



City of Pittsburg Planning Commission and Historic Resources Commission Agenda

March 26, 2019

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

**Workshop
Planning Commissioner's Academy Review
6:00 P.M.**

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

Planning Commission Members

**James Coniglio, Chair
Elissa Robinson, Vice-Chair
Sarah Foster, Commissioner
J. Faye Fields, Commissioner
Christopher Moreno, Commissioner
Trinh Nguyen, Commissioner
Michael Caliguire, Commissioner**

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

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

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

This agenda was posted in City Hall on Thursday, March 21, 2019

PLANNING COMMISSION MEETING

CALL TO ORDER

ADMINISTRATION OF OATH OF OFFICE

Planning Commissioners Elissa Robinson, Christopher Moreno, Trihn Nguyen, and Michael Caliguire

ROLL CALL

PLEDGE OF ALLEGIANCE

REORGANIZATION

Appointment of Chair and Vice Chairperson

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 March 12, 2019

PUBLIC HEARINGS

2. 2075 E. Leland Drive-Thru, AP-18-1387 (UP)

This is a public hearing requesting approval of a use permit to establish a drive-thru establishment within an approximately 250 square-foot building, on a 62,726 square-foot parcel, located at 2075 E. Leland Road, in the CS (Service Commercial) District. APN: 088-152-032.

ZONING ADMINISTRATOR REPORTS

3. Submittal of Adopted Zoning Administrator Resolutions

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

STAFF COMMUNICATIONS

COMMITTEE REPORTS

ADJOURNMENT OF PLANNING COMMISSION MEETING

HISTORIC RESOURCES COMMISSION MEETING
--

CALL TO ORDER

ROLL CALL

REORGANIZATION

Appointment of Chair and Vice Chairperson

DELETIONS, WITHDRAWALS OR CONTINUANCES

COMMENTS FROM THE AUDIENCE

CONSENT

1. Minutes

Meeting Minutes December 11, 2018

STAFF COMMUNICATIONS

ADJOURNMENT OF HISTORIC RESOURCES 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**

March 12, 2019

A regular meeting of the Pittsburg Planning Commission was called to order by Chair Coniglio at 7:05 p.m. on Tuesday, March 12, 2019, in the Council Chamber at City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL

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

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

PLEDGE OF ALLEGIANCE

Chair Coniglio 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 February 26, 2019

On motion by Commissioner D. Foster seconded by Commissioner Ward to approve and carried unanimously.

COMMISSION CONSIDERATIONS

2. General Plan Annual Progress Report for Calendar Year 2018

This is a request for the Planning Commission to: 1) review the draft General Plan Annual Progress Report (APR) for Calendar Year 2018; and 2) authorize its submittal to the City Council, Governor's Office of Planning and Research (OPR), State Housing and Community Development Department (HCD), and Contra Costa Transportation Authority (CCTA).

Senior Planner Hector Rojas gave a presentation.

There were no comments from the audience.

On motion by Commissioner D. Foster seconded by Commissioner Robinson to approve and carried unanimously.

ZONING ADMINISTRATOR REPORTS

3. Notice of Intent to Exercise Delegated Design Review Authority and Conduct a Zoning Administrator Public Hearing.

The Zoning Administrator submits one notice of intent to exercise delegated design review authority for a new awning proposed for WOW Smiles at 1600 North Park Blvd., and one notice of intent to conduct a Zoning Administrator public hearing on a proposed fence height exception at 3878 Alta Vista Circle.

Commissioners acknowledged receipt of notice of intent.

STAFF COMMUNICATIONS

Planning Secretary / Planning Manager Kristin Pollot recognized the outgoing Commissioners, Jeremy Ward, Durie Foster, and Mark Linde and thanked them for their service. Also, she informed the Commissioners that the General Plan kickoff has been moved to April 2, 2019.

COMMITTEE REPORTS

There were no committee reports.

ADJOURNMENT

The meeting was adjourned at 7:16 p.m. to March 26, 2019.

Respectfully Submitted,

Kristin Pollot, AICP, Secretary

**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
March 26, 2019**

ITEM: 2075 E. Leland Drive-Thru, AP-18-1387 (UP).

ORIGINATED BY: Bob Garrison, Sierra Pacific Properties, 1800 Willow Pass Court, Concord, CA 94520.

SUBJECT: This is a public hearing requesting approval of a use permit to establish a drive-thru establishment within an approximately 250 square-foot building, on a 62,726 square-foot parcel, located at 2075 E. Leland Road, in the CS (Service Commercial) District. APN: 088-152-032.

RECOMMENDATION:

Staff recommends the Planning Commission adopt Resolution No. 10119, approving Use Permit Application No. 18-1387, subject to conditions.

BACKGROUND:

On June 26, 2001, the Planning Commission approved Resolution Nos. 9220 and 9221, approving a use permit and design review for a drive-thru coffee kiosk located at the project site, 2075 E. Leland Road, for “The Grind”. The approximately 250 square foot building was constructed and was fully operational until the business vacated the site in early 2005.

On February 13, 2007, the Planning Commission approved Resolution No. 9686, approving a new use permit for “Pear’s Java Hut,” another drive-thru coffee shop at the site. Business license records indicate that a license was issued for the business in 2007; however, it was not renewed in 2008 and the site was vacated.

On November 25, 2011, a business license was granted to New York Pizza Plus to operate a food shop out of the subject location, provided the existing drive-thru lanes remained closed to vehicular traffic.

On December 13, 2011, the Planning Commission approved Resolution No. 9897, approving a new use permit for “New York Pizza Plus,” as a drive-thru food shop at the project site. The business vacated the site in 2012

The site was most recently occupied in 2013 by “Diablo Snow”, a shaved ice and coffee establishment. The site has remained vacant since the business vacated the property in 2014.

On November 15, 2018, Bob Garrison, of Sierra Pacific Properties, filed Planning Application No. 18-1387, requesting a use permit to establish a drive-thru retail or

service establishment in the existing structure; however, no specific user has been identified for the facility yet.

PROJECT DESCRIPTION:

Existing Conditions: The project site is located within the City of Pittsburgh, on the northeast corner of East Leland Road and Commerce Place, it is located south of State Route 4, and west of Standard Oil Avenue and the Diamond Hillside Apartments. As mentioned above, the project site is developed with an approximately 250 square-foot stucco kiosk building, a 78 square-foot covered trash enclosure, one handicap accessible parking stall, seven employee/customer parking stalls, and drive-thru vehicle queue space for 11 total vehicles. The structure has two drive-thru windows, one on the east side and one on the west side, and there is a third walk up window on the south side for pedestrian service.

Inside the existing building is a restroom, water heater/utility room, multiple sinks, and counter space.

An existing freestanding sign is located along the East Leland frontage. The sign is approximately seven feet tall and five feet wide.

The building is located within approximately 15,000 square-feet of improved land area including approximately 5,745 square feet of landscaping, paved parking spaces, and path of travel. The remaining 47,726 square feet of the parcel, north of the building, is unpaved/unimproved area.

The site was designed with primary entry for westbound vehicles from East Leland Road. Commerce Place serves as secondary access for westbound traffic and can also serve eastbound traffic. The site plan was designed to allow a six-car queue lane from East Leland Road. There is a five-car queue lane from the Commerce Place access. Per Pittsburgh Municipal Code (PMC) section 18.78.040, queueing space for a minimum of five cars is required. The site is striped to indicate proper traffic flow for customers. A sign is located at the East Leland Road driveway exit indicating right turn only. There is also a sign at the East Leland Road frontage indicating the second drive-through access on Commerce Place. To protect the kiosk from vehicles, there is concrete curbing, planter boxes and a bollard located at each building corner. There is a pedestrian walkway through the landscaping along the East Leland Road frontage leading to the walkup window.

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

Proposed Project:

The applicant is proposing to re-establish a drive-thru service at the site. At the time of project submittal, no business was identified; however, the property owner would like to secure a use permit entitlement in order to make the property more attractive and

streamline the approval process for a potential future tenant. Per PMC section 18.08.080(10), a drive-thru retail or service use is defined as, an “Establishment providing goods or services from a building through an outdoor service window to customers who remain in their automobiles. Uses in this classification include fast-food restaurants, grocery stores, pharmacies, dry cleaners, and retail banks with drive-through window service.”

GENERAL PLAN/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-14, in that the proposed project would support regionally-oriented commercial activities within this area; this project would help facilitate occupancy of the existing kiosk which would serve students and workers of regionally-oriented activities in the area, as well as residents in the immediate vicinity. The site has a land use designation of ‘Business Commercial’. This land use designation is intended to provide sites for support commercial uses. Further, the existing building has been vacant for approximately five years; a new business at this site would further economic development of the City and the neighborhood, which is consistent with Goal 2-G-6 of the General Plan to reuse and revitalize underutilized sites.

