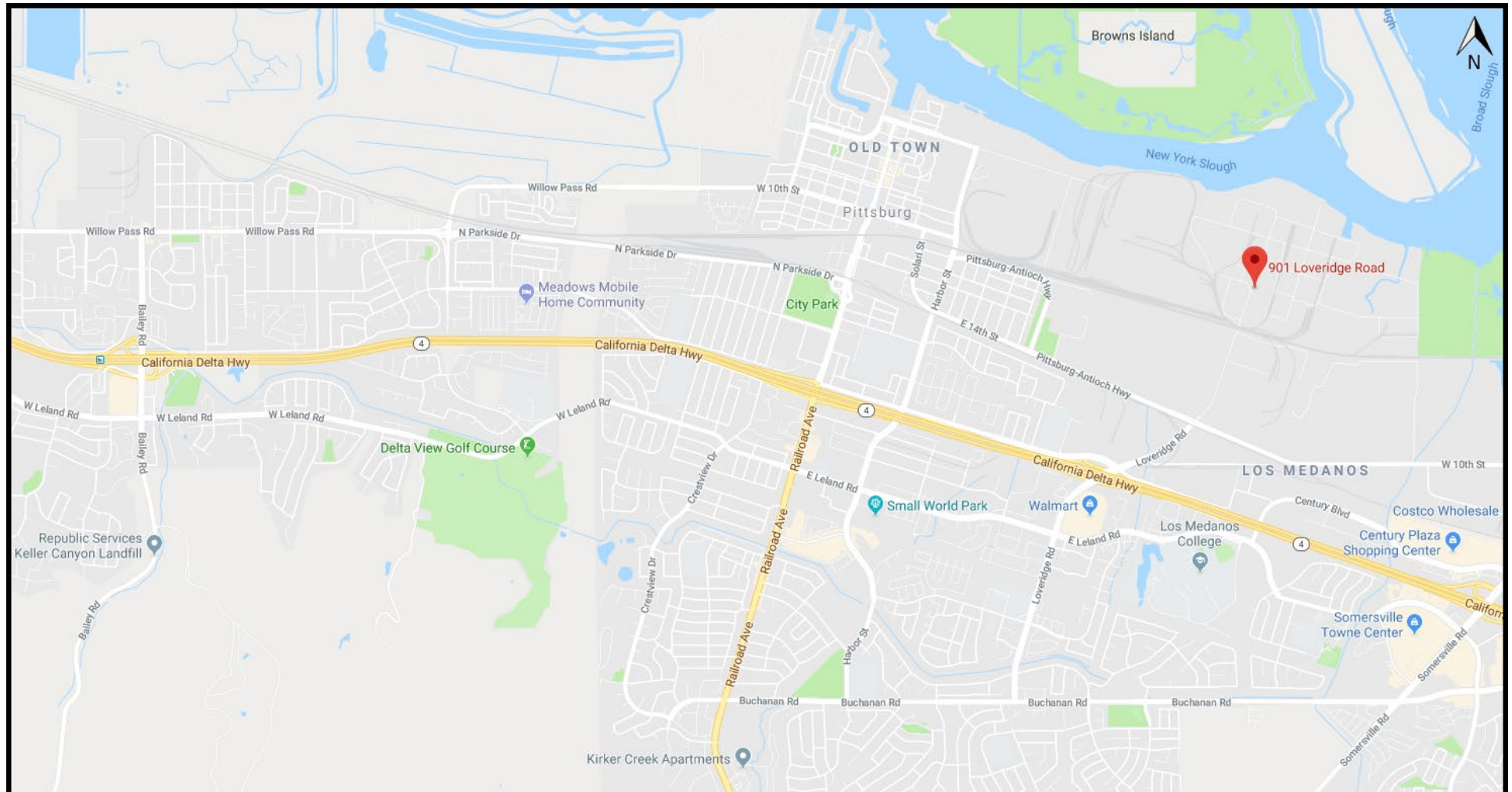
Dow Air Compressor Project, AP-19-1401 (AD).

This is an application by Dave O'Sullivan, on behalf of the Dow Chemical Company, requesting administrative design review approval to build two enclosures, approximately 701 square-foot and 1041 square-foot, to contain new air compressors. These enclosures will not be visible from the public right-of-way. The subject site is located at 901 Loveridge Road, in the IG (General Industrial) District. APNs: 073-220-048 and 073-220-049.

This project is eligible for delegation to staff under Category 8 (Ancillary Structures), pursuant to Planning Commission Resolution No. 9918. Projects eligible for delegation under this category are limited to structures in any district where visual impacts are minimal, including miscellaneous mechanical equipment associated with legal uses in industrial districts.

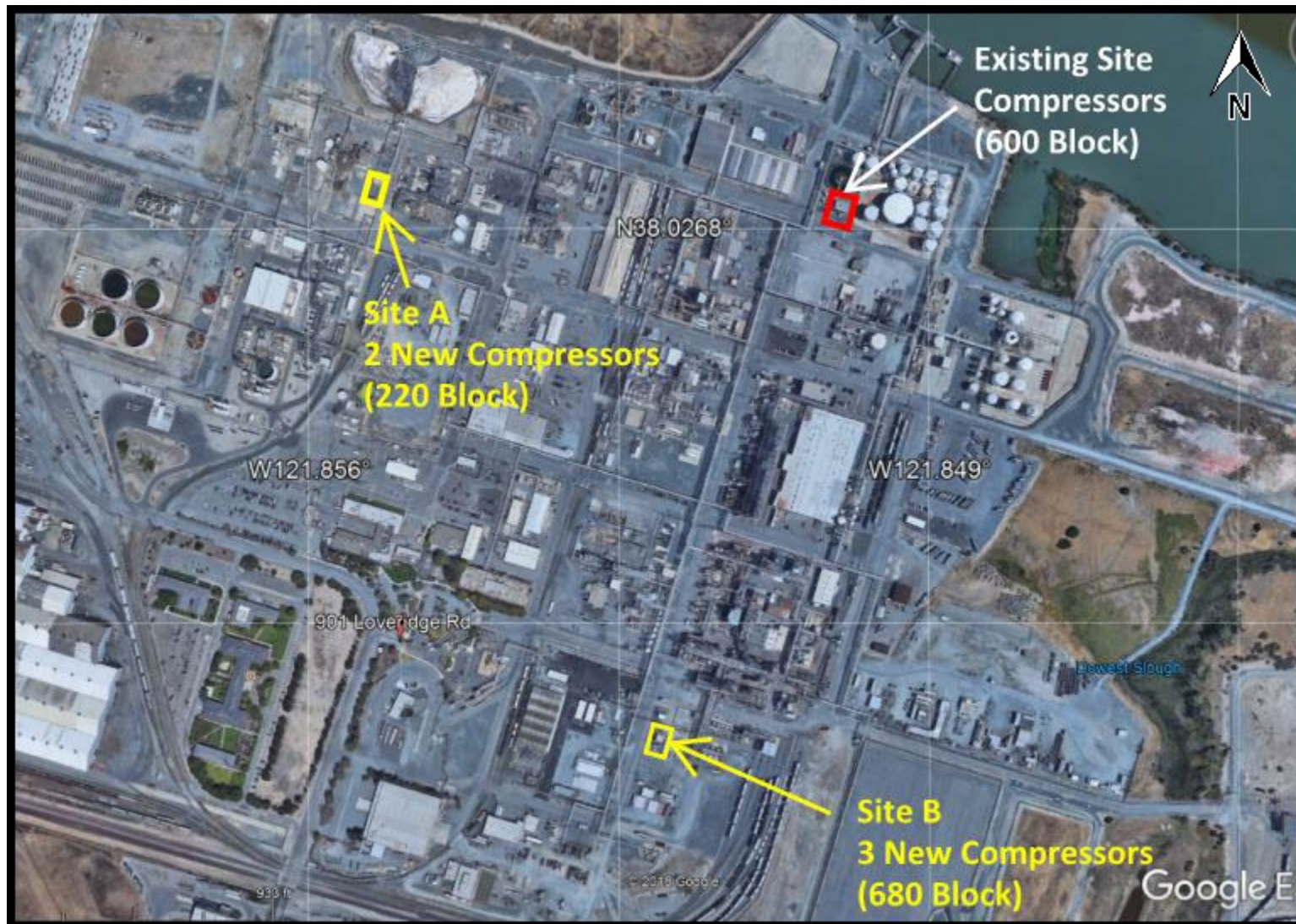
Dow Air Compressor Project – Vicinity Map

AP-19-1401	901 Loveridge Road
Administrative Design Review	APNs: 073-220-048 and 073-220-049



Dow Air Compressor Project – Aerial Map

AP-19-1401	901 Loveridge Road
Administrative Design Review	APNs: 073-220-048 and 073-220-049



PTUT786 SITE AIR UTILITIES (COMPRESSOR)

PLANNING DEPARTMENT REVIEW

January 14, 2019



Dow AgroSciences

Solutions for the Growing World

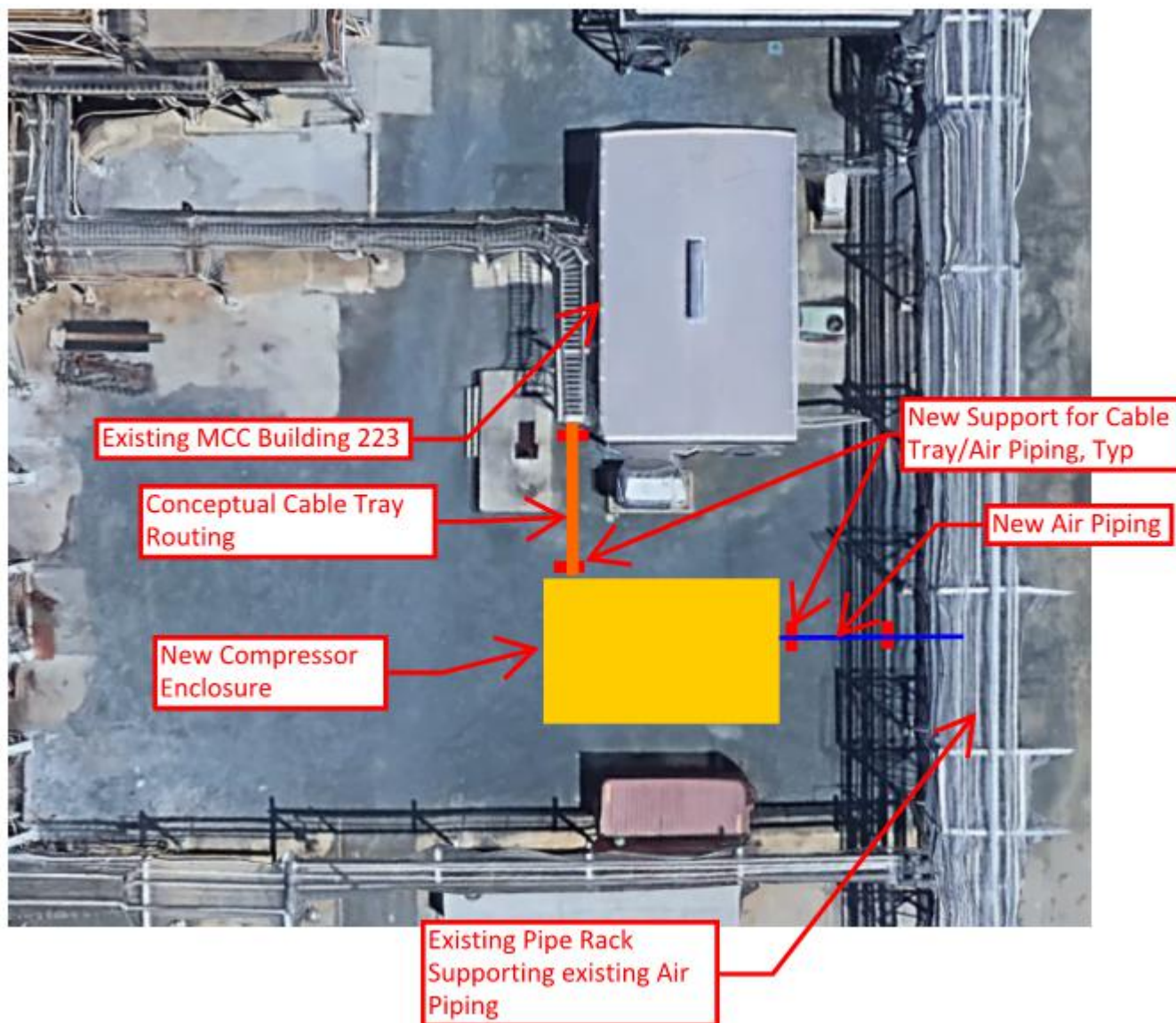
Scope Overview

- Existing air compressors on site are unreliable and lack of compressed air has led to past plant shutdowns
- Solution is to provide new air-compressors at two locations on site to provide redundant sources for compressed air and minimize shutdowns
- Existing air compressors will be decommissioned and removed as a separate project once the new compressors are operational.
- New air compressors will be mounted to concrete floors within unmanned enclosures that also contain control equipment and will be attached to new concrete foundations. Design of compressors, enclosures, and their foundations will be provided by vendor Direct Air.
- Project will include steel T-supports on concrete foundations at each compressor site to tie compressed air to lines in adjacent existing piperacks and to support cable trays supplying electrical power from adjacent electrical buildings.

