



City of Pittsburg Planning Commission Agenda

April 12, 2022

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

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

Planning Commission Members

**Elissa Robinson, Chair
Henry Perkins, Commissioner
Ivelina Popova, Commissioner
Arlene Kobata, Commissioner
Sarah Foster, Commissioner
Alvin Jackson, Commissioner**

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

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

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

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

DELETIONS, WITHDRAWALS OR CONTINUANCES

COMMENTS FROM THE AUDIENCE

CONSENT

1 Minutes

Meeting Minutes of March 8, 2022 and March 22, 2022

PUBLIC HEARINGS

2 Consideration of a Resolution Granting a Use Permit for The Network Event Space, AP-21-1579 (UP)

This is a public hearing on a request for approval of a use permit to legalize a commercial recreation and entertainment use to host events at 62 E. 4th Street. The property is within the CP (Pedestrian Commercial) District. Assessor's Parcel Number: 085-104-006.

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

3 Consideration of a Resolution Approving a Use Permit and Design Review for Starbucks Drive-Through (Marriott Pad), AP-21-1610 (UP, DR).

This is a public hearing on a request for Use Permit and Design Review approval of plans to construct a one-story, 2,000 square foot structure along with parking lot and landscaping improvements, to establish a drive through service use (Food Shop) for Starbucks, located at 999 Center Drive on the southwest corner of Railroad Avenue and Center Drive, in the PD-1319 (Planned Development, City Council Ordinance No. 09-1319) District. Assessor's Parcel No. 086-100-045.

Environmental Review: On July 6, 2009, the City Council adopted Resolution No. 09-11250 certifying the Environmental Impact Report (EIR), adopting and approving statements of findings and overriding considerations, and approving a Mitigation Monitoring and Reporting Program (MMRP) for the RASP. The mitigation measures included in the MMRP were subsequently incorporated into the RASP, which

This agenda was posted in City Hall on Thursday, April 7, 2022

was adopted by City Council on November 2, 2009, through Ordinance No. 09-1319.

The RASP EIR analyzed the traffic and other potential impacts of RASP implementation. The California Environmental Quality Act (CEQA) provides that after a public agency certifies an EIR, the agency shall consider whether further environmental review is required for a subsequent discretionary decision. CEQA Guidelines Section 15183(a) provides that if the subsequent activities under review “are consistent with the development densities established by existing zoning, community plan or General Plan for which an EIR was certified,” the agency “shall not prepare additional environmental review, except as may be necessary to examine whether there are project-specific significant impacts which are peculiar to the project or its site...”

The proposed project is consistent with the commercial development intensities established by the RASP and therefore, additional environmental review is not required under CEQA. For the area bounded by State Route 4, Railroad Avenue, Civic Avenue, and Davi Avenue, the RASP allows up to 304,400 square feet of commercial development (RASP, Table 3.1). There has been one commercial development approved in this area since adoption of the RASP in 2009, Application No. AP-19-1417 (DR, TRP) to establish the use of a hotel totaling 48,138 square feet.

ZONING ADMINISTRATOR REPORTS

- 4 Notice of Intent to Exercise Delegated Design Review Authority**
The Zoning Administrator submits two notices of intent to exercise delegated design review authority: 1) a one-year time extension of the administrative design review approval to remodel the exterior storefront facade introducing new materials and paint colors for the Ace Hardware store located at 125 E. Leland Road in the Railroad Avenue Specific Plan (RASP), Planned Development (PD Ordinance No. 09-1319) District. Assessor’s Parcel Number: 088-183-016. The existing approval was set to expire on March 25, 2022; and 2) to legalize new paint colors applied to the exterior façade of the space leased by Shoe Palace located at 2110 Railroad Ave., Ste. 130, in the PD-1319 (Planned Development, City Council Ordinance No. 09-1319) District. Assessor’s Parcel Number 087-030-086.

STAFF COMMUNICATIONS

COMMITTEE REPORTS

ADJOURNMENT OF PLANNING COMMISSION MEETING

NOTICE TO PUBLIC

NOTICE TO THE DISABLED AND VISUALLY OR HEARING IMPAIRED

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

GENERAL INFORMATION

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

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

March 8, 2022

In compliance with Section 54953(e)(2), of Executive Order N-15-21, issued by Governor Newsom effective October 1, 2021, the City Council authorized the regular meeting of the Planning Commission for March 7, 2022, to be held as a teleconferenced meeting upon findings made in Resolution 22-14063 as required by state law. Planning Commissioners and appropriate staff participated electronically. Please be advised that pursuant to the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, the Council Chamber was not open for the meeting. The Public continued virtual participation via Zoom with broadcasting live through Granicus on the City's website.

Commissioner Robinson called the meeting of the Pittsburg Planning Commission to order at 7:00 p.m. via Zoom teleconference.

ADMINISTRATION OF OATH

Assistant City Clerk, Amanda McVey issued the oath of office to newly appointed Planning Commissioners Kobata and Jackson.

ROLL CALL

Present: Commissioners Foster, Jackson, Kobata, Moreno Jr, Popova, Robinson

Absent: Commissioner Perkins

Staff: Director of Community and Economic Development Jordan Davis, Assistant Director of Planning John Funderburg, Assistant City Clerk Amanda McVey, Permit Center Supervisor Shelby Rose, Acting Planning Manager Christie Robinson, Administrative Specialist Sharon Paz

PLEDGE OF ALLEGIANCE

Commissioner Foster led the Pledge of Allegiance.

REORGANIZATION

Per Planning Commission bylaws, as the currently sitting Vice-Chair, Commissioner Robinson assumed the role of Chair. In the order of seniority, Commissioner Moreno, Jr assumed the role of Vice-Chair.

DELETIONS / WITHDRAWALS / CONTINUANCES

There were no deletions, withdrawals, or continuances.

Secretary Funderburg clarified that the GHF Enterprises item was actually for Public Hearing and continued from the February 8 Planning Commission meeting.

COMMENTS FROM THE AUDIENCE

There were none.

PRESENTATIONS

Jordan Davis recognized James Coniglio and thanked him for his seven years of service to the Planning Commission and the City. Many of the commissioners expressed their thanks and appreciation for serving with him over the years.

CONSENT

1. Meeting Minutes of February 8, 2022

On motion by Commissioner Moreno, Jr, seconded by Commissioner Popova to approve the Meeting Minutes of February 8, 2022, and carried by the following vote:

AYES: Foster, Jackson, Kobata, Moreno, Jr, Popova, Robinson

NAYES:

ABSTAIN:

ABSENT: Perkins

COMMISSION CONSIDERATION

2. Consideration of a Resolution Approving Tuscany Meadows Residential Subdivision Design Review for Units 1 and 2, AP-20-1549 (DR).

This was a request regarding Tuscany Meadows Subdivision located west of Somersville Rd and south of Buchanan Rd in the RS-4 (Single-Family Residential) District. The Tuscany Meadows Subdivision (Tract 8654) was approved by the Planning Commission on February 9, 2016 (Resolution No. 10015). A total of 200 units will be constructed in Units 1 and 2.

Secretary Funderburg gave a presentation on the subdivision design.

Commissioner Foster asked questions for clarification on the sidewalk on Buchanan Rd and any traffic mitigation that may have been done to protect pedestrians on a highly

traveled area.

Josh Randles, Residential Project Manager of Discovery Builders answered the commissioners' questions on the sidewalk design plan.

Public comment was received through call-in from the following:

Bruce Ohlson
Unidentified resident

Commissioners asked questions of Staff and Mr. Randles and engaged in discussion.

On a motion by Commissioner Moreno Jr, seconded by Commissioner Foster to approve Tuscany Meadows Residential Subdivision Design Review for Units 1 and 2, AP-20-1549 (DR).

AYES: Foster, Jackson, Kobata, Moreno, Jr, Popova, Robinson

NAYES:

ABSTAIN:

ABSENT: Perkins

PUBLIC HEARING

3. Consideration of a Resolution Approving a Use Permit on GHF Enterprises LLC, Auto Sales, AP-21-1575 (UP).

This was a public hearing requesting approval of a use permit to establish an auto sales use within an approximately 32-square-foot-office tenant space in an existing approximately 3,904-square-foot multi-tenant building, located at 40 N Parkside Dr, in the CS (Service Commercial) District. APN: 086-171-026. This item was continued from the February 8, 2022, meeting.

Christie Robinson, Acting Planning Manager gave a presentation.

Chair Robinson opened the item to public comment.

There was no public comment.

The Commissioners engaged in general discussion and asked questions of Staff and the Applicant, Grzegorz (Greg) Fedenczak.

On Motion by Commissioner Moreno Jr, seconded by Commissioner Foster to approve a use permit for GHF Enterprises LLC, Auto Sales, AP-21-1575 (UP).

AYES: Foster, Jackson, Kobata, Moreno, Jr, Popova, Robinson

NAYES:

ABSTAIN:

ABSENT: Perkins

STAFF COMMUNICATIONS

Secretary Funderburg welcomed the new Commissioners and encouraged them to reach out to Staff with any questions they may have.

COMMITTEE REPORTS / COMMISSIONER COMMENTS

Chair Robinson said that subcommittee assignments will be announced at the next meeting. She also reported that the Land Use Subcommittee meeting met in February and discussed the general plan update, medium density residential designs, and the new Accela permitting platform.

ADJOURNMENT

The meeting was adjourned at 8:35 p.m. to March 22, 2022.

Respectfully Submitted,

John Funderburg, Secretary

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

March 22, 2022

In compliance with Section 54953(e)(2), of Executive Order N-15-21, issued by Governor Newsom effective October 1, 2021, the City Council authorized the regular meeting of the Planning Commission for March 22, 2022, to be held as a teleconferenced meeting upon findings made in Resolution 22-14063 as required by state law. Planning Commissioners and appropriate staff participated electronically. Please be advised that pursuant to the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, the Council Chamber was not open for the meeting. The Public continued virtual participation via Zoom with broadcasting live through Granicus on the City's website.

Commissioner Robinson called the meeting of the Pittsburg Planning Commission to order at 7:00 p.m. via Zoom teleconference.

ROLL CALL

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

Absent: Commissioner Moreno, Jr

Staff: Director of Community and Economic Development Jordan Davis, Assistant Director of Planning John Funderburg, Assistant City Clerk Amanda McVey, Permit Center Supervisor Shelby Rose, Administrative Specialist Sharon Paz

PLEDGE OF ALLEGIANCE

Commissioner Kobata led the Pledge of Allegiance.

DELETIONS, WITHDRAWALS OR CONTINUANCES

There were no deletions, withdrawals, or continuances.

COMMENTS FROM THE AUDIENCE

There were none.

CONSENT

1. Los Medanos Industrial Park Extension of Approval, AP-18-1353 (DR).

On motion by Commissioner Popova, seconded by Commissioner Foster to approve the Consent Calendar:

AYES: Foster, Jackson, Kobata, Perkins, Popova, Robinson

NAYES:

ABSTAIN:

ABSENT: Moreno, Jr

COMMISSION CONSIDERATION

2. General Plan Annual Progress Report for Calendar Year 2021

This was a request regarding the Planning Commission to: 1) review the draft General Plan Annual Progress Report (APR) for Calendar Year 2021; 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).

Secretary Funderburg gave a presentation on the General Plan Annual Progress Report for Calendar Year 2021

Commissioner Foster asked questions of Secretary Funderburg.

Public Comment was received through call-in from the following:

Bruce Ohlson

On a motion by Commissioner Foster, seconded by Commissioner Popova to authorize the submittal of the General Plan Progress Report (APR) for Calendar Year 2021.

AYES: Foster, Jackson, Kobata, Perkins, Popova, Robinson

NAYES:

ABSTAIN:

ABSENT: Moreno, Jr

STAFF COMMUNICATIONS

Commissioners Popova thanked Secretary Funderburg and City Staff for their hard work on behalf of the Planning Commission.

Secretary Funderburg announced the Economic Development Speaker Series kick-off event on March 9, 2022, at 3:00 p.m. at EJ Phair. The featured speaker is Eugene Cornelius, Senior Director of the Milken Institute.

COMMITTEE REPORTS / COMMISSIONER COMMENTS

Commissioner Foster gave a report for the TRANSPLAN Subcommittee.

Chair Robinson announced the following Subcommittee assignments:

Land Use: Robinson and Popova

Alternate 1: Moreno, Jr; Alternate 2: Foster

TRANSPLAN: Foster

Alternate: Jackson

Pittsburg Recognition: Kobata

Alternate: Perkins

Jordan Davis announced the next Planning Commission meeting would be held in person and that the Subcommittees will meet virtually for the foreseeable future.

ADJOURNMENT

The meeting was adjourned at 7:46 p.m. to April 12, 2022.

Respectfully Submitted,

John Funderburg, Secretary

**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
April 12, 2022**

ITEM: Consideration of a Resolution Granting a Use Permit for The Network Event Space, AP-21-1579 (UP)

ORIGINATED BY: Terry Griffin, 62 E. 4th Street, Pittsburg, CA 94565

SUBJECT: This is a public hearing on a request for approval of a use permit to legalize a commercial recreation and entertainment use to host events at 62 E. 4th Street. The property is within the CP (Pedestrian Commercial) District. Assessor's Parcel Number: 085-104-006.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a Resolution approving Use Permit Application No. 21-1579, subject to conditions.

BACKGROUND:

The project site is located within the historic Bank of America Building. The Bank of America Building was constructed in 1921 and is a contributor to the New York Landing Historic District.

On July 12, 2021, the applicant filed Use Permit Application No. 21-1579 to legalize the commercial recreation and entertainment use to host events at 62 E. 4th Street.

PROJECT DESCRIPTION:

Existing Conditions: The subject property is an approximately 7,800 square foot parcel, located on the southwestern corner of Railroad Avenue and E. 4th Street in Downtown Pittsburg, with frontage on both Railroad Avenue and 4th Street. The parcel contains a two-story multi-tenant commercial building that encompasses the entire parcel with zero-yard setbacks. There is no off-street parking at the location; however, street parking is available along both frontages, and public parking lots are located to the north (50 feet away) and to the east (170 feet away). The building provides entrances to the north along E. 4th Street and to the east along Railroad Avenue.

Other current tenants of the commercial structure include, Obsessed Esthetics (Personal Services Use), GC Services (Office Use), Ripple Effects (Office Use), Lash Room (Personal Services Use), and Aventis Management Inc (Office Use).

See attachment 3 for photographs showing existing site conditions.

Surrounding Land Uses:

Planning Commission Staff Report
The Network Event Space, AP-21-1579 (UP)
April 12, 2022

North: E. 4th Street, New Mecca Café, public parking lot
West: Burlessas Building (Future Mixed Use Residential –
Apartments/Commercial)
South: La Veranda Ristorante Italiano, John Buckley Square
East: Railroad Avenue, Office spaces, St. Claire Cigars

See Attachment 4 for a map of surrounding uses.

Project: The applicant is requesting approval of a use permit to legalize a commercial recreation and entertainment use within the building at 62 E. 4th Street. The applicant has leased 1,800 square feet of the building, consisting of spaces on both the first and second floor, and is proposing to use the leased space as an event center to rent out for celebrations (birthdays, graduations, anniversary parties, educational events, baby showers, art shows, game nights, and private dinners). The applicant will be utilizing either both spaces (first and second floor) at the same time, or at times using only the bottom level, depending on the customer and their rental preference for each event.

Customers may inquire to rent the space online through the business website or through the online app Peerspace. The applicant will not provide tables, chairs, decorations, food, or drink to customers. Customers will be responsible for obtaining these items from outside businesses to bring into the space. The applicant is also proposing that customers be permitted to hire live entertainment for private events, including but not limited to a DJ, live band, and/or recorded music. Regarding alcohol at events, the applicant is proposing customers be permitted to serve alcohol during private events; however, they will not be permitted to sell alcoholic beverages at private events. This is in compliance with the Department of Alcoholic Beverage Control (ABC) regulations. The applicant will have \$2,000,000 in insurance coverage for the facility, which will include coverage for any event held in the space. The maximum occupancy for the tenant space is 190 persons standing or 100 persons seated. The applicant has stated they plan to hire a security company for each event to ensure the safety of the space and the guests who attend each event.

The applicant has requested operating hours of 8:00 a.m. to 12:00 a.m. daily. Office hours will be from 9:00 a.m. to 5:00 p.m. and by appointment only. The event space will be available to be rented out until 11:00 p.m., and customers will be required to clean and be out of the space by 12:00 a.m. The business will have two employees.

See Attachment 2 for a floor plan.

GENERAL PLAN/CODE COMPLIANCE:

General Plan: The project site is located in the 'Downtown Subarea' of the General Plan and has a land use designation of *Downtown Commercial*. This land use designation is intended to accommodate specialty retail, personal services, restaurants, offices, financial organizations, institutions, and other businesses serving the daily needs of Downtown residents. The proposed project conforms with the intent of the General

Plan, and more specifically, Policy 5-P-5 which encourages the development and promotion of cultural activities and facilities, such as museums, meeting halls, community theatres, public art galleries and shows, located within the Commercial Core.

Zoning: The subject site is located in the CP (Pedestrian Commercial) District. The CP District is intended to provide a vibrant destination area that caters to pedestrian shoppers and visitors in the Downtown Commercial Core. Permitted uses on ground floor along the primary corridor consist primarily of pedestrian-oriented retail, entertainment, restaurants, and galleries. Office uses are permitted above/below the ground floor and beyond the primary corridor of the CP District to increase the downtown population and employment/shopper base. The CP District is intended to create a place for pedestrian-oriented activity by providing inviting, visually interesting, human-scale architecture, pedestrian-friendly storefronts, outdoor dining opportunities, and a limited number of (public) parking facilities.

The proposed use of an event center falls under the use classification of “Commercial Recreation and Entertainment, within a building,” as defined by section 18.08.080(11)(a) of Pittsburgh Municipal Code (PMC). In accordance with PMC section 18.52.010, commercial recreation uses within a building and within the CP District are allowed subject to the approval of a use permit.

Development Standards: The project site is within an existing building, constructed in 1921, that complied with all the site development standards in effect at the time. In 2018 the building was painted with a new color scheme, in a manner consistent with the Secretary of the Interior’s Standards for the Rehabilitation of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. The proposed use will utilize the existing facilities and no building expansion or major site improvements are proposed that would trigger the application of development standards such as setbacks, building height, lot coverage, floor-to-area ratio, or landscape coverage.

Off-Street Parking: PMC section 18.78.040 sets forth standards for off-street parking. PMC section 18.78.040(G)(3) specifies that nonresidential uses on properties located in the CP district shall not be subject to the minimum off-street parking and loading spaces required by (section 18.78.040). Therefore, no off-street parking is required for the proposed project.

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

Public Notice: On or prior to April 2, 2022, notice of the April 12, 2022, public hearing was posted at City Hall and at or near the proposed project site; and on the 'Public Notices' section of the city's website and was mailed via first class or electronic mail to the applicant, to the property owner, to owners of property located within 300 feet of the project site, to local service agencies expected to provide services to the 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 "Old Town Pittsburg", and "The Village at New York Landing" neighborhoods.

ANALYSIS:

Staff believes that the Planning Commission can make the required findings to allow the proposed commercial recreation and entertainment use at the proposed location, if key conditions of approval are incorporated into the attached resolution. Key conditions of approval will require that:

- the site and adjacent street and sidewalk shall be kept clean and free of all litter, debris, and refuse that may be generated from the operation of the business, at

all times. There shall be no outside storage of materials, supplies, bins, or other equipment related to the business operation.

- the hours of operation for the business shall be limited to 8:00 a.m. to 11:00 p.m., daily; however, break down shall be complete and all evidence of events taking place on site shall be removed from the property no later than 11:59 p.m. the night of the event.
- the number of attendees for any event shall not exceed the maximum occupancy for the space.

With the incorporation of the conditions identified above, the proposed use will not be detrimental to the health, safety, and general welfare of the City, nor create a nuisance or enforcement problem within the neighborhood. The proposed project will help promote the general welfare of residents by occupying a site that would otherwise be vacant. The proposed project will support the goals of creating a vibrant, economically prosperous, visually interesting, and engaging atmosphere by drawing new customers to Old Town Pittsburg, thereby increasing pedestrian traffic for surrounding sites and businesses.

ACTION REQUIRED:

Move to adopt a Resolution approving Use Permit Application No. 21-1579, as conditioned.

ATTACHMENTS:

1. Proposed Resolution
2. Project Floor Plans, date stamped July 12, 2021
3. Site Photos
4. Map of Surrounding Land Uses
5. Property Development Regulations Table
6. Applicable General Plan Goals and Policies
7. Public Hearing Notice

Prepared by: Celina Palmer, AICP, Associate Planner

Attachment 1

BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Granting a Use Permit to Legalize an)
Event Space Within an Existing 1,800)
Square-Foot Commercial Space)
Located at 62 E. 4th Street, for the)
Network Event Space, AP-21-1579)
(UP).”)

Resolution No. _____

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. On July 12, 2021, Terry Griffin filed Planning Application No. 21-1579, requesting a Use Permit to legalize a commercial recreation and entertainment use to host events within a 1,800 square-foot tenant space of an existing multi-tenant commercial building, located at 62 E. 4th Street, in the CP (Pedestrian Commercial) District. Assessor's Parcel No. 085-104-006.
- 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. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1, "Existing Facilities," of the CEQA Guidelines, section 15301.
- D. PMC section 18.16.040 specifies that the following findings must be made before approval of a Use Permit. The Planning Commission may grant approval of a use permit if the proposed use:
 1. is in accord with the objective of 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.
- E. On or prior to April 2, 2022, notice of the April 12, 2022, public hearing was posted at City Hall and at or near the proposed project site; and on the 'Public Notices' section of the city's website and was mailed via first class or electronic mail to the applicant, to the property owner, to owners of property located within 300 feet of the project site, to local service agencies expected to provide services to the 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 "Old Town Pittsburg", and "The Village at New York Landing" neighborhoods.
- F. On April 12, 2022, the Planning Commission held public hearing on Planning Application No. 21-1579, at which time oral and/or written testimony was considered.

Section 2. Findings

- A. Based on the Planning Commission Staff Report titled, "Consideration of a Resolution Approving a Use Permit for The Network Event Space, AP-21-1579 (UP)," dated April 12, 2022, all the information contained in the Planning Division files on the project adopted and incorporated herein by reference and available for review in the Planning Division located at 65 Civic Avenue in Pittsburg, and all written and oral testimony presented at the meeting, the Planning Commission finds that:
1. All recitals above are true and correct and incorporated herein by reference.
 2. The proposed commercial recreation and entertainment use, The Network Event Space, 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 the proposed event space (classified by PMC 18.08.080.11.a, as 'Commercial Recreation and Entertainment within a Building') is a conditionally permitted use in the CP (Pedestrian Commercial) Zoning District;
- b. not be detrimental to the health, safety, and general welfare of the City, in that it will be required to meet health and safety requirements of the Pittsburg Community Development Department and the Contra Costa County Fire Protection District;
- c. not adversely affect the orderly development of property within the City, in that approval of the Use Permit will allow the applicant to occupy a site 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. not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the City, in that the continued occupancy of empty tenant spaces throughout town will increase property values as well as the City's tax base, and the new use will likely draw new customers to Old Town Pittsburg, thereby increasing pedestrian traffic not only on site, but for surrounding sites and businesses therefore increasing revenue for the City;
- e. will be consistent with the General Plan, specifically goal 2-G-1, in that the proposed event space will occupy an existing commercial building, therefore maintaining a compact urban form within the City's projected municipal boundary;
- f. will not create a nuisance or enforcement problem within the neighborhood, in that the use 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 business will occupy a space located within an existing commercial building, and 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 project site is located in an area of the City served by

existing utilities, and the business will be privately maintained and operated at the cost of the applicant;

- i. will not be inconsistent with the City's approved funding priorities, in that that there is no public money involved in this project; and
- j. will support the goals of creating vibrant, economically prosperous, visually interesting, and engaging pedestrian-oriented atmosphere along Railroad Avenue, in that the new use will likely draw new customers to Old Town Pittsburg, thereby increasing pedestrian traffic not only on site, but for surrounding sites and businesses.

B. The Staff Report entitled, "Consideration of a Resolution Approving a Use Permit for The Network Event Space, AP-21-1579 (UP)," dated April 12, 2022, is referenced hereto as additional support for findings.

Section 3. Decision

Based on the findings set forth above, this Planning Commission hereby approves Planning Application No. 21-1579, subject to the following conditions:

Planning Conditions:

1. Conformity with Project Plans. The approved use shall be operated in substantial conformity with the project plans dated July 12, 2021, except as may be hereinafter modified. Any major changes to the project plans shall be subject to review and approval by the Planning Commission at the City Planner's discretion.
2. License and Permitting. At all times during operation of the business, the business operator shall maintain a City Business License. All businesses utilizing the event space, or businesses operating within the event space, including but not limited to catering companies, small businesses selling goods, furniture rental companies, or security companies, shall obtain and maintain a business license with the City of Pittsburg for the entire duration of the event(s).
3. Hours of Operation. The hours of operation for the business shall be limited to 8:00 a.m. to 11:00 p.m., daily; however, break down shall be complete and all evidence of events taking place on site shall be removed from the property no later than 11:59 p.m. the night of the event.
4. Maximum Occupancy. The number of attendees for any event shall not exceed the maximum occupancy for the space as determined by the Contra Costa County Fire Protection District.