Zoning: The property is located within the CS (Service Commercial) District. The proposed use falls under the use classification of ‘Drive-Through Retail or Service,’ which is a sub category of “Commercial Use Classifications”, as defined by the Pittsburgh Municipal Code (PMC) section 18.08.080(10). Per the schedule in PMC section 18.52.010, this use classification is permitted in the CS District, subject to a use permit

Development Standards: As shown in Attachment 4 of this report, the proposed project meets or exceeds all of the applicable CS District property development regulations (PMC section 18.52.115).

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:

1. is in accord with the objective of the Zoning Ordinance, the purposes of the land use district in which it is located and is appropriate to the specific location;
2. is not detrimental to the health, safety, and general welfare of the City;
3. will not adversely affect the orderly development of property within the City;
4. will not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the City;
5. is consistent with the objectives, policies, general land uses and programs

specified in the general plan and applicable specific plan;

6. will not create a nuisance or enforcement problem within the neighborhood;
7. will not encourage marginal development within the neighborhood;
8. will not create a demand for public services within the City beyond that of the ability of the City to meet in light of taxation and spending restraints imposed by law;
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.

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 March 16, 2019, notice of the March 26, 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. The notice was also posted on www.nextdoor.com (Nextdoor) and was sent directly to all subscribed residents in the "Diamond Hillside," "East Leland," and "Los Medanos" Nextdoor neighborhoods.

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 between 5:00 a.m. and 11:00 p.m. (Condition No. 2).
2. 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. 3).
3. The applicant shall ensure that the site is maintained in a neat and clean manner at all times (Condition No. 4).

Recommended conditions are generally consistent with conditions included on previous use permits for the site. Even though the tenant is not known at this time, staff believes that the types of businesses that occupy drive-thru kiosks are usually non-controversial and very similar in how they operate. Staff believes that the issuance of a use permit now (in advance of the property owner securing a tenant) would help to make the property more attractive to businesses, streamline the approval process, and ultimately help eliminate a long-standing vacancy (the kiosk has been vacant for more than four years). Further, staff has no records of past code violations related to any business that has operated at the facility with an approved use permit.

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, and the 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. 10119, approving Use Permit Application No. 18-1387, subject to conditions.

ATTACHMENTS:

1. Proposed Resolution No. 10119
2. Project Plans, dated November 15, 2018
3. Project Location & Surrounding Land Uses Map and Site Photos
4. Property Development Regulations Table
5. Public Hearing Notice/Vicinity Map

Prepared by: Celina Palmer, Assistant Planner

PROPOSED
BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Granting a Use Permit to	)	
Allow a Drive-Thru Retail or Service Use,	)	
located at 2075 E. Leland for, "2075 E.	)	Resolution No. 10119
Leland Drive-Thru, AP-18-1387 (UP)"	)	

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. On November 15, 2018, Bob Garrison, on behalf of Sierra Pacific filed Planning Application No. 18-1387, requesting approval of a use permit to establish a drive-thru retail or service establishment within an existing approximately 250 square-foot structure, on a 62,726 square-foot parcel, located at 2075 E. Leland Road, in the CS (Service Commercial) District. APN: 088-152-032.
- 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 March 16, 2019, notice of the March 26, 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. The notice was also posted on www.nextdoor.com (Nextdoor) and was sent directly to all subscribed residents in the "Diamond Hillside," "East Leland," and "Los Medanos" Nextdoor neighborhoods.
 - F. On March 26, 2019, the Planning Commission held a public hearing on Use Permit Application No. 18-1387, at which time oral and/or written testimony was considered.

Section 2. Findings

- A. Based on the Planning Commission Staff Report entitled, "2075 E. Leland Drive-Thru, AP-18-1387 (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 drive-thru 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, in that the proposed drive-thru use is a conditionally permitted use in the CS 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 a business 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-14, in that the proposed use will be a support commercial use in an appropriately designated area.
- f. Will not create a nuisance or enforcement problem, if conditions are added to limit the hours of operation between 5:00 a.m. and 11:00 p.m.
- g. Will not encourage marginal development within the neighborhood, in that the use will occupy an existing commercial space and does not involve construction of a new building or building addition. Further, the proposed use will not encourage marginal development if conditions are added to require the applicant ensure the entire site, including landscaping, is properly maintained.
- 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. 18-1387, 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 the hours between 5:00 a.m. and 11:00 p.m.
3. 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.
4. Site Maintenance. The applicant shall ensure that the site is maintained in a neat and clean manner at all times.
5. Trash Receptacles. The applicant shall provide three additional trash receptacles including a funnel to be reached from vehicles in the drive-thru, after the drive-thru pick up window on each side and near the pedestrian walk up window.
6. Signage. This resolution does not approve new or additional on-site signage. No new or additional permanent wall signs or temporary, promotional, or event signs and banners may be placed on the site prior to approval by the Planning Division.

Engineering Conditions

7. Trash Capture. The applicant shall install full trash capture devices in any/all on-site inlets.
8. 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:

9. 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

- 10. 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.
- 11. 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

PROPOSED

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.

12. 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.
13. Expiration of approval. This use permit will expire on March 26, 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 26th day of March, 2019, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES:

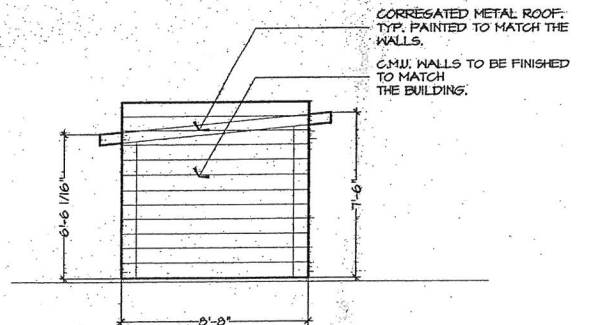
NAYES:

ABSTAIN:

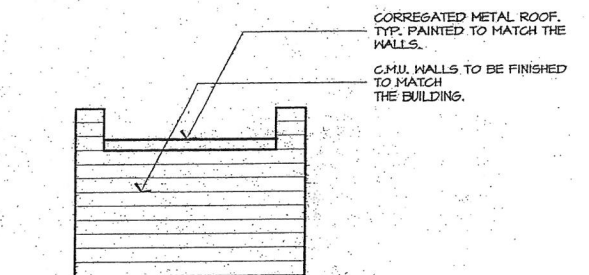
ABSENT:

I hereby certify that the above Resolution No. 10119 was adopted by the Planning Commission of the City of Pittsburg on March 26, 2019.

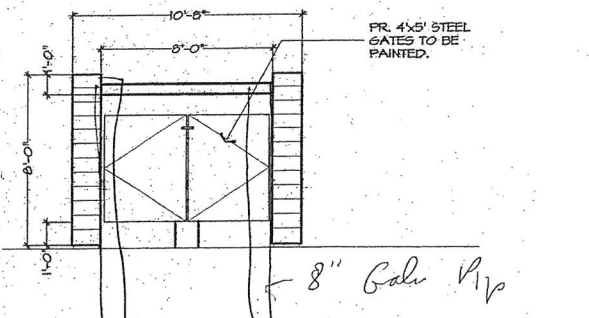
KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION



1 ELEV. @ TRASH ENCL.
SCALE: 1/4"=1'-0"

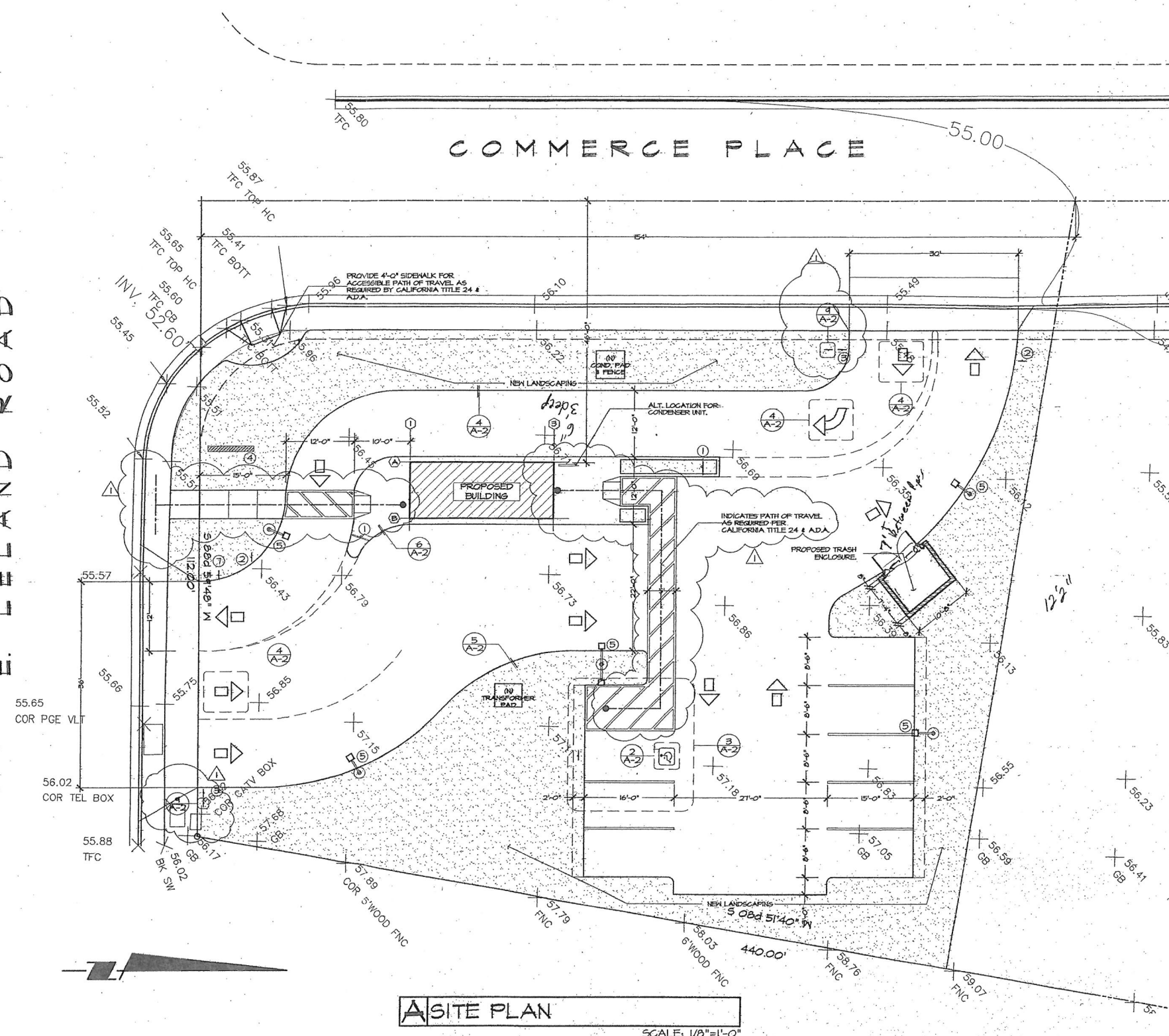


2 ELEV. @ TRASH ENCL.
SCALE: 1/4"=1'-0"



3 ELEV. @ TRASH ENCL.
SCALE: 1/4"=1'-0"

E. LELAND ROAD



A SITE PLAN
SCALE: 1/8"=1'-0"

SITE PLAN NOTES

- ① MENU SIGNS, TYPICAL OF 2.
- ② "RIGHT TURN ONLY" SIGN.
- ③ "ENTRANCE" SIGNS, TYPICAL OF 2.
- ④ MONUMENT SIGN.
- ⑤ LIGHT POLE, TYPICAL OF 2.
- ⑥ SECURITY LIGHTS @ THE BUILDING, TYPICAL OF 4.
- ⑦ "EXIT" SIGNS, TYPICAL OF 2.
- ⑧ ASSESSORS PARCEL NUMBER: 088-152-032

M. NARAGHI ARCHITECT
ARCHITECTURE
PLANNING

3608 CYPRESS CIRCLE, SUITE 225
WALNUT CREEK, CALIFORNIA 94598
TELEPHONE (925) 256-6454
FACSIMILE (925) 944-5780

© 1999 M. NARAGHI ARCHITECT
THIS DRAWING IS THE PROPERTY OF M. NARAGHI ARCHITECT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED IN ANY MANNER, IN WHOLE OR IN PART, WITHOUT THE WRITTEN CONSENT OF M. NARAGHI ARCHITECT.

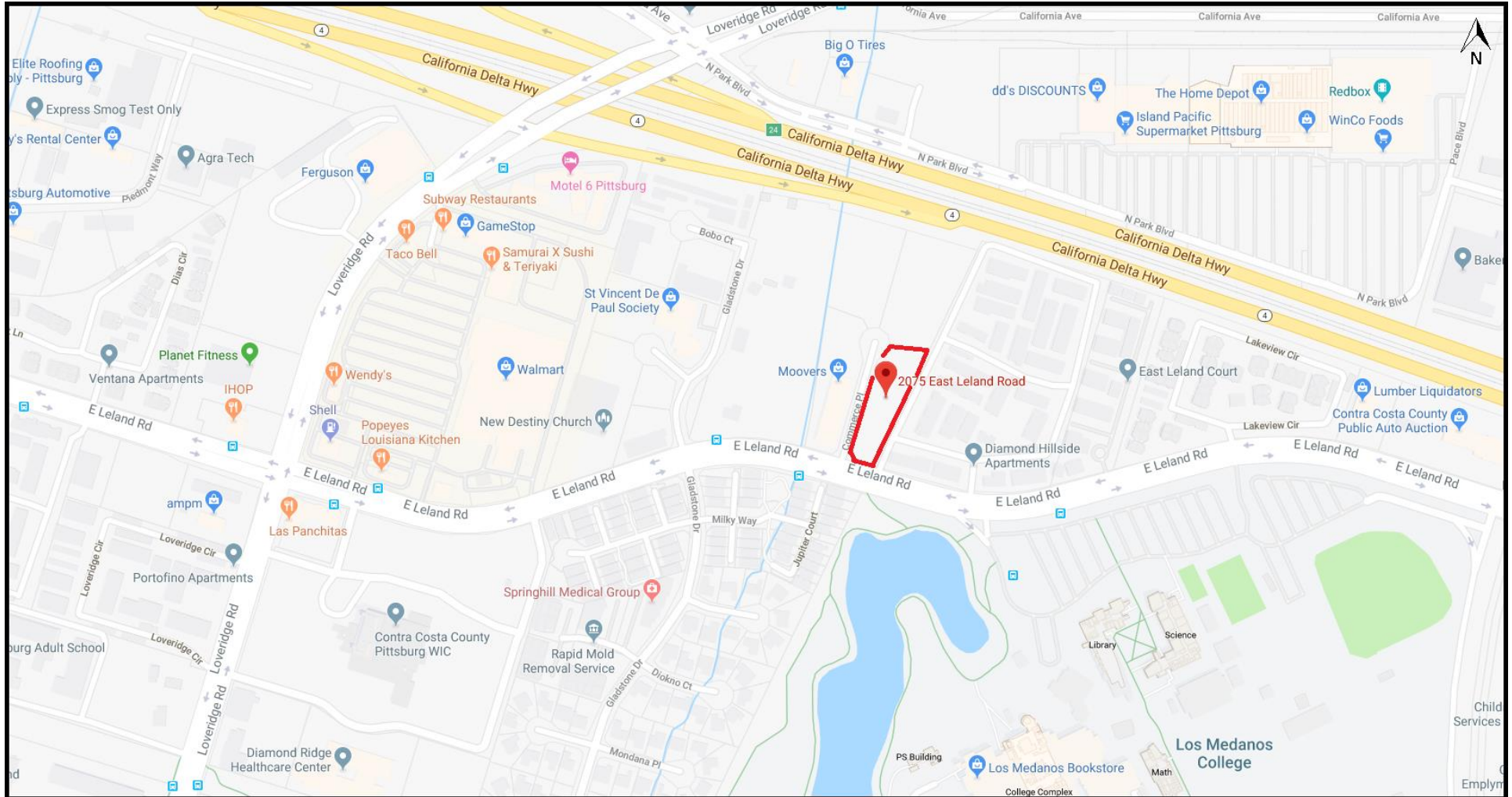
THE GRIND
2075 EAST LELAND ROAD
PITTSBURG, CALIFORNIA