Location on Site



Site A – Conceptual Layout



Site A – Compressor Enclosure Plan



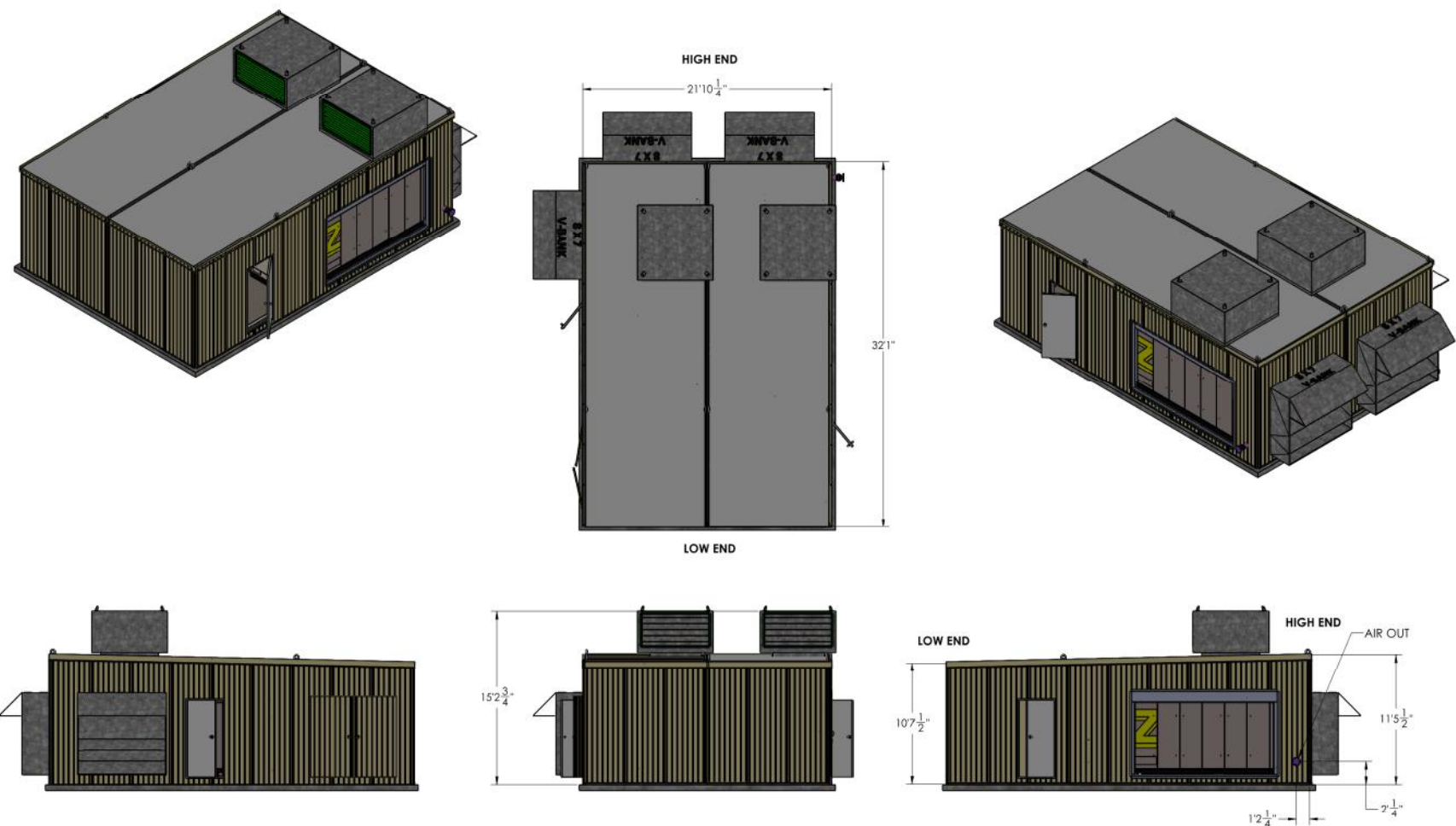
PRELIMINARY - NOT FOR CONSTRUCTION

CONFIDENTIAL

A1	12-27-18	RELOCATED WITH SITE MEASUREMENTS
A	12-07-18	INITIAL DESIGN
Rev	Date	Description

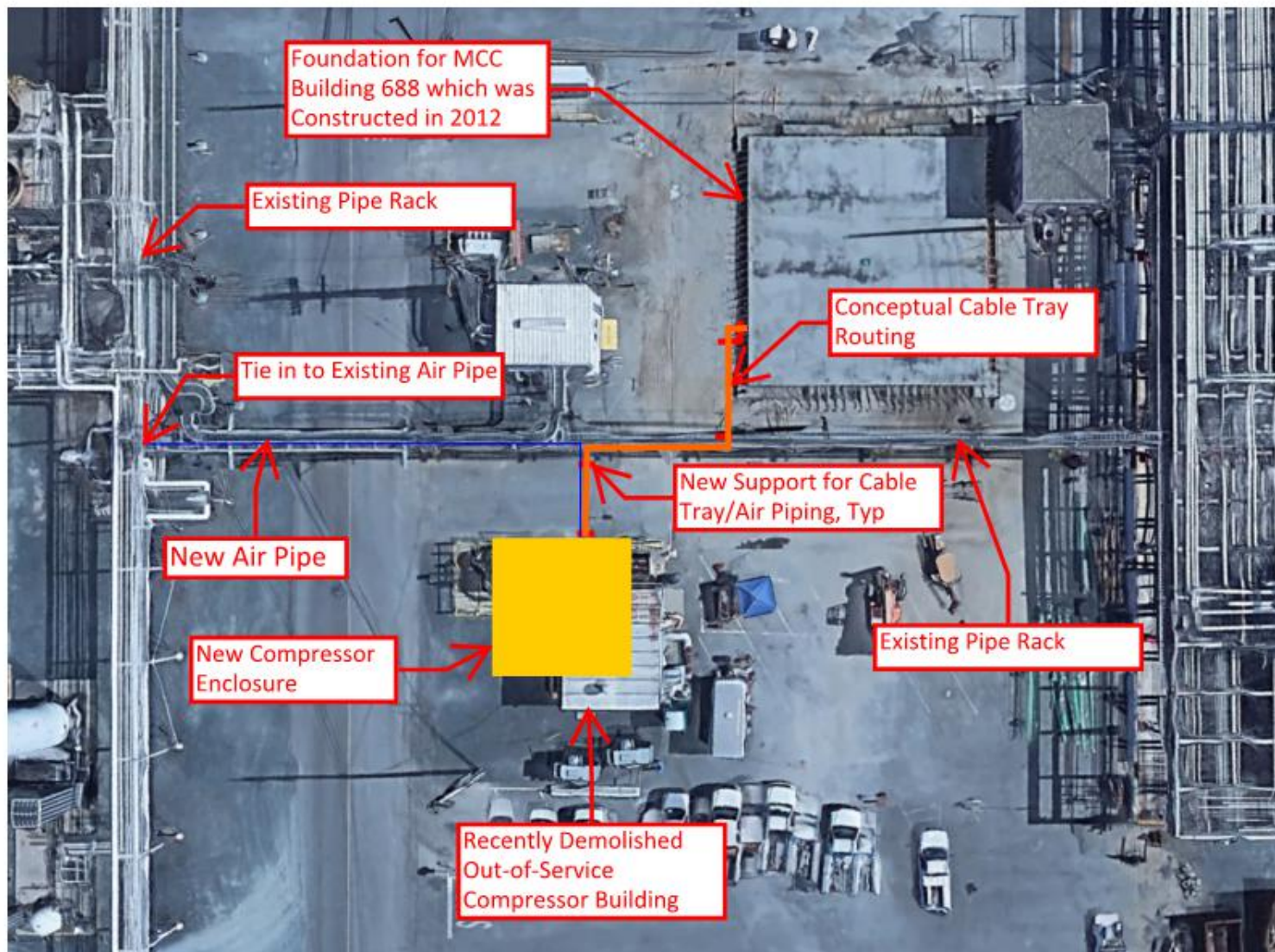
AIR TECHNOLOGIES Compressed Air Systems LISTEN. COMMIT. DELIVER. 400 Wright Drive Middletown, Ohio 45844		Date 12-07-18 Designed by JDS Checked by Approved by	DOW CALIFORNIA GENERAL ARRANGEMENT - BLOCK 210	
File name DOWC	Drawing Number 25	Revision A		

Site A- Compressor Enclosure Exterior Elevations

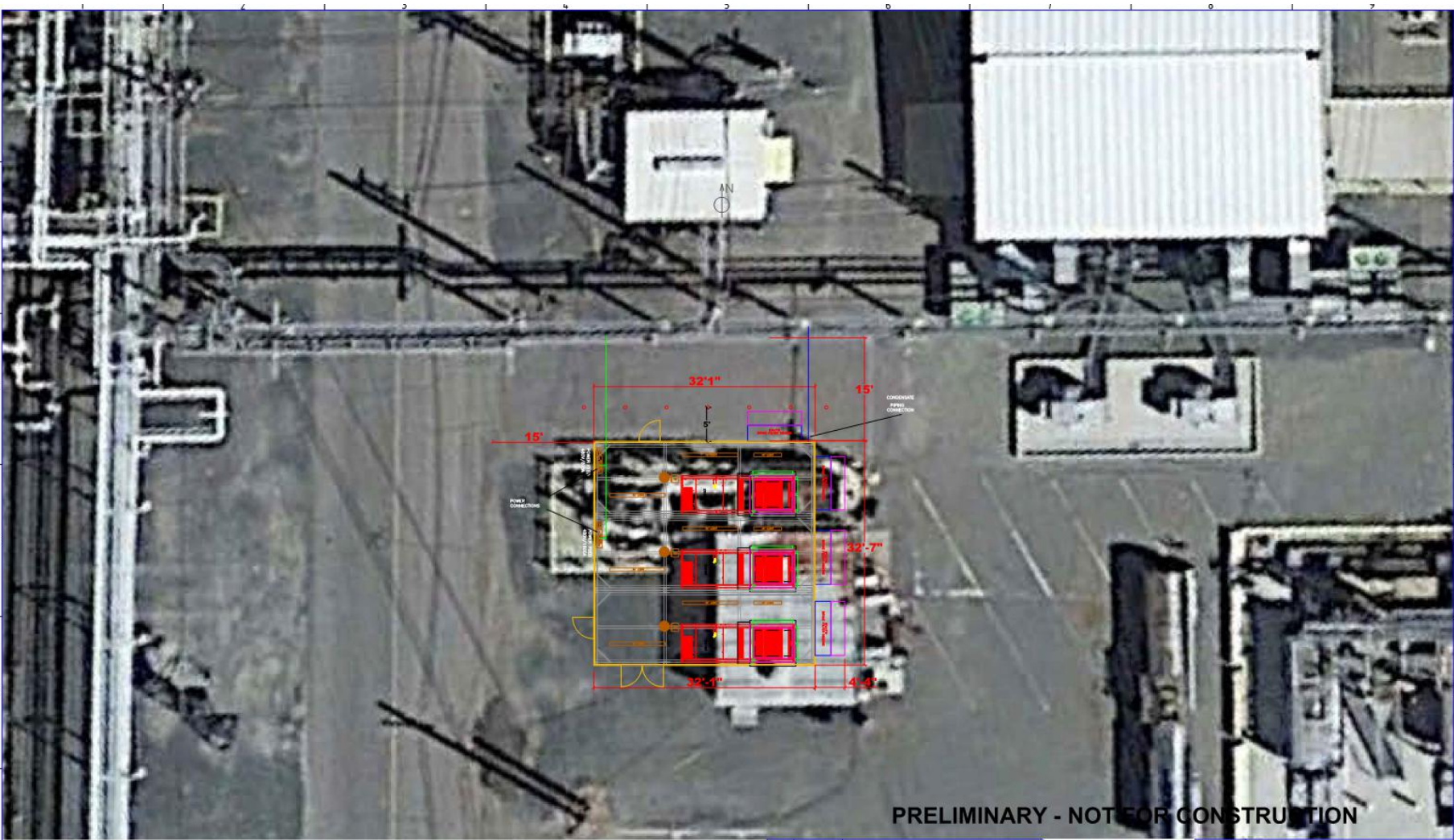


	PROJECT AND LOCATION		DATE	REV
	DOW CALIFORNIA		08/11/2010	
	ELEVATION ARRANGEMENT			
	BLOCK 210			
	DWG. NO.		REV	
	D			
	SCALE: 1/32			
	SHEET 2 OF 18			

Site B – Conceptual Layout



Site B – Conceptual Enclosure Plan

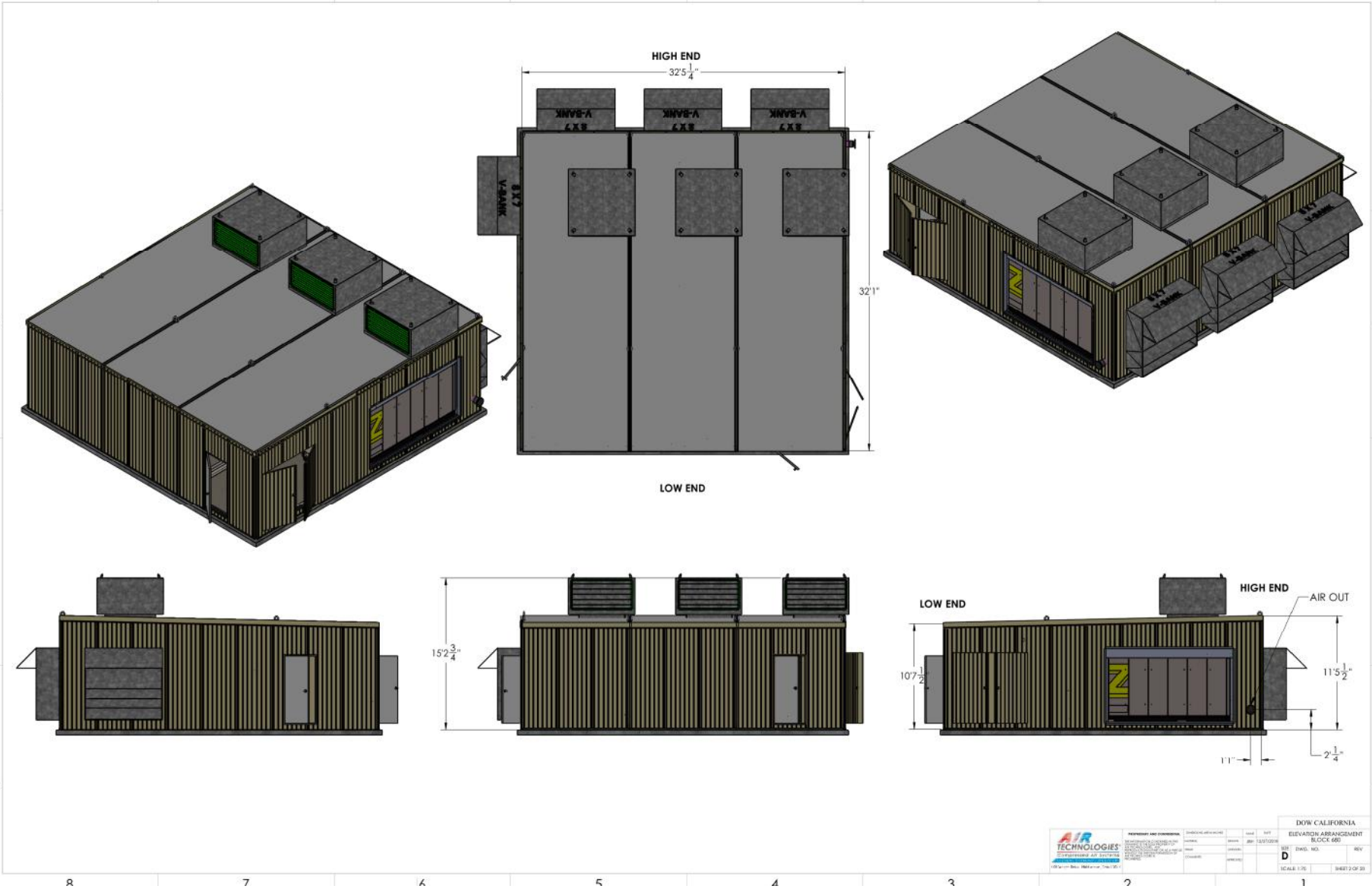


PRELIMINARY - NOT FOR CONSTRUCTION

CONFIDENTIAL

			AIR TECHNOLOGIES Compressed Air Systems EASTON, CONNECTICUT 06027	Date 12-07-18	DOW CALIFORNIA	
				Designed by JOS	SITE ARRANGEMENT - BLOCK 680	
				Checked by		
A1	12-27-18	RELOCATED WITH SITE DMS		Approved by	File name DOWC	Drawing Number 65
A	12-07-18	INITIAL DESIGN				Revision A
Rev	Date	Description	400 Wright Drive, Middletown, Ohio 45044			