5. Site Maintenance. The site and adjacent street and sidewalk shall be kept clean and free of all litter, debris, and refuse that may be generated from the operation of the business, at all times. There shall be no outside storage of materials, supplies, bins, or other equipment related to the business operation.
6. Signage. Signage for the use is not approved with this resolution. Should the applicant consider signage for the building, the applicant or their designee shall submit proposed signs as part of a separate sign permit application, which will be subject to review and approval by the Planning Division prior to installation.
7. Peace and Order. The business operator shall be responsible for maintaining the peace and order on the premises. All necessary steps shall be taken to ensure that customers and/or attendees refrain from incidents of violence that adversely impact the safety of the community. Should the business operator fail to control loitering, noise, illegal parking, public disturbances or incidents of violence, and in the event that the business necessitates an increased police presence, the Chief of Police may require the business owner to provide additional public safety measures, including but not limited to, video cameras, additional exterior lighting, hiring licensed and bonded security guards approved by the Police Department, reduced hours of operation, prohibition on alcohol service, submittal of a written acknowledgment by lessees allowing the Pittsburgh Police Department to enter the premises to conduct an inspection during events, or such other measures as determined necessary by the Chief of Police in their sole discretion. Any such required additional measures shall be at the business owner/operator's sole expense.
8. Alcoholic Beverages. The business operator shall comply with all requirements set forth by the Department of Alcoholic Beverage Control (ABC). Alcoholic beverages shall not be made available for sale in any fashion.
9. Alcoholic Beverages. The business operator shall ensure that there is no provision of alcohol anywhere outside of the building unless otherwise specified in a Temporary Activity Permit or Special Event Permit for a particular event.
10. Smoking. The business operator shall ensure there is no smoking within the building or within 20 feet of a doorway or operable window. This condition shall include but is not limited to tobacco, cannabis, vapes, or other commonly used smoking devices.
11. Refuse Disposal. The business operator shall ensure that trash and recycling facilities are properly maintained and provide adequate storage and pickup for all businesses utilizing the bins. Bins shall be kept indoors at all times except on pickup days, on which bins shall be brought indoors by 3:30 p.m. The applicant shall adhere to California Senate Bill 1383 and related local enforceable

mechanisms including the City's Municipal Code Sections 8.04 Refuse Removal and Disposal, 8.06 Collection of Recyclable Refuse, and 8.09 Collection of Organic Refuse. The City Engineer reserves the right to require additional measures be taken to ensure proper maintenance of the refuse facility, including but not limited to requiring larger bins, an increased number of bins, and additional pickups to the maximum amount provided by the City-contracted refuse collection company.

12. Security. The business operator shall ensure security guards are on duty during all events. The Chief of Police, in their sole discretion, shall reserve the right to require licensed and bonded security guards during any or all events.
13. Insurance. The business operator shall ensure coverage in the amount of Two Million Dollars (\$2,000,000) per event and Four Million Dollars (\$4,000,000) aggregate is maintained at all times. The Chief of Police shall reserve the right to increase the amount of insurance required if it is determined, in the sole discretion of the Chief of Police, that additional insurance coverage is required.
14. Live Entertainment. The business operator shall ensure any noise generated by events is not audible outside of the building or within adjacent tenant spaces. Live entertainment, as defined within PMC Title 18 and including a set of recorded music played by a disc jockey, shall be limited to the hours of 7:00 a.m. to 11:30 p.m. as specified in PMC section 9.44.010.B., unless expressly approved by a temporary activity or special event permit.
15. Private Admission. The project applicant shall not hold events and charge for a separate private admission to operate independent of the approved commercial recreation and entertainment use.

Engineering Conditions:

16. Sewer Lateral. The property owner or business operator shall remove and replace the existing sewer lateral to meet current standards. The property owner or business operator shall obtain an encroachment permit from the Engineering Department for the work to replace the lower lateral, and installation of the two-way sanitary sewer cleanout. In addition, the property owner or operator shall obtain a plumbing permit from the Building Division for any sewer lateral work for the upper lateral (portion from the cleanout to the building).

Standard Conditions:

17. Other Agency Requirements. The applicant 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. It is the responsibility of the applicant to contact each local, state, or federal agency for requirements that may pertain to this project.

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 conflict between the Standard Conditions of Development and the specific conditions of approval specified in this resolution, the specific conditions of this Resolution No. 10185 shall govern.

19. 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.

20. Expiration of Approval. This use permit approval will expire on April 12, 2023, 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 12th day of April, 2022, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES:

NAYES:

ABSTAIN:

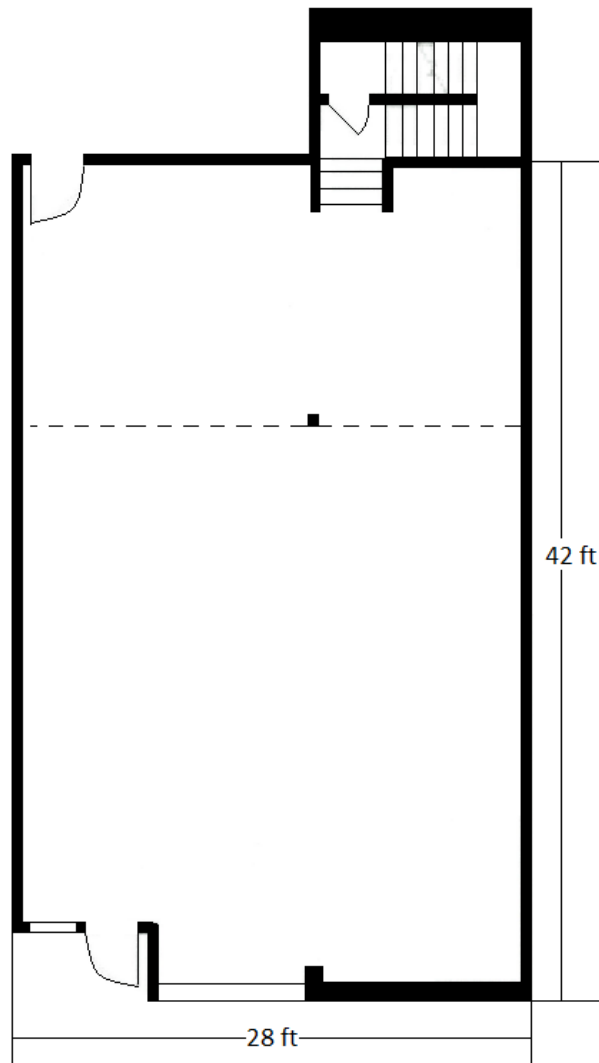
ABSENT:

I hereby certify that the above Resolution No. _____ was adopted by the Planning Commission of the City of Pittsburg on April 12, 2022.

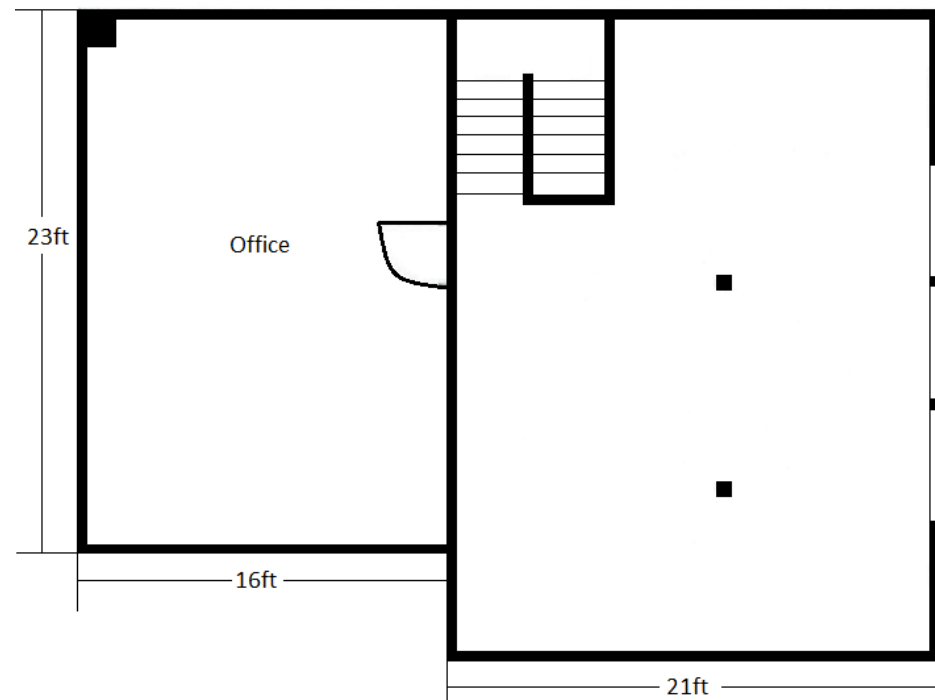
JOHN FUNDERBURG, SECRETARY
PITTSBURG PLANNING COMMISSION

Attachment 2
Floor Plan

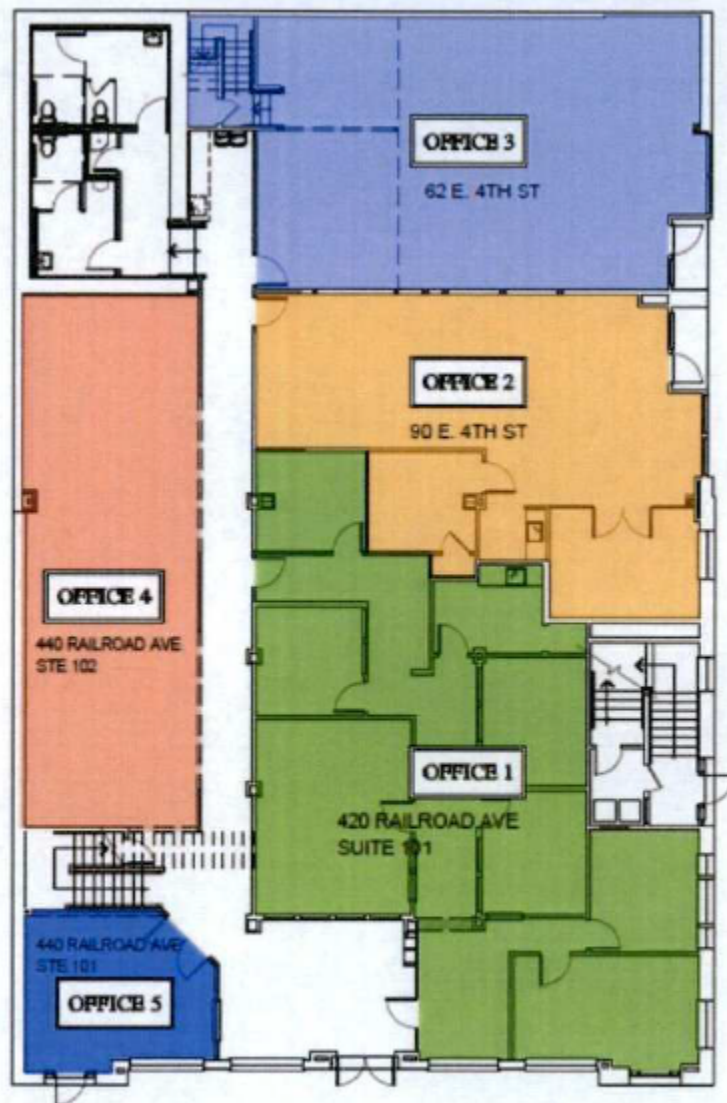
The Network Event Space, AP-21-1579 (UP)



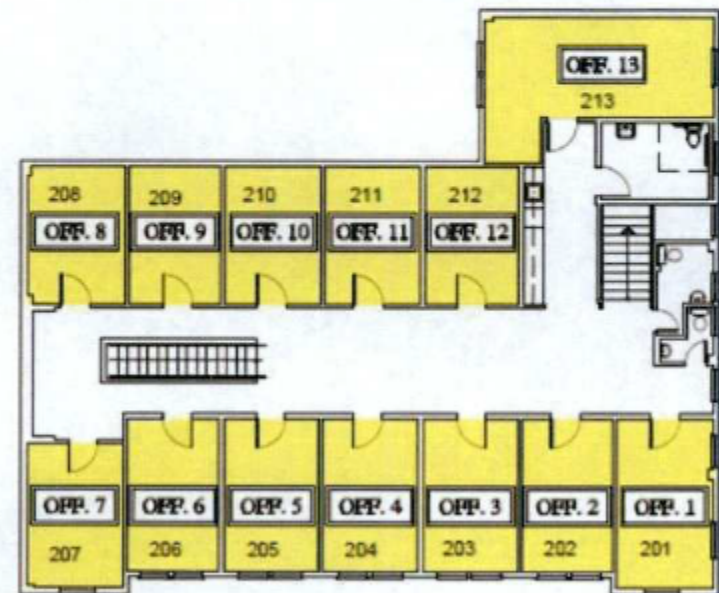
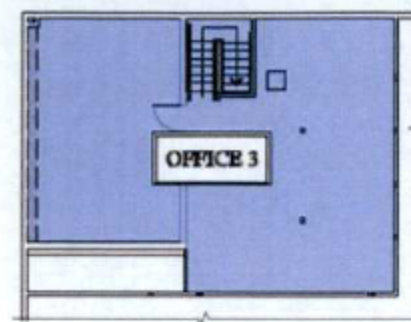
1st Floor



2nd Floor



FIRST FLOOR



430 RAILROAD AVE SUITE 201-213

SECOND FLOOR

Attachment 3
Existing Site Photos

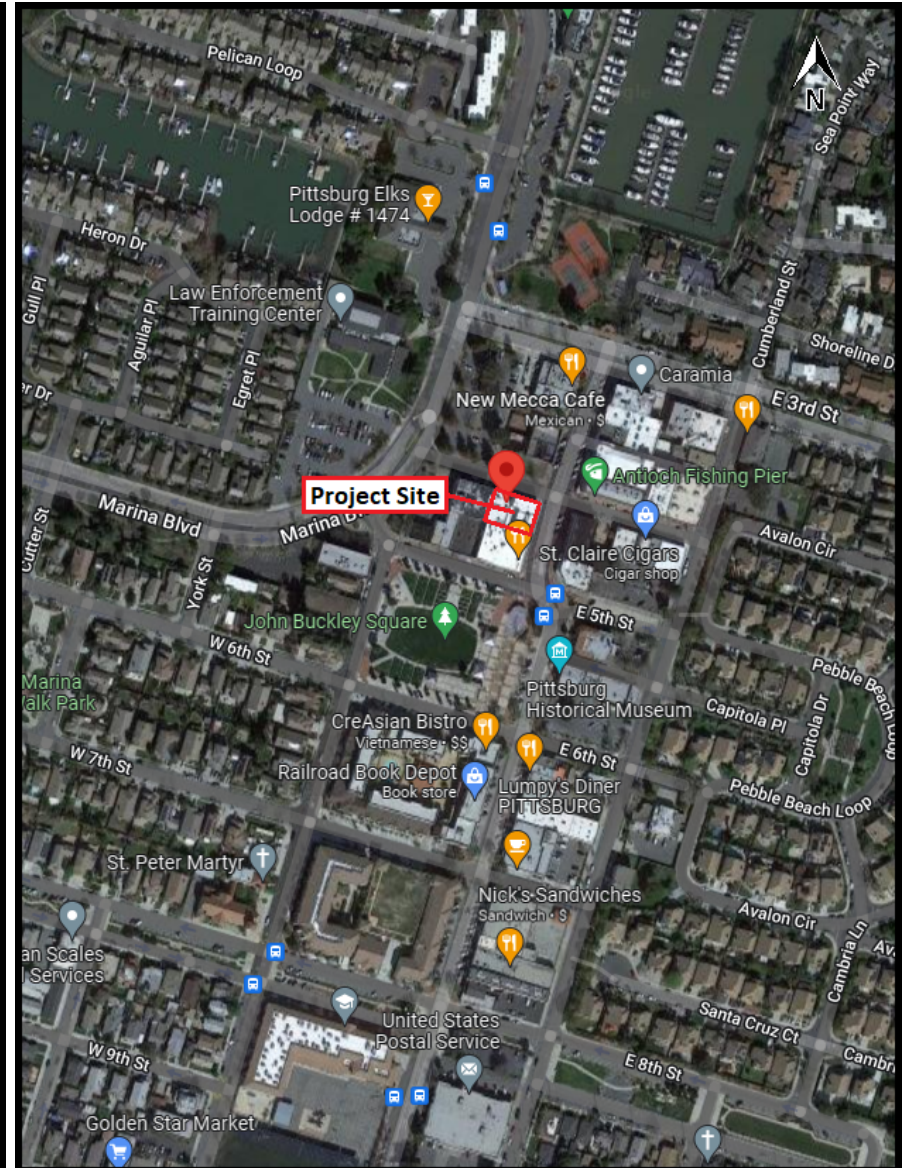
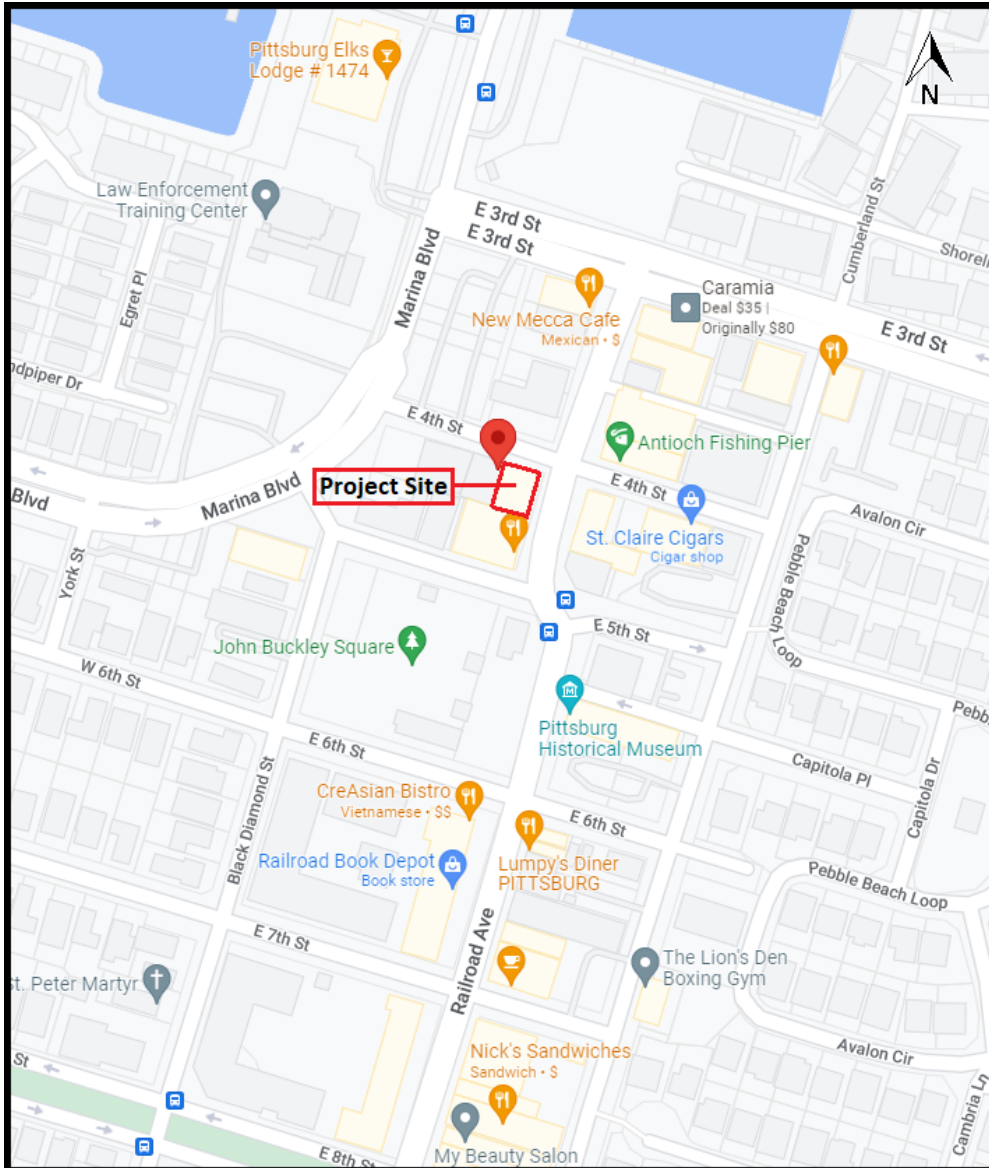
The Network Event Space, AP-21-1579 (UP)





Attachment 4 Map of Surrounding Land Uses

The Network Event Space, AP-21-1579 (UP)



Attachment 5
Property Development Regulations Table
The Network Event Space, AP-21-1579 (UP)

Development Regulations: <i>CP (Pedestrian Commercial) District</i>	Required:	Proposed:
Minimum lot area (SF):	-	Approx. 7,800 SF
Minimum lot width (ft):	-	71.4 ft
Minimum Yards:	-	-
Front:	-	0 ft
Side:	-	0 ft
Corner Side:	-	0 ft
Rear:	-	0 ft
Maximum front yard:	0 ft	0 ft
Maximum height of structures (ft):	60 ft	Approx. 30 ft
Minimum height of structures (ft):	2 stories	2 stories
Maximum lot coverage:	100%	100%
Maximum FAR:	2.0	2.0
Minimum site landscaping:	-	0%
Parking Required:	PMC section 18.78.040(G)(3) specifies that nonresidential uses on properties located in the CP district shall not be subject to the minimum off-street parking and loading spaces required by PMC section 18.78.040	Street Parking only

Attachment 6
Applicable General Plan Goals and Policies
The Network Event Space, AP-21-1579 (UP)

General Plan Goal/Policy	Analysis
Land Use Element:	
2-G-1: Maintain a compact urban form within the City's projected municipal boundary. Ensure that hillside lands not environmentally suitable for development are maintained as open space.	Consistent. The proposed project would occur within city limits on a project site of less than 5 acres and is not located in an Open Space District.
2-G-4: Provide a range of development intensities, with the highest intensities in Downtown and in areas accessible to transit and services, and lower intensities in hillsides and at the City's southern edge.	Consistent. The proposed project is located in Downtown and is accessible to transit and services.
2-G-6: Maintain programs and provide incentives for use of vacant infill land and reuse and revitalization of underutilized sites.	Consistent. The proposed project would occur on an existing site.
2-P-7: During development review, consider project compatibility with existing surrounding land uses. Ensure that sensitive uses—such as residences, schools, and parks—are not subject to hazardous or unhealthy conditions.	Consistent. The project site is in the 'Downtown Subarea' of the General Plan and has a land use designation of 'Pedestrian Commercial'. Surrounding uses include commercial uses. The proposed project would be compatible with the surrounding uses in that the commercial recreation and entertainment use is permitted in this district with a use permit and is compatible with the surrounding uses.
Land Use Element – Downtown Subarea	
2-P-32: Concentrate all Downtown Commercial activity—which includes specialty retail, professional offices, personal services, entertainment and other uses along the Railroad Avenue corridor. (Downtown: 5-P-2)	Consistent. The proposed project is an entertainment space located along Railroad Avenue.
Growth Management:	
3-G-1: Manage the City's growth to balance development of housing options and job opportunities, protection of open space and habitat areas, construction of transportation improvements, and preservation of high quality public facilities.	Consistent. The proposed project would not be located in an open space zoning designation and the use is a conditionally permitted use in the Pedestrian Commercial zoning district in which it is located.
3-G-4: Maintain programs and provide incentives for use of vacant infill land and reuse and revitalization of underutilized sites. (Land Use Goal 2-G-6)	Consistent. The proposed project would occur on an otherwise underutilized site.
3-P-1: Allow urban and suburban development only in areas where public facilities and infrastructure (police, fire, parks, water, sewer, storm drainage, and community facilities) are available or can be provided.	Consistent. The project site is in an area where public facilities and infrastructure exists.