Sheet Title:
SITE PLAN & DETAILS

Dates:
PROGRESS PRINT 07/18/01
REVISED 08/08/01
BACK CHECK: 10/04/01

Drawn By: K.E.N.
Job No. 050301-055PP

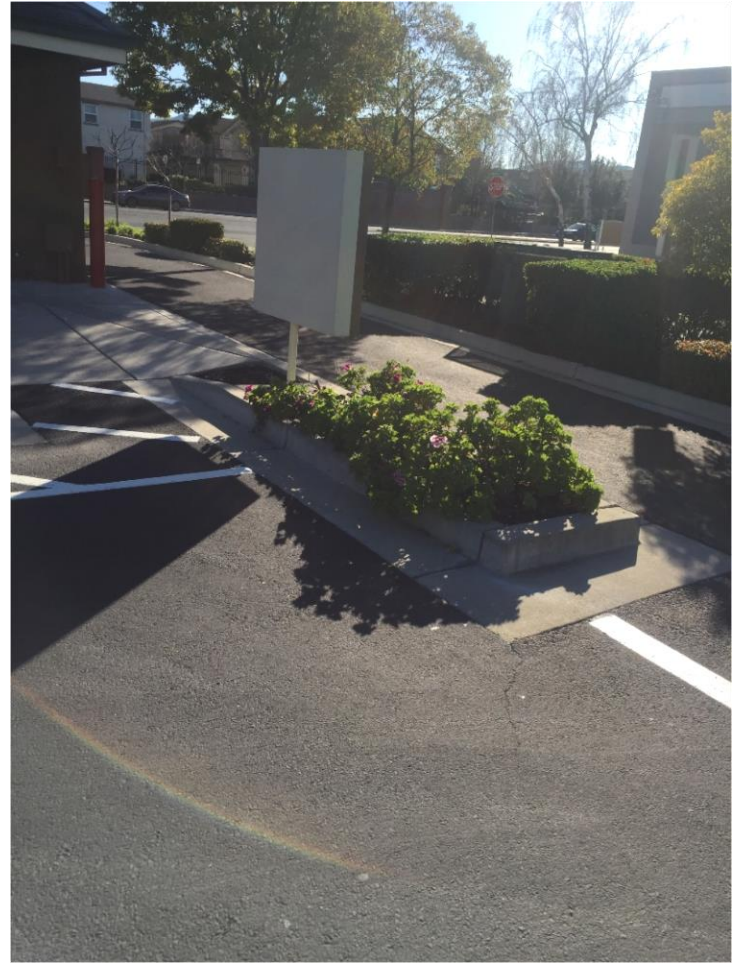
Sheet No.:
A-1
5 of 25

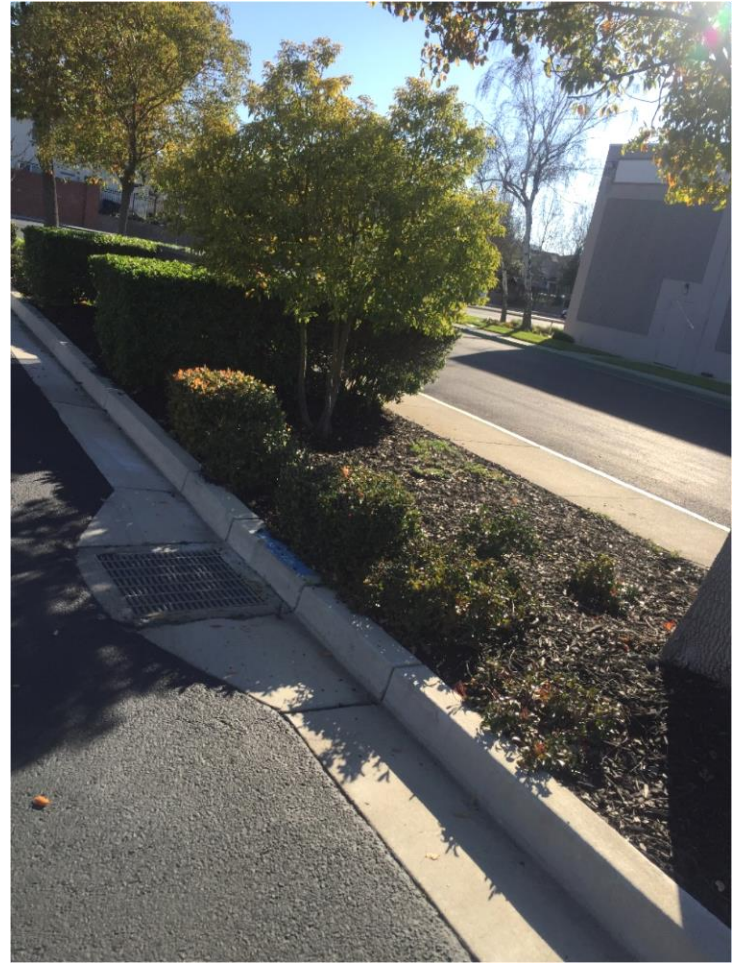


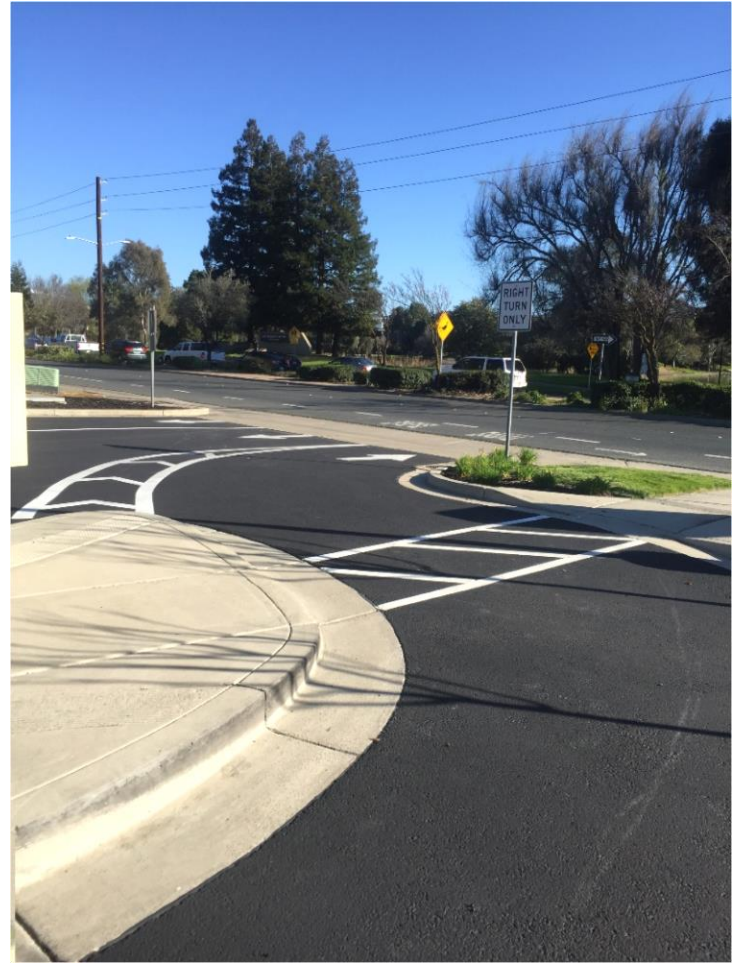














Property Development Regulations

E. Leland Drive-Thru (The Grind)

AP-18-1387 (UP)

Development Regulations: <i>CS District</i>	Requirement:	Proposed Project:
Minimum Lot Area:	5,000 s.f.	62,726 s.f.
Minimum Lot Width:	70 ft.	112 ft.
Minimum Yards:	-	-
Front:	10 ft.	Approx. 35 ft.
Side (adjacent to an R district)	10 ft.	Approx. 60 ft.
Corner Side:	10 ft.	Approx. 20 ft.
Rear:	-	Approx. 360 ft.
Maximum Height of Structures:	50 ft.	Approx. 20 ft.
Maximum Lot Coverage:	60%	0.4%
Maximum Floor-Area Ratio (FAR):	0.5	0.005
Minimum Site Landscaping:	7%	9.16%
Off Street Parking Requirement:	Drive-through Restaurant: 1 per 75 sq. ft. of seating area, plus queue space for 5 cars separate from parking or access driveways (0)	8 spaces (1 ADA) Queue space for 11 cars
Bicycle Parking and Storage:	0	1 (as conditioned)



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: March 26, 2019
TIME: 7:00 p.m.
PLACE: City Council Chamber at City Hall
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

E. Leland Drive-Thru, AP-18-1387 (UP).

This is a public hearing on a request for of a use permit to establish a drive-thru retail or service use within an existing approximately 250 square-foot commercial structure on a 1.44-acre site, located at 2075 E. Leland Road, in the CS (Service Commercial) District. APN: 088-152-032.

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.