Site B – Compressor Enclosure Exterior Elevations



Typical Installed Enclosure

- Color of Enclosure at Pittsburg Site will be the Same as Shown Below



**NOTICE OF INTENT
TO CONDUCT A ZONING ADMINISTRATOR PUBLIC HEARING
PURSUANT TO PMC 18.10.050**

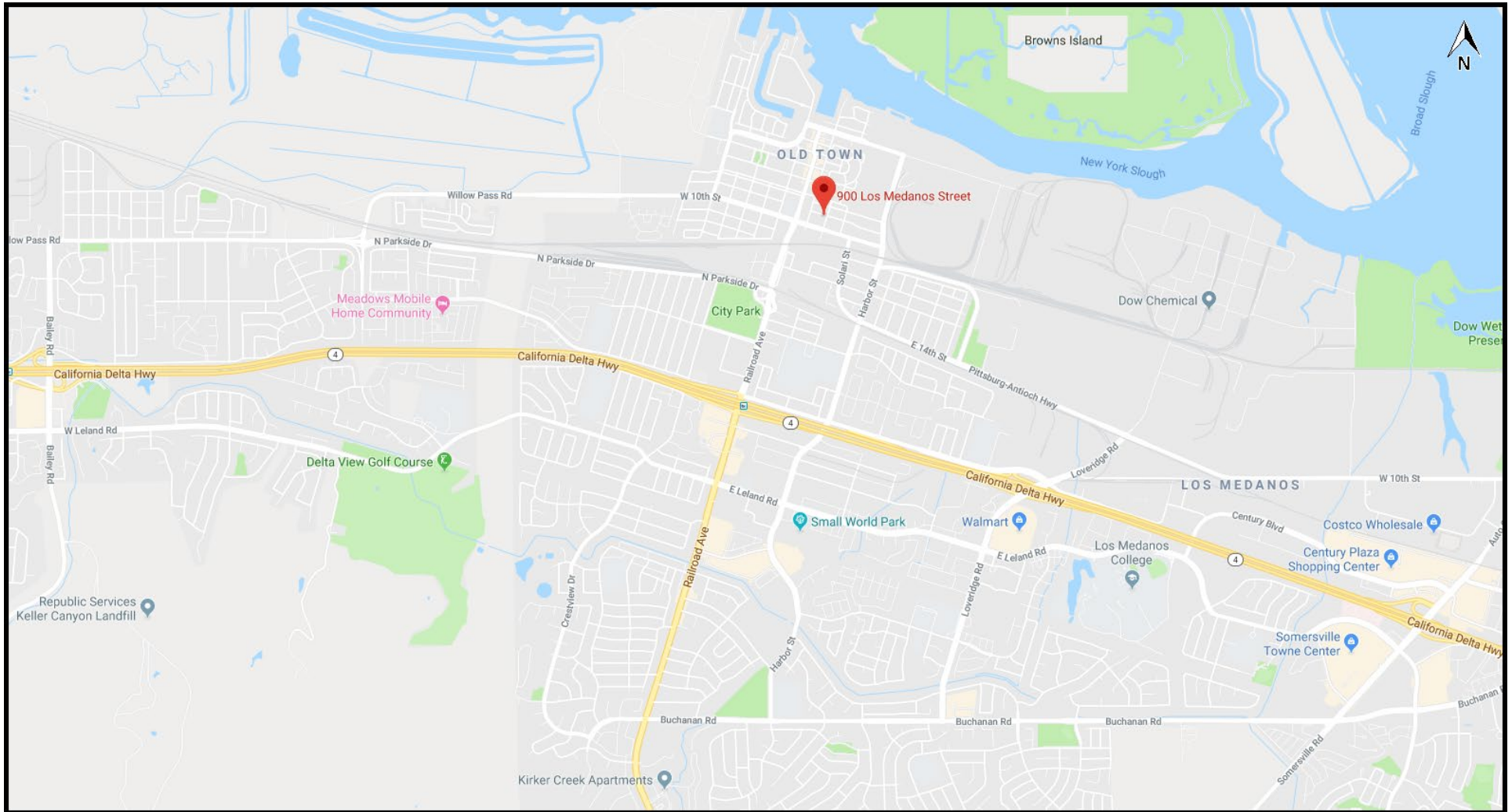
Pittsburg Seventh-Day Adventist Church Fence Height Exception, AP-19-1398 (ZA).

This is an application by Garrett Anderson, on behalf of Pittsburg Seventh-Day Adventist Church, requesting Zoning Administrator approval of a fence height exception, where the maximum fence height permitted is three feet, in order to legalize a seven-foot-tall wrought fence, located at 900 Los Medanos Street and 925 Cumberland Street in the RH-D (Downtown High Density Residential) District. APNs: 085-196-003 and 085-196-004.

This project is delegated to the Zoning Administrator under Pittsburg Municipal Code (PMC) section 18.84.205.F.2.

Seventh-Day Adventist Church Fence Height Exception – Vicinity Map

AP-19-1398	900 Los Medanos Street and 925 Cumberland Street
Fence Height Exception	APNs: 085-196-003 and 085-196-004



Seventh-Day Adventist Church Fence Height Exception – Aerial Map

AP-19-1398	900 Los Medanos Street and 925 Cumberland Street
Fence Height Exception	APNs: 085-196-003 and 085-196-004







City of Pittsburg

Community Development Department – Planning Division

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

Date: January 16, 2019

SUBJECT: ZA RESOLUTION NO. 332

Dear Applicant,

Enclosed is a copy of the resolution adopted by the Zoning Administrator. A copy of our Standard Conditions of Development is also included. Please read the enclosed documents and retain them for your files. All conditions of approval shall be incorporated into subsequent plan submittals and construction documents, where appropriate.

The enclosed resolution is valid for a limited period of time as specified in the resolution. Please make a note of the applicable expiration date and plan your construction timeline accordingly to avoid the loss of your entitlements.

If you have any questions about the enclosed resolution, please contact the Planning Division at the number listed above.

Sincerely,

Kristin Pollot, AICP
Planning Manager

Enclosures: (2) Resolution No. 332
Standard Conditions of Development

BEFORE THE ZONING ADMINISTRATOR OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Granting Administrative Design)
Review Approval for the Placement of a)
1,440 Square Foot Temporary Office)
Trailer at 701 Willow Pass Road, for)
"Empire Business Park Temporary Office)
Trailer, AP-18-1373 (AD)."

Resolution No. 332

The Zoning Administrator DOES RESOLVE as follows:

Section 1. Background

- A. On September 21, 2018, Marc Chacon, on behalf of Empire Business Park LLC, filed Planning Application No. 18-1381 requesting administrative design review approval to install a 1,440 square-foot ancillary structure to be used as a temporary office building. The project site is located at 701 Willow Pass Road, in the IP-O (Industrial Park with a Limited Overlay, Ordinance No. 07-1284) District. Assessor's Parcel Number: 085-280-0010.
- B. The proposed project is governed by the policies and development standards in the Pittsburg General Plan, Pittsburg Municipal Code (PMC) Title 18 ("Zoning"), and the City of Pittsburg Development Review Design Guidelines (DRDGs; Planning Commission Resolution No. 9864).
- C. On September 25, 2012, the Planning Commission adopted Resolution No. 9918, delegating certain types of design review projects to the Zoning Administrator. Design review of this project is delegated to the Zoning Administrator under Category 8, "Ancillary Structures," of Planning Commission Resolution No. 9918.
- D. On October 23, 2018, a Notice of Intent to exercise staff delegated authority for this project was included on the Planning Commission agenda.
- E. The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 3, "New Construction or Conversion of Small Structures," of the state CEQA Guidelines, sections 15303.

Section 2. Findings

- A. 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 evidence presented to the Zoning Administrator on January 16, 2019, the Zoning Administrator finds that:
 - 1. All recitals above are true and correct and are incorporated herein by reference.

2. The structure will conform with good taste, good design and in general will not detract from the character and image of the City as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality, if the proposed structure is painted to match the existing industrial building on site.
3. The structure will be protected against exterior and interior noise, vibrations and other factors that may tend to make the environment less desirable, in that the project will be required to comply with all applicable building and fire codes.
4. The exterior design and appearance of the proposed structure will not be of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value, if the proposed structure is painted to match the existing industrial building on site.
5. The structure will be in harmony with proposed developments on land in the general area, if the proposed structure is painted to match the existing industrial building on site. Additionally, visual impacts to surrounding uses would be minimal or non-existent due to the structure being located behind the recently approved Diablo Energy Storage project, which includes development of up to three large buildings and a new electric substation immediately north of the site between the existing development and Willow Pass Road.
6. The structure will be in conformance with the City's adopted DRDG's sections IV.p and IV.m, if the proposed structure is painted to match the existing industrial building on site, and all downspouts or other appurtenances are painted to match the surface to which they are mounted.

Section 3. Decision

Based on the findings set forth above, the Zoning Administrator hereby grants design review approval for Planning Application No. 18-1373, subject to the following conditions:

1. Conformity with Project Plans. The project shall be carried out in substantial conformity with the project plans and sample elevations, date-stamped September 21, 2018, attached as Exhibit A to this resolution, except as may be hereinafter modified. Any major changes to the project plans shall be subject to review and approval by the Zoning Administrator.
2. Exterior Color. All portions of the proposed structure shall be painted "beige" or a similar light-colored finish to match the exterior of the existing building on site.
3. Exterior Color. All gutters, downspouts, flashing vents, utility equipment, and similar items shall be painted to match the building exterior to which they are directly attached.
4. Site Maintenance. The entire parcel shall be kept clean and free of all litter, debris, and refuse.
5. Landscaping. All landscaped areas shall be maintained so as to remain in a healthy, thriving and weed free condition. Any dead or unhealthy plants shall be replaced with a

similar species.

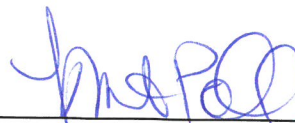
Standard Conditions:

6. Other Agency Requirements. The developer shall comply with all the requirements of the Community Development Department (including the Planning, Engineering and Building Divisions), Contra Costa County Fire Protection District, Delta Diablo Sanitation 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.
7. 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 conflict between the Standard Conditions of Development and the specific conditions of approval specified in this resolution, the specific conditions of this resolution shall govern.
8. Indemnification. Developer 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 developer's sole cost and expense. Developer may select its own legal counsel to represent developer's interests at developer's sole cost and expense. Developer 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.
9. Expiration of Approval. This design review approval will expire on January 16, 2020, unless a building permit has been issued or a written request for an extension is filed with the Planning Division prior to the expiration date and is subsequently approved by the Zoning Administrator.

Section 4. Effective Date

This resolution shall take effect immediately upon adoption of this resolution.

The foregoing resolution was passed and adopted the 16th day of January 2019, by the Zoning Administrator of the City of Pittsburg, California.



KRISTIN POLLOT, AICP
ZONING ADMINSTRATOR

STANDARD CONDITIONS OF DEVELOPMENT
(Planning Commission Resolution No. 8931)

All projects approved by the Planning Commission must meet the following standard conditions unless specifically exempted by the Commission or Council.

A. Project Site.

1. The applicant shall comply with all regulations and code requirements of the Building Division, Engineering Division, Contra Costa Fire Protection District, the Police Department and any other agencies requiring review of the project. If required, these agencies shall be supplied copies of the final building and site plans.
2. Developer shall provide written notification to adjacent property owners for any drainage work required to collect or convey storm water runoff, which may or will affect their properties.
3. During construction water trucks or sprinkler systems are to be used in sufficient quantities to prevent dust from leaving the site during any earthmoving and/or construction activities. Nonpotable water shall be used from a source approved by the City Engineer. (Title 15 of PMC)
4. Continuous 6" high Portland Concrete Cement curbing shall be provided between all driveways and landscaped areas as indicated in the City of Pittsburg Standard Details. In addition to above, curbing between length of parking space and landscaped area shall include a 12" wide "Courtesy Curb."
5. CC&R's (Covenants, Conditions and Restrictions) for the project shall contain appropriate provisions for joint maintenance of any infrastructure, roadways, utilities, landscaping and irrigation as determined necessary by the City Engineer.
6. Developer shall submit a study addressing on and off-site storm water and sewer system capabilities. If the study indicates that the present system is inadequate, the developer must provide plans and install any additional storm water and sanitary and sanitary sewer facilities including off-site improvements to correct storm water runoff and sanitary sewer demands anticipated for upstream buildout in accordance with the Pittsburg General Plan.
7. Environmental and engineering studies, as directed by the Planning and Building Director, must be complete and on file prior to commencement to plan checking. Developer shall install off-street improvements determined necessary by the City Engineer to provide safe traffic conditions.
8. Developer shall underground existing and required on and off-site utilities as specified in Chapter 17 of the Municipal Code or as deemed necessary by the City Engineer.
9. All site development shall comply with title 12 (Streets, Sidewalks and Utilities), Title 13 (Water and Sewers) and Chapter 15.88 (Grading, Erosion and Sediment Control) of the Pittsburg Municipal Code as determined by the City Engineer. Issuance of a site development permit will be required whereby specific engineering requirements will be made as conditions of approval of that permit.
10. The CC&R's shall restrict the storage of recreational vehicles on this site or parcels unless they are the principle source of transportation for the

owner and prohibit parking on the public street for long than 72 hours.