3-P-2: Prior to project approval, ensure that the existing and planned transportation system will have adequate capacity to accommodate new urban development.	Consistent. The project site is within 1/4 mile of a bus stop for weekday routes 381 and 387, and weekend route 394.
Downtown Element	
5-G-3: Encourage a variety of land uses and mixed-use developments at appropriate locations within the Downtown.	Consistent. The event space will be a new use downtown, adding variety to the area.
5-P-3: Concentrate Downtown Commercial activity—which includes specialty retail, professional offices, personal services, entertainment and other uses along the Railroad Avenue corridor.	Consistent. The proposed use will provide an entertainment space along the Railroad Avenue corridor.
5-P-5: Pursue the development and promotion of cultural activities and facilities, such as museums, meeting halls, community theatres, public art galleries and shows, located within the Commercial Core.	Consistent. The proposed use will be a meeting space located within the downtown Commercial Core.
Economic Development Element	
6-P-6: Maintain efficient licensing and development permitting procedures and regulations.	Consistent. The applicant has gone through the permitting procedures and followed Pittsburg Municipal Code regulations by applying for a use permit.
Transportation Element	
7-P-30: Work with Tri-Delta and planning area residents to plan for local bus routes that more effectively serve potential riders within local neighborhoods.	Consistent. The project site is within 1/4 mile of a bus stop for weekday routes 381 and 387, and weekend route 394.
Resource Conservation Element	
9-P-19: As part of the City's Zoning Ordinance, establish regulations for the preservation of mature trees. Include measures for the replacement of all mature trees removed.	Consistent. There would be no trees removed in conjunction with this project.
Health and Safety Element	
10-P-16: Ensure compliance with the current Uniform Building Code during development review. Explore programs that would build incentives to retrofit unreinforced masonry buildings.	Consistent. The proposed project would be conditioned to 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.



City of Pittsburg

Community and Economic Development Department – Planning Division

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

NOTICE OF PUBLIC HEARING

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

DATE: April 12, 2022
TIME: 7:00 p.m.
PLACE: City Council Chamber at City Hall
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

The Network Event Space, AP-21-1579 (UP)

This is an application filed by Terry Griffin, requesting use permit approval to establish a commercial recreation and entertainment use for The Network Event Space, located at 62 E. 4th Street, in the CP (Pedestrian Commercial) District.
Assessor's Parcel No. 085-104-006.

Environmental Determination

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

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

Why am I receiving this notice?

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

Where can I get more information about this project?

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

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

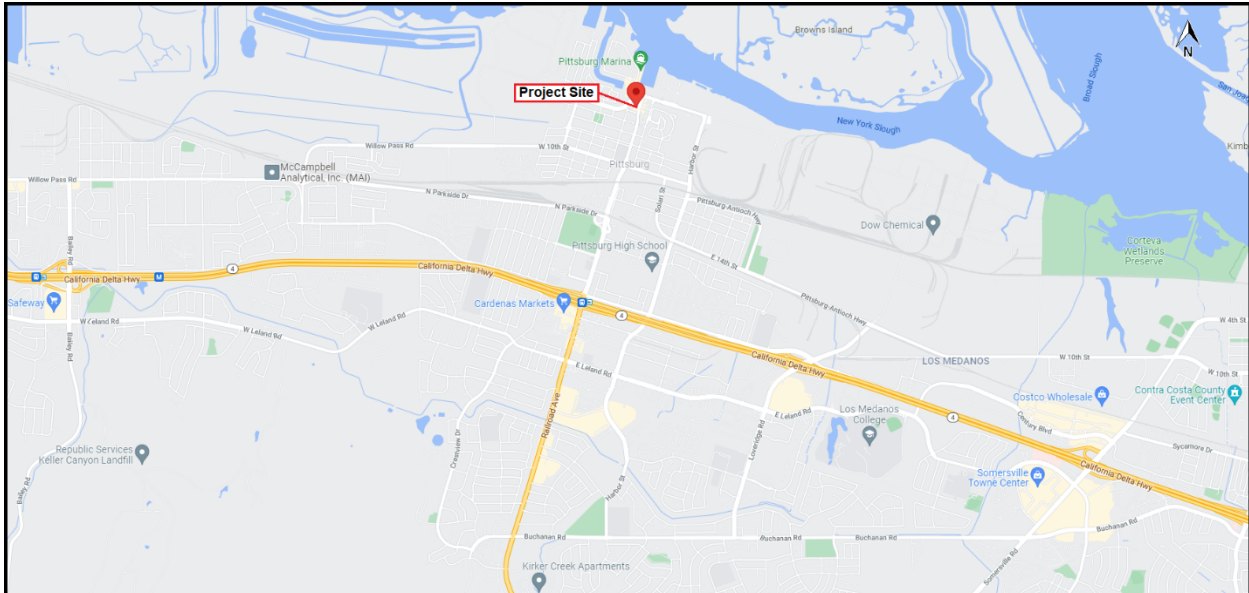
Comments or objections to the project can be made by writing or through e-mailed testimony during the meeting. Written comments citing the project name may be emailed to the project planner listed above or may be mailed or delivered to Pittsburg Planning Division, 65 Civic Avenue, Pittsburg, CA 94565.

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

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

JOHN FUNDERBURG, SECRETARY
PITTSBURG PLANNING COMMISSION

Project Title: The Network Event Space, AP-21-1579 (UP)
Location: 62 E. 4th Street, APN 085-104-006



NOTICE OF PUBLIC HEARING

**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
April 12, 2022**

ITEM: Consideration of a Resolution Approving a Use Permit and Design Review for Starbucks Drive-Through (Marriott Pad), AP-21-1610 (UP, DR).

ORIGINATED BY: DCI Trust (C/O Randy Baugh), 3948 Third Street Suite #35, Jacksonville Beach, Florida, 32250

SUBJECT: This is a public hearing on a request for Use Permit and Design Review approval of plans to construct a one-story, 2,000 square foot structure along with parking lot and landscaping improvements, to establish a drive through service use (Food Shop) for Starbucks, located at 999 Center Drive on the southwest corner of Railroad Avenue and Center Drive, in the PD-1319 (Planned Development District, City Council Ordinance No. 09-1319). Assessor's Parcel No. 086-100-045.

RECOMMENDATION:

Staff recommends the Planning Commission adopt a Resolution approving Use Permit and Design Review Application No. 21-1610, subject to conditions.

BACKGROUND:

In October 2009, the City Council and the former Redevelopment Agency ("Agency") adopted resolutions approving a Disposition and Development Agreement (DDA) for property located at the southwest corner of Railroad Avenue and Center Drive, which contemplated development of an office building, a separate full-service restaurant, and related site improvements.

On December 5, 2018, the City and Stay Cal entered into an Amended and Restated Purchase and Sale Agreement (ARPSA) with Stay Cal LLC in order to facilitate the development of a hotel on City-owned property, rather than an office building. On June 25, 2019, the Planning Commission adopted Resolution No. 10124, granting approval of design review of architectural and site development plans to construct the hotel, as well as a tree removal permit. On March 21, 2022, the City Council adopted a resolution approving the sixth amendment to the ARPSA, authorizing the subdivision of the property to create an approximately 10,000 square foot parcel and development of a pad restaurant on the subject property.

In August 2021, the City of Pittsburg Engineering Division received Parcel Map Waiver Application No. 21-10 to subdivide a portion of Assessor Parcel No. 086-100-045. This document was recorded with the Contra Costa County Clerk-Recorder's Office on March 2, 2022, as DOC No. 2022-0038256.

PROJECT DESCRIPTION:

Existing Conditions: The project is located on the 0.24-acre site at the southwest corner of Railroad Avenue and Center Drive. The site generally flows from the south to the north, with elevations ranging from approximately 70 to 60 feet above mean sea level. It is mostly unimproved and contains pervious soils with ruderal vegetation including some low-lying grasses. At the northeast corner of the site, there is an existing, round landscape planter containing a small directory sign for City Hall, the library, and the café attached to the library. There is a six-foot-wide sidewalk along the Center Drive frontage and a five-foot-wide sidewalk along Railroad Avenue. A bus stop for Tri Delta Transit is located along the Railroad Avenue frontage serving weekday routes: 380 (Eastbound), 381 (Eastbound), 391 (Eastbound), and weekend/holiday routes: 392 (Eastbound & Westbound), 394 (Eastbound). However, there is currently no bus shelter or bus turnout provided for this stop. As part of the previously approved Courtyard by Marriott development (AP-19-1417 [DR, TRP]), it is anticipated that the bus stop (as well as a new bus shelter) will be relocated to Center Drive, northwest of the proposed Starbucks.

See Attachment 2 for photos of the project site.

Surrounding Land Uses:

North:	Pittsburg City Hall, Pittsburg Superior Court, PUSD (Pittsburg Unified School District) Offices
West:	Pittsburg Library, State of California Army National Guard
South:	Power Avenue Trail, State Route 4, Pittsburg Center BART Station
East:	Multi-Modal Transfer Facility, High School Village Subdivision

See Attachment 3 for a map of surrounding land uses.

Proposed Project:

The proposed project would construct a one-story, 2,000-square-foot structure to establish a Food Shop for a new Starbucks restaurant and drive-through. The proposed development would offer services to its customers via a two-lane drive-through, indoor café ordering and dining, as well as an outdoor seating area (patio). The Food Shop building would stand approximately 18 feet tall with a floor-to-area ratio of approximately 19%. The exterior building design can be characterized as modern and upscale. It would consist of a rectangular footprint with a staggered roofline above the drive-through window. Building materials would include a smooth cementitious siding with painted metal accents and painted metal window trim. A Hardie Board cement material, painted Cedarmill “Walnut” as an accent color, is proposed near the entry to the Food Shop building, and a Condition of Approval to this project would include adding this same color and material to the drive-through window bump-out. The Cedarmill “Walnut” accent color would match the adjacent Courtyard Marriott development accent color. A neutral palette of grey and brown colors would be used on the building’s exterior with a “Dark Bronze” painted storefront to articulate the building entry. Business signage would

be provided on each side of the building, but none is proposed with this Use Permit and Design Review application. A Condition of Approval would require all signage to be submitted as a separate Sign Review Permit.

The building would sit at the center of the parcel with its main entry located on the south elevation. The trash enclosure to be utilized by the Food Shop is proposed on the adjacent parcel, west of the subject location. A Condition of Approval for this project would require an agreement between Stay Cal Pittsburg LLC and the future owner of the parcel containing the Starbucks development allowing Starbucks to utilize the trash enclosure on the adjacent site. An outdoor patio with seating areas covered by building awnings for shade would be located on the south and west sides of the Food Shop. The outdoor seating area (patio) would be open to the parking lot area.

Sidewalks, drive aisles, and parking areas would be located to the west and south of the Food Shop building. The drive-through would wrap around the east and north sides of the Food Shop building. A bicycle rack for a minimum of one (1) bicycle would be required as a Condition of Approval (RASP Pg. 90); the proposed location of the bicycle rack is located just east of the main building entrance. A Condition of Approval for this project would include a creative design to the bicycle parking facility, as encouraged in the Railroad Avenue Specific Plan (RASP) (Pg. 135). Driveways and parking areas to be utilized by the Food Shop were approved with the previous development proposal adjacent to the Starbucks project location (AP-19-1417 [DR, TRP]). As a Condition of Approval for this project, an agreement between Stay Cal Pittsburg LLC and the future owner of 999 Center Drive must be recorded detailing the agreement for the shared parking, electric vehicle charging stations, and driveway aisles between the adjacent developments.

The Food Shop site would be 26% landscaped, shading 48% of the project site. The landscaped areas would include seven new trees in addition to the seven trees provided/preserved in the Marriott Development (AP-19-1417 [DR, TRP]), and various species of shrubs and groundcover. The three tree species proposed, one of which is an evergreen, require full sun, which is suitable for the site. The shrubs and groundcover range in coverage, varying from three to eight square feet of coverage at maturity. The selected shrubs and groundcover are fast-growing and drought tolerant. The Applicant intends to limit the amount of water used for irrigation to 18,793 gallons per year, a little more than half of the maximum applied water allowance (34,250 gallons) by utilizing a drip system.

See Attachment 7 for project plans.

GENERAL PLAN/CODE COMPLIANCE:

Pittsburg General Plan (2020): The project site is located within the 'Railroad' subarea of the General Plan and has a 'Mixed Use' designation. This designation is intended to promote higher density housing and other transit-oriented development around the Pittsburg/Bay Point and Pittsburg Center BART stations. Although it is not a transit-

oriented development, the project is still consistent with the General Plan because it would provide a greater mix of uses near the Pittsburg Center BART Station and create additional demand for retail and service establishments along the Railroad Avenue corridor. The proposed project would also help achieve the General Plan's economic development objectives (General Plan, page 6-2). It would expand the retail sector and encourage employment growth as it improves the jobs/housing balance. It would create employment opportunity for 25 individuals and generate property and sales taxes to help contribute to the City's revenue stream.

Railroad Avenue Specific Plan: The Railroad Avenue Specific Plan (RASP) was adopted in 2009 to implement the goals for the Railroad subarea of the General Plan. The RASP envisions a vibrant, walkable, mixed-use, and transit-oriented activity center around the Pittsburg Center BART Station complete with housing options, neighborhood retail, public amenities, open space, and strong employment uses. Land use policies applicable to the project site include expanding a variety of employment opportunities by providing a range of land uses near BART (RASP Policy 3-P-9) and maintain Railroad Avenue as a destination point for community commercial activities, while continuing to allow other compatible uses (RASP Policy 2-G-18). Consistent with these policies, the proposed project would broaden the range of uses near BART and expand the City of Pittsburg as a destination point for commercial activities.

Land Use: The project site is located within the RASP PD (Planned Development, Ordinance No. 09-1319) District, and has a RASP land use designation of Public/Institutional. This designation allows schools, government offices, transit sites, public utilities, and other facilities with a unique public character. Residential and commercial uses are permitted provided that the City Planner, Planning Commission, or City Council (as appropriate) finds that the land will not be needed in the future for a public/institutional use. On June 4, 2018, the City Council adopted Resolution No. 18-13489 determining that the project site is not needed for public or institutional use.

Property Development Regulations: The RASP states that the property development regulations for the Public/Institutional land use designation shall be the same as those specified in the applicable base zoning district. The base zone for the Public/Institutional land use designation is the Governmental and Quasipublic (GQ) District. For the GQ District, there are no height, FAR (Floor-Area-Ratio), lot coverage, setback, or site landscaping requirements as these are to be specified through design review for each project (PMC section 18.60.040). Additionally, the RASP's intent is to create more walkable areas to reduce the need of a vehicle. Parking requirements detailed in the RASP (Pg. 90) allow a maximum of one parking space for every 333 square feet of gross commercial development. The Marriott development (AP-19-1417 [DR, TRP]) and the proposed Starbucks Food Shop would share parking on site and combined do not exceed the limit set forth by the RASP. The proposed property development regulations for the project are shown in Attachment 4 of this report.

RASP Architectural and Site Design Criteria (RASP Criteria Pg. 95): Projects within the RASP must comply with the RASP Criteria. As shown in Attachment 5 of this report, the

proposed project complies with the RASP Criteria. For Criteria Nos. 1, 2, and 20, additional discussion is included in the staff analysis section below.

Development Review Design Guidelines (DRDGs): The City's DRDGs provide additional framework for the design review of development projects. As shown in Attachment 6 of this report, the proposed project complies with the DRDGs, with the exception of, IV.m, IV.r, and VI.D.1 which encourage: a) downspouts designed into the façade of the building (if not architecturally treated) b) trash enclosures to include area for collection of recyclables, and c) cool roofs with pre-wired, solar-ready surfaces for energy efficiency. Conditions of Approval to satisfy these guidelines are included in the Conditions of Approval listed below.

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

- A. 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;
- B. Is not detrimental to the health, safety, and general welfare of the City;
- C. Will not adversely affect the orderly development of property within the City;
- D. Will not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the City;
- E. Is consistent with the objectives, policies, general land uses and programs specified in the General Plan and applicable Specific Plan;
- F. Will not create a nuisance or enforcement problem within the neighborhood;
- G. Will not encourage marginal development within the neighborhood;
- H. Will not create a demand for public services within the City beyond that of the ability of the City to meet in the light of taxation and spending restraints imposed by law;
- 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.

Required Findings – Design Review: In accordance with PMC section 18.36.220(B), design review approval may be granted only if the Planning Commission can make findings that:

- A. The structure conforms with good taste, good design and in general contributes to the character and image of the City as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality;
- B. The structure will be protected against exterior and interior noise, vibrations and other factors that may tend to make the environment less desirable;
- C. The exterior design and appearance of the structure is not of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value;
- D. The structure is in harmony with proposed developments on land in the general area; and
- E. The application conforms with the criteria set forth in any applicable City adopted Development Review Design Guidelines.

Environmental Review: On July 6, 2009, the City Council adopted Resolution No. 09-11250 certifying the Environmental Impact Report (EIR), adopting and approving statements of findings and overriding considerations, and approving a Mitigation Monitoring and Reporting Program (MMRP) for the RASP. The mitigation measures included in the MMRP were subsequently incorporated into the RASP, which was adopted by City Council on November 2, 2009, through Ordinance No. 09-1319.

The RASP EIR analyzed the traffic and other potential impacts of RASP implementation. The California Environmental Quality Act (CEQA) provides that after a public agency certifies an EIR, the agency shall consider whether further environmental review is required for a subsequent discretionary decision. CEQA Guidelines Section 15183(a) provides that if the subsequent activities under review “are consistent with the development densities established by existing zoning, community plan or General Plan for which an EIR was certified,” the agency “shall not prepare additional environmental review, except as may be necessary to examine whether there are project-specific significant impacts which are peculiar to the project or its site...”

The proposed project is consistent with the commercial development intensities established by the RASP and therefore, additional environmental review is not required under CEQA. For the area bounded by State Route 4, Railroad Avenue, Civic Avenue, and Davi Avenue, the RASP allows up to 304,400 square feet of commercial development (RASP, Table 3.1). There has been one commercial development approved in this area since adoption of the RASP in 2009, Application No. AP-19-1417 (DR, TRP) to establish the use of a hotel totaling 48,138 square feet.

Public Notice: On or prior to April 2, 2022, notice of the April 12, 2022 public hearing was posted at City Hall, near the 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 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. The notice was also posted on www.nextdoor.com ("Nextdoor") and was sent directly to all subscribed residents in the "Power Avenue", "Harbor & School Street", "Navy Street", and "William Way" Nextdoor neighborhoods. The Public Hearing Notice is included as Attachment 8 of this report.

ANALYSIS:

Staff believes the Commission can make the Use Permit and Design Review findings required to approve the Starbucks Drive-Through project.

Use Permit Findings

Use Permit Finding A: The proposed use is in accord with the objective of PMC Title 18 ("Zoning"), the purposes of the land use district in which it is located, and is appropriate to the specific location, in that the proposed use is a conditionally permitted use in the PD-1319 Zoning District. Additionally, the proposed use satisfies the intended use of the land as specified in the RASP and General Plan.

Use Permit Finding B: The proposed use is not detrimental to the health, safety, and general welfare of the City, in that it would provide for economic growth and development along a main commercial corridor in the City and occupy a site that is currently underutilized. The proposed use would improve the general welfare of the City in that it would create a space walkable distance from BART (Bay Area Rapid Transit), and nearby residences and businesses for pedestrians to receive temporary shelter as well as food and beverages with nutritional value.

Use Permit Finding C: The proposed use will not adversely affect the orderly development of property within the City in that the project will be subject to all applicable Land Use, Building, and Engineering Codes at time of development. The proposed use would be conditioned to meet all applicable standards for the PD-1319 zoning district, General Plan, and applicable Specific Plan (RASP).

Use Permit Finding D: The proposed use will not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the City, in that the use would occupy a currently underutilized site, overall enhancing the appearance of the area and increasing its property value and property values in the vicinity.

Use Permit Finding E: The proposed use is consistent with the objectives, policies, general land uses, and programs specified in the General Plan and applicable Specific Plan in that the development meets or conditionally meets all standards set forth in the aforementioned documents. The proposed use is subject to the criteria for development

in the General Plan and RASP including but not limited to: Design Review of the proposed structure, Site Development regulations consistent with the criteria for the zoning district, and the General Plan goals and policies. The proposed use is contributing to the diverse development intensities in areas accessible to public transit (General Plan Goal 2-G-4) and providing development of a pedestrian-oriented facility adjacent to key transportation centers (General Plan Goal 4-G-13).

Use Permit Finding F: The proposed use will not create a nuisance or enforcement problem within the neighborhood in that the existing site is currently vacant and unkept, ultimately attracting unwanted crime and/or enforcement violations. The proposed use would decrease the potential for any nuisances and establish a well-designed Food Shop building in compliance with the Pittsburg Municipal Code (PMC) Title 18. The proposed use would be subject to the conditions of approval in the adopted resolution which are in place to mitigate any concern for future enforcement problems.

Use Permit Finding G: The proposed use will not encourage marginal development within the neighborhood in that the benefits of the proposed use outweigh the costs incurred by that same use. The proposed use would establish a development within the neighborhood that will increase tax revenue and the public's accessibility to food.

Use Permit Finding H: The proposed use 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 in that the proposed use is a private development and would not utilize any funding from the City. Any public service required from the City in order to develop the proposed use would be invoiced appropriately from the appropriate department and/or division. Further, as a condition of approval, the project would be required to annex into the City's existing community facilities districts (CFDs) for Public Safety and Fire.

Use Permit Finding I: The proposed use is consistent with the City's approved funding priorities, in that the proposed use is located on a privately owned parcel and will be developed by a private developer, not to utilize any of the City's approved funding.

Use Permit Finding J: The proposed use is not located within the Pedestrian Commercial (CP) district, and therefore the requirement set forth in subsection J is inapplicable.

Design Review Findings

Design Review Finding A: The proposed project would conform with good taste, good design and in general would contribute to the character and image of the City as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high-quality, in that it would: a) provide an attractive, modern-looking building within a highly-landscaped environment; b) include a variety of customer engagement areas such as a dine-in cafe, an outdoor patio with seating and shade structures, and c) encourage the use of alternative modes of transportation by providing short-term bicycle parking, relatively

close access to the Power Avenue Trail, and high-visibility crosswalks throughout the parking area.

Design Review Finding B: The project would be protected against exterior and interior noise, vibrations and other factors that may tend to make the environment less desirable, if it complies with all applicable building codes and a condition of approval is added requiring the project to provide the following in order to meet the State noise standard: a) mechanical ventilation; b) windows and glass doors rated STC 24 or higher; and c) vent ducts with at least two 90-degree turns.

Design Review Finding C: The proposed project would not be of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value; rather, construction of the Food Shop would heighten the appearance of neighborhood, improve property values, and attract additional investment in the area.

Design Review Finding D: The proposed project would be in harmony with adjacent development. The Food Shop design consists of a rectangular footprint and several flat roofs of varying heights. The building materials include a cementitious siding with painted metal accents, and metal window trim. A neutral palette of grey and off-white colors would be used on the building's exterior. Similar to the adjacent Marriott development, a brown accent color is proposed on the Food Shop structure. This would be located on the drive-through bump-out as well as the building entry. The Food Shop design, materials, and color scheme would be compatible with the approved Marriott development (AP-19-1417 [DR, TRP]), the Pittsburg Library and Pittsburg Superior Court, in that those buildings also have rectangular footprints with flat roofs and neutral color schemes.

Design Review Finding E: The application conforms with the criteria set forth in any applicable City adopted Development Review Design Guidelines, in that the proposed structure has an articulated entry and similar neutral color pallet as surrounding structures in the vicinity. All Development Review Design Guidelines that the project does not meet would be conditioned upon the Applicant to satisfy prior to or at time of Building Permit. A condition of approval states, all gutters and downspouts shall be placed behind exterior walls. Final gutter and/or downspout placement shall be identified on the construction drawings and shall be subject to review and approval by the Planning Division prior to issuance of a Building Permit. Additionally, the Applicant must provide an executed agreement with the adjacent property owner to utilize the trash enclosure west of the proposed Food Shop; this enclosure shall adhere to all PMC Title 18, SB 1383, and DRDG standards.

RASP Criteria Numbers 1, 2, and 20. RASP Criterion 1 and 2 refer to the building orientation on site and encourage development that has street frontage access. The intent of these criterion is to allow for better pedestrian flow to and from businesses located in the RASP. However, the intended walkability pattern of this site has already been established with the adjacent approved Marriott development project (AP-19-1417 [DR, TRP]). The main pedestrian access to the site is located south of the proposed

Food Shop building off Railroad Avenue. The Marriott development will be performing most of the site improvement work (grading/stripping) for the Food Shop project, including the installation of several highly visible crosswalks for pedestrian access to and from the Food Shop and Hotel locations. RASP Criteria No. 20 would be a Condition of Approval to satisfy the sustainable site and building design requirements of the RASP.