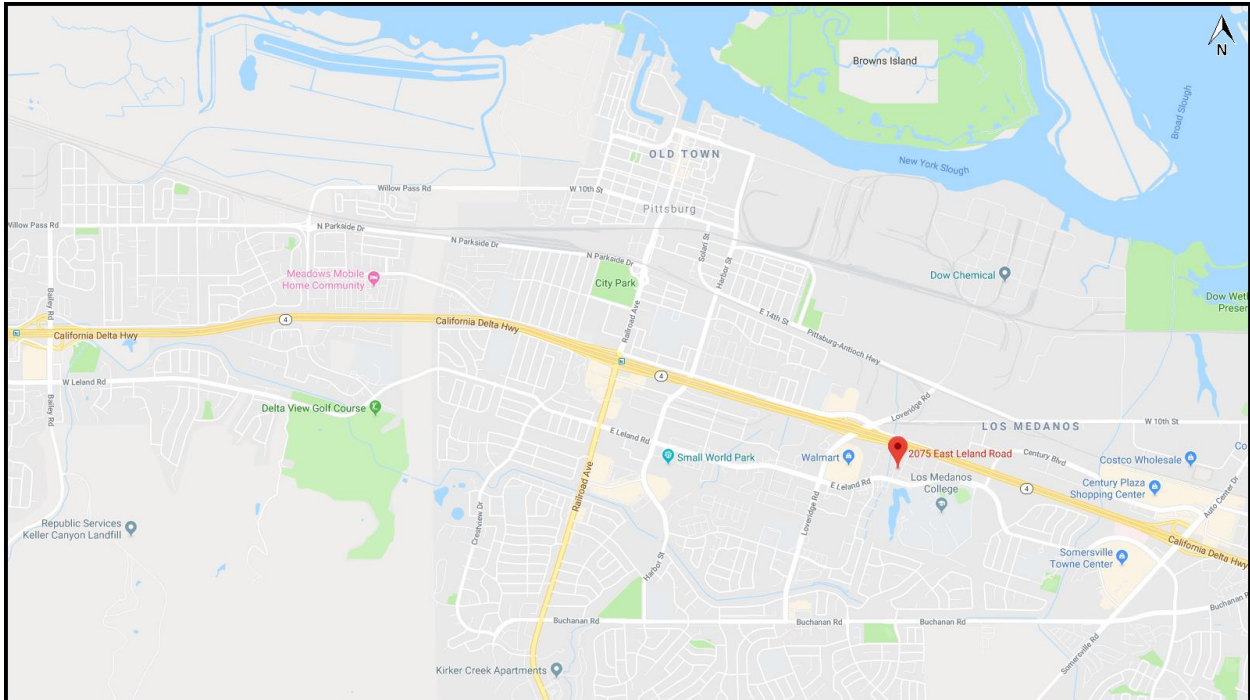
What can I do if I have comments on the project?

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: E. Leland Drive-Thru, AP-18-1387(UP)
Location: 2075 E. Leland Road, APN: 088-152-032



**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
March 26, 2019**

ITEM: Submittal of Adopted Zoning Administrator Resolutions.

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

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

RECOMMENDATION:

Staff recommends that the Commission acknowledge receipt of the attached adopted Zoning Administrator resolution.

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, the Zoning Administrator has adopted one resolution approving a delegated design review application:

1. Resolution No. 335: Dow Air Compressor Project, AP-19-1401 (AD)

GENERAL PLAN/CODE COMPLIANCE:

Not applicable.

ANALYSIS:

Not applicable.

ACTION REQUIRED:

Acknowledge receipt of the adopted Zoning Administrator resolutions.

ATTACHMENTS:

1. Zoning Administrator Resolution No. 335

Prepared by: Kristin Pollot, AICP, Zoning Administrator

BEFORE THE ZONING ADMINISTRATOR OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Granting Administrative Design	)	
Review Approval to Install Two Enclosures	)	Resolution No. 335
for Air Compressors at 901 Loveridge	)	
Road, for "Dow Air Compressor Project,	)	
<u>AP-19-1401 (AD)."</u>	)	

The Zoning Administrator DOES RESOLVE as follows:

Section 1. Background

- A. On January 15, 2019, David O'Sullivan filed Planning Application No. 19-1401 requesting administrative design review approval to construct two enclosures (one approximately 700 square-feet and one 1,045 square-feet) to contain air compressors and related equipment, which utilize existing utilities and infrastructure, located at 901 Loveridge Road, in the IG (General Industrial) District. Assessor's Parcel Nos. 073-220-048 and 073-220-049. The enclosures would not be visible from the public right-of-way and the new air compressors would replace existing unreliable air compressors on site.
- 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 January 23, 2019, 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

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 March 14, 2019, the Zoning Administrator finds that:

- 1. All recitals above are true and correct and are incorporated herein by reference.

2. The proposed project 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 enclosures' utilitarian design is appropriate for the area's industrial character.
3. The proposed project will be protected against exterior and interior noise, vibrations and other factors that may tend to make the environment less desirable, in that all construction will be required to comply with all applicable building and fire codes.
4. The proposed project is not of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value, in that the enclosures' utilitarian design is appropriate for the area's industrial character, the enclosures will not be visible from the public right-of-way, and the air compressors contained within the enclosures will replace existing unreliable air compressors on site.
5. The proposed project is in harmony with proposed developments on land in the general area, in that there are no proposed developments in the immediate vicinity of the enclosures.
6. The proposed project conforms with the city's adopted DRDGs in that, the proposed structures will be compatible with the site's industrial character (IV.i).

Section 3. Decision

Based on the findings set forth above, the Zoning Administrator hereby grants design review approval for Planning Application No. 19-1401, subject to the following conditions:

1. **Conformity with Project Plans.** The project shall be carried out in substantial conformity with the project plans, date-stamped January 15, 2019, and attached as Exhibit A of 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 Appearance.** The exterior of each structure shall be maintained in a good state of repair and the exterior finish must be clean and well maintained.
3. **Site Maintenance.** The site shall be kept clean and free of all litter, debris, and refuse.
4. **Other Agency Requirements.** The developer shall comply with all the requirements of the Community Development Department, Contra Costa County Fire Protection District, Delta Diablo Sanitation District, and all other applicable local, state and federal agencies.
5. **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. 335 shall govern.
6. **Indemnification.** Developer agrees to indemnify, defend, and hold harmless the City, its

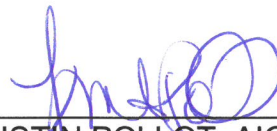
officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person challenging the validity of this project approval, subsequent project approval, or other action arising out of, or in connection with, this 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.

7. Expiration of Approval. This design review approval will expire on March 14, 2020, unless 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 14th day of March 2019, by the Zoning Administrator of the City of Pittsburg, California.



KRISTIN POLLOT, AICP
ZONING ADMINISTRATOR

PTUT786 SITE AIR UTILITIES (COMPRESSOR) PLANNING DEPARTMENT REVIEW

January 14, 2019

APPROVED BY
THE CITY OF PITTSBURGH

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

App No. AP-19-1401
Item No. 335
Date Adopted: 3.14.19
Signature: *Debra F. Parr*



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.

APPROVED BY THE CITY OF PITTSBURGH

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

App. No. AP-19-1401
Reso. No. 335
Date Approved: 3.14.19
Signature: Julie P.

Location on Site



APPROVED BY
THE CITY OF ETSBURG

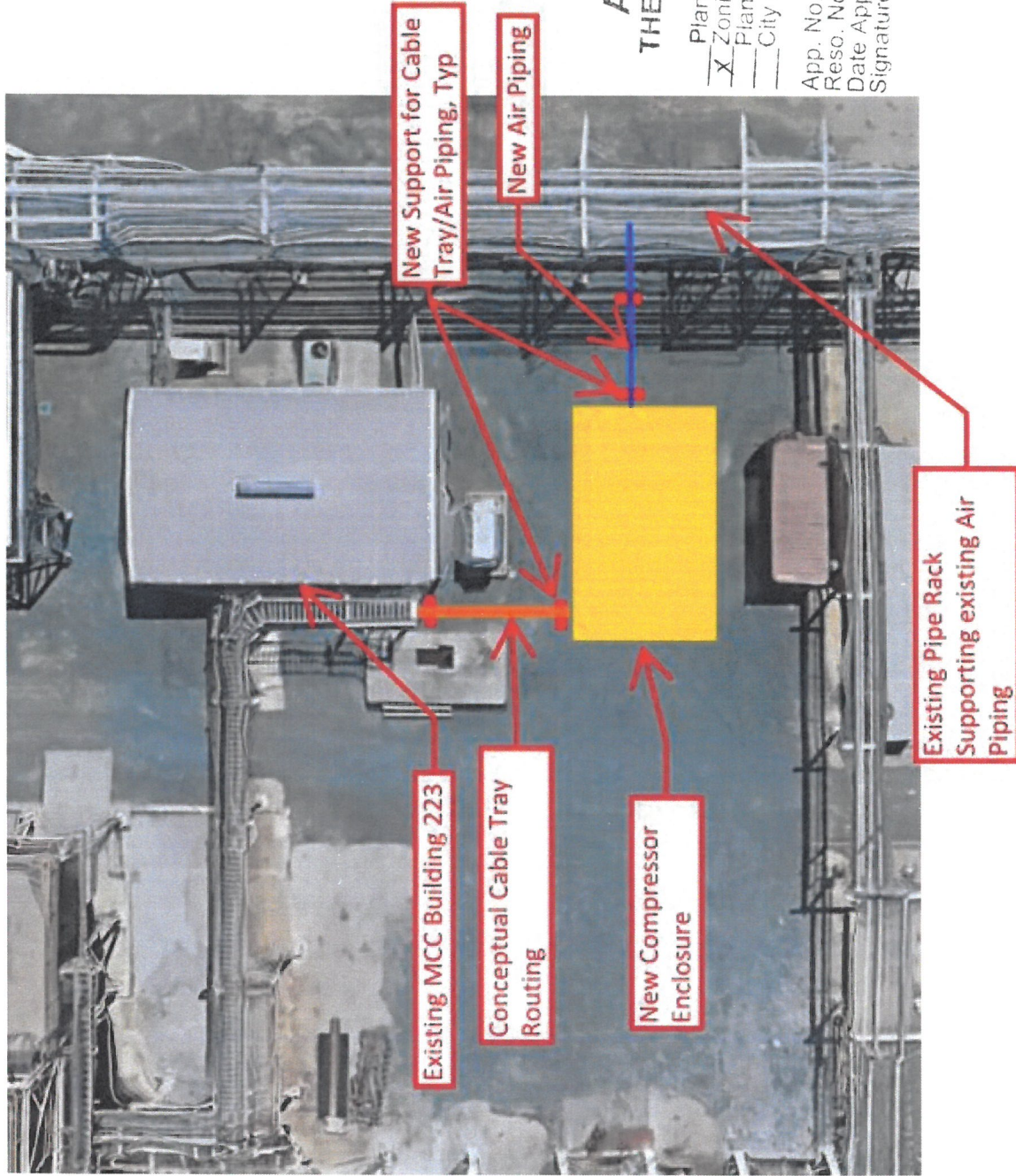
☒ Zoning Administrator
☐ Planning Commission
☐ City Council