11. All retaining wall adjacent to public right-of-ways shall be provided with decorative treatment, subject to approval by the Planning Division.

12. The design of any masonry soundwall shall be approved by the Planning and Building Department. It shall match or harmonize with existing soundwalls of neighboring projects along that street.

B. Architecture.

1. All mechanical, irrigation, ground and/or roof mounted equipment shall be architecturally screened from view from all public right-of-ways prior to issuance of certificate of occupancy.

2. All trash enclosures shall be constructed of masonry material with self-enclosing doors and have a second access. The enclosure shall have materials and colors consistent with the primary building.

3. All vents, gutters, downspouts, flashing electrical conduits, etc., shall be painted or finished to match the color of the adjacent surface unless otherwise directed by the Planning Commission.

4. Soffits and other architectural elements visible from view but not detailed on the plans shall be finished in a material in harmony with the exterior of the building.

5. Finish quality of exterior design elements including, but not limited to, building façades and landscaping shall be subject to approval of the Planning Division prior to issuance of Certificate of Occupancy.

C. Landscaping.

1. Specific landscaping for screening shall have an appearance of mature growth subject to a field check and approval by the Planning Division prior to Certificate of Occupancy.

2. The area under the drip line of all existing trees, which are to be saved, shall be fenced during construction. Grading shall be restricted under them to prevent soil compaction around the trees and to protect them from damage.

3. An existing tree inventory shall be created and included on the site plan for all new projects prior to approval of grading plan.

4. All slope banks in excess of five (5) feet in vertical height and 2:1 or greater slope shall be landscaped and irrigated for erosion control and to soften their appearance as follows: one 15-gallon or larger size tree per each 150 sq. ft. of slope area, one 1-gallon or larger size shrub per each 100 sq. ft. of slope area, and appropriate ground cover 12-24 inches on-center. In addition, slope banks in excess of eight (8) feet in vertical height and 2:1 or greater slope also include one 5-gallon or larger size tree per each 250 sq. ft. of slope area. Trees and shrubs shall be planted in staggered clusters to soften and vary slope plane. Slope planting required by this condition shall include a permanent irrigation system to be installed by the developer prior to occupancy.

5. All planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning of debris and trash, fertilizing and regular watering. Whenever necessary, planting shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements. Required

irrigation systems shall be fully maintained in sound operating condition with heads periodically cleaned and replaced when missing to insure continued regular watering of landscape areas, and health and vitality of landscape materials.

D. General Requirements

1. Final inspection for occupancy permits will not be granted until all construction and landscaping is complete in accordance with approved plans.
2. 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, or any aspect of the City's consideration of applicant's project. The applicant recognizes and agrees that applicant's voluntary commitment to meet the obligations described in this condition is an integral factor in the City's approval of this project. The intent of this condition is to require the applicant to bear the cost of any and all litigation instituted to overturn or in any way modify the City's approval of this project. Such costs include without limitation, any award of attorney's fees and costs to a prevailing plaintiff or petitioner. 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, it 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 applicant approves the settlement.
3. It is required by State Law (Business and Professional Code Section No. 5537 & 5538 and Section 302(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.
4. The applicant shall submit a complete area water pressure availability study for all phases of the Project prior to issuance of any development permits. If the study indicates that the present system is inadequate, the Applicant must provide plans, which will demonstrate any remedial action necessary to abate the deficiency and shall take all necessary actions at the applicant's expense.
5. This use permit may be recalled to the Planning Commission for review at any time due to complaints regarding lack of compliance with conditions of approval, traffic congestion, noise generation, or other adverse operating characteristics. At such time, the Commission may revoke the use permit or add/modify conditions approval.
6. It is the responsibility of the applicant or developer to check with each agency for requirements that may pertain to their project.
7. All signs shall be submitted to the Planning Division for design review per Title 19 of the Pittsburg Municipal Code.
8. All landscape areas shall be maintained in a healthy, thriving and weed free condition.

9. The site shall be maintained in a neat and clean manner free of trash and debris.

10. All outdoor mechanical equipment, satellite dishes, fire main and all rooftop equipment shall be fully visually screened upon installation subject to the approval of the Planning Division. Screening devices shall be shown on construction and/or landscape plans.

11. All exterior light fixtures shall be shown on plans subject to staff review and approval. All lights attached to buildings shall provide a soft "wash" of light against the wall. All building and parking or yard lights shall conform to City Parking Standards 18.78.050 (F) and Performance Standards 18.82.030 (B) and shall compliment the site and building architecture.

12. Prior to occupancy, the developer shall supply the City with an ACAD computer disk file showing plans that reflect the project as it was build (As-Built) at the discretion of the Planning and Building Director.

E. Standard Conditions of Approval
Requiring Minimum Construction Site
Management Practices

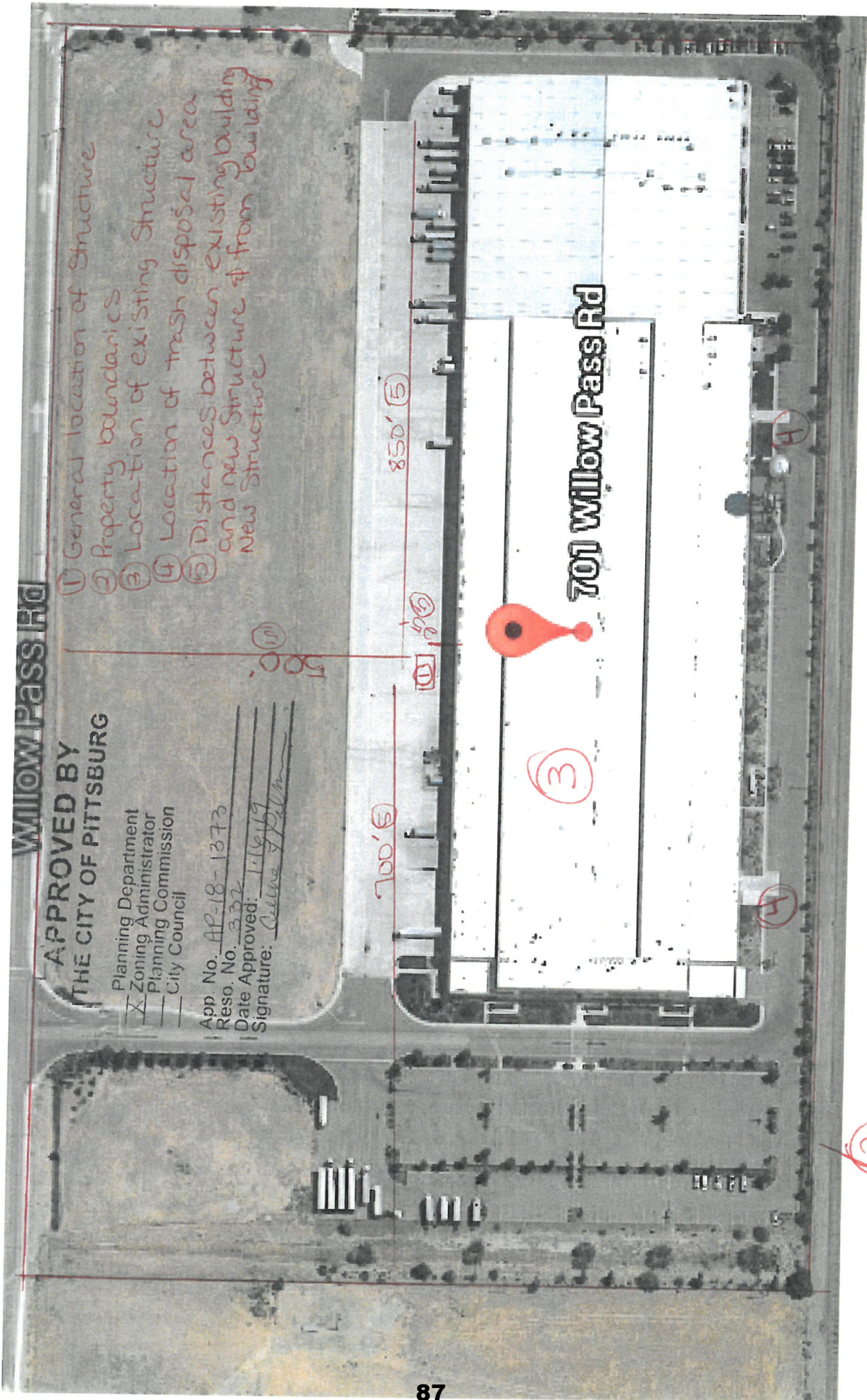
1. (Projects involving land disturbances of less than five (5) acres) – During construction activities, the project sponsor shall reduce or prevent to the maximum extent practicable the direct or indirect discharge of any pollutant into the storm drain system utilizing best management practices contained in the California Storm Water Best Management Practices Handbook for Construction Activities. Construction activities include, but are not limited to: watering operations; roadwork and paving operations; concrete and painting; structure construction and painting; construction material storage and

handling; construction waste/debris storage and disposal; and, construction equipment/vehicle cleaning, maintenance and fueling operations. The project sponsor is also responsible for training all contractors and subcontractors on the best management practices which are identified in the California Storm Water Best Management Practices Handbook for Construction Activities which will be available at the pre-construct meeting of the project.

or

2. (Projects involving land disturbances of five (5) acres or more) – Prior to commencement of any site work that will result in a land disturbance of five acres or more, the project sponsor shall submit to the City a copy of the Notice of Intent (NOI) sent the State Water Resources Control Board and the Stormwater Pollution Prevention Plan (SWPPP) prepared for the project, as required by the State's General Construction Activity Permit.

3. All storm drains, which serve the site, shall be protected from spills and soil runoff (from unpaved parking areas). The applicant may use "Any Source Control" BMP (Best Management Practice) as listed in the California Storm Water Best Management Practice Handbook for storm water run-off for commercial and industrial sites. Storm drains will be inspected periodically. Questions may be referred to City NPDES Coordinator, at 252-4920.



APPROVED BY
THE CITY OF PITTSBURGH

Planning Department
☒ Zoning Administrator
Planning Commission
City Council

App. No. AP-18-1373

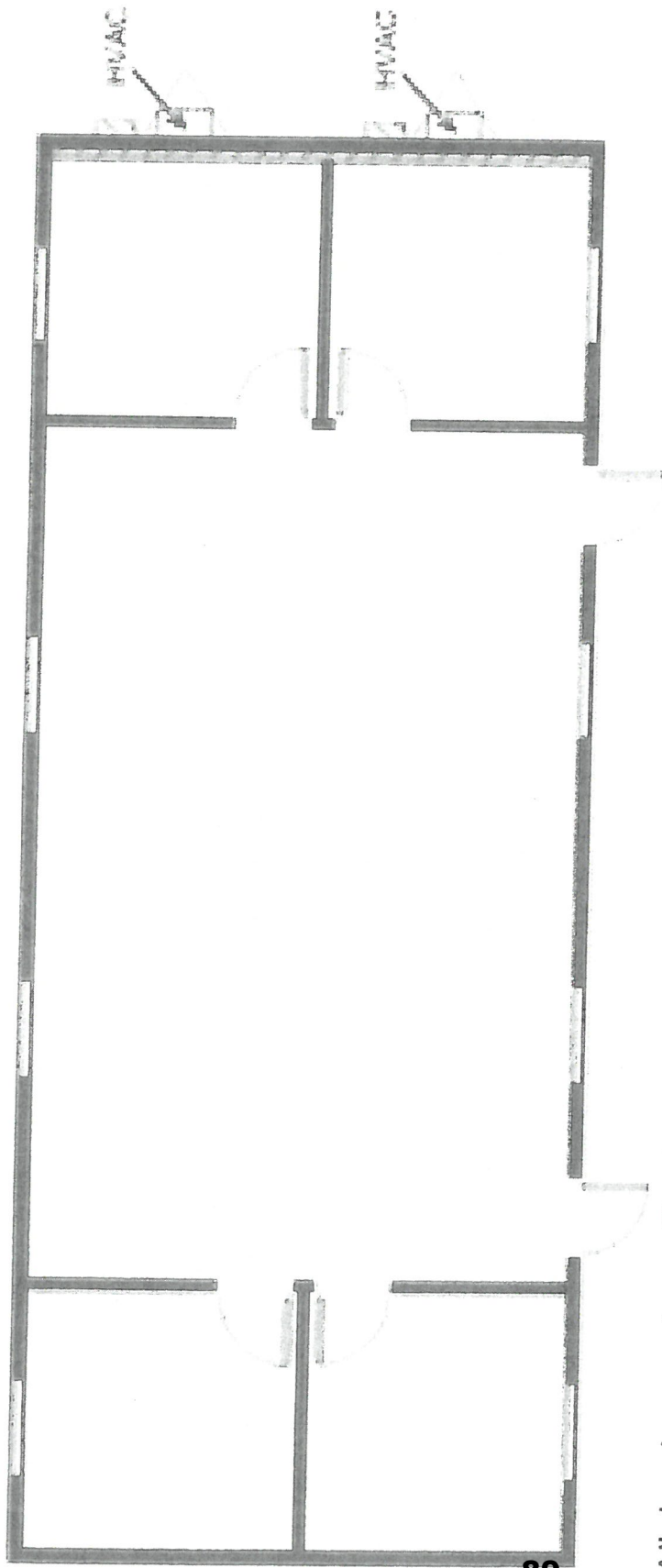
Reso. No. 332

Date Approved: 1-16-19

Signature: *Delia F. Allen*



Office, 24x60 HCD (Item 1274)



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All drawings and specifications are nominal.

APPROVED BY
THE CITY OF PITTSBURG

- ☐ Planning Department
- ☒ Zoning Administrator
- ☐ Planning Commission
- ☐ City Council

App. No. 48-18-1373

Reso. No. 332

Date Approved: 1-16-19

Signature: *Debra J. Palmer*



City of Pittsburg

Community Development Department – Planning Division

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

Date: January 16, 2019

SUBJECT: ZA RESOLUTION NO. 333

Dear Applicant,

Enclosed is a copy of the resolution adopted by the Zoning Administrator. A copy of our Standard Conditions of Development is also included. Please read the enclosed documents and retain them for your files. All conditions of approval shall be incorporated into subsequent plan submittals and construction documents, where appropriate.

The enclosed resolution is valid for a limited period of time as specified in the resolution. Please make a note of the applicable expiration date and plan your construction timeline accordingly to avoid the loss of your entitlements.

If you have any questions about the enclosed resolution, please contact the Planning Division at the number listed above.