The proposed project would conform to the RASP Criteria and the City's DRDGs, if the following Conditions of Approval included in the Resolution are adopted by the Planning Commission:

- A. The Applicant must provide the City with an executed agreement between Stay Cal Pittsburg LLC and the future owner of 999 Center Drive. The agreement between the adjacent property owners must be recorded with the Contra Costa County's Clerk-Recorder's Office and must set forth the obligations for the shared use, development, and maintenance of the following: a) parking, b) trash enclosure, c) electric vehicle charging stations, and d) drive aisles.
- B. The Applicant shall ensure that a trash enclosure is provided for the project. The Applicant shall ensure that the refuse facilities are properly maintained and provide adequate storage and pickup for all businesses utilizing the enclosure. Trash enclosure gates shall remain closed at all times, and bins shall not be left outside of the enclosure. The final design and location of the enclosure shall be subject to approval by the City Planner, shall meet the requirements of the PMC and shall be sized to ensure compliance with requirements of SB 1383 of 2016 (three total bins required – refuse, recyclables, organics – in addition to the grease trap). The City Engineer reserves the right to require additional measures be taken to ensure proper maintenance of the refuse facility, including but not limited to requiring larger bins, an increased number of bins, and additional pickups to the maximum amount provided by the City-contracted refuse collection company. Prior to issuance of a Certificate of Occupancy, the Applicant shall provide the City Planner with a copy of an agreement authorizing the use of the enclosure by the restaurant tenant.
- C. All utility box transformers, backflow preventers, meters, air conditioning units, junction boxes, and roof-mounted equipment shall be substantially screened from public view using a block or retaining wall screen, wood/architectural screen, or dense landscaping screen. Final utility screening methods shall be included on the construction drawings and shall be subject to review and approval by the Planning Division prior to issuance of a Building Permit.
- D. The Applicant shall install a creative bicycle parking facility in lieu of the simple design included on the project plans dated March 25, 2022. While the current location of the bicycle parking facility satisfies the RASP (in front of business/highly visible), the RASP also encourages the creative design of bicycle parking facilities through varied forms and colors, while still meeting all City

Engineering requirements. The Applicant must provide an updated bicycle parking facility to the City Planner for review and approval prior to or at time of Building Permit issuance.

- E. The Applicant shall implement CALGreen Nonresidential Voluntary Measures, which among other things, require higher energy efficiency and water conservation features. Additional requirements to achieve energy efficiency as specified in the RASP (Pg. 96) include: a) the Applicant shall provide cool roofs with pre-wired, solar-ready surfaces; b) the Applicant shall provide improved insulation; and c) the Applicant shall install energy efficient lighting and appliances.
- F. The Applicant shall install the Cedarmill “Walnut” Hardie Board cement panels upon the entire drive-through window (i.e., on the sides of the drive-through bump-out, as well as above and below the drive-through awning/window). The Applicant shall also install lighting above the drive-through window including a “Starbucks” sign, as opposed to the current Starbucks logo in the project plans dated March 25, 2022. A revised elevation design shall be provided to the City Planner for review and approval prior to or at time of Building Permit issuance.

ACTION REQUIRED:

Move to adopt a Resolution approving Use Permit and Design Review Application No. 21-1610, subject to conditions.

ATTACHMENTS:

- 1. Proposed Resolution
- 2. Site Photos
- 3. Map of Surrounding Uses
- 4. Property Development Regulations Table
- 5. RASP Architectural and Site Design Criteria Table
- 6. Development Review Design Guidelines Table
- 7. Project Plans, dated March 25, 2022
- 8. Public Hearing Notice

Prepared by: Kelsey Gunter, Assistant Planner

Attachment 1

BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Granting Use Permit and Design Review)
Approval for the Construction of a 2,000)
Square-Foot Structure Located at 999 Center)
Drive for "Starbucks Drive-Through (Marriott)
Pad), AP-21-1610 (UP, DR,)." Assessor's)
Parcel No. 086-100-045)

Resolution No. _____

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. In December 2021, City of Pittsburgh's Community and Economic Development Department, Planning Division, received Use Permit and Design Review application No. AP-21-1610 requesting approval to construct a one-story, 2,000 square foot structure, along with parking lot and landscaping improvements, to establish a drive through service use (Food Shop) for Starbucks, located at 999 Center Drive on the southwest corner of Railroad Avenue and Center Drive, in the PD-1319 (Planned Development, City Council Ordinance No. 09-1319) District. Assessor's Parcel No. 086-100-045.
- B. In October 2009, the City Council and the former Redevelopment Agency ("Agency") adopted resolutions approving a Disposition and Development Agreement (DDA) for property located at the southwest corner of Railroad Avenue and Center Drive, which contemplated development of an office building, a separate full-service restaurant, and related site improvements.
- C. On December 5, 2018, the City and Stay Cal entered into an Amended and Restated Purchase and Sale Agreement (ARPSA) with Stay Cal LLC in order to facilitate the development of a hotel on City-owned property, rather than an office building.
- D. On June 25, 2019, the Planning Commission adopted Resolution No. 10124, granting approval of design review of architectural and site development plans to construct the hotel, as well as a tree removal permit.
- E. On March 21, 2022, the City Council adopted a resolution approving the sixth amendment to the ARPSA, authorizing the subdivision of the property to create an approximately 10,000 square foot parcel and development of a pad restaurant on the subject property.
- F. In August 2021, City of Pittsburgh Public Works Department, Engineering Division, received Parcel Map Waiver Application No. 21-10 to subdivide a

portion of Assessor Parcel No. 086-100-045 as part of the separate purchase and sale agreement for the eastern half of the parcel, as referenced in the 2018 Amended and Restated Development Agreement. The document was recorded with the Contra Costa County Recorder's Office on March 2, 2022, as DOC No. 2022-0038256.

- G. The Project is governed by the Pittsburg General Plan, Railroad Avenue Specific Plan (RASP), Pittsburg Municipal Code (PMC) Title 18 ("Zoning"), and the City of Pittsburg Development Review Design Guidelines (DRDG; Planning Commission Resolution No. 9864).
- H. The Project is subject to the California Environmental Quality Act (CEQA), and the State CEQA Guidelines (Public Resources Code section 21080). On July 6, 2009, the City Council adopted Resolution No. 09-11250 certifying the Environmental Impact Report (EIR), adopting and approving statements of findings and overriding considerations, and approving a Mitigation Monitoring and Reporting Program (MMRP) for the RASP. The mitigation measures included in the MMRP were subsequently incorporated into the RASP, which was adopted by City Council on November 2, 2009, through Ordinance No. 09-1319.
- I. The RASP EIR analyzed the physical impacts of RASP implementation, which includes the Project site. CEQA provides that after a public agency certifies an EIR, the agency shall consider whether further environmental review is required for a subsequent discretionary decision. CEQA Guidelines Section 15183(a) provides that if the subsequent activities under review "are consistent with the development densities established by existing zoning, community plan or general plan for which an EIR was certified," the agency "shall not prepare additional environmental review, except as may be necessary to examine whether there are project-specific significant impacts which are peculiar to the project or its site...". The Project is consistent with the General Plan and RASP and therefore, additional environmental review is not required under CEQA.
- J. PMC section 18.16.040 specifies that the following findings must be made before approval of a Use Permit. The Planning Commission may grant approval of a Use Permit if the proposed use:
 - 1. is in accord with the objective of 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.
- K. PMC section 18.36.220(B) specifies that the following findings must be made before approval of a Design Review. The Planning Commission may grant approval of a Design Review application if the proposed structure:
1. conforms with good taste, good design and in general contributes to the character and image of the City as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality;
 2. will be protected against exterior and interior noise, vibrations and other factors that may tend to make the environment less desirable;
 3. exterior design and appearance is not of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value;
 4. is in harmony with proposed developments on land in the general area; and
 5. conforms with the criteria set forth in any applicable City adopted Development Review Design Guidelines (DRDG).
- L. On or prior to April 2, 2022, notice of the April 12, 2022, public hearing was posted at City Hall, near the 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 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. The notice was also posted on www.nextdoor.com ("Nextdoor") and was sent directly to all subscribed residents in the "Power Avenue", "Harbor & School Street", "Navy Street", and "William Way" Nextdoor neighborhoods.

M. On April 12, 2022, the Planning Commission held a public hearing on Planning Application No. 21-1610, at which time oral and/or written testimony was considered.

Section 2. Findings

Use Permit Findings:

A. Based on the Planning Commission Staff Report entitled, "Consideration of a Resolution Approving a Use Permit and Design Review for Starbucks Drive-Through (Marriott Pad), AP-21-1610 (UP, DR)," dated April 12, 2022, all the information contained in the Planning Division files on this project, incorporated here by reference and available for review in the Planning Division located at 65 Civic Avenue, and based on evidence presented to the Planning Commission on April 12, 2022, the Planning Commission finds that:

1. All recitals above are true and correct and are incorporated herein by reference.
2. The proposed Food Shop use for Starbucks will:
 - a) be in accordance with the objective of PMC Title 18 (Zoning), the purposes of the land use district in which it is located and is appropriate to the specific location, in that the proposed use is a conditionally permitted use in the PD-1319 Zoning District. Additionally, the proposed use satisfies the intended use of the land as specified in the RASP and General Plan.
 - b) not be detrimental to the health, safety, and general welfare of the City, in that it would provide for economic growth and development along a main commercial corridor in the City and occupy a site that is currently underutilized. The proposed use would improve the general welfare of the City in that it would create a space walkable distance from BART (Bay Area Rapid Transit), and nearby residences and businesses for pedestrians to receive temporary shelter as well as food and beverages with nutritional value.
 - c) not adversely affect the orderly development of property within the City in that the project will be subject to all applicable Land Use, Building, and Engineering Codes at time of development. The proposed use would be conditioned to meet all applicable standards for the PD-1319 zoning district, General Plan, and applicable Specific Plan (RASP).

- d) not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the City, in that the use would occupy a currently underutilized site, overall enhancing the appearance of the area and increasing its property value and property values in the vicinity.
- e) be consistent with the objectives, policies, general land uses, and programs specified in the General Plan and applicable Specific Plan in that the development meets or conditionally meets all standards set forth in the aforementioned documents. The proposed use is subject to the criteria for development in the General Plan and RASP including but not limited to: Design Review of the proposed structure, Site Development regulations consistent with the criteria for the zoning district, and the General Plan goals and policies. The proposed use is contributing to the diverse development intensities in areas accessible to public transit (General Plan Goal 2-G-4) and providing development of a pedestrian-oriented facility adjacent to key transportation centers (General Plan Goal 4-G-13).
- f) not create a nuisance or enforcement problem within the neighborhood in that the existing site is currently vacant and unkept, ultimately attracting unwanted crime and/or enforcement violations. The proposed use would decrease the potential for any nuisances and establish a well-designed Food Shop building in compliance with PMC Title 18. The proposed use would be subject to the conditions of approval in the adopted resolution which are in place to mitigate any concern for future enforcement problems.
- g) not encourage marginal development within the neighborhood in that the benefits of the proposed use outweigh the costs incurred by that same use. The proposed use would establish a development within the neighborhood that will increase tax revenue and accessibility to food.
- h) 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 in that the proposed use is a private development and would not utilize any funding from the City. Any public service required from the City in order to develop the proposed use would be invoiced appropriately from the appropriate department and/or division. Further, as a condition of approval, the project would be required to annex into the City's existing community facilities districts (CFDs) for Public Safety and Fire.
- i) be consistent with the City's approved funding priorities, in that the proposed use is located on a privately owned parcel and will be developed by a private developer, not to utilize any of the City's approved funding.

- j) not located within the Pedestrian Commercial (CP) district, and therefore the requirement set forth in subsection J is inapplicable.

Design Review Findings:

- a) conform with good taste, good design and in general would contribute to the character and image of the City as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high-quality, in that it would: a) provide an attractive, modern-looking building within a highly-landscaped environment; b) include a variety of customer engagement areas such as a dine-in cafe, an outdoor patio with seating and shade structures, and c) encourage the use of alternative modes of transportation by providing short-term bicycle parking, relatively close access to the Power Avenue Trail, and high-visibility crosswalks throughout the parking area.
- b) be protected against exterior and interior noise, vibrations and other factors that may tend to make the environment less desirable, if it complies with all applicable building codes and a condition of approval is added requiring the project to provide the following in order to meet the State noise standard: a) mechanical ventilation; b) windows and glass doors rated STC 24 or higher; and c) vent ducts with at least two 90-degree turns.
- c) not be of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value; rather, construction of the Food Shop would heighten the appearance of neighborhood, improve property values, and attract additional investment in the area.
- d) be in harmony with adjacent development. The Food Shop design consists of a rectangular footprint and several flat roofs of varying heights. The building materials include a cementitious siding with painted metal accents, and metal window trim. A neutral palette of grey and off-white colors would be used on the building's exterior. Similar to the adjacent Marriott development, a brown accent color is proposed on the Food Shop structure. This would be located on the drive-through bump-out as well as the building entry. The Food Shop design, materials, and color scheme would be compatible with the approved Marriott development (AP-19-1417 [DR, TRP]), the Pittsburg Library and Pittsburg Superior Court, in that those buildings also have rectangular footprints with flat roofs and neutral color schemes.
- e) conform with the criteria set forth in any applicable City adopted Development Review Design Guidelines, in that the proposed structure has an articulated entry and similar neutral color pallet as surrounding structures in the vicinity. All Development Review Design Guidelines that the project does not meet would be conditioned upon the Applicant to

satisfy prior to or at time of Building Permit. A condition of approval states, all gutters and downspouts shall be placed behind exterior walls. Final gutter and/or downspout placement shall be identified on the construction drawings and shall be subject to review and approval by the Planning Division prior to issuance of a Building Permit. Additionally, the Applicant must provide an executed agreement with the adjacent property owner to utilize the trash enclosure west of the proposed Food Shop; this enclosure shall adhere to all PMC Title 18, SB 1383, and DRDG standards.

- B. The Staff Report entitled, "Consideration of a Resolution Granting Use Permit and Design Review Approval for the Construction of a 2,000 Square-Foot Structure Located at 999 Center Drive for Starbucks Drive-Through (Marriott Pad), AP-21-1610 (UP, DR,)", dated April 12, 2022, is referenced hereto as additional support for findings.

Section 3. Decision

Based on the findings set forth above, the Planning Commission hereby approves Use Permit and Design Review Application No. 21-1610 subject to all the conditions of Resolution No. ____.

City of Pittsburgh Planning Division's Conditions:

1. Conformity with Project Plans. The approved use shall be operated in substantial conformity with the project plans dated March 25, 2022, except as may be hereinafter modified. Any major changes to the project plans shall be subject to review and approval by the Planning Commission at the City Planner's discretion.
2. License and Permitting. At all times during operation of the business, the business operator shall maintain a City Business License.
3. Site Maintenance. The site and adjacent streets and sidewalks shall be kept clean and free of all litter, debris, and refuse that may be generated from the operation of the business, at all times. There shall be no outside storage of materials, supplies, bins, or other equipment related to the business operation.
4. Outdoor Dining Permit. The Applicant shall apply for an Outdoor Dining Permit with the City of Pittsburgh Planning Division prior to Certificate of Occupancy.
5. Signage. Signage for the use is not approved with this resolution. Prior to any signage construction (including monument signs), the Applicant or their designee shall submit proposed signs as part of a separate sign permit application, which will be subject to review and approval by the Planning Division prior to installation.

6. Agreement. Prior to issuance of a Certificate of Occupancy, the Applicant must provide the City with an executed agreement between Stay Cal Pittsburg LLC and the future owner of 999 Center Drive, which shall be recorded with the Contra Costa County's Clerk-Recorder's Office, must set forth the obligations for the shared use, development, and maintenance of the following: a) parking area, b) one or more trash enclosure(s), c) electric vehicle charging stations, and d) drive aisles.
7. Trash Enclosure. The Applicant shall ensure that a trash enclosure is provided. The Applicant shall ensure that the refuse facilities are properly maintained and provide adequate storage and pickup for all businesses utilizing the enclosure. Trash enclosure gates shall remain closed at all times, and bins shall not be left outside of the enclosure. The final design and location of the enclosure shall be subject to approval by the City Planner, shall meet the requirements of DRDG Standards, the PMC, and shall be sized to ensure compliance with requirements of SB 1383 of 2016 (three total bins required – refuse, recyclables, organics – in addition to the grease trap). The City Engineer reserves the right to require additional measures be taken to ensure proper maintenance of the refuse facility, including but not limited to requiring larger bins, an increased number of bins, and additional pickups to the maximum amount provided by the City-contracted refuse collection company.
8. Screening. All utility box transformers, backflow preventers, meters, air conditioning units, junction boxes, and roof-mounted equipment shall be substantially screened from public view using a block or retaining wall screen, wood/architectural screen, or dense landscaping screen. Final utility screening methods shall be included on the construction drawings and shall be subject to review and approval by the Planning Division prior to issuance of a Building Permit.
9. Bicycle Parking. The Applicant shall install a creative bicycle parking facility in lieu of the simple design included on the project plans dated March 25, 2022. While the current location of the bicycle parking facility satisfies the RASP (in front of business/highly visible), the RASP also encourages the creative design of bicycle parking facilities through varied forms and colors, while still meeting all City Engineering requirements. The Applicant must provide an updated bicycle parking facility to the City Planner for review and approval prior to or at time of Building Permit issuance.
10. CALGreen Nonresidential Voluntary Measures. The Applicant shall implement CALGreen Nonresidential Voluntary Measures, including but not limited to, higher energy efficiency construction practices and water conservation features. The Applicant shall provide cool roofs with pre-wired, solar-ready surfaces; b) improved insulation; and c) energy efficient lighting and appliances.

11. Facility Connection. The project Applicant shall be required to annex the project into the City's existing community facilities districts (CFDs) for Public Safety and Fire.
12. Design of Structure. The Applicant shall install the Cedarmill "Walnut" Hardie Board cement panels upon the entire drive-through window (i.e., on the sides of the drive-through bump-out, as well as above and below the drive-through awning/window). The Applicant shall also install lighting above the drive-through window including a "Starbucks" sign, as opposed to the current Starbucks logo in the project plans dated March 25, 2022. A revised elevation design shall be provided to the City Planner for review and approval prior to or at time of Building Permit issuance.
13. Air Filtration. The Applicant shall install high efficiency air filters throughout the heating, ventilation, and air conditioning systems for the building to satisfy RASP Architectural and Site Design Criteria No. 22.
14. Gutters and Downspouts. All gutters and downspouts shall be placed behind exterior walls. Final gutter and/or downspout placement shall be identified on the construction drawings and shall be subject to review and approval by the Planning Division prior to or at time of Building Permit issuance.
15. Reclaimed Water. Reclaimed (purple pipeline) water should be used for as much non-potable water uses as feasible and practical. Landscaping water fixtures using reclaimed water should be purple, and purple and white signage should clearly mark areas that are irrigated with reclaimed water.

City of Pittsburg Engineering Division's Conditions:

16. Improvement and Grading Plan Review fees. The applicant shall provide an initial payment for review of the grading and improvement plans with the first submittal. These fees are based on the engineer's estimated costs for site improvements and grading, which shall be submitted with the plans. The improvement plan check fee is 7% of the cost of the improvements. The grading plan check fee is 2.5% of the cost for grading, or it may be based upon cubic yards of earth disturbance as set forth in the City's Master Fee Schedule. 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. The remainder of the fees shall be due payable prior to issuance of an engineering permit.
17. Improvement and Grading Inspection fees. The Applicant shall pay the improvement and/or grading inspection fee(s) to the Engineering Division prior to the issuance of a single parcel development permit. The current improvement inspection fee is 6.75% of the engineer's estimated cost for improvements. The grading inspection fee is 3% of the engineer's 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 as set forth in the City's Master Fee Schedule.

18. Facility Reserve Charge. Prior to the issuance of a building permit, the Applicant shall pay the City of Pittsburgh Facilities Reserve Charge (PMC Chapters 13.08, 13.12 and 13.24) (the "FRC") to the Engineering Division for water and sewer service in the amounts in effect at the time of building permit issuance. 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.
19. Local Traffic Mitigation Fee. Prior to issuance of a building permit, the applicant shall pay the Local Transportation Mitigation Fee (PMC Chapter 15.90) (the "LTMF") amount in effect at the time of building permit issuance. 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 Pittsburgh Local Transportation Mitigation Fee Program Update, copies of which are available from the City.
20. Regional Traffic Mitigation Fee. Prior to issuance of a building permit, the applicant shall pay the Regional Transportation-Development Impact Mitigation Fee (PMC Chapter 15.103) (the "RTDIM") amount in effect at the time of building permit issuance. 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.
21. GIS Update. Prior to the issuance of an engineering permit, the applicant shall pay the Geographic Information System (GIS) fee as set forth in the City's Master Fee Schedule.
22. Improvement Plans. The applicant shall submit five (5) copies of the engineering plans to the Engineering Division for review and approval. The plans shall be prepared by a registered civil engineer, to include but not be limited to the following:
 - a. A Site Plan
 - b. A Grading and Drainage Plan
 - c. A Utilities Plan

- d. A Landscaping and Irrigation Plan
 - e. An Erosion and Sedimentation Control Plan
 - f. Offsite Improvements due to Project Impacts
23. Geotechnical Report. The applicant shall submit a current geotechnical report that supports the design features incorporated into this project including, but not limited to, grading activities, compaction requirements, utility construction, slopes, retaining walls, and roadway sections. The geotechnical report shall be submitted to the Engineering Division for review prior to the approval of any civil plans and/or the issuance of a site development permit.
24. Stormwater Pollutants. The applicant shall incorporate long-term best management practices (BMPs) 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. Using pavers for walkways and other appropriate hardscape surfaces to minimize impervious areas.
 - d. Minimizing the amount of directly connected impervious surface area.
 - e. Marking all storm drains with “No Dumping, Drains to Delta” messages.
 - 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 authority and standards:
 - Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurant.
 - Dumpster drips from covered trash and food compactor enclosures.
 - Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.

- Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option.

Contra Costa County Fire Protection District Conditions:

25. Fire Department Access. The Applicant shall provide emergency apparatus access roadways with all-weather (paved) driving surfaces of not less than 20-feet unobstructed width, and not less than 13 feet 6 inches of vertical clearance, to within 150 feet of travel distance to all portions of the exterior walls of every building. Access shall have a minimum outside turning radius of 45 feet, and must be capable of supporting the imposed fire apparatus loading of 37 tons. (503) CFC. Access roadways of less than 28-feet unobstructed width shall have signs posted or curbs painted red with the words NO PARKING - FIRE LANE clearly marked. (22500.1) CVC, (503.3) CFC.
26. Access roadways of 28 feet or greater, but less than 36-feet unobstructed width shall have NO PARKING - FIRE LANE signs posted, allowing for parking on one side only or curbs painted red with the words NO PARKING - FIRE LANE clearly marked. (22500.1) CVC, (503.3) CFC.
27. Review of plans. A land development permit is required for access and water supply review and approval prior to submitting building construction plans.

The Applicant shall submit a minimum of two (2) copies of full size, scaled site improvement plans indicating:

- All existing or proposed hydrant locations,
- Fire apparatus access to include slope and road surface Elevations of building,
- Size of building and type of construction,
- Gates, fences, retaining walls, bio-retention basins, any obstructions to access,
- Detail showing the lowest level of fire department vehicle access and the floor level of the highest occupied floor,
- Striping and signage plan to include "NO PARKING-FIRE LANE" markings

This is a separate submittal from the building construction plans. These plans shall be approved prior to submitting building plans for review. (501.3) CFC

28. Emergency apparatus access roadways and hydrants shall be installed, in service, and inspected by the Fire District prior to construction or combustible storage on site. (501.4) CFC

Note: A temporary aggregate base or asphalt grindings roadway is not considered an all-weather surface for emergency apparatus access. The first lift of asphalt concrete paving shall be installed as the minimum roadway material

and must be engineered to support the designated gross vehicle weight of 22 / 37 tons.

29. The developer shall provide traffic signal pre-emption systems (Opticom) on any new or modified traffic signals installed with this development. (21351) CVC
30. The owner shall cut down and remove all weeds, grass, vines, or other growth that is capable of being ignited and endangering property. (304.1.2) CFC
31. The owner or the owner's authorized agent shall be responsible for the development, implementation and maintenance of a written plan in compliance with NFPA 241, establishing a fire prevention program at the project site applicable throughout all phases of the construction. The plan shall be made available for review by the fire code official upon request. (Ch.33) CFC

The fire prevention program superintendent shall develop and maintain an approved prefire plan in cooperation with the fire chief. The fire chief and fire code official shall be notified of changes affecting the utilization of information contained in such prefire plans. (Ch.33) CFC

32. The developer shall submit a minimum of two (2) complete sets of building construction plans and specifications for the subject project to the Fire District. After the new construction/ tenant improvement plans are approved, plans and specifications for all deferred submittals shall be submitted, including, but not limited to the following:

- Private underground fire service water mains
- Fire sprinklers
- Fire alarm
- Photovoltaic if proposed

Plans shall be submitted to the Fire District for review and approval prior to construction of the building or installation of the systems to ensure compliance with minimum requirements related to fire and life safety. Plan review and inspection fees shall be submitted at the time of plan review submittal. (105.4.1) CFC, (901.2) CFC, (107) CBC

CONTACT THE FIRE DISTRICT (MINIMUM 2 WORKING DAYS IN ADVANCE) AT 925-941- 3300 EXT 3902 TO SCHEDULE AN INSPECTION OF THE ACCESS AND HYDRANT INSTALLATION PRIOR TO CONSTRUCTION OR THE STORAGE OF COMBUSTIBLE MATERIALS ON THE JOB SITE.