App. No. AP-19-1401
Reso. No. 335
Date Approved: 3-14-19
Signature: Julia F. P.

Dow AgroSciences



Site A – Conceptual Layout



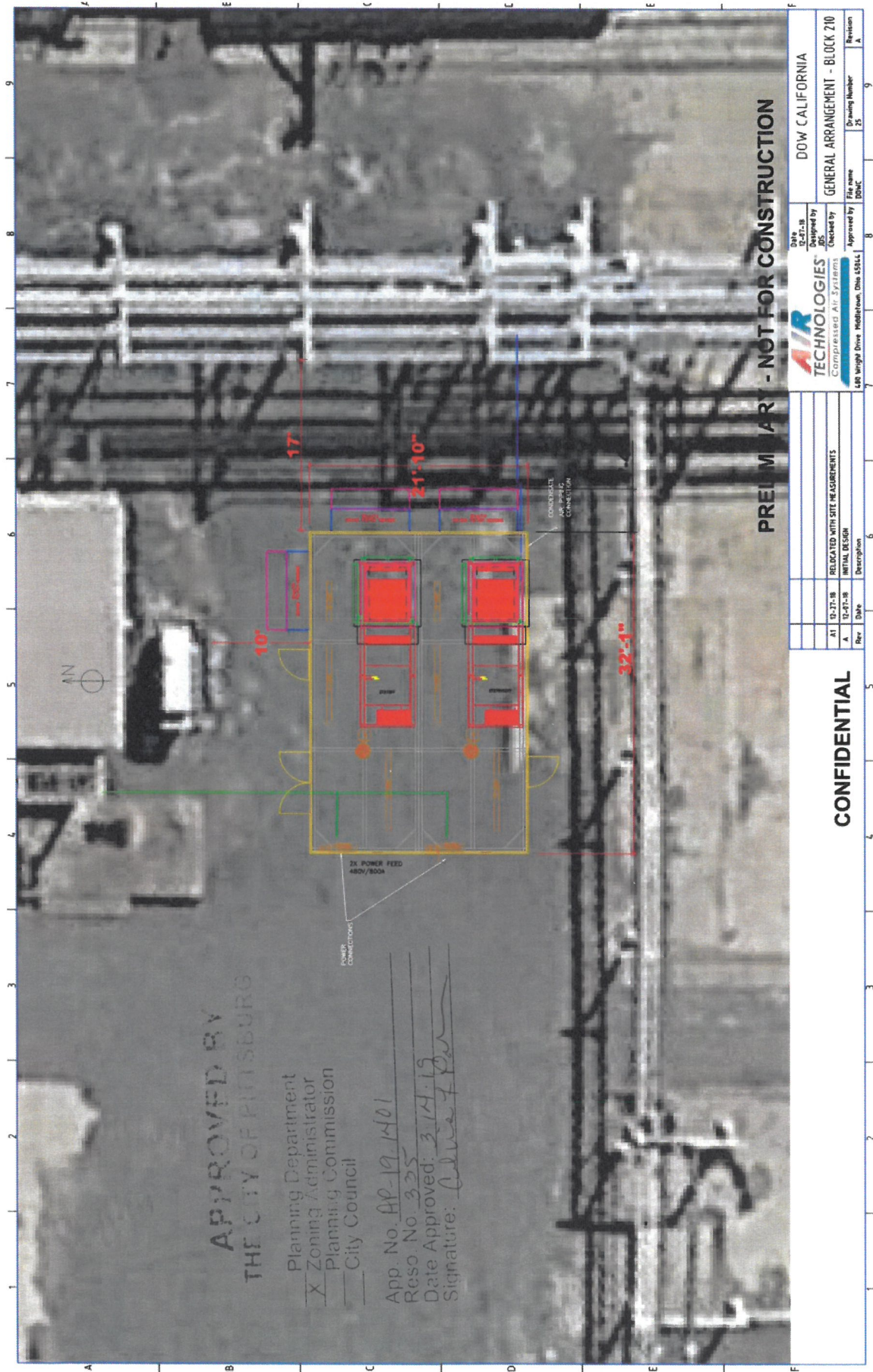
**APPROVED BY
THE CITY OF PITTSBURG**

Planning Department
☒ Zoning Administrator
☐ Planning Commission
☐ City Council

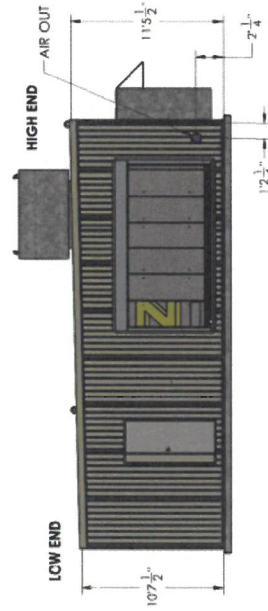
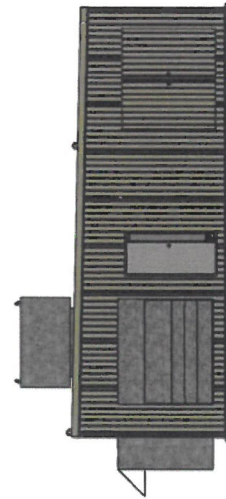
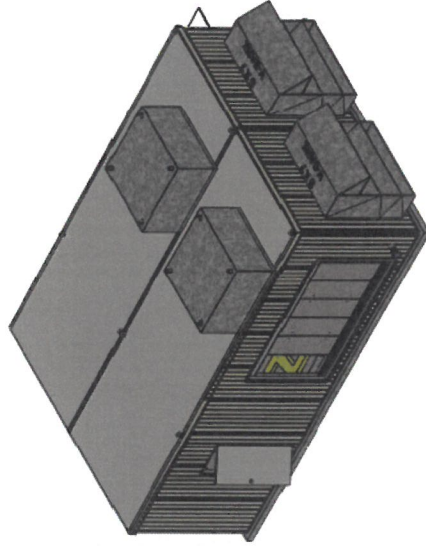
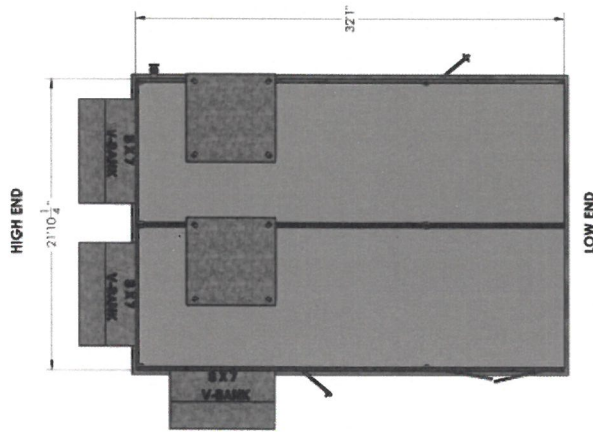
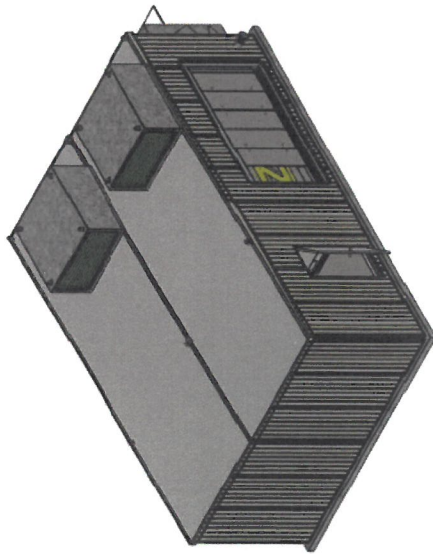
App. No. AP-19-1401
 Reso. No. 335