Sincerely,

Kristin Pollot, AICP
Planning Manager

Enclosures: (2) Resolution No. 333
Standard Conditions of Development

BEFORE THE ZONING ADMINISTRATOR OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Granting Administrative Design)
Review Approval for the Placement of a)
440 Square Foot Mobile Office Trailer at)
707 East 3rd Street, for "APS Mobile Office)
Trailer, AP-18-1386 (AD)."

Resolution No. 333

The Zoning Administrator DOES RESOLVE as follows:

Section 1. Background

- A. On November 14, 2018, Joe Ray, on behalf of Koch Carbon LLC, filed Planning Application No. 18-1386 requesting administrative design review approval to install a 440 square-foot ancillary structure, to be used as an office building. The project site is located at 707 East 3rd Street, in the IG (General Industrial) District. Assessor's Parcel Number: 073-020-002.
- B. The proposed project is governed by the policies and development standards in the Pittsburg General Plan, Pittsburg Municipal Code (PMC) Title 18 ("Zoning"), and the City of Pittsburg Development Review Design Guidelines (DRDGs; Planning Commission Resolution No. 9864).
- C. On September 25, 2012, the Planning Commission adopted Resolution No. 9918, delegating certain types of design review projects to the Zoning Administrator. Design review of this project is delegated to the Zoning Administrator under Category 8, "Ancillary Structures," of Planning Commission Resolution No. 9918.
- D. On December 11, 2018, a Notice of Intent to exercise staff delegated authority for this project was included on the Planning Commission agenda.
- E. The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 11, "Accessory Structures," of the state CEQA Guidelines, sections 15311.

Section 2. Findings

- A. 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 evidence presented to the Zoning Administrator on January 16, 2019, the Zoning Administrator finds that:
 - 1. All recitals above are true and correct and are incorporated herein by reference.
 - 2. The structure will conform with good taste, good design and in general will not detract from the character and image of the City as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality, in that the

office trailer's utilitarian design is appropriate for the area's industrial character.

3. The structure will be protected against exterior and interior noise, vibrations and other factors that may tend to make the environment less desirable, in that the project will be required to comply with all applicable building and fire codes.
4. The exterior design and appearance of the proposed structure will not be of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value, if the proposed structure is painted green to match the existing industrial buildings on site. Additionally, visual impacts to surrounding uses would be minimal or non-existent due to the proposed structure being setback more than 300 feet from the nearest right-of-way, and more than 2,300 feet from the nearest residence.
5. The project is in harmony with proposed developments on land in the general area, in that and there are no proposed developments near the office trailer's vicinity.
6. The structure will be in conformance with the City's adopted DRDG's sections IV.p and IV.m, if the proposed structure is painted green to match the existing industrial buildings on site, and all downspouts or other appurtenances are painted to match the surface to which they are mounted.

Section 3. Decision

Based on the findings set forth above, the Zoning Administrator hereby grants design review approval for Planning Application No. 18-1386, subject to the following conditions:

1. **Conformity with Project Plans.** The project shall be carried out in substantial conformity with the project plans and sample elevations, date-stamped November 14, 2018, attached as Exhibit A to this resolution, except as may be hereinafter modified. Any major changes to the project plans shall be subject to review and approval by the Zoning Administrator.
2. **Exterior Color.** The trailer's exterior, including any attached mechanical equipment shall be painted green to match with the existing industrial structures at the site.
3. **Exterior Color.** All gutters, downspouts, flashing vents, utility equipment, and similar items shall be painted to match the building exterior to which they are directly attached.
4. **Skirting:** Skirting shall be installed along the trailer's base perimeter to screen any unsightly elements.
5. **Exterior Appearance.** The exterior of the structure shall be maintained in a good state of repair and the exterior finish must be clean and well maintained.
6. **Site Maintenance.** The entire parcel shall be kept clean and free of all litter, debris, and refuse.

Standard Conditions:

7. Other Agency Requirements. The developer shall comply with all the requirements of the Community Development Department (including the Planning, Engineering and Building Divisions), Contra Costa County Fire Protection District, Delta Diablo Sanitation 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.
8. 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 conflict between the Standard Conditions of Development and the specific conditions of approval specified in this resolution, the specific conditions of this resolution shall govern.
9. Indemnification. Developer 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 developer's sole cost and expense. Developer may select its own legal counsel to represent developer's interests at developer's sole cost and expense. Developer 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.
10. Expiration of Approval. This design review approval will expire on January 16, 2020, unless a building permit has been issued or written request for an extension is filed with the Planning Division prior to the expiration date and is subsequently approved by the Zoning Administrator.

Section 4. Effective Date

This resolution shall take effect immediately upon adoption of this resolution.

The foregoing resolution was passed and adopted the 16th day of January 2019, by the Zoning Administrator of the City of Pittsburg, California.



KRISTIN POLLOT, AICP
ZONING ADMINSTRATOR

STANDARD CONDITIONS OF DEVELOPMENT

(Planning Commission Resolution No. 8931)

All projects approved by the Planning Commission must meet the following standard conditions unless specifically exempted by the Commission or Council.

A. Project Site.

1. The applicant shall comply with all regulations and code requirements of the Building Division, Engineering Division, Contra Costa Fire Protection District, the Police Department and any other agencies requiring review of the project. If required, these agencies shall be supplied copies of the final building and site plans.
2. Developer shall provide written notification to adjacent property owners for any drainage work required to collect or convey storm water runoff, which may or will affect their properties.
3. During construction water trucks or sprinkler systems are to be used in sufficient quantities to prevent dust from leaving the site during any earthmoving and/or construction activities. Nonpotable water shall be used from a source approved by the City Engineer. (Title 15 of PMC)
4. Continuous 6" high Portland Concrete Cement curbing shall be provided between all driveways and landscaped areas as indicated in the City of Pittsburg Standard Details. In addition to above, curbing between length of parking space and landscaped area shall include a 12" wide "Courtesy Curb."
5. CC&R's (Covenants, Conditions and Restrictions) for the project shall contain appropriate provisions for joint maintenance of any infrastructure, roadways, utilities, landscaping and irrigation as determined necessary by the City Engineer.
6. Developer shall submit a study addressing on and off-site storm water and sewer system capabilities. If the study indicates that the present system is inadequate, the developer must provide plans and install any additional storm water and sanitary and sanitary sewer facilities including off-site improvements to correct storm water runoff and sanitary sewer demands anticipated for upstream buildout in accordance with the Pittsburg General Plan.
7. Environmental and engineering studies, as directed by the Planning and Building Director, must be complete and on file prior to commencement to plan checking. Developer shall install off-street improvements determined necessary by the City Engineer to provide safe traffic conditions.
8. Developer shall underground existing and required on and off-site utilities as specified in Chapter 17 of the Municipal Code or as deemed necessary by the City Engineer.
9. All site development shall comply with title 12 (Streets, Sidewalks and Utilities), Title 13 (Water and Sewers) and Chapter 15.88 (Grading, Erosion and Sediment Control) of the Pittsburg Municipal Code as determined by the City Engineer. Issuance of a site development permit will be required whereby specific engineering requirements will be made as conditions of approval of that permit.
10. The CC&R's shall restrict the storage of recreational vehicles on this site or parcels unless they are the principle source of transportation for the

owner and prohibit parking on the public street for long than 72 hours.

11. All retaining wall adjacent to public right-of-ways shall be provided with decorative treatment, subject to approval by the Planning Division.

12. The design of any masonry soundwall shall be approved by the Planning and Building Department. It shall match or harmonize with existing soundwalls of neighboring projects along that street.

B. Architecture.

1. All mechanical, irrigation, ground and/or roof mounted equipment shall be architecturally screened from view from all public right-of-ways prior to issuance of certificate of occupancy.

2. All trash enclosures shall be constructed of masonry material with self-enclosing doors and have a second access. The enclosure shall have materials and colors consistent with the primary building.

3. All vents, gutters, downspouts, flashing electrical conduits, etc., shall be painted or finished to match the color of the adjacent surface unless otherwise directed by the Planning Commission.

4. Soffits and other architectural elements visible from view but not detailed on the plans shall be finished in a material in harmony with the exterior of the building.

5. Finish quality of exterior design elements including, but not limited to, building façades and landscaping shall be subject to approval of the Planning Division prior to issuance of Certificate of Occupancy.

C. Landscaping.

1. Specific landscaping for screening shall have an appearance of mature growth subject to a field check and approval by the Planning Division prior to Certificate of Occupancy.

2. The area under the drip line of all existing trees, which are to be saved, shall be fenced during construction. Grading shall be restricted under them to prevent soil compaction around the trees and to protect them from damage.

3. An existing tree inventory shall be created and included on the site plan for all new projects prior to approval of grading plan.

4. All slope banks in excess of five (5) feet in vertical height and 2:1 or greater slope shall be landscaped and irrigated for erosion control and to soften their appearance as follows: one 15-gallon or larger size tree per each 150 sq. ft. of slope area, one 1-gallon or larger size shrub per each 100 sq. ft. of slope area, and appropriate ground cover 12-24 inches on-center. In addition, slope banks in excess of eight (8) feet in vertical height and 2:1 or greater slope also include one 5-gallon or larger size tree per each 250 sq. ft. of slope area. Trees and shrubs shall be planted in staggered clusters to soften and vary slope plane. Slope planting required by this condition shall include a permanent irrigation system to be installed by the developer prior to occupancy.

5. All planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning of debris and trash, fertilizing and regular watering. Whenever necessary, planting shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements. Required

irrigation systems shall be fully maintained in sound operating condition with heads periodically cleaned and replaced when missing to insure continued regular watering of landscape areas, and health and vitality of landscape materials.

D. General Requirements

1. Final inspection for occupancy permits will not be granted until all construction and landscaping is complete in accordance with approved plans.
2. 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, or any aspect of the City's consideration of applicant's project. The applicant recognizes and agrees that applicant's voluntary commitment to meet the obligations described in this condition is an integral factor in the City's approval of this project. The intent of this condition is to require the applicant to bear the cost of any and all litigation instituted to overturn or in any way modify the City's approval of this project. Such costs include without limitation, any award of attorney's fees and costs to a prevailing plaintiff or petitioner. 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 applicant approves the settlement.
3. It is required by State Law (Business and Professional Code Section No. 5537 & 5538 and Section 302(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.
4. The applicant shall submit a complete area water pressure availability study for all phases of the Project prior to issuance of any development permits. If the study indicates that the present system is inadequate, the Applicant must provide plans, which will demonstrate any remedial action necessary to abate the deficiency and shall take all necessary actions at the applicant's expense.
5. This use permit may be recalled to the Planning Commission for review at any time due to complaints regarding lack of compliance with conditions of approval, traffic congestion, noise generation, or other adverse operating characteristics. At such time, the Commission may revoke the use permit or add/modify conditions approval.
6. It is the responsibility of the applicant or developer to check with each agency for requirements that may pertain to their project.
7. All signs shall be submitted to the Planning Division for design review per Title 19 of the Pittsburg Municipal Code.
8. All landscape areas shall be maintained in a healthy, thriving and weed free condition.

9. The site shall be maintained in a neat and clean manner free of trash and debris.

10. All outdoor mechanical equipment, satellite dishes, fire main and all rooftop equipment shall be fully visually screened upon installation subject to the approval of the Planning Division. Screening devices shall be shown on construction and/or landscape plans.

11. All exterior light fixtures shall be shown on plans subject to staff review and approval. All lights attached to buildings shall provide a soft "wash" of light against the wall. All building and parking or yard lights shall conform to City Parking Standards 18.78.050 (F) and Performance Standards 18.82.030 (B) and shall compliment the site and building architecture.

12. Prior to occupancy, the developer shall supply the City with an ACAD computer disk file showing plans that reflect the project as it was build (As-Built) at the discretion of the Planning and Building Director.

E. Standard Conditions of Approval
Requiring Minimum Construction Site
Management Practices

1. (Projects involving land disturbances of less than five (5) acres) – During construction activities, the project sponsor shall reduce or prevent to the maximum extent practicable the direct or indirect discharge of any pollutant into the storm drain system utilizing best management practices contained in the California Storm Water Best Management Practices Handbook for Construction Activities. Construction activities include, but are not limited to: watering operations; roadwork and paving operations; concrete and painting; structure construction and painting; construction material storage and

handling; construction waste/debris storage and disposal; and, construction equipment/vehicle cleaning, maintenance and fueling operations. The project sponsor is also responsible for training all contractors and subcontractors on the best management practices which are identified in the California Storm Water Best Management Practices Handbook for Construction Activities which will be available at the pre-construct meeting of the project.

or

2. (Projects involving land disturbances of five (5) acres or more) – Prior to commencement of any site work that will result in a land disturbance of five acres or more, the project sponsor shall submit to the City a copy of the Notice of Intent (NOI) sent the State Water Resources Control Board and the Stormwater Pollution Prevention Plan (SWPPP) prepared for the project, as required by the State's General Construction Activity Permit.

3. All storm drains, which serve the site, shall be protected from spills and soil runoff (from unpaved parking areas). The applicant may use "Any Source Control" BMP (Best Management Practice) as listed in the California Storm Water Best Management Practice Handbook for storm water run-off for commercial and industrial sites. Storm drains will be inspected periodically. Questions may be referred to City NPDES Coordinator, at 252-4920.

PROJECT: **B.A.B.T. APS OFFICE TRAILER** PITTSBURG, CALIFORNIA

TERMINAL OWNER:

KOCH CARBON LLC.
 4111 EAST 37TH STREET NORTH
 WICHITA, KANSAS 67220

PROPERTY OWNER:

ISLE CAPITAL CORPORATION
 1460 WASHINGTON BLVD, SUITE B102
 CONCORD, CA 94521

PROJECT ENGINEER:

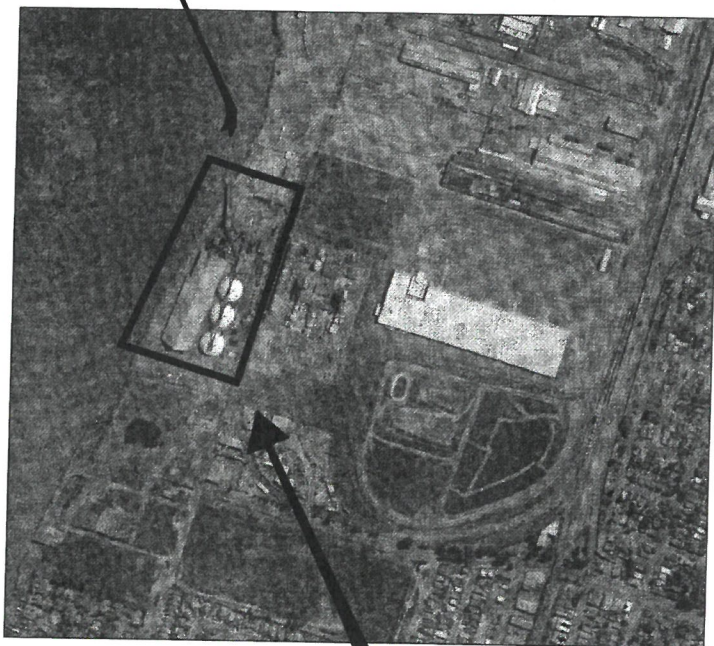
SMITH MONROE GRAY ENGINEERS INC.
 8625 SW CASCADE AVE., SUITE 600
 BEAVERTON, OR 97008
 PHONE: (503) 643-8595 FAX: (503) 643-8610

PROJECT SCOPE:
 FOUNDATION AND TIE-DOWN
 FOR A PRE-MANUFACTURED
 OFFICE TRAILER.