Our preliminary review comments shall not be construed to encompass the complete project. Additional plans and specifications may be required after further review.

33. If you have any questions regarding this matter, please contact this office at (925) 941-3300.

California Department of Transportation (CalTrans) Conditions:

34. Construction-Related Impacts. Potential impacts to the State's Right-of-Way (ROW) from project-related temporary access points shall be analyzed. Mitigation for significant impacts due to construction and noise should be identified. Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, visit: <https://dot.ca.gov/programs/traffic-operations/transportation-permits>.
35. Utilities. Any utilities that are proposed, moved or modified within Caltrans' ROW shall be discussed. If utilities are impacted by the project, provide site plans that show the location of existing and/or proposed utilities. These modifications require a Caltrans- issued encroachment permit.
36. Equitable Access. If any Caltrans facilities are impacted by the project, those facilities shall be reconstructed to meet American Disabilities Act (ADA) Standards after project completion. The project shall maintain bicycle and pedestrian access during construction.
37. Encroachment Permit. The Applicant shall be advised that any permanent work or temporary traffic control that encroaches onto the State ROW, including that portion of Railroad Avenue within the Caltrans ROW, requires a Caltrans-issued encroachment permit.

Standard Conditions:

38. Other Agency Requirements. The Applicant shall comply with all the requirements of the City of Pittsburg Community Development Department, 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.
39. Sales Tax on Construction Materials. The Applicant, subsequent developers, or their contractors, subcontractors, agents, or affiliates shall use best reasonable efforts to pay local sales tax in connection with the purchase, acquisition, and/or supply of goods and materials, as well as any new or replacement equipment and supplies purchased during the course of operation. Sales tax(es) shall be apportioned and paid at the applicable sales tax rate in effect for the City as administrated by the California Department of Tax and Fee Administration (CDTFA). At no point may Applicant or its contractors, subcontractors, agents or affiliates contractually agree to waive or share sales and use taxes from this Project with any other city, county or entity in the State of California, including another jurisdiction where they have offices

or conduct business. The City of Pittsburg will be the sole jurisdiction of record to the transfer of title. Developer and its contractors, subcontractors, agents and affiliates shall comply with the Sales and Use Tax Requirements ("Requirements") set forth below and all CDTFA requirements.

40. 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. _____ shall govern.
41. 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.
42. Expiration of Approval. This Use Permit and Design Review approval will expire on April 12, 2024, unless the use has been legally established prior to the expiration date, or a written request for an extension is filed with the City of Pittsburg 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 12th day of April 2022, by the Planning Commission of the City of Pittsburg, California, by the following vote:

AYES:

NAYES:

ABSTAIN:

ABSENT:

I hereby certify that the above Resolution No. _____ was adopted by the Planning Commission of the City of Pittsburg on April 12, 2022.

JOHN L. FUNDERBURG III, SECRETARY
PITTSBURG PLANNING COMMISSION

Attachment 2
Site Photos

Starbucks Drive-Through (Marriott Pad), AP-21-1610 (UP, DR)



Above: View of project site from Railroad Ave./Center Dr. looking southwest



Above: View of project site from Center Dr./Power Ave. (former) looking southeast

 Project Site



Attachment 4
Property Development Regulations Table – PMC 18.60.040
Starbucks Drive-Through (Marriott Pad) AP-21-1610 (UP, DR)

Development Regulations for Governmental and Quasipublic (GQ) District*	Requirement:	Proposed Project:
Max. Height	As specified through Design Review (PMC section 18.60.040)	17' 10"
Max. FAR		.19
Max. Lot Coverage		19%
Min. Front Yard Setback Interior of Parking Lot / South Elevation		> 14'
Min. Corner Side Setback Along Railroad Avenue		> 66.8' +/-
Min. Side Setback Interior of Parking Lot / West Elevation		> 30'
Min. Rear Setback Along Center Drive		> 21.8' +/-
Min. Site Landscaping		26%
Min. Automobile Parking Hotels: 1 space per guest room	6 Spaces (1 space per 333 square feet)	> 6 spaces Provided by Marriott Development (AP-19-1417 [DR, TRP])
Min. Bike Parking 10 spaces per 101-200 automobile parking spaces	1 space	2 spaces
Parking Lot Trees 1 tree per 6 parking spaces	Provided by Marriott Development (AP-19-1417 [DR, TRP])	14 trees on site, total

*The project site is located within the Railroad Avenue Specific Plan (RASP) PD (Planned Development, Ordinance No. 09-1319) District, and has a RASP land use designation of Public/Institutional. The RASP states that the property development regulations for the Public/Institutional land use designation shall be the same as those specified in the applicable base zoning district. The base zone for the Public/Institutional land use designation is the Governmental and Quasipublic (GQ) District.

Attachment 5
RASP Architectural and Site Design Criteria (ASDC) Table
Starbucks Drive-Through (Marriott Pad), AP-21-1610 (UP, DR)

ASDC Criteria No.	Meets Criteria?
1: Maximize the number of units and building entries fronting the street.	Yes. The Pittsburg Superior Court, Pittsburg Library community room, Pittsburg Library café, and the Marriott Hotel all have their main entrances located along Center Drive. However, the entry for the proposed building would not be located along Center Drive due to the approved walkability pattern established with high-visibility crosswalks previously approved with the Marriott development (AP-19-1417 [DR, TRP]) connecting to Railroad Avenue along the southside of the proposed development. Thus, the proposed frontage provides for the optimal pedestrian connectivity.
2: Orient building and store entrances to the street with maximized storefront transparency through inclusion of windows, doors, or outdoor areas incorporated into the structure.	Yes. The entry for the proposed Food Shop structure is located on the interior of the parking lot due to the approved walkability pattern on site. Pedestrian access will flow off of Railroad Avenue through the intended entrance and the highly visible crosswalks on site will guide pedestrians to the storefront, located on the south side of the structure. There will be a drive through window along Center Drive with enhanced architectural details to create more visual appeal in lieu of the street-front entry.
3: There shall be at least 70% transparency for ground level retail uses and a minimum of 60% transparency for ground level office uses.	Yes. This criterion is met with the amount of window space in the seating/dining areas on site.
4: Emphasize the primary entry of buildings (e.g. Entrance lobby) with special architectural elements.	Yes. The primary entry would be emphasized by the accent wall feature, proposed signage, and lighting around the building entry.
5: All building facades, including parking garages, facing public rights-of-way shall engage the pedestrian through well-articulated building facades by incorporating elements such as cornices, lintels, sills, awnings, fenestration, varied materials and colors, columns and other architectural elements and features.	Yes. Attractive exteriors would be provided on all four sides of the building. Consistent design elements, materials, colors, and landscaping would be used throughout the project to create a visually cohesive development.
6: Residential buildings shall incorporate porches, stoops, and balconies to provide variation on all elevations.	Not applicable. This criterion does not apply because the project does not involve a residential use.

7: Prohibit expanses of blank wall in excess of 10-feet along any portion of a building visible from public right-of-way or a parking facility. Where this is necessary due to interior layout of the building, the structure shall contain a mural, display, window box or other decorative element to break up the massing.	Yes. The north, east and south sides of the building would contain some blank walls; however, the visual impact of those walls would be reduced through incorporation of lighting, business signage, attached awnings, and landscaping.
8: Use varied materials, forms and colors on buildings to provide visual interest to break up the massing of the structures and to provide visual interest to pedestrians.	Yes. The building design includes a variety of contrasting materials with different textures to create architectural interest on each side of the building. The design also uses a staggered roofline atop the drive through window to create additional structural relief.
9: Step back upper stories of buildings over three stories in height to mask building height and reduce massing on the street level.	Not applicable. The proposed building is a one-story structure.
10: Articulate front facades with windows, both along the ground floor and upper residential floors. Carry all exterior materials including veneer, finishes or materials utilized on the front of the structure around to all sides of the buildings.	Yes. See comment under ASDC Criteria No. 5.
11: Incorporate outdoor stairs, railings, fences, gates, and other outdoor utilitarian elements that are decorative, painted or stained, composed of high-quality materials, and architecturally compatible with the structure to which they are accessory.	Yes. The project would incorporate decorative outdoor features particularly in the outdoor patio behind the building. The patio area would be enclosed with a modern metal fence, and it would include multiple seating areas covered by building awning for shade. Decorative outdoor lighting would also be installed around the entire structure.
12: Incorporate variations in building elements including roof silhouettes, fenestration patterns and colors in adjoining residential units.	Not applicable. This criterion does not apply because the project does not involve a residential use.
13: In areas classified Business Commercial, encourage the use of steel and corrugated metal as an accent material to define lintels, create awnings and enhance roof form. Wood and stucco should be used sparingly within industrial areas.	Not applicable. This criterion does not apply because the project site does not have a RASP land use designation of Business Commercial.
14: All developments must provide a trash enclosure in accordance with Title 18 of the	Yes. The project will utilize a 14' by 21' 9" trash enclosure previously approved with the

PMC. Shared trash enclosures are encouraged among adjacent uses provided that the enclosure is sized appropriately to handle the refuse and recycling needs of all uses.	Marriott Development, which will be located west of the Food Shop building and is consistent with Appendix 2 of the City of Pittsburgh's DRDGs.
15: Locate all utilities, utility boxes or equipment underground or on the roof and screened from view.	Conditionally. To satisfy this criterion, staff recommends the Commission adopt a condition of approval requiring all air conditioning units, utility boxes, transformers, backflow preventers, meters, and junction boxes be substantially screened from public view using a block or retaining wall screen, wood/architectural screen, or dense landscaping screen consistent with Appendix 1 of the City of Pittsburgh's DRDGs.
16: Parking garages shall be developed as mixed-use structures with ground floor frontage along heavily utilized pedestrian pathways devoted to commercial uses.	Not applicable. This criterion does not apply because the project does not involve a parking garage.
17: Private developments in the Transit Village and Civic Center sub-areas shall include publicly accessible greenways, trails and paths for pedestrians and bicyclists in accordance with the land use and circulation plans set forth in the Specific Plan.	Yes. In 2018, the City completed a Class I trail along Power Avenue between Railroad Avenue and Davi Avenue. The proposed project would be publicly accessible to the trail to enhance bike and pedestrian access in the area.
18: Public bicycle parking lockers shall be installed on the ground floor of parking garages at a ratio of one bicycle parking locker per 50 parking spaces.	Yes. The project would provide bicycle racks to accommodate two bicycles, which exceeds the requirement of one bicycle parking space as required by the RASP and PMC 18.78.045.
19: Utilize ecologically conscious designs that include natural light, shade, and energy efficient materials.	Conditionally. The project would be required to meet the Nonresidential Mandatory Measures specified under the 2016 California Green Building Standards Code, Part 11 (CALGreen). To further comply with ASDC Criteria 19-20, staff recommends the Commission adopt a condition of approval requiring the project to implement several nonresidential voluntary measures.
20: Projects should include sustainable site and building design elements such as improved insulation, operable windows, energy efficient lighting and appliances, solar energy sources built into the development, natural ventilation and permeable paving materials.	
21: The ground floor of live-work lofts shall not be used exclusively for storage of materials.	Not applicable. This criterion does not apply because the project does not involve a live-work use.

22: Residential developments located within 500 feet of a travel lane on State Route 4 shall have central heating, ventilation, and air conditioning (HVAC) systems with high efficiency filters. Air intake systems for the HVAC systems shall be located as far away from the roadway as possible and shall include an ongoing HVAC maintenance plan.	Not applicable. This criterion does not apply because the project does not involve a residential use. Nevertheless, staff recommends the Commission adopt a condition of approval requiring that high efficiency air filters be installed throughout the heating, ventilation, and air conditioning systems for the building.
23: All residential projects must comply with development standards and amenities applicable to all multi-family residential and senior projects set forth in Chapter 18.52, Residential Districts, of the PMC unless otherwise specified within the Specific Plan.	Not applicable. This criterion does not apply because the project does not involve a residential use.
24: All fences in the Transit Village, Civic Center, High School Village, Industrial/Mixed Use and Railroad Avenue Retail Corridor shall comply with the height standards for commercial and residential uses (where applicable) set forth in Chapter 18.84, Special Land Use Regulations Applicable to Specific Uses, in the PMC. Wrought iron and wood fencing is encouraged in these sub-areas. Chain-link fencing is permitted at the discretion of the City Planner, and must be vinyl clad in a dark color material with winged slats. Razor wire and barbed wire are not permitted within any of these sub-areas.	Not applicable. The previously approved Marriott project will include fencing along Railroad Avenue constructed of bronze-finished, wrought iron material and limited to a maximum fence height of 4.5 feet.
25: All accessory structures and accessory dwelling units must comply with applicable standards set forth in Title 18 of the PMC.	Not applicable. There are no accessory dwelling units or structures proposed as part of the project. The project will utilize a separate trash enclosure previously approved with the Marriott project as discussed in detail in ASDC Criteria No. 14.
26: Greenways, trails, and paths for pedestrians and bicyclists that are incorporated into site design and development shall not be fenced, gated or hidden by the wall of a building in such a manner to eliminate the visual connection from the street, public right-of-way, and/or buildings and the greenway, trail and/or path. Structures adjacent to greenways, trails and/or paths shall incorporate balconies and windows to overlook the paths, and all effort	Yes. Construction of the project would not result in visual obstruction of an existing or proposed trail or pathway.

shall be made to allow visual connections through and along the paths.	
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Attachment 6

Development Review Design Guidelines

AP-21-1610 (UP, DR) – Starbucks

Design Review Guideline	Meets Guideline?
IV.a: Parking areas should be screened from view from any public right-of-way (beaming or hedge-type plant material). Parking areas should be broken up (landscape islands, projections, etc.) to eliminate vast areas of parking especially along street frontages.	Yes. The on-site parking is proposed to be surrounded with landscaping along the front and side property lines.
IV.b: Provisions should be made for permanent shopping cart corrals in retail shopping centers.	Not applicable. This guideline is intended to apply to retail shopping centers.
IV.c: Existing trees on site should be incorporated into the project site design, unless waived by the City Planner or Planning Commission.	Not applicable. The project parcel was involved in a previous land use permit, adjacent to the project site. The applicant at the time applied for a Tree Removal Permit which was approved by the Planning Commission. Some of the existing trees on site will be removed under permit. Landscaping is proposed in the tree removal areas and will include installation of seven trees including three different tree species.
IV.d: Developer should elect, at least, one of the schemes provided in Appendix #1 for screening all utility box transformers, backflow preventers, meters and junction boxes.	Conditionally. A condition of approval states, all air conditioning units, utility boxes, transformers, backflow preventers, meters, and junction boxes shall be substantially screened from public view using a block or retaining wall screen, wood/architectural screen, or dense landscaping screen. Final utility screening methods shall be included on the construction drawings and shall be subject to review and approval by the Planning Division prior to issuance of a Building Permit.
IV.e: Projects with many buildings (greater than three) should have a variety of building sizes and masses.	Not applicable. There is only one structure proposed on site at full build out, in addition to the previously approved trash enclosure.

IV.f: Continuous horizontal roof lines should be broken up whenever possible. An expanse should not exceed 50 (fifty) feet in length unless architecture or size dictate a greater expanse.	Yes. The applicant is proposing a varying roof height above the drive-through window visible from the ROW on Center Drive.
IV.g: Building entries should be designed as a focal point. They should be designed to set the theme or be the primary feature of the building or commercial center.	Yes. The project will have an articulated entrance with an accent wall feature and change of paint color detailed in the project plans dated March 25, 2022.
IV.h: Building elevations (example: rear of shopping centers) visible from public right-of-ways should be addressed in design review and treated appropriately.	Yes. There will be exterior lighting and signage around entire building. The proposed structure is a drive-through establishment and all building elevations have been addressed in Design Review. As a condition of approval, the Planning Division will require landscaping to be installed around drive-through aisle. This will ensure all visibility from public right-of-ways are addressed.
IV.i: A free-standing structure within an existing commercial or industrial center should be architecturally compatible with the center, including but not limited to materials, colors and architectural elements.	Yes. The proposed structure's materials and colors (neutral with bold accents) are in keeping with the character of the area. However, there is an underlying plan to establish a Marriott Hotel adjacent to the proposed Starbucks/Food Shop Establishment. The two, due to proximity to one another shall cohesively coexist in terms of architecture and design. The applicant is proposing a similar color scheme to the Marriott Hotel development.
IV.j: All roof mounted equipment should be screened completely from view from all public right-of-ways. A site-line study may be necessary to determine appropriate screening method.	Yes. Equipment is screened by painted fencing installed on rooftop.
IV.k: All Structures, including, but not limited to, "tilt-up" type structures, should have structural reliefs and articulated entries (Encourage the creation of shadow lines).	Yes. The building has articulated entries through trim surrounding the doors and windows and canopies over entrances and drive-up window.

IV.l: Exterior fire escapes, stairs and other appurtenances should be designed or treated as integral parts of the building façade.	Conditionally. A condition of approval states, all gutters and downspouts shall be placed behind exterior walls. Final gutter and/or downspout placement shall be identified on the construction drawings and shall be subject to review and approval by the Planning Division prior to issuance of a building permit.
IV.m: Downspouts should be designed into the façade of the building unless architecturally treated.	
IV.n: Add murals, lattice or some other spaceframe type treatment to blank walls visible from public view.	Yes. As a condition of approval, the applicant landscaping along all blank walls of the proposed structure.
IV.o: Prototype or “theme” architecture is discouraged.	Yes. The applicant’s architecture proposal ties in similar architecture from surrounding parcels to create a cohesive environment.
IV.p: New or remodeled buildings should be designed to be compatible in design, color and materials with adjacent development.	Yes. The proposed structure’s features are in keeping with the character of the area, in design, color, and materials.
IV.q: The street-oriented elevations shall be designed so as not to present the appearance of a rear elevation (i.e., no loading doors or large blank walls, absence of architectural features found on other elevations, and limited landscaping as typically found on interior property lines).	Yes. The paint on the proposed structure will be continued around the entire building with an accent wall of “Walnut”-colored Hardie Material on the drive-up window facade. Additionally, the structure will be broken up with windows, landscaping, and lighting to create contrast to the paint. Two sides of the structures will have outdoor seating for visiting guests.
IV.r: Trash enclosures should include area for collection of recyclables (example: space for two 90-gallon containers minimum, See Appendix #2 Trash Enclosure Design Standards).	Conditionally. Prior to or at time of Building Permit issuance, applicant must provide a recorded agreement to utilize trash enclosure on adjacent parcel. Additionally, trash enclosure shall meet all PMC Title 18, SB 1383, and DRDG standards.
Green Building Design Guideline	Meets Guideline?

VI.D.1: Roofs should be designed to integrate renewable energy generation systems and provide a cool urban environment.	Conditionally. A proposed condition of approval requires the applicant to paint the entire roofing surface behind the building parapets to be painted white to create a 'cool roof' and to pre-wire the building roof for solar panels. Further, the building height will not cause obstructions in solar access for neighboring buildings.
VI.D.2: Parking lot impacts should be minimized.	Yes. The proposed project would include the planting of new trees within the landscaped area that would partially shade the parking area. 48% of the project site will be shaded.
VI.D.3: Hardscapes should be constructed with permeable surfaces (e.g. pervious concrete, porous asphalt, unit pavers, and granular materials). Permeable paving consisting of porous above-ground materials, a 6- inch porous sub-base, and a base layer that is designed to ensure proper drainage away from the building and neighboring properties. Alternatively, impermeable surfaces may be used if they direct all runoff toward an appropriate permanent infiltration feature (e.g. vegetated swale, on-site rain garden, or rainwater cistern).	Yes/Not Applicable. The adjacent development, Marriott Hotel, will be performing/constructing most of the site work for the new Food Shop for Starbucks. This was a Condition of Approval for the Marriott Hotel development project.
VI.D.4: Design choices should incorporate or prepare for electric vehicle charging or used vegetable oil fueling infrastructure.	Yes/Not Applicable. The adjacent development of the Marriott Hotel will be installing/constructing two EV (electric vehicle) charging stations.
VI.D.5: Fuel cell technology should be considered for application where (1) space or cost prohibits non-emitting on-site generation (such as solar, wind or geothermal), AND either (2) the heat resulting from fuel combustion is utilized for water or space heating, and/or (3) the fuel cells would be used primarily during peak utility hours.	Conditionally. A proposed condition of approval requires the building roof be pre-wired to create a solar ready surface.

VI.D.6: Reclaimed (purple pipeline) water should be used for as much non-potable water uses as feasible and practical. Landscaping water fixtures using reclaimed water should be purple, and purple and white signage should clearly mark areas that are irrigated with reclaimed water.	Conditionally. A proposed condition of approval requires the applicant use reclaimed water as much as is feasible and practical.
VI.D.7: Large commercial and institutional facilities that are anticipated to employ more than 50 employees, should consider providing on-site shops and services for those employees.	Not applicable. Less than 50 employees are expected.
VI.D.8: Street side building faces should encourage walking.	Yes. There are existing walking paths around the proposed project site. The adjacent development, Marriott Hotel, conditioned the applicant to widen the existing sidewalk along Railroad Avenue from 5' in width to 10' in width. The applicant for the Starbucks Food Shop is proposing sidewalk around building and parking lot areas.
VI.D.9: Secure bicycle parking facilities should be provided for at least 10% of expected peak hour trips. Bicycle parking structures should complementary to the surrounding structures and may be partially obscured by vegetation or painted with a mural design that is consistent with surrounding aesthetics. Shade trees should be planted if the parking facility is located in an area not shaded by surrounding structures. They should be located in an accessible and visible space to discourage misuse.	Conditionally. The project will be conditioned to include a secure bike parking facility.



City of Pittsburg

Community and Economic Development Department – Planning Division

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

NOTICE OF PUBLIC HEARING

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

DATE: April 12, 2022
TIME: 7:00 p.m.
PLACE: City Council Chamber at City Hall
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Starbucks Drive-Through (Marriott Pad), AP-21-1610 (UP, DR)

This is an application filed by Randy Baugh on behalf of DCI Trust, requesting use permit and design review approval to construct a 2,000 square foot structure along with parking lot and landscaping improvements to establish a drive through service for Starbucks, located on the southwest corner of Railroad Avenue and Center Drive, in the PD-1319 (Planned Development, City Council Ordinance No. 09-1319) District. Assessor's Parcel No. 086-100-045.

Environmental Determination

CEQA Guidelines Section 15183(a) provides that if the subsequent activities under review "are consistent with the development densities established by existing zoning, community plan or general plan for which an EIR was certified," the agency "shall not prepare additional environmental review, except as may be necessary to examine whether there are project-specific significant impacts which are peculiar to the project or its site...". The Project is consistent with the General Plan and Railroad Avenue Specific Plan (RASP) and therefore, additional environmental review is not required under CEQA.

PROJECT PLANNER: Kelsey Gunter, (925) 252-4824 or kgunter@pittsburgca.gov

Why am I receiving this notice? Where can I get more information about this project?