Date Approved: 3.14.19
 Signature: [Signature]

Site A – Compressor Enclosure Plan



Site A- Compressor Enclosure Exterior Elevations



**APPROVED BY
THE CITY OF PITTSBURGH**

Planning Department
☒ Zoning Administrator
☐ Planning Commission
☐ City Council

App. No. AP-19-1461

Reso. No. 335

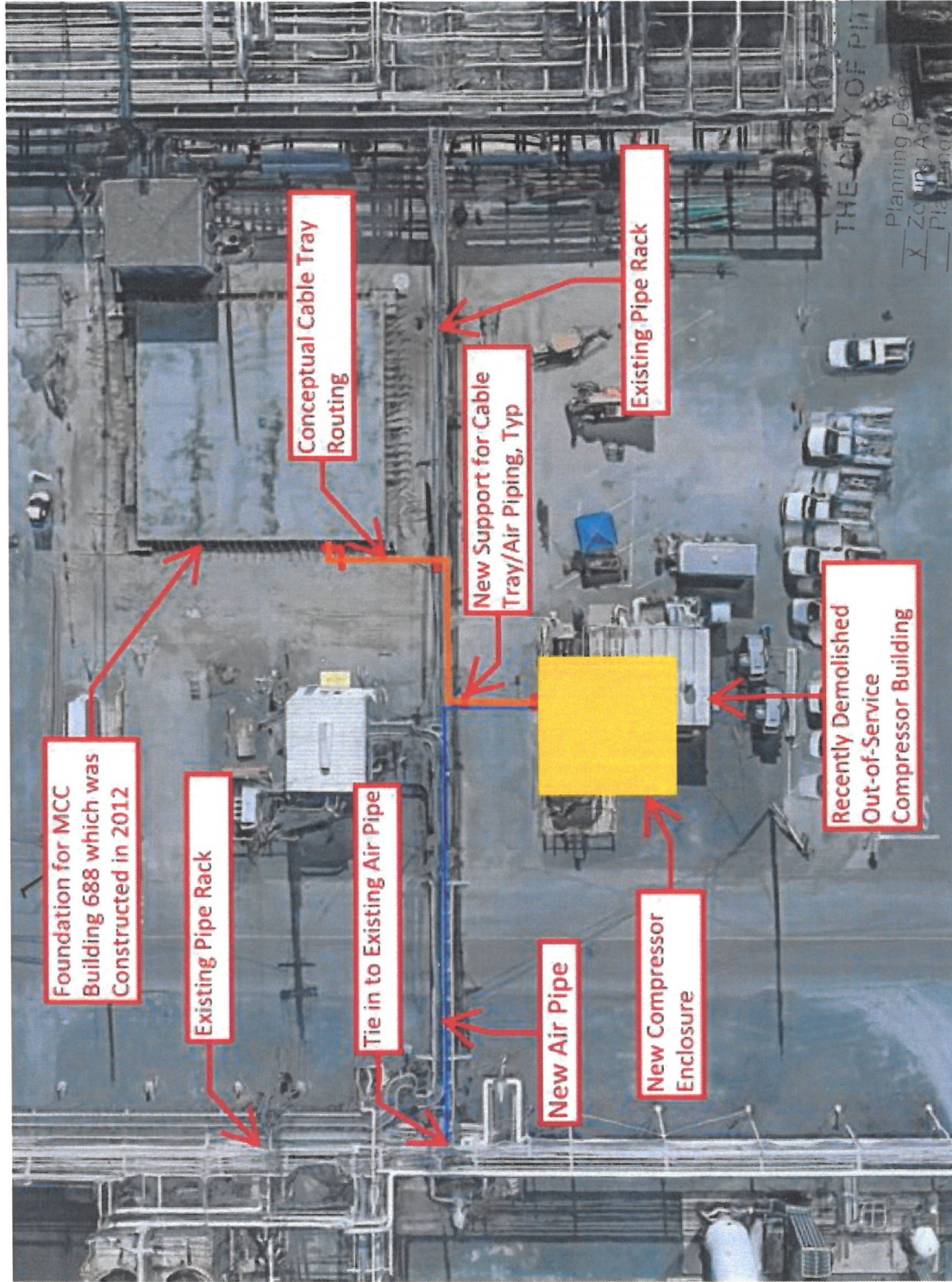
Date Approved: 3.14.19

Signature: Debra J. Pl...

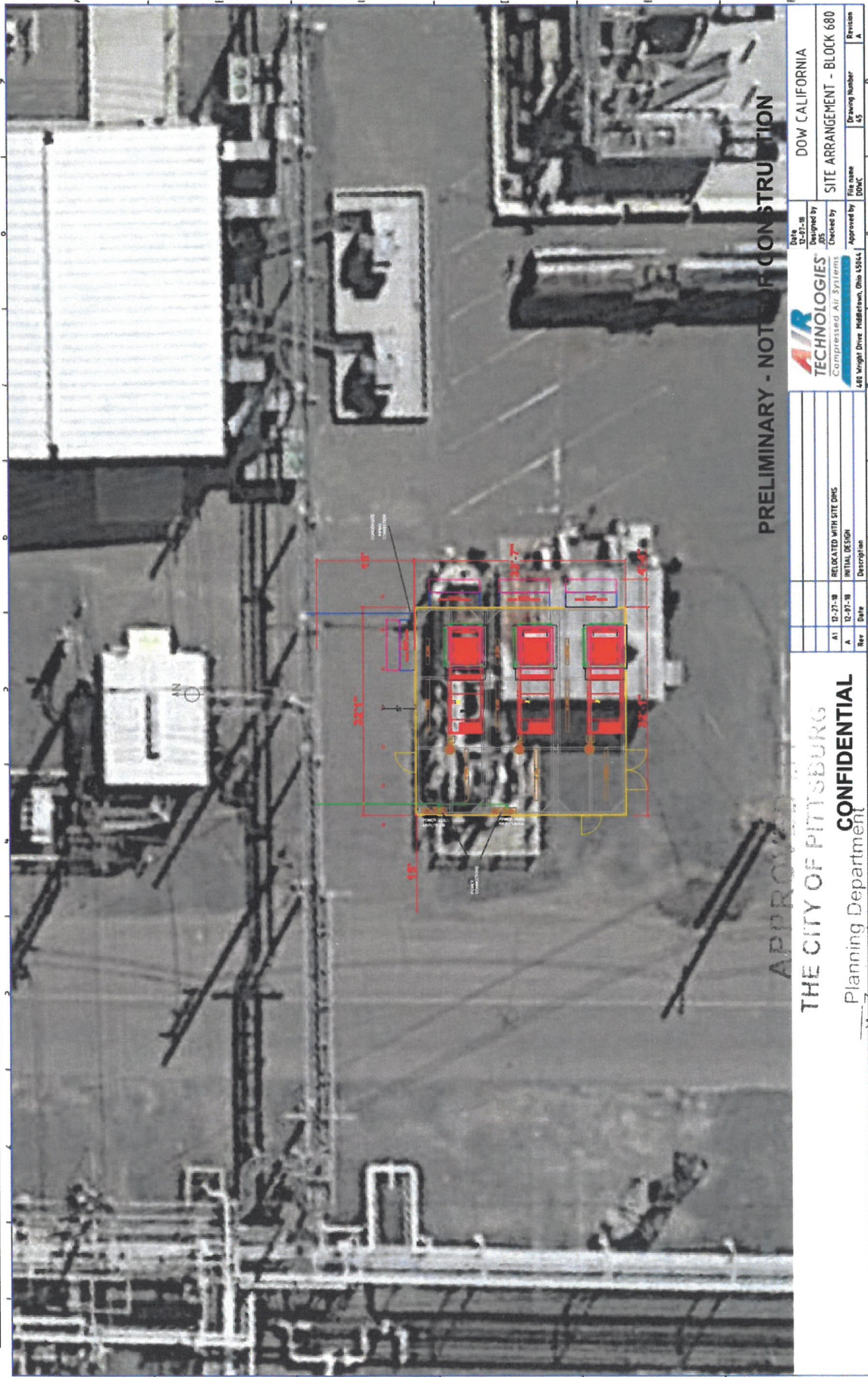
DOW CALIFORNIA
 PLANNING DEPARTMENT
 ELEVATION DRAWING
 SHEET 210
 DATE: 03/14/19
 SCALE: 1/8" = 1'-0"
 SHEET 210 OF 14