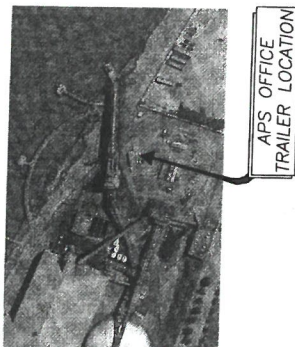
APPROVED BY
 THE CITY OF PITTSBURG

Planning Department
 X Zoning Administrator
 Planning Commission
 City Council

App. No. AP-18-1380
 Reso. No. 333
 Date Approved: 7/1/19
 Signature: Christina Palmer



PROJECT LOCATION



APS OFFICE TRAILER LOCATION

DRAWING NO.	DESCRIPTION
18-271A-00	COVER SHEET
18-271A-01	TRAILER PLAN
18-271A-02	FOUNDATION AND ELEVATIONS
18-271A-03	TRAILER ELEVATIONS
18-271A-04	TRAILER ELEVATIONS AND BRACING OPTION 1
18-271A-05	TRAILER ELEVATIONS AND BRACING OPTION 2
18-271A-06	NOTES & DETAILS

PROJECT LOCATION
 BAY AREA BULK TERMINAL (B.A.B.T.)
 707 E. 3rd ST.
 PITTSBURG, CALIFORNIA 94565

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Smith Monroe Gray
 ENGINEERS, INC.
 Phone: 925.843.8595

KOCH CARBON LLC

KOCH CARBON LLC
 B.A.B.T. - PITTSBURG, CA
 APS OFFICE TRAILER

CORNER SHEET

18-271A-00

0

PRE-MANUFACTURED OFFICE TRAILER FOR PERMANENT USE. OFFICE WILL BE USED BY OPERATIONS PERSONNEL FOR MEETINGS, TRAINING, AND DAILY WORK. OFFICE TRAILER SIDING IS TAN IN COLOR WITH BURGUNDY TRIM AND IS VISIBLE FROM THE STREET. THERE IS NO NEW LANDSCAPING INCLUDED IN THIS PROJECT.



- Planning Department
- Zoning Administrator
- Planning Commission
- City Council

Date Approved: 1-11-16
Signature: Colina F.

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Signature: Cellina + 1 rem

GENERAL NOTES & SPECIFICATIONS

1. CONSTRUCTION TYPE: B
2. FOUNDATION: 18" CONCRETE
3. NON-SPRINKLED
4. OCCUPANT LOAD: 100
5. BASE:
ACTUAL = 15"
MAX. = 23.000 5"
6. OFFICE TRAILER:
ACTUAL = 3"
MAX. HEIGHT = 45"
MAX. LENGTH OF STORIES = 3
WHEELS = 4
MAX. = 4.00 5"
7. DEF. ACCESS TRAILER = 72"
STORIES = 1
ACTUAL = 40"

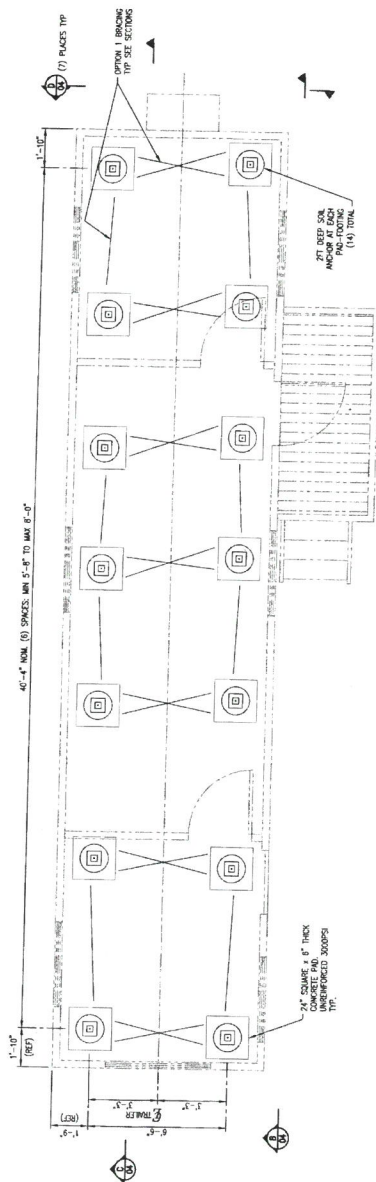


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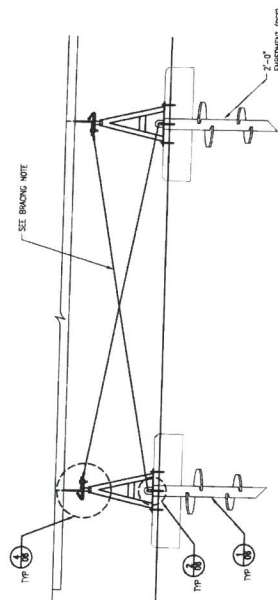


Planning Department
☒ Zoning Administrator
 Planning Commission
 City Council

App. No. AP-18-1386
 Reso. No. 333
 Date Approved: 1/16/19
 Signature: Celine



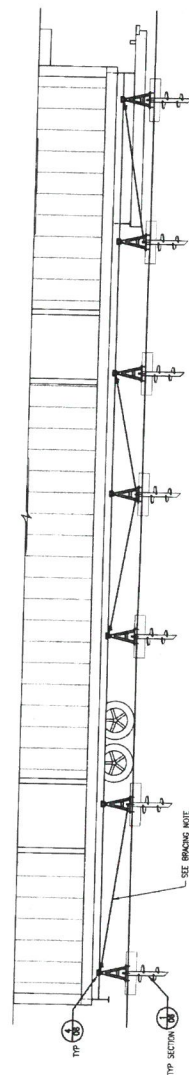
A
 04
 3/8" = 1'-0"
 APS OFFICE TRAILER -- PAD FOOTINGS -- PLAN VIEW
 (SHOWING BRACING LAYOUT -- OPTION 1)



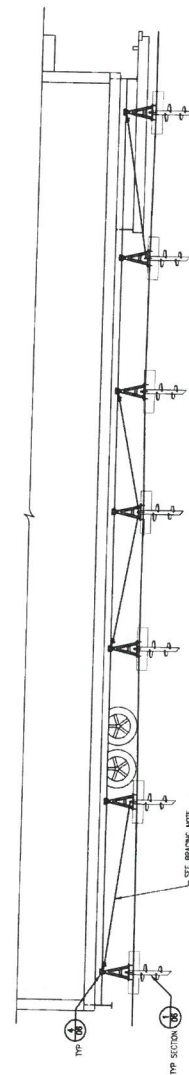
04 PIER CROSS-BRACING 1'-1'-0" (7) PLACES TYP

BRACING NOTES

- PROVIDE EITHER:
- 1 1/4" x 16GA (MIN) SOLID STRAP BRACE
 - 1 1/2" x 16GA (MIN) PERFORATED STRAP BRACE
 - 1/4" WIRE ROPE WITH (3) END CLIPS
 - 3/8" TE ROD WITH THREADED ENDS
 - WITH END CONNECTION HARDWARE RATED AT 1800LB MIN
 - ATTACH ONE END TO THE JACK CAP PLATE VIA 1/2" BOLT (MIN)
 - ATTACH THE OTHER END TO THE ANCHOR CAP PLATE VIA 1800LB RATED CONNECTOR
- WHERE ALL SUPPORT COMPONENTS AND HARDWARE ARE DESIGNED/
CERTIFIED BY OTHERS



04 SUPPORT PIER - SOUTH SIDE BRACING
3/8" = 1'-0"



04 SUPPORT PIER - NORTH SIDE BRACING

THE DRAWING INCLUDING THE PROPRIETARY DESIGN OR DESIGN INFORMATION OF SAATCHI & SAATCHI OR ANY OTHER PARTY, OR THE DESIGN OR DESIGN INFORMATION OF SAATCHI & SAATCHI OR ANY OTHER PARTY, IS THE PROPERTY OF SAATCHI & SAATCHI. THE DESIGN OR DESIGN INFORMATION OF SAATCHI & SAATCHI OR ANY OTHER PARTY, IS THE PROPERTY OF SAATCHI & SAATCHI. THE DESIGN OR DESIGN INFORMATION OF SAATCHI & SAATCHI OR ANY OTHER PARTY, IS THE PROPERTY OF SAATCHI & SAATCHI.

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 Smith Monroe Gray ENGINEERS, INC. Phone: 503.643.8595	DATE	10/31/18
	DRAWN BY J. LUMA	

KOCH
KOCH CARBON LLC

KOCH CARBON LLC
BABL - PITTSBURG, CA
APS OFFICE TRAILER

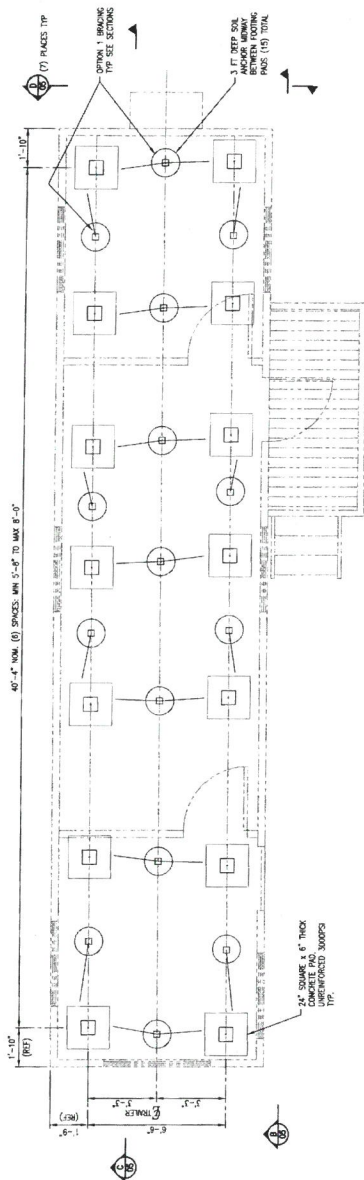
PAD FOOTING & BRACING OPTION 1



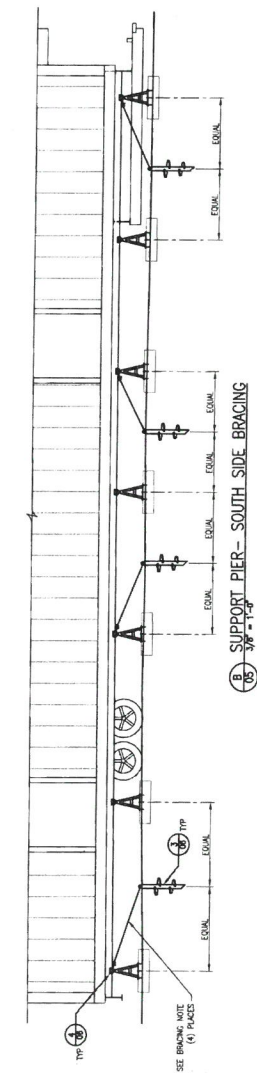
APPROVED BY
THE CITY OF PITTSBURGH

Planning Department
X Zoning Administrator
Planning Commission
City Council

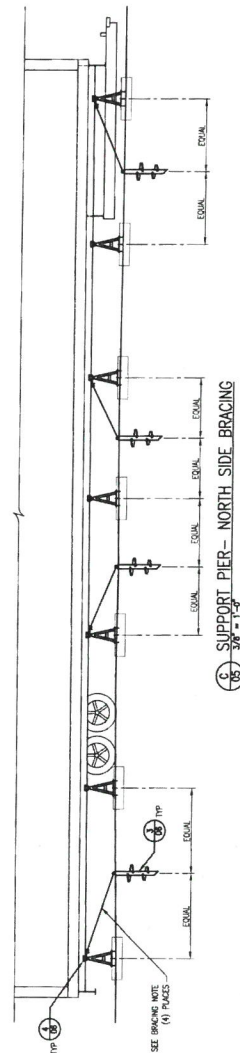
App. No. AP-18-1384
Reso. No. 333
Date Approved: 1.16.19
Signature: Julia P. P.