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

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

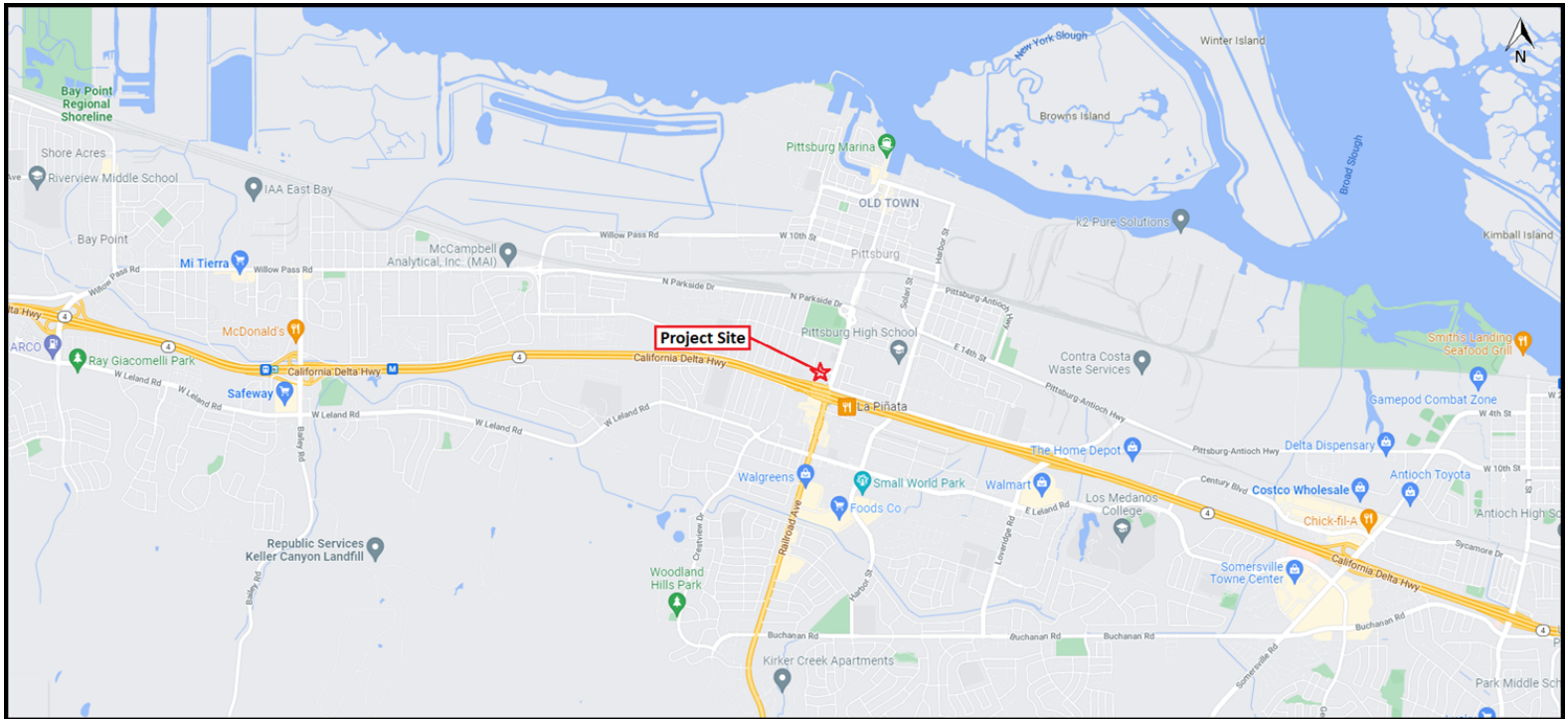
Comments or objections to the project can be made by writing or through e-mailed testimony during the meeting. Written comments citing the project name may be emailed to the project planner listed above or may be mailed or delivered to Pittsburg Planning Division, 65 Civic Avenue, Pittsburg, CA 94565.

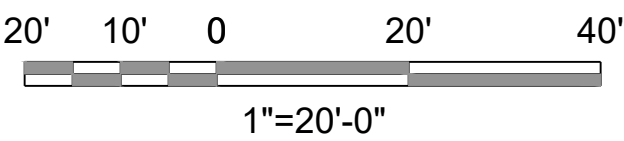
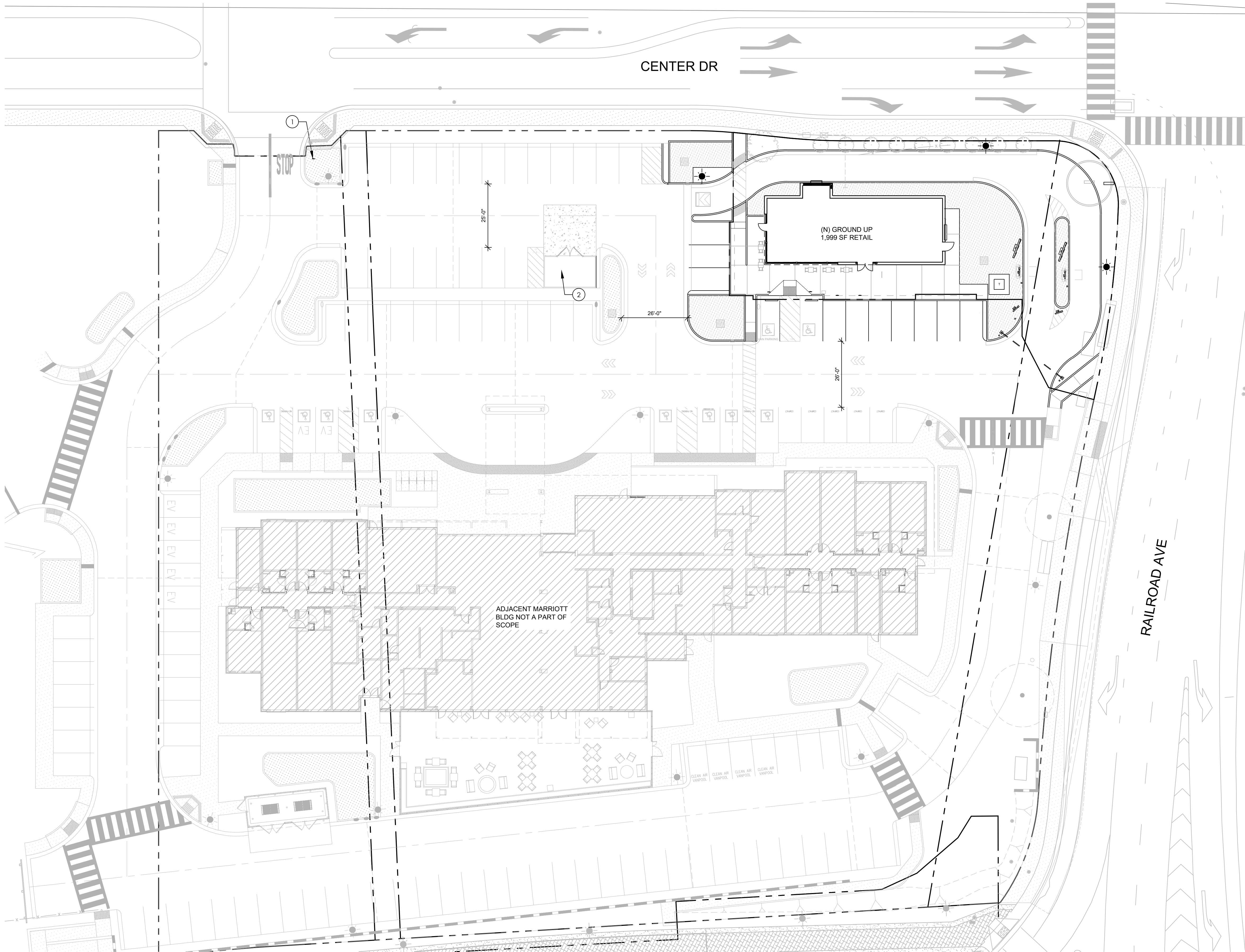
Pursuant to Section 65009 of the California Government Code, if you challenge this matter in court, you may be limited to those issues you or someone else raised at the public hearing described in this notice, or in written correspondence on the matter delivered to this agency at, or prior to the public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

Para información en español:
(925) 252-4920

JOHN FUNDERBURG, SECRETARY
PITTSBURG PLANNING COMMISSION

Project Title: Starbucks Drive-Through (Marriott Pad), AP-21-1610 (UP, DR)
Location: 999 Center Drive, Pittsburg CA

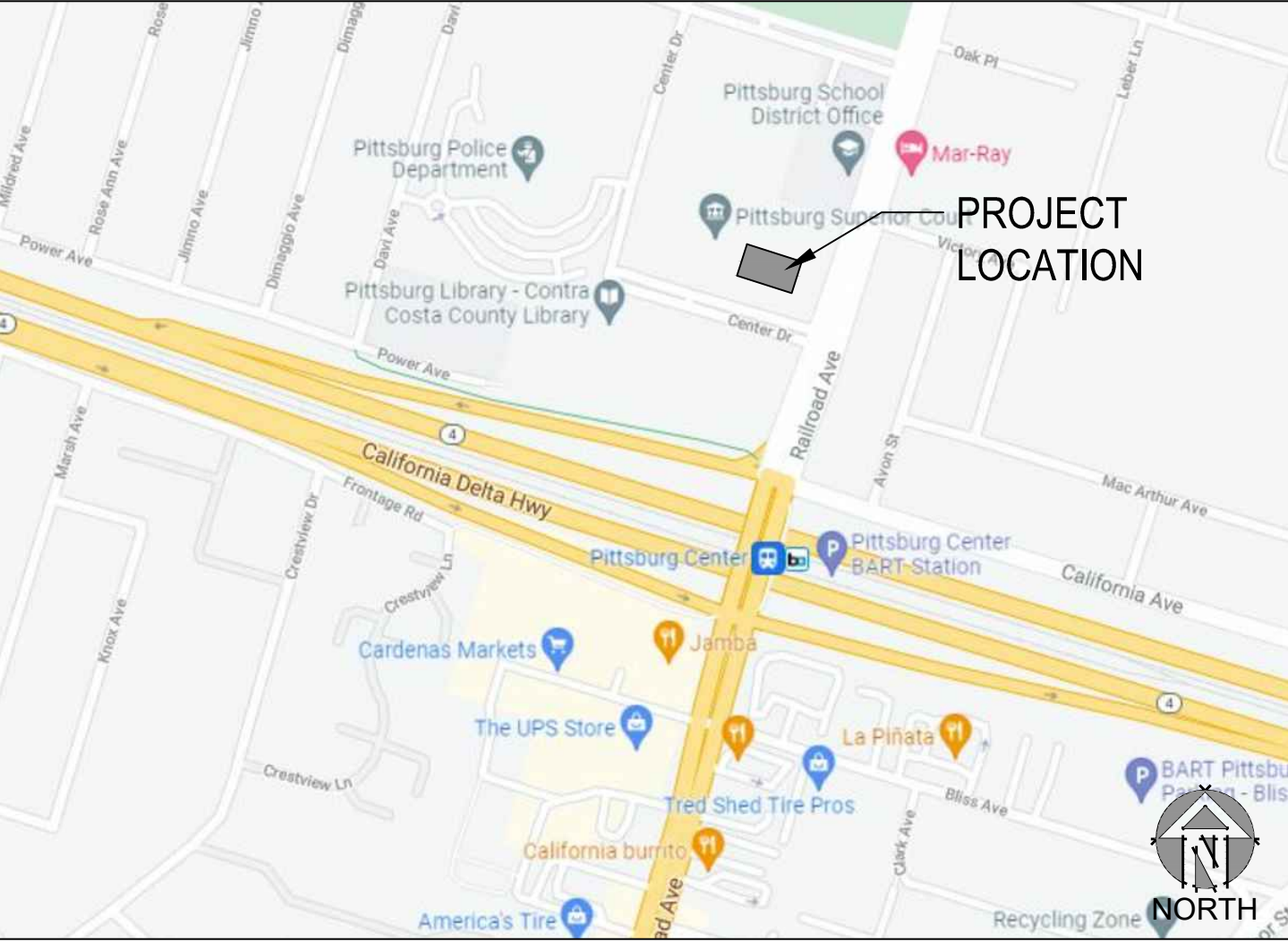




- ① (N) ACCESSIBLE DIRECTIONAL SIGNAGE
② (E) TRASH ENCLOSURE UNDER MARRIOTT'S PERMIT

- ② SITE KEYNOTES
13/256" = 1'-0"

VICINITY MAP



PROJECT DATA

ACCESSORS PARCEL NUMBER: 086-100-045
ZONING: PD PLANNED DEVELOPMENT
PARCEL AREA: 10,366 SF
PROPOSED BUILDING AREA: ± 1,999 S.F.

PARKING
THE SUBJECT HAS ZERO PARKING STALLS ON SITE BUT IS SUPPORTED BY A RECIPROCAL ACCESS AND PARKING AGREEMENT TO ALLOW THE PROJECT TO BE BOTH IN COMPLIANCE WITH THE ALLOWABLE PARKING OF THE RASP, AND STILL FUNCTION IN TODAY'S ENVIRONMENT.

FLOOR AREA RATIO
BUILDING AREA = 1,999 SF
SITE AREA = 10,366 SF
FAR = 19 %

SHEET INDEX

- | | |
|-------|-------------------------------------|
| G-001 | COVER SHEET & SITE PLAN |
| LA-01 | LANDSCAPE PLAN |
| C-001 | PRELIMINARY SITE PLAN |
| C-002 | PRELIMINARY GRADING & DRAINAGE PLAN |
| C-003 | PRELIMINARY UTILITY PLAN |
| A-001 | ENLARGED SITE PLAN |
| A-010 | FLOOR PLANS |
| A-020 | ROOF PLANS |
| A-201 | CONCEPTUAL ELEVATIONS |
| A-202 | CONCEPTUAL PERSPECTIVE |
| A-303 | BUILDING SECTION |

CONTACTS

OWNER:
DEVELOPMENT CONSULTANTS INC.
RANDY BAUGH
EMAIL: DCRANDY@GMAIL.COM
TELE: (530) 672-6060

ARCHITECT:
BORGES ARCHITECTURAL GROUP, INC.
1478 STONE POINT DRIVE, SUITE 350
ROSEVILLE, CA 95661
ROCELYN BAJAO
email: rocelyn@borgesarch.COM
TELE: (916) 782-7200

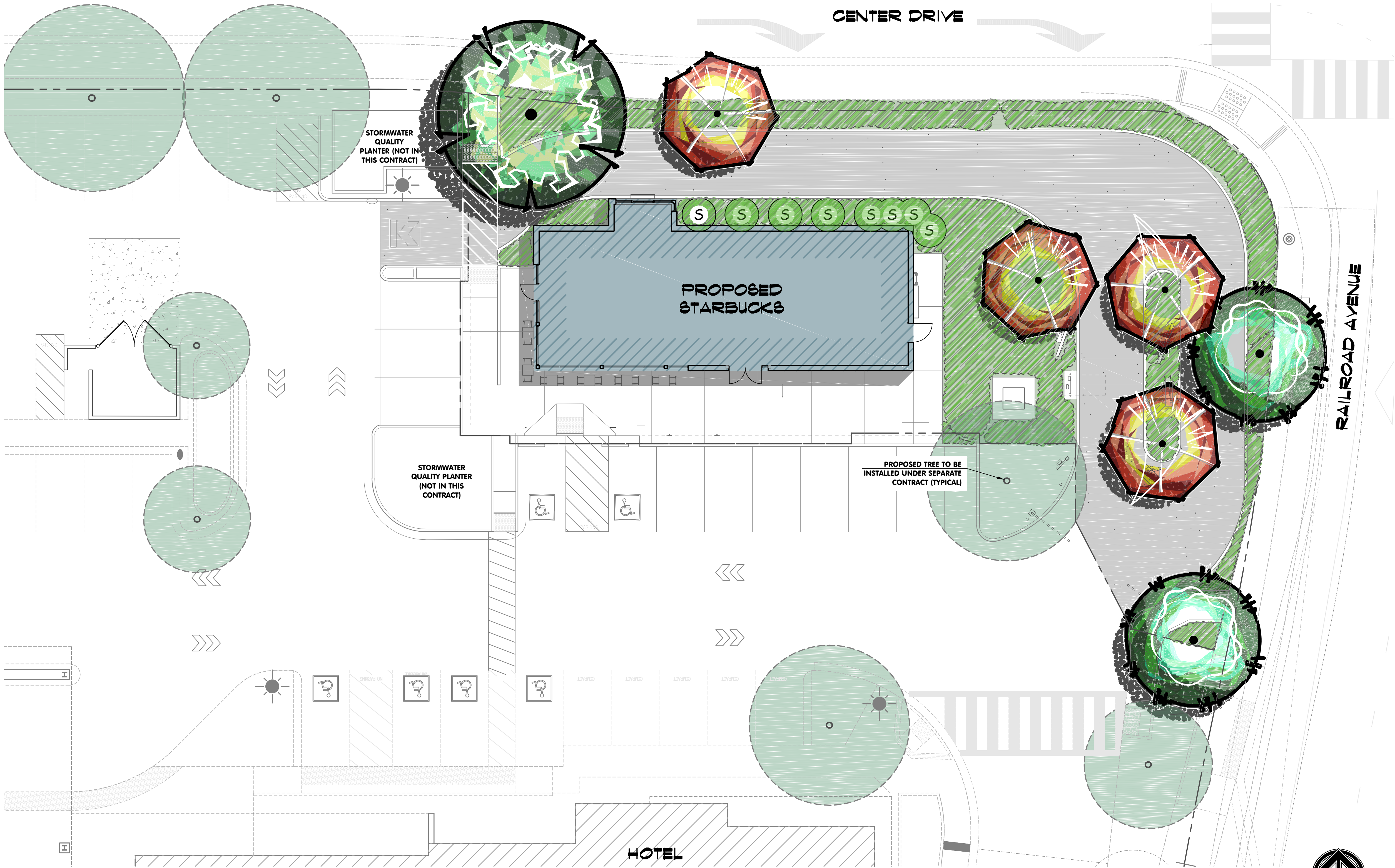
CIVIL ENGINEER:
CBG
EVAN DAMBACHER
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CA 94583
EMAIL: EDAMBACHER@CBANDG.COM
TELE: (925) 866-0322 x 239

LANDSCAPE ARCHITECT:
GARTH RUFFNER LANDSCAPE ARCHITECT
4120 DOUGLAS BOULEVARD #301-306
ROSEVILLE, CA 95746
GARTH RUFFNER
email: glr@comcast.net
TELE: (916) 797-2576

STARBUCK PITTSBURG CONCEPTUAL SITE PLAN

CENTER DR & RAILROAD AVE PITTSBURG, CA 94565 21021 03-25-2022 1478 STONE POINT DRIVE SUITE 350 ROSEVILLE, CA 95661 T | 916 782 7200 borgesarch.com

G-001
Borges ARCHITECTURAL GROUP



**PARKING LOT
SHADE CALCULATIONS:**

TREE TYPE	AREA/ FULL	QUANTITY				SUBTOTAL	TOTAL
		FULL	3/4	1/2	1/4		
20' DIA. TREES							
CERCIS OCCIDENTALIS	314 S.F.	2	0	2	0	942 S.F.	
20' TOTAL:							942 S.F.
25' DIA. TREES							
GEIJERA PARVIFLORA	490 S.F.	0	0	2	0	490 S.F.	
25' TOTAL:							490 S.F.
35' DIA. TREES							
ULMUS WILSONIANA	962 S.F.	0	0	1	0	481 S.F.	
35' TOTAL:							481 S.F.
PARKING AREA:						3946 S.F.	
SHADE REQUIRED:						1381 S.F.	
SHADE PROVIDED:						1913 S.F.	

WATER BUDGET CALCULATION

MAXIMUM APPLIED WATER ALLOWANCE (MAWA) = 34250 GALLONS PER YEAR						
MAWA = 45.4 ETO x 0.62 GAL/S.F. x 0 .45 (ET ADJ. FACTOR) x 2704 S.F. LANDSCAPE AREA						
ESTIMATED TOTAL WATER USE (ETWU) = 18793 GALLONS PER YEAR						
HYDROZONE (STATION #)	PLANT WATER USE TYPE	PLANT FACTOR	AREA IRRIG. (S.F.)	EFF. CALCULATION		ESTIMATED WATER USE
CI	LOW (DRIP)	0.20	2704	81% 45.4 x .62 x .20 x	2704 / 81% =	18793 GAL
TOTAL ANNUAL ESTIMATED WATER USE:						18793 GAL

TREE LIST & LEGEND

SYMBOL	BOTANIC NAME/COMMON NAME	SIZE	QUANTITY	REMARKS
	CERCIS OCCIDENTALIS/WESTERN REDBUD	15 GALLON	4	STANDARD
	GEIJERA PARVIFLORA/AUSTRALIAN WILLOW	15 GALLON	2	
	ULMUS WILSONIANA "PROSPECTOR"/PROSPECTOR ELM	15 GALLON	1	
	SOLLYA HETEROPHYLLA/BLUEBELL CREEPER	5 GALLON	8	
SHRUB & GROUNDCOVER AREA (SEE SHRUB & GROUNDCOVER LIST AT RIGHT):				

SHRUB & GROUNDCOVER LIST

BOTANIC NAME/COMMON NAME	SIZE
BULBINE FRUTESCENS (YELLOW)/CAPE BALSAM	1 GALLON
CISTUS HYBRIDUS/WHITE ROCKROSE	5 GALLON
CALLISTEMON V. LITTLE JOHN/DWF. BOTTLE BRUSH	5 GALLON
DIANELLA REVOLUTA 'ALLYN-CITATION'/COOLVISTA FLAX LILY	1 GALLON
HELLEBORUS ARGUTOLIUS 'PACIFIC FROST'/CORSICAN HELLEBORE	1 GALLON
LOMANDRA LONGIFOLIA 'LOMLON/LIME TUFF MAT RUSH	1 GALLON
LANTANA MONTEVIDENSIS/LANTANA	5 GALLON
MUHLENBERGIA CAPILLARIS/PURPLE MUHLY GRASS	1 GALLON
NEPETA X. FAASSENII/CATMINT	1 GALLON
PENSTEMON HETEROPHYLLUS 'MARGARITA B.O.P./BEARD TONGUE	1 GALLON

Garth Ruffner
Landscape Architect
(916) 797-2576

4120 Douglas Blvd. #306-301, Roseville, California 95746
GarthRuffner.com CA Landscape Architect #2808

Project:

STARBUCKS
CENTER
DRIVE

RAILROAD AVE. & CENTER DR.
CITY OF PITTSBURG
CALIFORNIA

FOR BORGES ARCHITECTURAL GROUP

Sheet Title:

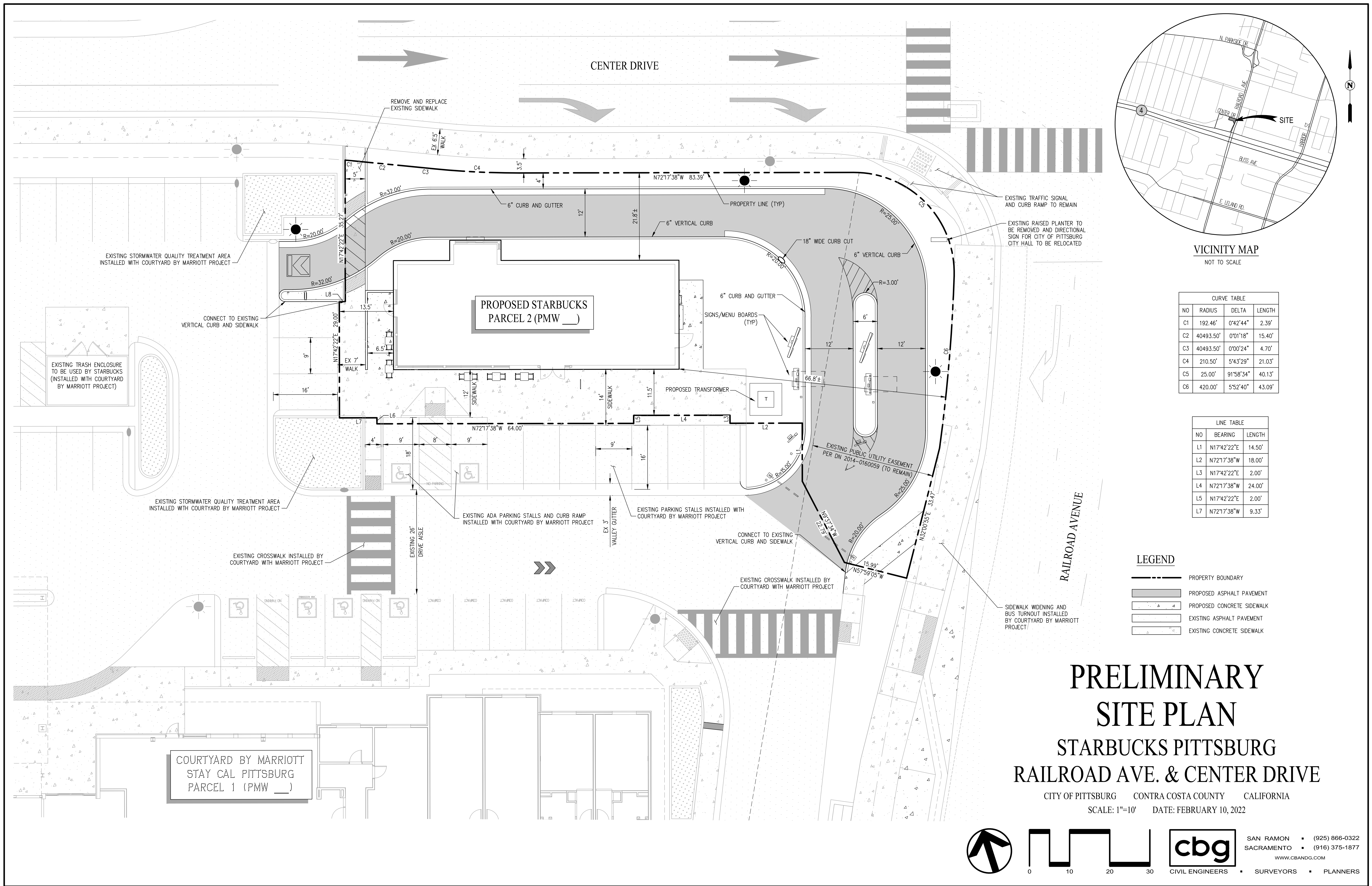
PRELIMINARY
LANDSCAPE
PLAN

Date: APR. 5, 2022

Scale: 1"=10'-0"