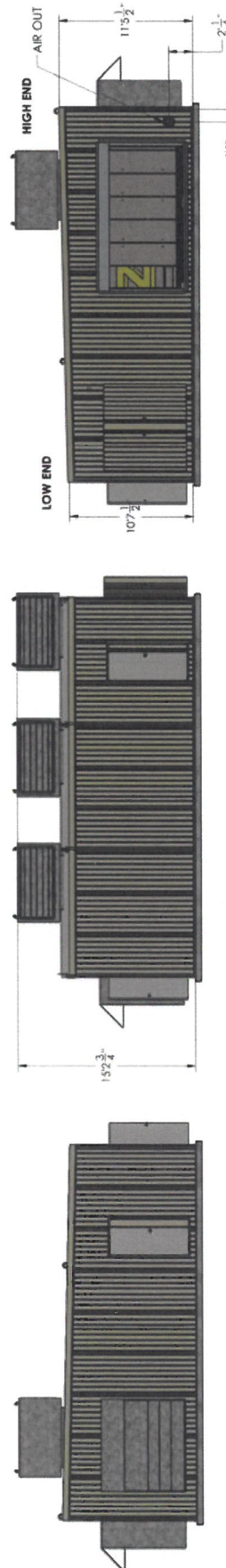
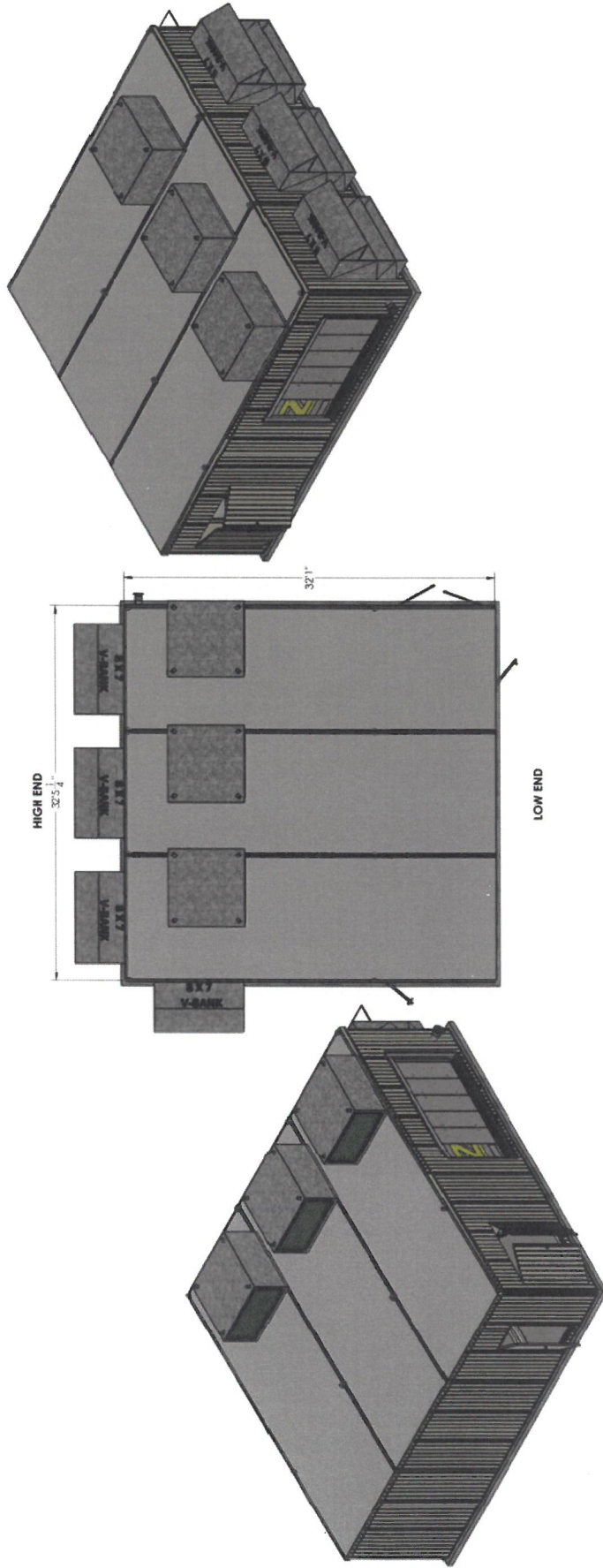
Site B – Conceptual Layout



Site B – Conceptual Enclosure Plan



Site B – Compressor Enclosure Exterior Elevations



APPROVED BY
THE CITY OF PITTSBURGH

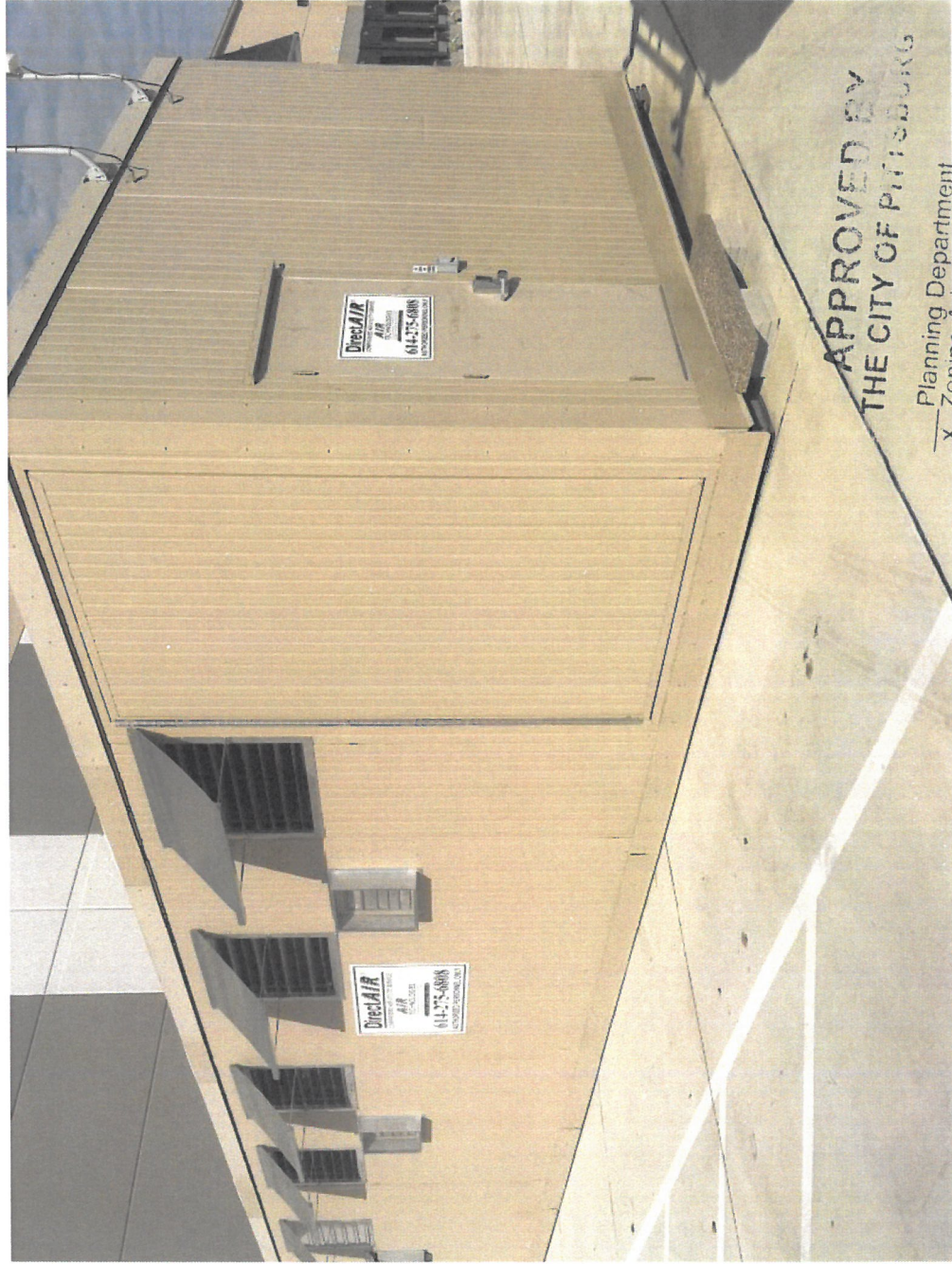
Planning Department
☒ Zoning Administrator
☐ Planning Commission
☐ City Council

App. No. AP-19-1401
 Reso. No. 335
 Date Approved: 3.12.19
 Signature: Olivia F. P.



Typical Installed Enclosure

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



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, 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 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.

**PITTSBURG HISTORIC RESOURCES COMMISSION
MEETING MINUTES**

December 11, 2018

CALL TO ORDER

A meeting of the Pittsburg Historic Resources Commission was called to order by Chair Coniglio at 8:12 p.m. on Tuesday, December 11, 2018, following the Planning Commission meeting in the Council Chamber, City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL

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

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 July 10, 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

ADJOURNMENT

The meeting was adjourned at 8:14 p.m.

Respectfully Submitted,

Kristin Pollot, AICP, Secretary