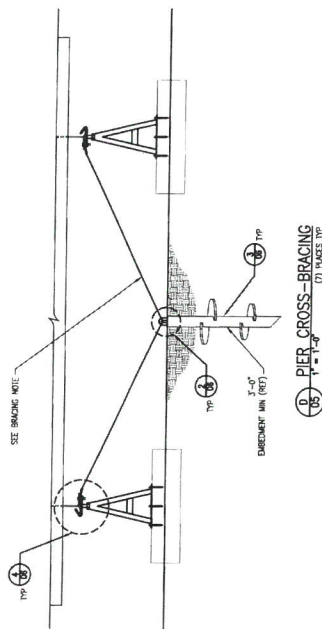
1 APS OFFICE TRAILER - PAD FOOTINGS - PLAN VIEW
SCALE: 1/8" = 1'-0"



2 SUPPORT PIER - SOUTH SIDE BRACING
SCALE: 1/8" = 1'-0"



3 SUPPORT PIER - NORTH SIDE BRACING
SCALE: 1/8" = 1'-0"



4 PIER CROSS-BRACING
SCALE: 1/8" = 1'-0"

BRACING NOTES

- 1. 1 1/2" x 10GA (MIN) SOLID STEEL BRACE
- 2. 1 1/2" x 10GA (MIN) PERFORATED STEEL BRACE
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- 100. 1 1/2" x 10GA (MIN) PERFORATED STEEL BRACE

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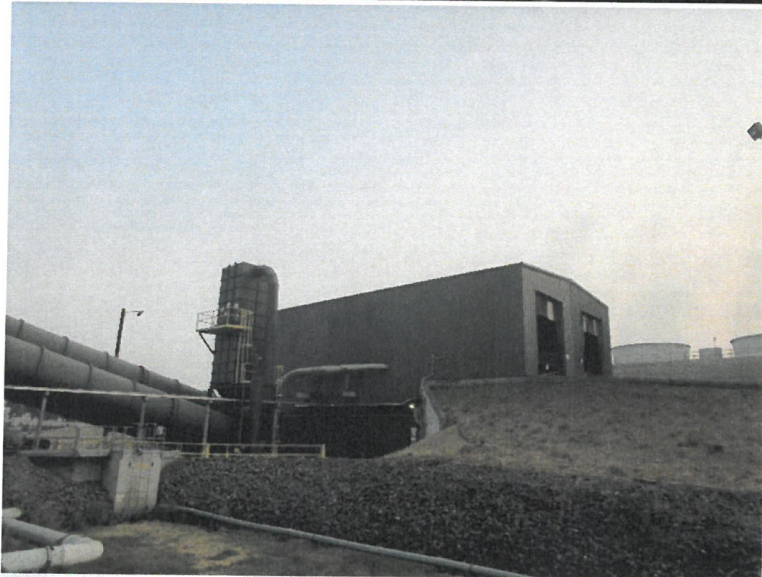
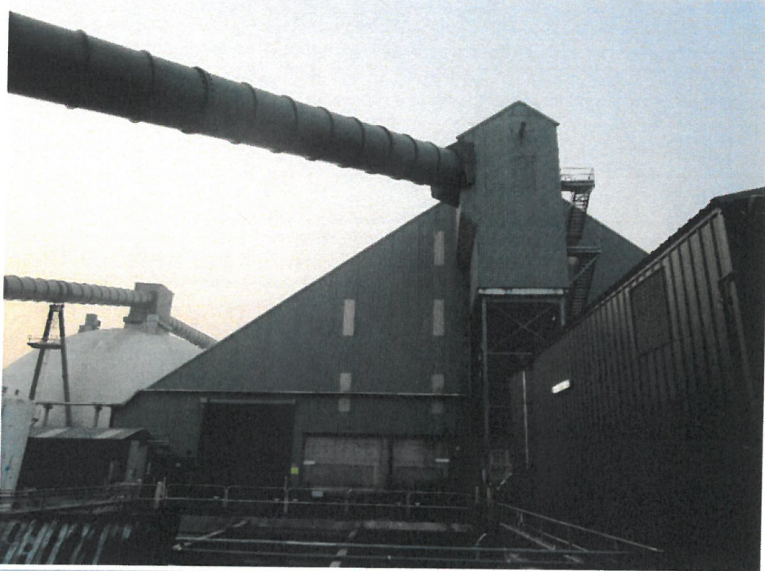


SMITH MONROE GRAY
ENGINEERS, INC.
Phone: 503.843.8595
J. L. LAM
10/23/18
11/1/18
ML-5
DATE

KOCH
Koch Carbon LLC
11/1/18
ML-5
DATE

KOCH CARBON LLC
BART - PITTSBURGH, PA
APS OFFICE TRAILER
PAD FOOTING & BRACING OPTION 2
18-271A-05
REV 0

Photos of existing buildings on site:



**APPROVED BY
THE CITY OF PITTSBURG**

☐ Planning Department
☒ Zoning Administrator
☐ Planning Commission
☐ City Council

App. No. AP-18-1386
Reso. No. 333
Date Approved: 1.16.19
Signature: Helena F. Palmer



City of Pittsburg

Community Development Department – Planning Division

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

Date: January 16, 2019

SUBJECT: ZA RESOLUTION NO. 334

Dear Applicant,

Enclosed is a copy of the resolution adopted by the Zoning Administrator. A copy of our Standard Conditions of Development is also included. Please read the enclosed documents and retain them for your files. All conditions of approval shall be incorporated into subsequent plan submittals and construction documents, where appropriate.

The enclosed resolution is valid for a limited period of time as specified in the resolution. Please make a note of the applicable expiration date and plan your construction timeline accordingly to avoid the loss of your entitlements.

If you have any questions about the enclosed resolution, please contact the Planning Division at the number listed above.

Sincerely,

Kristin Pollot, AICP
Planning Manager

Enclosures: (2) Resolution No. 334
Standard Conditions of Development

BEFORE THE ZONING ADMINISTRATOR OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Granting Administrative Design)
Review Approval to Install a 160 Square)
Foot Storage Container at 65 Civic)
Avenue, for "Pittsburg Police Storage)
Container, AP-18-1392 (AD)."

Resolution No. 334

The Zoning Administrator DOES RESOLVE as follows:

Section 1. Background

- A. On December 5, 2018, Captain Steve Albanese, on behalf of the City of Pittsburg Police Department, filed Planning Application No. 18-1392 requesting administrative design review approval to place a 160 square-foot storage container, located within an enclosed area, at 65 Civic Avenue, in the PD-1319 (Planned Development, City Council Ordinance No. 09-1319) District. Assessor's Parcel Number: 086-100-036.
- B. The proposed project is governed by the policies and development standards in the Pittsburg General Plan, Pittsburg Municipal Code (PMC) Title 18 ("Zoning"), and the City of Pittsburg Development Review Design Guidelines (DRDGs; Planning Commission Resolution No. 9864).
- C. On September 25, 2012, the Planning Commission adopted Resolution No. 9918, delegating certain types of design review projects to the Zoning Administrator. Design review of this project is delegated to the Zoning Administrator under Category 4, "Changes to Existing Parking Lots," and Category 8, "Ancillary Structures," of Planning Commission Resolution No. 9918.
- D. On December 11, 2018, a Notice of Intent to exercise staff delegated authority for this project was included on the Planning Commission agenda.
- E. The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 11, 'Accessory Structures' of the state CEQA Guidelines Section 15311.

Section 2. Findings

- A. 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 evidence presented to the Zoning Administrator on January 16, 2019, the Zoning Administrator finds that:
 - 1. All recitals above are true and correct and are incorporated herein by reference.
 - 2. The proposed structure will conform with good taste, good design and in general will not detract from the character and image of the City as a place of beauty,

spaciousness, balance, taste, fitness, broad vistas, and high quality, in that the structure will coordinate with the surrounding buildings, utilizing a neutral color scheme. Also, the structure will be located behind a wall and will have minimal visual impact from the public right-of-way.

3. The structure will be protected against exterior and interior noise, vibrations and other factors that may tend to make the environment less desirable, in that the proposed structure will be required to comply with all applicable building and fire codes, and the structure will be used for storage items only with no persons occupying the space.
4. The exterior design and appearance will not be of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value, in that the structure will coordinate with the surrounding buildings utilizing a neutral color scheme. Also, the structure will be located behind a wall and will have minimal visual impact from the public right-of-way.
5. The proposed structure will be in harmony with proposed developments on land in the general area, in that and there are no proposed developments near the structure's immediate vicinity.
6. The structure will be in conformance with the City's adopted DRDGs, specifically section IV.p, in that the structure's color scheme is compatible with adjacent development.

Section 3. Decision

Based on the findings set forth above, the Zoning Administrator hereby grants design review approval for Planning Application No. 18-1392, subject to the following conditions:

1. **Conformity with Project Plans.** The project shall be carried out in substantial conformity with the project plans and sample elevations, date-stamped December 5, 2018, and attached as Exhibit A to this resolution, except as may be hereinafter modified. Any major changes to the project plans shall be subject to review and approval by the Zoning Administrator.
2. **Site Maintenance.** The entire parcel shall be kept clean and free of all litter, debris, and refuse.

Standard Conditions:

3. **Other Agency Requirements.** The developer shall comply with all the requirements of the Community Development Department (including the Planning, Engineering and Building Divisions), Contra Costa County Fire Protection District, Delta Diablo Sanitation 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.
4. **Standard Conditions of Development.** The Standard Conditions of Development as

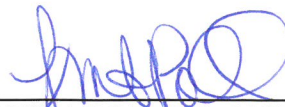
adopted by the Pittsburg Planning Commission by Resolution No. 8931 shall apply as conditions of approval for this project as applicable. Where there is conflict between the Standard Conditions of Development and the specific conditions of approval specified in this resolution, the specific conditions of this Resolution No. 334 shall govern.

5. Indemnification. Developer 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 developer's sole cost and expense. Developer may select its own legal counsel to represent developer's interests at developer's sole cost and expense. Developer 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.
6. Expiration of Approval. This design review approval will expire on January 16, 2020, unless a building permit has been issued or a written request for an extension is filed with the Planning Division prior to the expiration date and is subsequently approved by the Zoning Administrator.

Section 4. Effective Date

This resolution shall take effect immediately upon adoption of this resolution.

The foregoing resolution was passed and adopted the 16th day of January 2019, by the Zoning Administrator of the City of Pittsburg, California.



KRISTIN POLLOT, AICP
ZONING ADMINISTRATOR

STANDARD CONDITIONS OF DEVELOPMENT
(Planning Commission Resolution No. 8931)

All projects approved by the Planning Commission must meet the following standard conditions unless specifically exempted by the Commission or Council.

A. Project Site.

1. The applicant shall comply with all regulations and code requirements of the Building Division, Engineering Division, Contra Costa Fire Protection District, the Police Department and any other agencies requiring review of the project. If required, these agencies shall be supplied copies of the final building and site plans.
2. Developer shall provide written notification to adjacent property owners for any drainage work required to collect or convey storm water runoff, which may or will affect their properties.
3. During construction water trucks or sprinkler systems are to be used in sufficient quantities to prevent dust from leaving the site during any earthmoving and/or construction activities. Nonpotable water shall be used from a source approved by the City Engineer. (Title 15 of PMC)
4. Continuous 6" high Portland Concrete Cement curbing shall be provided between all driveways and landscaped areas as indicated in the City of Pittsburg Standard Details. In addition to above, curbing between length of parking space and landscaped area shall include a 12" wide "Courtesy Curb."
5. CC&R's (Covenants, Conditions and Restrictions) for the project shall contain appropriate provisions for joint maintenance of any infrastructure, roadways, utilities, landscaping and irrigation as determined necessary by the City Engineer.
6. Developer shall submit a study addressing on and off-site storm water and sewer system capabilities. If the study indicates that the present system is inadequate, the developer must provide plans and install any additional storm water and sanitary and sanitary sewer facilities including off-site improvements to correct storm water runoff and sanitary sewer demands anticipated for upstream buildout in accordance with the Pittsburg General Plan.
7. Environmental and engineering studies, as directed by the Planning and Building Director, must be complete and on file prior to commencement to plan checking. Developer shall install off-street improvements determined necessary by the City Engineer to provide safe traffic conditions.
8. Developer shall underground existing and required on and off-site utilities as specified in Chapter 17 of the Municipal Code or as deemed necessary by the City Engineer.
9. All site development shall comply with title 12 (Streets, Sidewalks and Utilities), Title 13 (Water and Sewers) and Chapter 15.88 (Grading, Erosion and Sediment Control) of the Pittsburg Municipal Code as determined by the City Engineer. Issuance of a site development permit will be required whereby specific engineering requirements will be made as conditions of approval of that permit.
10. The CC&R's shall restrict the storage of recreational vehicles on this site or parcels unless they are the principle source of transportation for the

owner and prohibit parking on the public street for long than 72 hours.

11. All retaining wall adjacent to public right-of-ways shall be provided with decorative treatment, subject to approval by the Planning Division.

12. The design of any masonry soundwall shall be approved by the Planning and Building Department. It shall match or harmonize with existing soundwalls of neighboring projects along that street.

B. Architecture.

1. All mechanical, irrigation, ground and/or roof mounted equipment shall be architecturally screened from view from all public right-of-ways prior to issuance of certificate of occupancy.

2. All trash enclosures shall be constructed of masonry material with self-enclosing doors and have a second access. The enclosure shall have materials and colors consistent with the primary building.

3. All vents, gutters, downspouts, flashing electrical conduits, etc., shall be painted or finished to match the color of the adjacent surface unless otherwise directed by the Planning Commission.

4. Soffits and other architectural elements visible from view but not detailed on the plans shall be finished in a material in harmony with the exterior of the building.

5. Finish quality of exterior design elements including, but not limited to, building façades and landscaping shall be subject to approval of the Planning Division prior to issuance of Certificate of Occupancy.

C. Landscaping.

1. Specific landscaping for screening shall have an appearance of mature growth subject to a field check and approval by the Planning Division prior to Certificate of Occupancy.

2. The area under the drip line of all existing trees, which are to be saved, shall be fenced during construction. Grading shall be restricted under them to prevent soil compaction around the trees and to protect them from damage.

3. An existing tree inventory shall be created and included on the site plan for all new projects prior to approval of grading plan.

4. All slope banks in excess of five (5) feet in vertical height and 2:1 or greater slope shall be landscaped and irrigated for erosion control and to soften their appearance as follows: one 15-gallon or larger size tree per each 150 sq. ft. of slope area, one 1-gallon or larger size shrub per each 100 sq. ft. of slope area, and appropriate ground cover 12-24 inches on-center. In addition, slope banks in excess of eight (8) feet in vertical height and 2:1 or greater slope also include one 5-gallon or larger size tree per each 250 sq. ft. of slope area. Trees and shrubs shall be planted in staggered clusters to soften and vary slope plane. Slope planting required by this condition shall include a permanent irrigation system to be installed by the developer prior to occupancy.

5. All planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning of debris and trash, fertilizing and regular watering. Whenever necessary, planting shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements. Required

irrigation systems shall be fully maintained in sound operating condition with heads periodically cleaned and replaced when missing to insure continued regular watering of landscape areas, and health and vitality of landscape materials.

D. General Requirements

1. Final inspection for occupancy permits will not be granted until all construction and landscaping is complete in accordance with approved plans.
2. The applicant shall defend, indemnify and hold harmless the City of Pittsburgh, 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, or any aspect of the City's consideration of applicant's project. The applicant recognizes and agrees that applicant's voluntary commitment to meet the obligations described in this condition is an integral factor in the City's approval of this project. The intent of this condition is to require the applicant to bear the cost of any and all litigation instituted to overturn or in any way modify the City's approval of this project. Such costs include without limitation, any award of attorney's fees and costs to a prevailing plaintiff or petitioner. 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 applicant approves the settlement.