Job Number: 41073

Sheet Number: 1 of 1



VICINITY MAP
NOT TO SCALE

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	192.46'	0°42'44"	2.39'
C2	40493.50'	0°01'18"	15.40'
C3	40493.50'	0°00'24"	4.70'
C4	210.50'	5°43'29"	21.03'
C5	25.00'	91°58'34"	40.13'
C6	420.00'	5°52'40"	43.09'

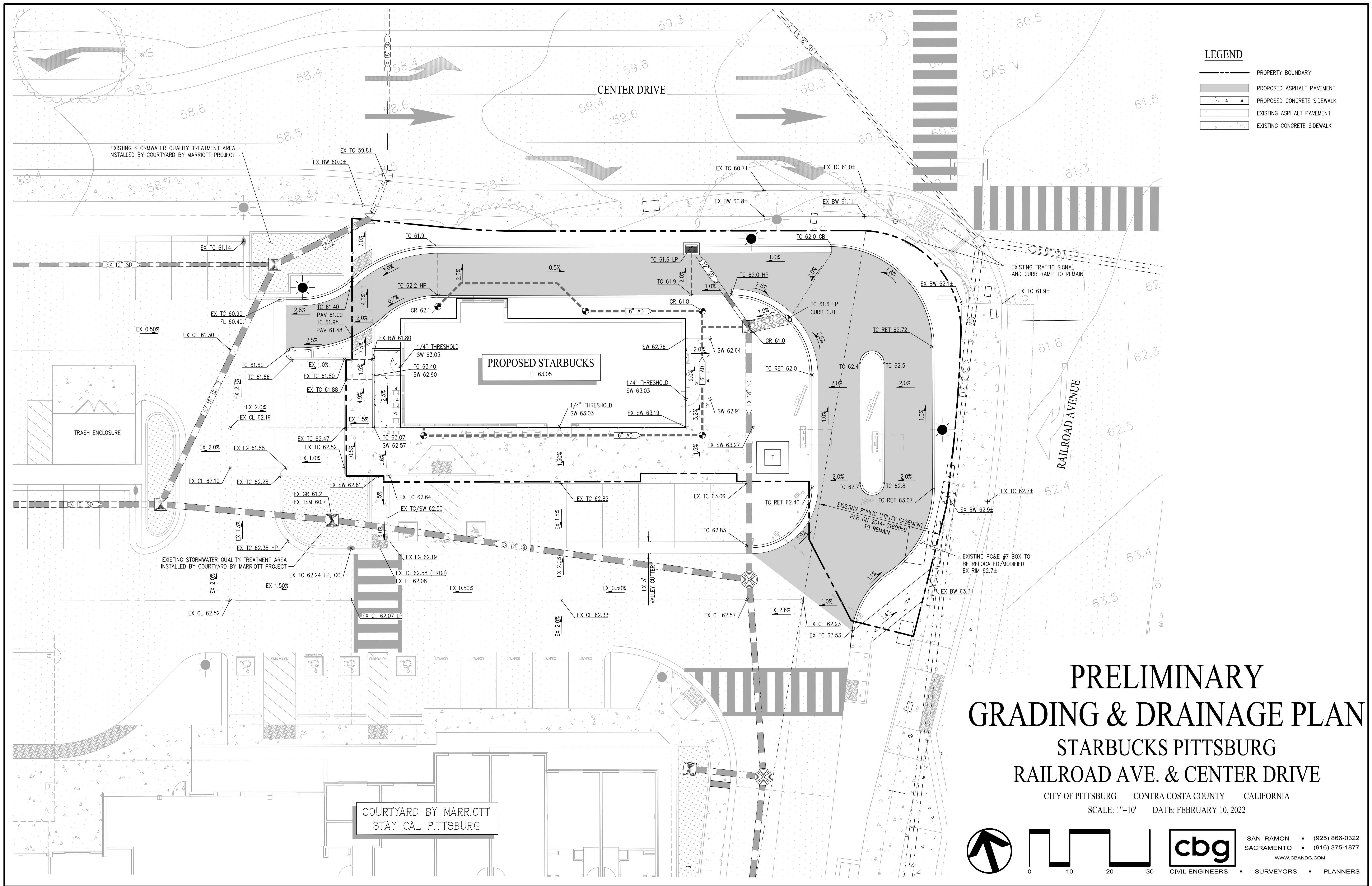
LINE TABLE		
NO	BEARING	LENGTH
L1	N17°42'22"E	14.50'
L2	N72°17'38"W	18.00'
L3	N17°42'22"E	2.00'
L4	N72°17'38"W	24.00'
L5	N17°42'22"E	2.00'
L7	N72°17'38"W	9.33'

- LEGEND
- PROPERTY BOUNDARY
 - ▒ PROPOSED ASPHALT PAVEMENT
 - ▒ PROPOSED CONCRETE SIDEWALK
 - ▒ EXISTING ASPHALT PAVEMENT
 - ▒ EXISTING CONCRETE SIDEWALK

PRELIMINARY
SITE PLAN
STARBUCKS PITTSBURG
RAILROAD AVE. & CENTER DRIVE
CITY OF PITTSBURG CONTRA COSTA COUNTY CALIFORNIA
SCALE: 1"=10' DATE: FEBRUARY 10, 2022

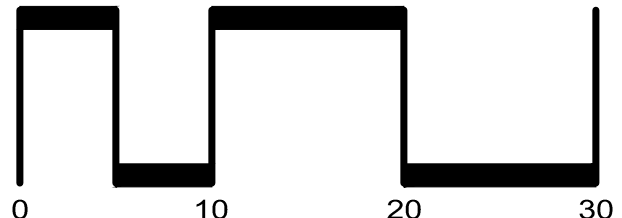
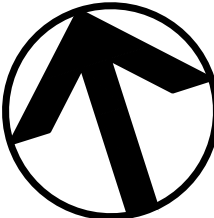
CIVIL ENGINEERS • SURVEYORS • PLANNERS

SAN RAMON • (925) 866-0322
SACRAMENTO • (916) 375-1877
WWW.CBANDG.COM

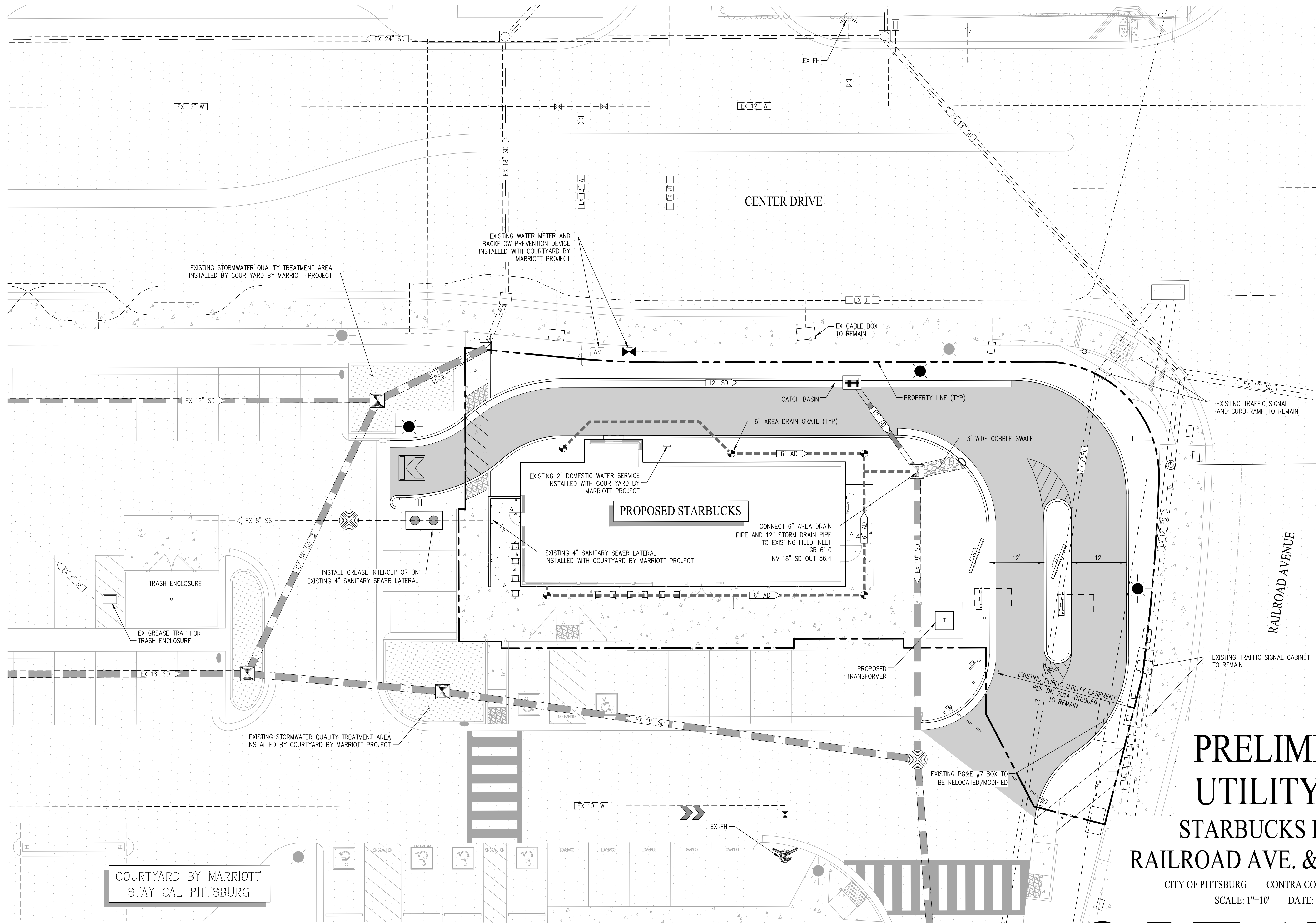


PRELIMINARY
GRADING & DRAINAGE PLAN
STARBUCKS PITTSBURG
RAILROAD AVE. & CENTER DRIVE

CITY OF PITTSBURG CONTRA COSTA COUNTY CALIFORNIA
SCALE: 1"=10' DATE: FEBRUARY 10, 2022



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SACRAMENTO • (916) 375-1877
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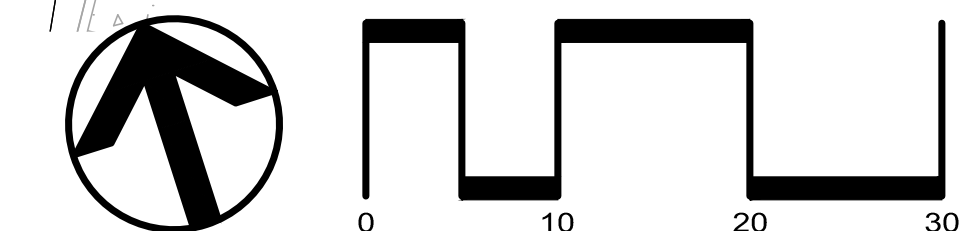
LEGEND

- PROPERTY BOUNDARY
- PROPOSED ASPHALT PAVEMENT
- PROPOSED CONCRETE SIDEWALK
- EXISTING ASPHALT PAVEMENT
- EXISTING CONCRETE SIDEWALK

STORMWATER NOTE: PROPOSED STARBUCKS PROJECT WILL CREATE/REPLACE LESS THAN 10,000 SF OF IMPERVIOUS SURFACES.

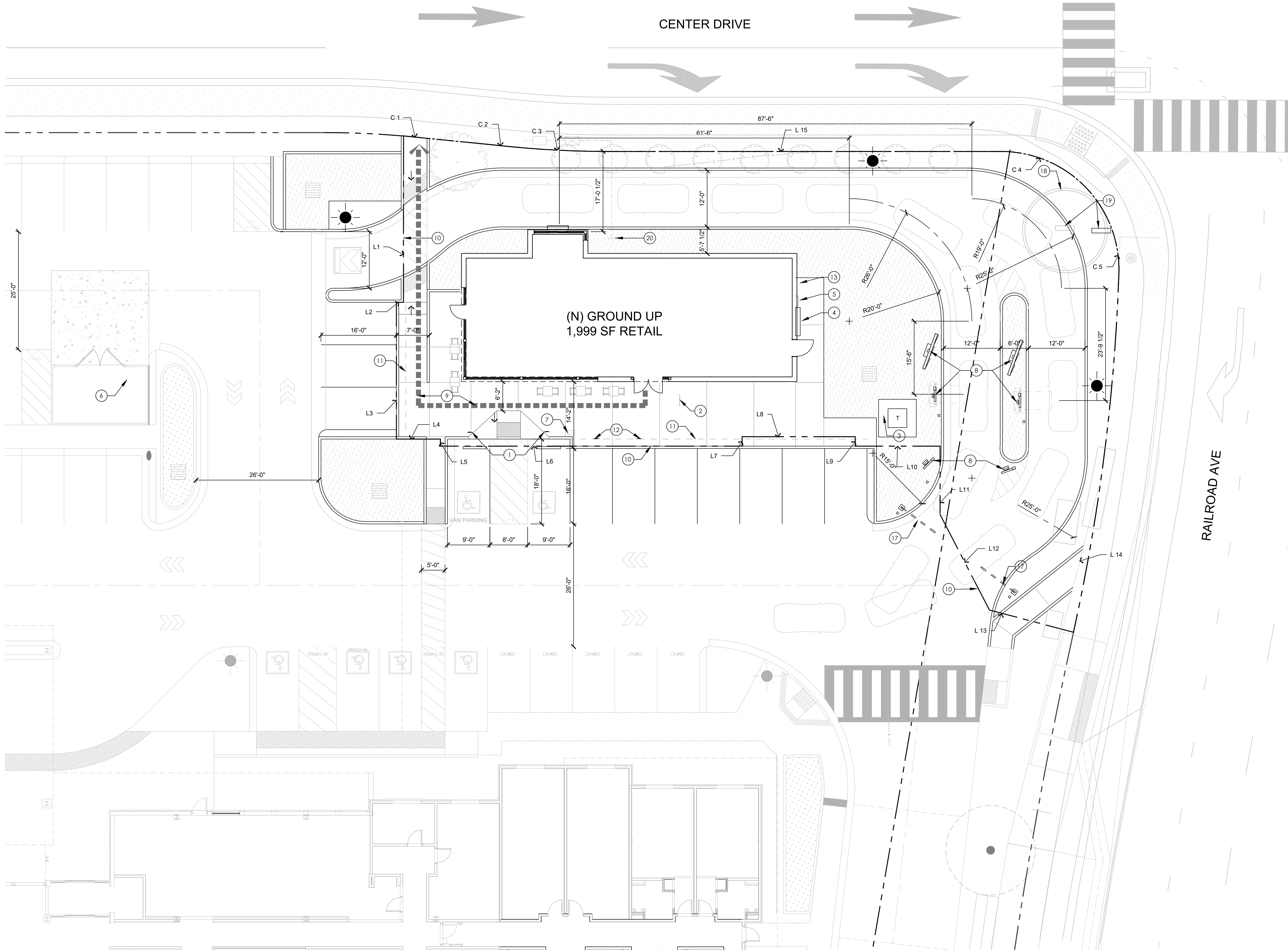
PRELIMINARY UTILITY PLAN STARBUCKS PITTSBURG RAILROAD AVE. & CENTER DRIVE

CITY OF PITTSBURG CONTRA COSTA COUNTY CALIFORNIA
SCALE: 1"=10' DATE: FEBRUARY 10, 2022



cbg
CIVIL ENGINEERS • SURVEYORS • PLANNERS

SAN RAMON • (925) 866-0322
SACRAMENTO • (916) 375-1877
WWW.CBANDG.COM



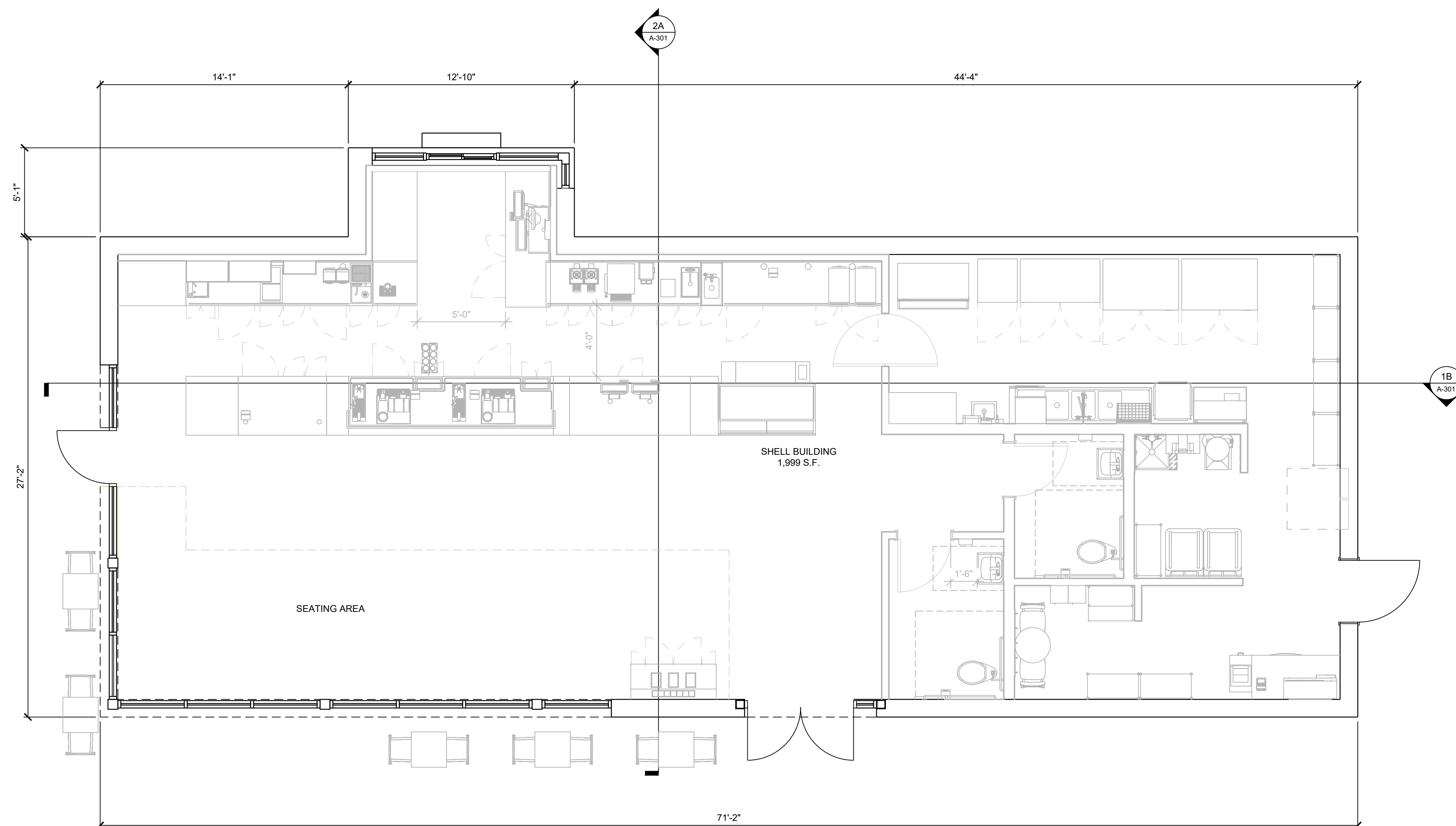
SITE INFORMATION	
SITE LANDSCAPE COVERAGE	
10,363 SF SITE AREA	
2,759 SF LANDSCAPED AREA	
26% COVERAGE	
FLOOR AREA RATIO	
1,999 BUILDING AREA	
10,363 SF SITE AREA	
FAR = 19%	

MEETS AND BOUNDS LENGTH TABLE		
NO	BEARING	LENGTH
L1	N17°42'22"E	35.27'
L2	N72°17'38"W	1.50'
L3	N17°42'22"E	29.00'
L4	N72°17'38"W	9.33'
L5	N17°42'22"E	1.50'
L6	N72°17'38"W	64.00'
L7	N17°42'22"E	2'
L8	N72°17'38"W	24.00'
L9	N17°42'22"E	2'
L10	N72°17'38"W	18'
L11	N17°42'22"E	14.5'
L12	N09°37'43"W	22.79'
L13	N57°59'05"E	15.99'
L14	N32°00'55"E	33.47'
L15	N72°17'38"W	83.39'

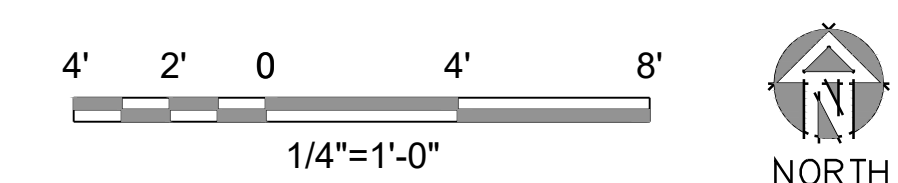
MEETS AND BOUNDS CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	192.46'	0°42'44"	2.39'
C2	40493.50'	0°01'42"	20.10'
C3	210.50'	5°43'29"	21.03'
C4	25.00'	61°58'34"	40.13'
C5	420.00'	5°52'40"	43.09'

- 1 (N) ACCESSIBLE SIGNAGE
- 2 (N) BIKE RACK (X SPACES). SEE DETAIL
- 3 (N) TRANSFORMER LOCATION
- 4 (N) ELECTRICAL SWITCHGEAR
- 5 (N) GAS METER
- 6 (E) TRASH ENCLOSURE TO BE CONSTRUCTED UNDER ADJACENT MARRIOTT PERMIT.
- 7 (F) EV PARKING LOCATION
- 8 (F) DRIVE THROUGH SIGN LOCATION
- 9 ACCESSIBLE PATH TO PUBLIC RIGHT OF WAY
- 10 LOT LINE ADJUSTMENT
- 11 VEHICLE OVERHANG
- 12 M.O.P. DESIGNATED PARKING
- 13 (N) IRRIGATION METER
- 14 NOT USED
- 15 NOT USED
- 16 NOT USED
- 17 CLEARANCE BAR
- 18 (E) PLANTER TO BE REMOVED AND (E) SIGN RELOCATED
- 19 (E) SIGN RELOCATED
- 20 (E) 2" WATER SUPPLY CONNECTION

1 SITE KEYNOTES
13/128" = 1'-0"



FUTURE TENANT IMPROVEMENT OCCUPANCY	
CAFE/SEATING:	414 SF/ 15 = 28 OCC
RETAIL:	23 SF/ 60 = 1 OCC
BEVERAGE PREP:	473 SF/ 200 = 3 OCC
WORKROOM:	482 SF/ 300 = 2 OCC
STANDING:	48 SF/ 5 = 10 OCC
RR/ACCESORY:	315 SF/ 0 = 0 OCC
TOTAL:	44 OCC
OUTSIDE SEATING AREA:	10 OCC