3. It is required by State Law (Business and Professional Code Section No. 5537 & 5538 and Section 302(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.

4. The applicant shall submit a complete area water pressure availability study for all phases of the Project prior to issuance of any development permits. If the study indicates that the present system is inadequate, the Applicant must provide plans, which will demonstrate any remedial action necessary to abate the deficiency and shall take all necessary actions at the applicant's expense.

5. This use permit may be recalled to the Planning Commission for review at any time due to complaints regarding lack of compliance with conditions of approval, traffic congestion, noise generation, or other adverse operating characteristics. At such time, the Commission may revoke the use permit or add/modify conditions approval.

6. It is the responsibility of the applicant or developer to check with each agency for requirements that may pertain to their project.

7. All signs shall be submitted to the Planning Division for design review per Title 19 of the Pittsburgh Municipal Code.

8. All landscape areas shall be maintained in a healthy, thriving and weed free condition.

9. The site shall be maintained in a neat and clean manner free of trash and debris.

10. All outdoor mechanical equipment, satellite dishes, fire main and all rooftop equipment shall be fully visually screened upon installation subject to the approval of the Planning Division. Screening devices shall be shown on construction and/or landscape plans.

11. All exterior light fixtures shall be shown on plans subject to staff review and approval. All lights attached to buildings shall provide a soft "wash" of light against the wall. All building and parking or yard lights shall conform to City Parking Standards 18.78.050 (F) and Performance Standards 18.82.030 (B) and shall compliment the site and building architecture.

12. Prior to occupancy, the developer shall supply the City with an ACAD computer disk file showing plans that reflect the project as it was build (As-Built) at the discretion of the Planning and Building Director.

E. Standard Conditions of Approval
Requiring Minimum Construction Site
Management Practices

1. (Projects involving land disturbances of less than five (5) acres) – During construction activities, the project sponsor shall reduce or prevent to the maximum extent practicable the direct or indirect discharge of any pollutant into the storm drain system utilizing best management practices contained in the California Storm Water Best Management Practices Handbook for Construction Activities. Construction activities include, but are not limited to: watering operations; roadwork and paving operations; concrete and painting; structure construction and painting; construction material storage and

handling; construction waste/debris storage and disposal; and, construction equipment/vehicle cleaning, maintenance and fueling operations. The project sponsor is also responsible for training all contractors and subcontractors on the best management practices which are identified in the California Storm Water Best Management Practices Handbook for Construction Activities which will be available at the pre-construct meeting of the project.

or

2. (Projects involving land disturbances of five (5) acres or more) – Prior to commencement of any site work that will result in a land disturbance of five acres or more, the project sponsor shall submit to the City a copy of the Notice of Intent (NOI) sent the State Water Resources Control Board and the Stormwater Pollution Prevention Plan (SWPPP) prepared for the project, as required by the State's General Construction Activity Permit.

3. All storm drains, which serve the site, shall be protected from spills and soil runoff (from unpaved parking areas). The applicant may use "Any Source Control" BMP (Best Management Practice) as listed in the California Storm Water Best Management Practice Handbook for storm water run-off for commercial and industrial sites. Storm drains will be inspected periodically. Questions may be referred to City NPDES Coordinator, at 252-4920.

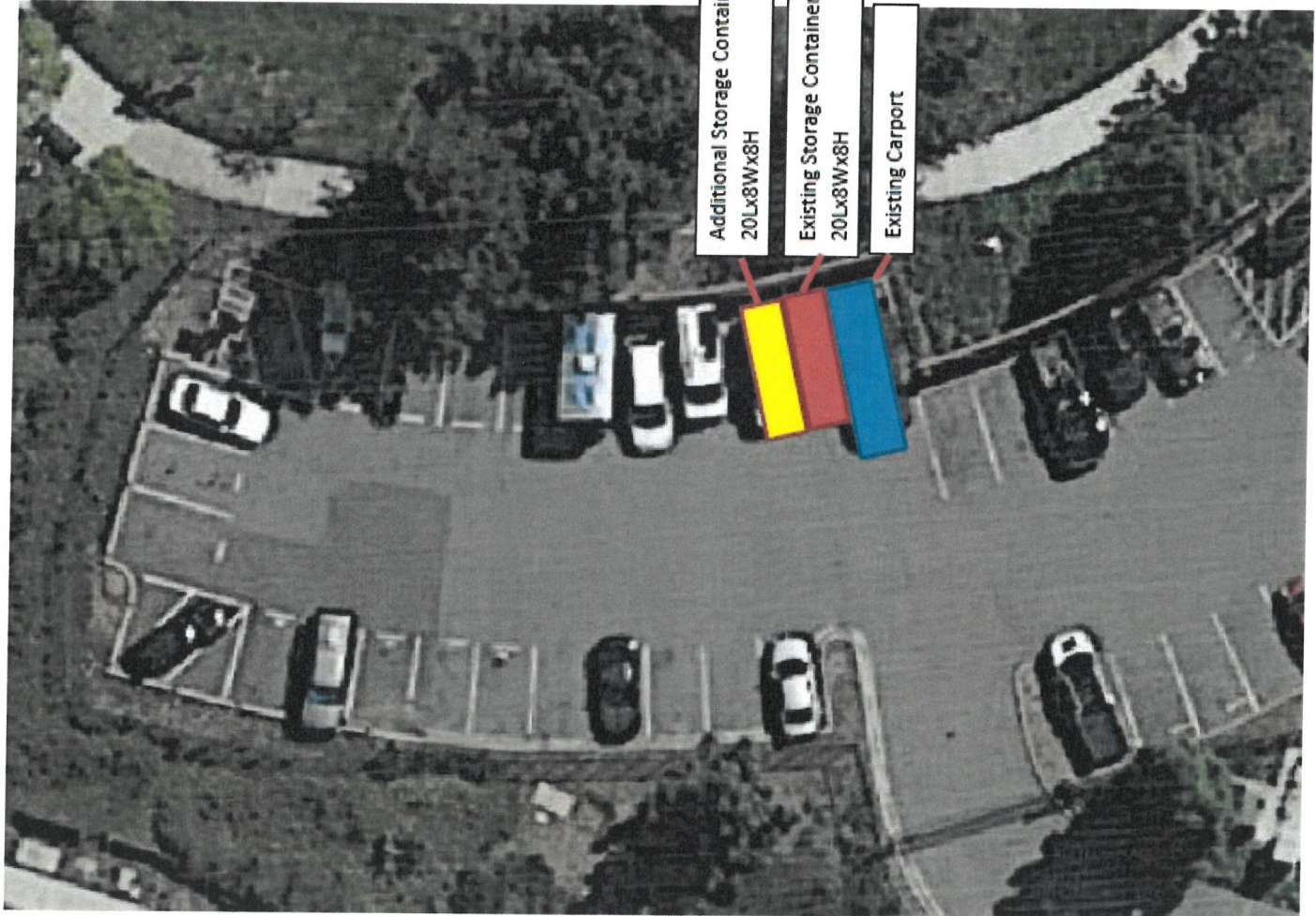
Exhibit A

APPROVED PITTSBURGH Police Storage Container Location and Photos

THE CITY OF PITTSBURGH

Planning Department
☒ Zoning Administrator
☐ Planning Commission
☐ City Council

App. No. AP-18-1392
 Reso. No. 334
 Date Approved: 1.16.19
 Signature: Julia Palmer



TENTATIVE Pipeline List for Planning Commission



	Pipeline Type	Application Year	App No.	Pipeline Image	Project Name	Applicant/Developer	Street Number	Street Name	APN	Units Proposed OR Building SF	Site Size (AC or SF)	Status	Upcoming PC Date	Upcoming CC Date	Planner Assigned
1	Commercial / Institutional	AP-18	1319		Avila Storage Yard	Dave Rege	--	Avila	097-140-014	390 storage units	5.0 ac.	Incomplete	TBD	--	Kristin Pollot
2	Commercial / Institutional	AP-17	1291		Commercial Scaffolding Inc.	Commercial Scaffolding Inc.	1451	Loveridge	073-230-015	--	1.14 ac.	Pending	01/23/19	--	Celina Palmer
3	Commercial / Institutional	AP-18	1372		Dos Cuñados Market	Amen A. Saleh	3105	Railroad	088-064-026	1,000SF	20,000SF	Pending	01/23/19	--	Hector Rojas
4	Commercial / Institutional	AP-18	1387		E. Leland Drive Thru	Sierra Pacific	2075	East Leland	088-152-032		1.44 AC	Incomplete	TBD	--	Celina Palmer
5	Commercial / Institutional	AP-18	1326		Fernandes Towing	Mike Fernandes	650	West 10th	085-270-016; 085-270-045; 085-270-046; 085-270-029; 085-270-032	4,000 s.f.	2.07 ac.	Incomplete	TBD	--	Jordan Davis
6	Commercial / Institutional	AP-18	1390		Golden State Utility	Golden State Utility	1500	Loveridge	073-230-033			Incomplete	TBD	--	Jordan Davis
7	Commercial / Institutional	AP-16	1189		LMK PETRO Mini-Mart, Gas Station and Car Wash	LMK PETRO	1625	Buchanan	088-030-021	5,372 s.f.	5.0 ac.	Incomplete	TBD	TBD	Kristin Pollot
8	Commercial / Institutional	AP-18	1339		Making Waves Academy	Making Waves Foundation	420	E. 3rd	073-050-001	399,612 SF	20.55	Incomplete	TBD	--	Hector Rojas
9	Commercial / Institutional	AP-17	1235		Pittsburg Disposal Relocation/Mt. Diablo Resource Recovery Park Services	Robert Hammons	555	California	073-270-089	20,008 s.f.	1.42 ac.	Pending	TBD	--	Jordan Davis
10	Commercial / Institutional	AP-19	1399		Pittsburg Seventh Day Adventist Church Fence	Garrett Anderson	900	Los Medanos	085196003; 085196004			Incomplete	1/23/19 (NOI)		Celina Palmer
11	Commercial / Institutional	AP-18	1315		Public Storage (525 California)	Public Storage	525	California	073-270-088	150,000 s.f.	2.0 ac.	Pending	TBD	TBD	Jordan Davis
12	Commercial / Institutional	AP-18	1349		San Marco Commercial Center	Sierra Pacific Properties	2011	W Leland	097-550-054	35,406 SF	8.34	Incomplete	TBD	TBD	Hector Rojas
13	Commercial / Institutional	AP-15-	1096		Solomon Temple Baptist Church Addition	Wendell Seifert	655	California	073-140-008	32,000 s.f.	87,120 s.f.	Incomplete	TBD	--	Jordan Davis
14	Commercial / Institutional	AP-18	1378		St. Claire's Cigars Beer Sales	Ronelle Schroeder Hill	160	E. 4th	085-109-005			Pending	TBD	--	Jordan Davis
15	Industrial	AP-19	1401		DOW Air Compressor Project	Dave P. O'Sullivan, SE	901	Loveridge	073-220-048; 073-220-049	701 SF and 1041 SF			1/23/19 (NOI)		
16	Industrial	AP-18	1321		Electric Guard Dog Fence (Golden State Utility)	Electric Guard Dog LLC, Carol Bausinger	1501	Loveridge	073-230-033	--	1.8 ac.	Incomplete	TBD	--	Jordan Davis
17	Industrial	AP-18	1313		K2 Pure Chlorine Rail Transportation Curtailment	David Kahn, K2 Pure Solutions	950	Loveridge	073-220-029; 073-220-030	--	14.9 ac.	Pending	02/26/19	--	Hector Rojas
18	Industrial	AP-18	1353		Los Medanos Industrial Park	Discovery Builders, Inc.		Garcia	088-053-004; 088-053-050; 088-053-060; 088-053-070; 088-053-090; 088-053-140	109,900.00	7.5 ac.	Incomplete	TBD	--	Jordan Davis
19	Industrial	AP-18	1377		McCampbell Analytical Commercial Cannabis	Theresa Johnson	1534	Willow Pass	096-092-009			Incomplete	--	TBD	Jordan Davis
20	Industrial	AP-18	1350		Number One Concrete	Jose Gonzalez	1101	Loveridge	073230031			Incomplete	TBD	--	Kristin Pollot
21	Industrial	AP-18	1395		Pittsburg Technology Park	Energy Delivery Solutions, LLC	2232	Golf Course	095-150-032; 094-080-011; 094-080-002; 094-090-001; 095-160-001; 095-160-002;	TBD	101 AC	Pending	2/13/19 (Study Session Only)	--	Kristin Pollot
22	Industrial	AP-18	1383		Ramar International Freezer Addition	Ramar Foods, Rick Hallenbeck (ATI)	335	Central	086-132-022	9,545 SF (Proposed) 30,740 SF (Existing)	2.27 AC	Incomplete	02/13/19	--	Hector Rojas
23	Industrial	AP-18	1371		Stoneman Lab - Commercial Cannabis	Pat O'Keefe	557	Clark	088-250-050			Incomplete	--	TBD	Jordan Davis
24	Multi-Family Residential	AP-17	1304		Black Diamond Terraces	Enrique Palacios, Pittsburg Unified School District	1025	Black Diamond	085-203-004	77 units	2.25 ac.	Incomplete	TBD	--	Jordan Davis

	Pipeline Type	Application Year	App No.	Pipeline Image	Project Name	Applicant/Developer	Street Number	Street Name	APN	Units Proposed OR Building SF	Site Size (AC or SF)	Status	Upcoming PC Date	Upcoming CC Date	Planner Assigned
25	Multi-Family Residential	AP-18	1394		Veterans Square Housing	SAHA	901	Los Medanos	085-182-001; 085-196-001	30	0.78	Pending	--	--	Hector Rojas
26	Other Projects	AP-10-	717		Faria/Southwest Hills Annexation & Master Plan	Discovery Builders, Inc.	--	SW Hills Planning Area	097-180-006; 097-200-002; 097-200-003	Potential 1500 units (max)	607 ac.	Pending	TBD	TBD	Kristin Pollot
27	Other Projects	AP-18	1385		General Plan Update (2040)	City of Pittsburg			Not applicable (citywide)			Pending	TBD	TBD	Hector Rojas
28	Other Projects	AP-17	1280		Pittsburg Moves - Active Transportation and Safe Routes Plan	City of Pittsburg	--	citywide	city-wide	n/a	citywide	Pending	2/26/19 (Study Session)	3/4/19 (Study Session)	Hector Rojas
29	Single Family Residential	AP-18	1348		Alves Ranch 2018	William Lyon Homes			097-700-002; 097-700-001; 097-700-005	346 units	57.81	Pending	TBD	TBD	Jordan Davis