STARBUCK PITTSBURG FLOOR PLAN

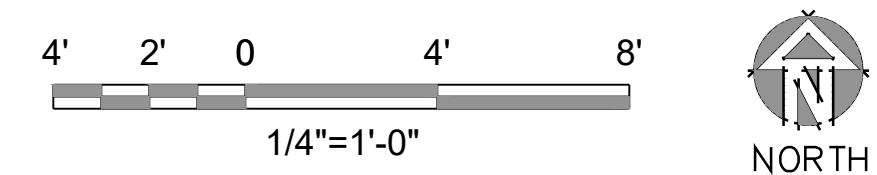
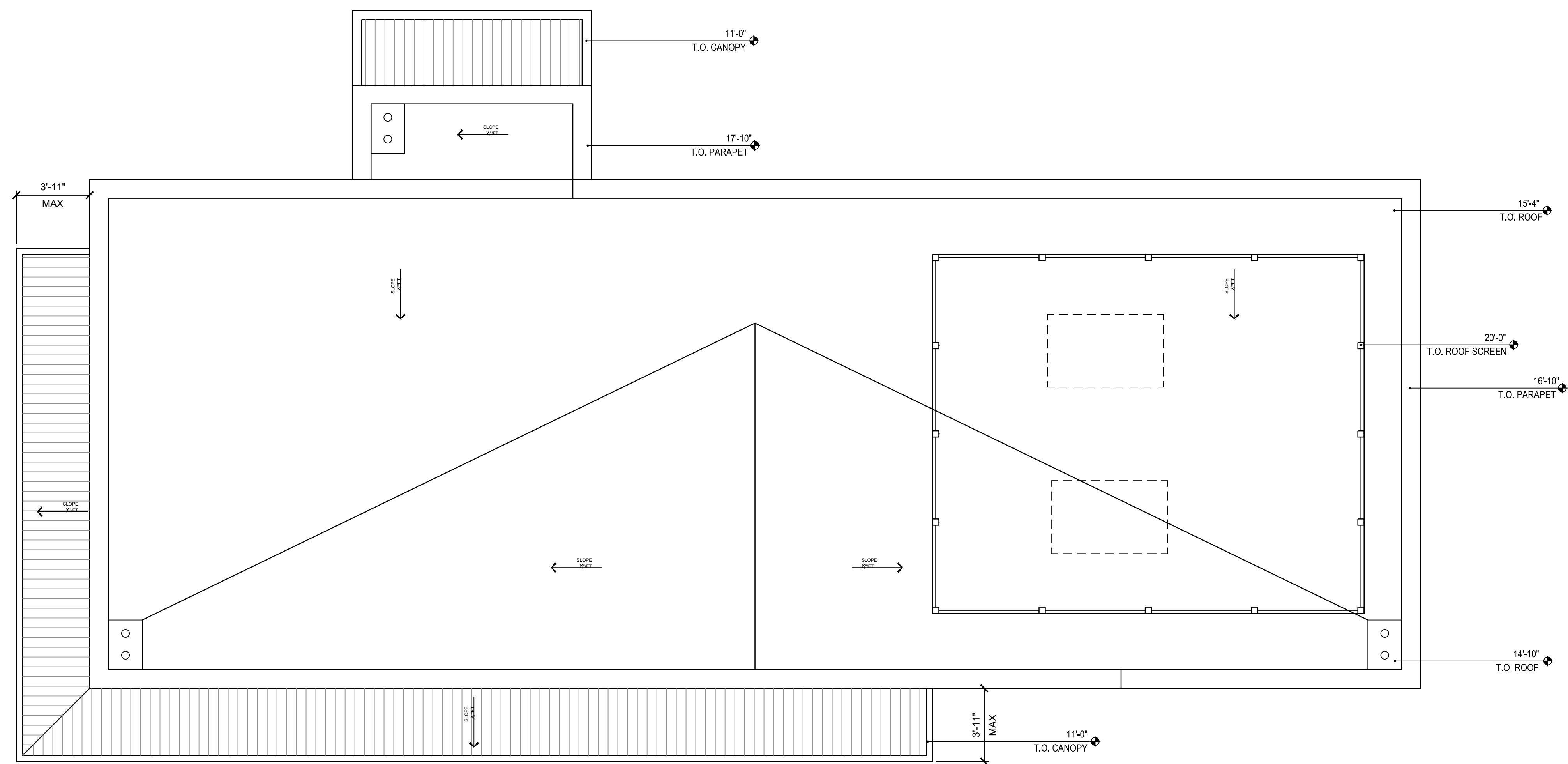
CENTER DR & RAILROAD AVE PITTSBURG, CA 94565 21021

03-25-2022

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

A-010





STARBUCK PITTSBURG ROOF PLAN

CENTER DR & RAILROAD AVE PITTSBURG, CA 94565 21021

03-25-2022

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A-020

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



3 WEST ELEVATION
1/4" = 1'-0"



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



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

	FCP-1	HARDIE FIBER CEMENT PANELS, SMOOTH PAINTED COLOR: "MINDFUL GRAY"
	FCP-2	HARDIE FIBER CEMENT PANELS, CEDARMILL COLOR: "WALNUT" TO MATCH COLOR ON ADJACENT MARRIOTT.
	FCP-3	HARDIE FIBER CEMENT PANELS, SMOOTH PAINTED COLOR: "PORPOISE"
	P-1	PAINTED METAL SHERWIN WILLIAMS SW 6006 "BLACK BEAN"
	S-1	DARK BRONZE STOREFRONT

1 MATERIAL LEGEND
1/4" = 1'-0"

STARBUCK PITTSBURG CONCEPTUAL ELEVATIONS

CENTER DR & RAILROAD AVE PITTSBURG, CA 94565 21021

03-25-2022

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

A-201
Borges ARCHITECTURAL GROUP



2 PERSPECTIVE VIEW SOUTH EAST
N.T.S.



3 PERSPECTIVE VIEW SOUTH WEST
N.T.S.



1 PERSPECTIVE VIEW NORTH WEST
N.T.S.

STARBUCK PITTSBURG EXTERIOR PERSPECTIVES

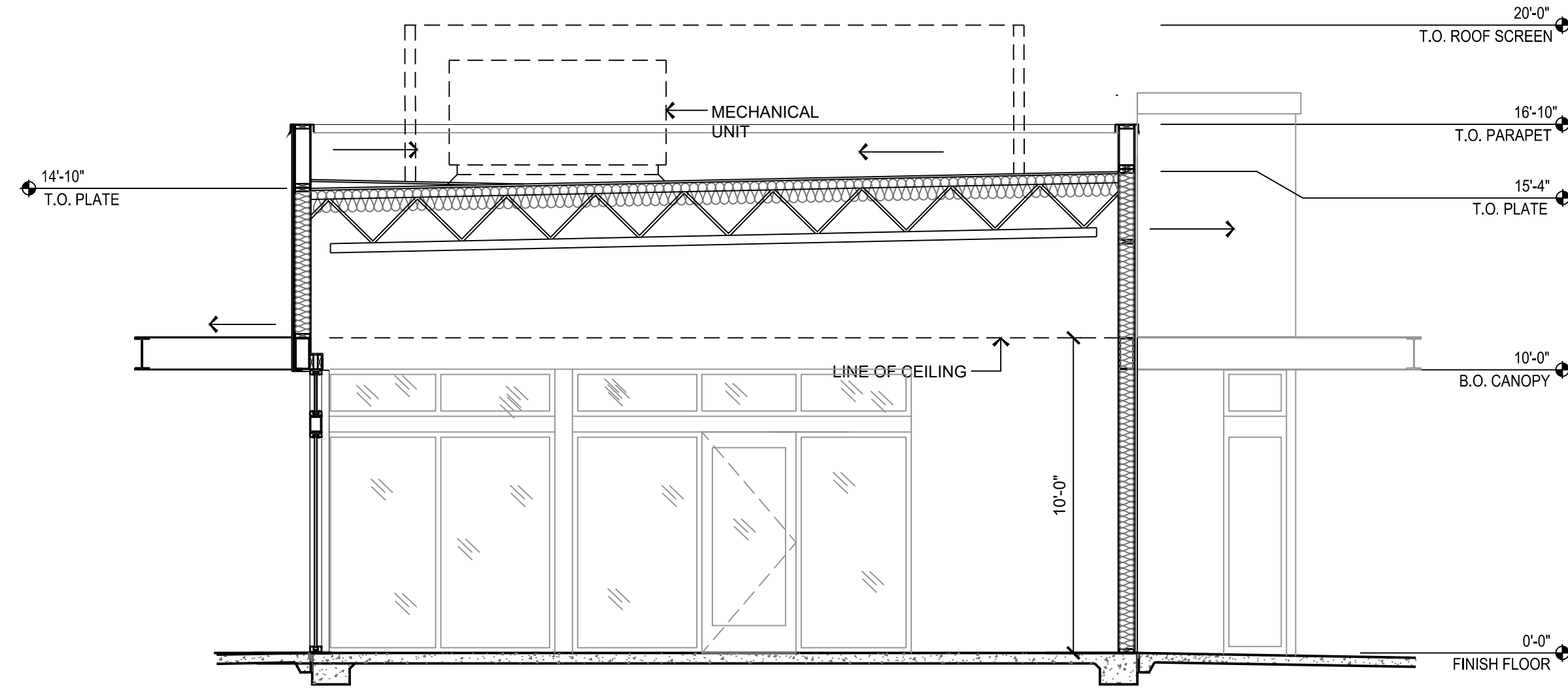
CENTER DR & RAILROAD AVE PITTSBURG, CA 94565 21021

03-25-2022

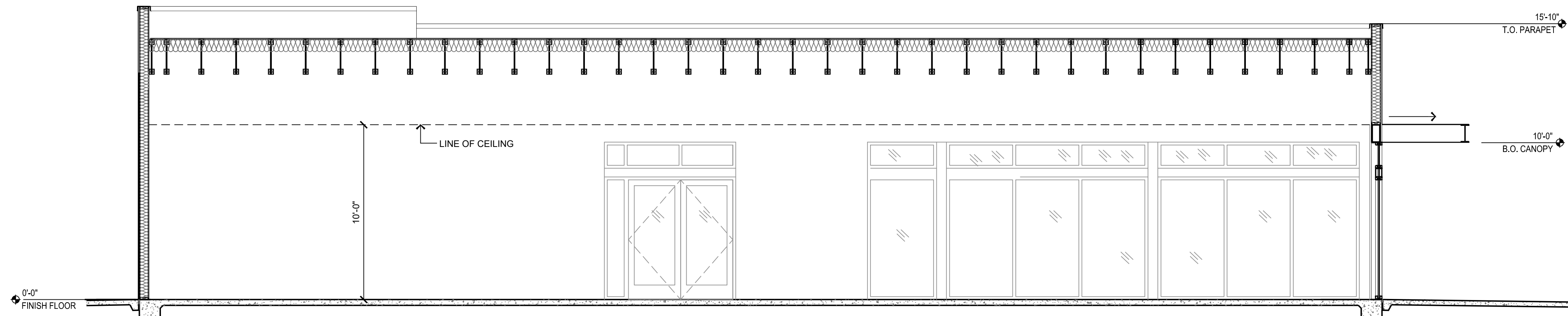
1478 STONE POINT DRIVE SUITE 350 ROSEVILLE, CA 95661 T | 916 782 7200 borgesarch.com

A-202

ARCHITECTURAL GROUP
Borges



2 SECTION A
1/4" = 1'-0"



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

STARBUCK PITTSBURG BUILDING SECTIONS

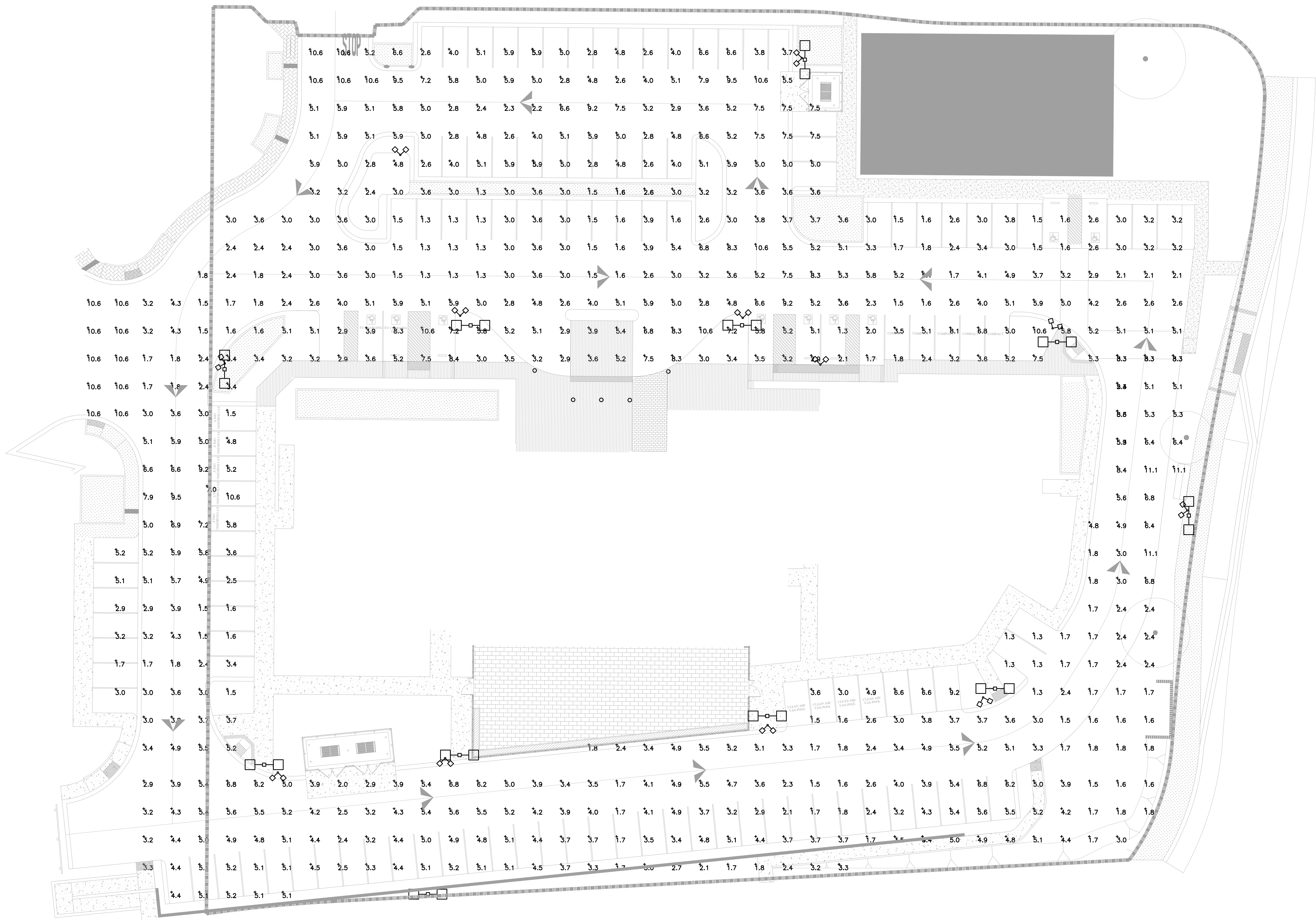
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03-25-2022

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

A-301

ARCHITECTURAL GROUP
Borges



Luminaire Schedule						
Qty	Label	Arrangement	LLF	Description	Lum. Watts	Lum. Lumens
22	KAD_LED_60C_700_30K_R3_MVOLT	SINGLE	1.000	KAD LED 60C 700 30K R3 MVOLT	137	14884

Calculation Summary						
Label	CalcType	Units	Avg	Max	Min	Avg/Min
courtyard parking	Illuminance	Fc	4.03	11.1	1.3	8.54

01 SITE PLAN
1/16" = 1'-0"



3827 BILLO ROAD
ALDEN, NY, 14004
716-631-0600

ENGINEER OF RECORD

VASILIOS ARTEMIOU
LICENSE #: M39592
1826 MERIKOKE AVE
WANTAGH, NY 11793
vartemio@gmail.com



10/29/2021

WARNING:
IT IS A VIOLATION OF THE LAW FOR ANY
PERSON, UNLESS ACTING UNDER THE
DIRECTION OF THE ARCHITECT OR ENGINEER,
TO ALTER OR REPRODUCE THESE DRAWINGS
IN ANY WAY.

DRAWING QUESTIONS
CA@MWTUSA.COM
1-800-717-5816

PROJECT OWNER

HITEN SURAJ
STAY CAL PITTSBURG LLC
2110 SOUTH EL CAMINO REAL
SAN MATEO, CA 94403

PROJECT NAME

COURTYARD®
BY MARRIOTT

25 POWER AVE
PITTSBURG, CA 94565

PROTOTYPE VERSION: GEN 6.5

REVISIONS

NO.	DESCRIPTION	DATE	BY
1	REVISED PER CITY COMMENTS DATED 10/4/21	10/29/21	

ISSUED FOR:

PERMIT

PROJECT NO.: 20-218

DATE: 07-26-2021

DRAWN BY: VA

CHKD. BY: VA

PHOTOMETRIC
SITE PLAN

SHEET

E-601

Electrical Sheets.dwg

**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
April 12, 2022**

ITEM: Notice of Intent to Exercise Delegated Design Review Authority

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

SUBJECT: The Zoning Administrator submits two notices of intent to exercise delegated design review authority: 1) a one-year time extension of the administrative design review approval to remodel the exterior storefront facade introducing new materials and paint colors for the Ace Hardware store located at 125 E. Leland Road in the Railroad Avenue Specific Plan (RASP), Planned Development (PD Ordinance No. 09-1319) District. Assessor's Parcel Number: 088-183-016. The existing approval was set to expire on March 25, 2022; and 2) to legalize new paint colors applied to the exterior façade of the space leased by Shoe Palace located at 2110 Railroad Ave., Ste. 130, in the PD-1319 (Planned Development, City Council Ordinance No. 09-1319) District. Assessor's Parcel Number 087-030-086.

RECOMMENDATION:

Staff recommends that the Planning Commission acknowledge receipt of the two attached Notices of Intent to Exercise Design Review Authority.

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.

Planning Commission Staff Report
Notice of Intent to Exercise Delegated Design Review Authority.

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 their 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 Planning Commission meeting, staff has received two applications requesting design review approval which qualifies within one or more of the nine categories of delegated authority established by Resolution No. 9918.

Ace Hardware Remodel, AP-20-1547 (ADR)

This is an application by Jeff Leopold of Ace Hardware, requesting a one-year time extension of the administrative design review approval of an exterior remodel introducing new materials, paint colors and building signage to the exterior façade with additional improvements to the parking lot of an existing Ace Hardware, located in 125 E. Leland Road in the Planned Development, PD-1319 (Railroad Avenue Specific Plan) District. APN: 088-183-016

This project is delegated to staff under Category 3 (Minor Building Remodels, limited to changes in building colors, awnings, fenestration, and finishes) of Planning Commission Resolution No. 9918.

Shoe Palace, AP-22-0017 (ADR)

This is an application filed by Al Baba of Baba Builders Company, on behalf of Michael Musleh, requesting administrative design review approval to legalize new paint colors applied to the exterior façade of the space leased by Shoe Palace located at 2110 Railroad Ave., Ste. 130, in the PD-1319 (Planned Development, City Council Ordinance No. 09-1319) District. Assessor's Parcel Number 087-030-086.

This project is delegated to staff under Category 3 (Minor Building Remodels, limited to changes in building colors, awnings, fenestration, and finishes) of Planning Commission Resolution No. 9918.

GENERAL PLAN/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.

ATTACHMENTS:

1. Notice of Intent Ace Hardware Remodel, AP-20-1547 (ADR)

Planning Commission Staff Report
Notice of Intent to Exercise Delegated Design Review Authority.

2. Notice of Intent Shoe Palace, AP-22-0017 (ADR)
3. Resolution No. 9918

Prepared by: John Funderburg, Zoning Administrator

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

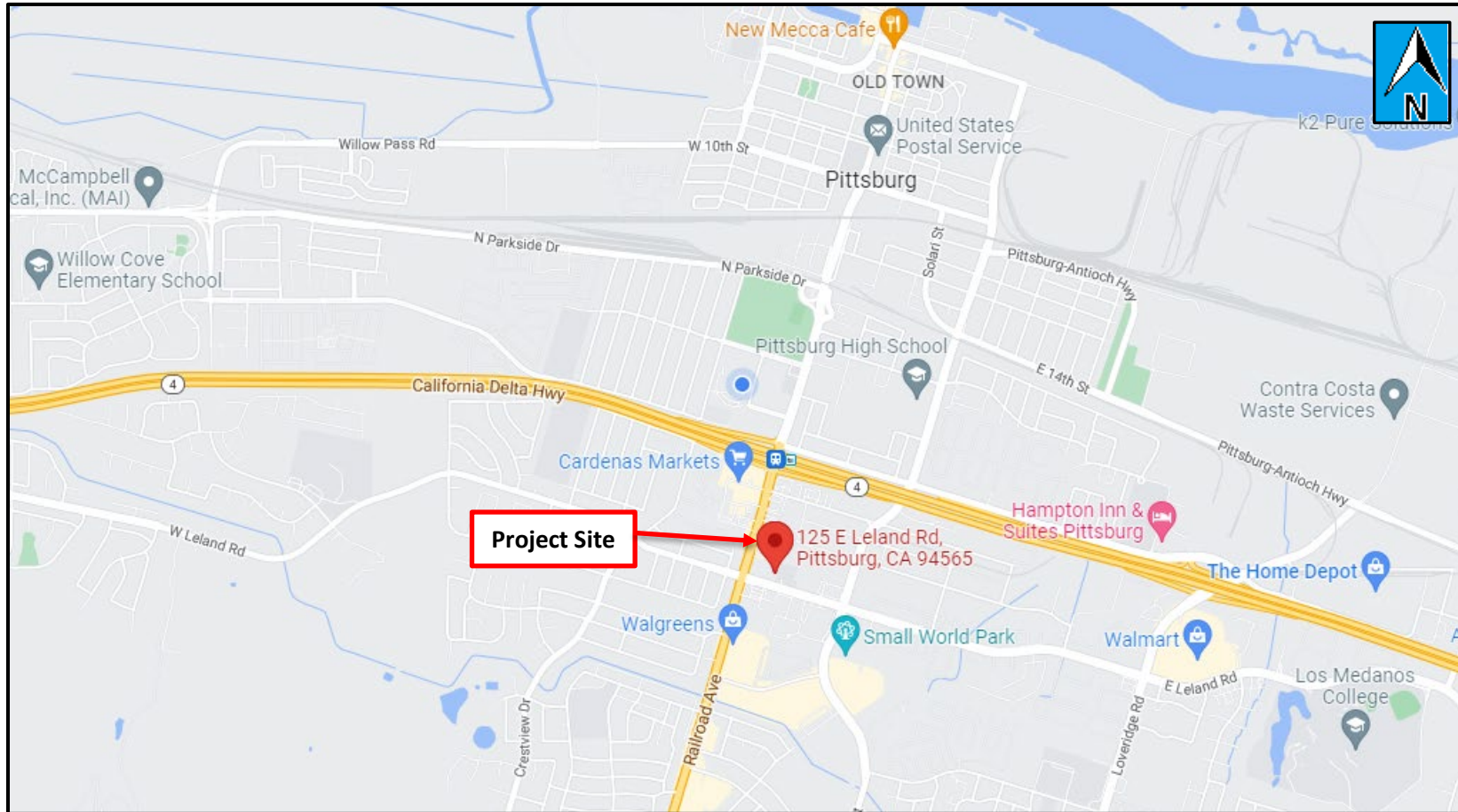
**Extension of Administrative Design Review Approval for Ace Hardware,
AP-20-1547 (ADR).**

This is a request for a one-year extension of the administrative design review approval to remodel the exterior storefront facade introducing new materials and paint colors on an existing building located at 125 E. Leland Road in the Railroad Avenue Specific Plan (RASP), Planned Development (PD Ordinance No. 09-1319) District. Assessor's Parcel Number: 088-183-016. The existing approval was set to expire on March 25, 2022.

This project is delegated to staff under Category 3 – Minor Building Remodels of Planning Commission Resolution No. 9918.

Ace Hardware (Extension of ADR Approval) – Vicinity Map

AP-22-0021	125 E Leland Rd
Extension of Administrative Design Review Approval	APN: 088-183-016



Ace Hardware (Extension of ADR Approval) – Aerial Map

AP-22-0021	125 E Leland Rd
Extension of Administrative Design Review Approval	APN: 088-183-016





March 15, 2022

To: City of Pittsburg - Community Development Dept – Planning Dept

From: Nicole Farrar - Admin. Assistant - Pittsburg Ace Hardware

CC: Jeff Leopold - Ace Owner, Tomas Calel - Contractor, Randy Shepherd - Project Manager

Re: Permit Extension Request - 125 E. Leland Rd, Pittsburg, CA: Permit BP-21-1787

To whom it may concern,

The Pittsburg Ace Hardware application for planning permit BP-21-1787, is set to expire on 3/25/22. Based on the below information, we are hoping you would be willing to grant us a one-time extension on this planning permit.

We experienced some challenges initially. Although the planning permit was approved in March 2021, we were not notified of it's approval until 6/15/22.

We submitted the building permit application on 6/30/21 to the City of Pittsburg. Due to a change over is the building division, we did not received the Plan Check Fees Estimate and Plan Check Comments until 9/24/21. We worked with Candace in the Building department and the payment for the Plan Check Fees (\$806.67) was mailed to 65 Civic Ave., Pittsburg, CA 94965 on 11/2/21.

As a local Pittsburg Retailer, we were not able to complete this work during our very busy 4th quarter. We pushed the project hoping for a Q1 2022 completion. Due to another project being delayed at another store, we are looking at Q2 2022 or Q3 2022.

We appreciate your consideration of our request.

Regards,

Nicole Farrar

Admin. Assistant to Owners

925-625-5814

nicole@stanshardware.com

Standard 5 & 10 Ace – Marin Ace – Laurel Ace

Oakley Ace – Pittsburg Ace – Antioch Ace

Standard 5&10 Ace

3545 California Street
San Francisco, CA 94118
415/751-5767

Laurel Ace

4024 MacArthur Blvd.
Oakland, CA 94619
510/530-1966

Marin Ace

180 Merrydale Road
San Rafael, CA 94904
415/479-9393

Oakley Ace

3100 Main Street #266
Oakley, CA 94561
925.625.2449

Pittsburg Ace

125 E Leland Road
Pittsburg, CA 94565
925.432.6089

Antioch Ace

501 Sunset Drive
Antioch, CA 94509
925.757.2500



PROJECT DATA

PROJECT DESCRIPTION: PROJECT INCLUDES THE STOREFRONT RENOVATION AND NEW SIGNAGE TO AN EXISTING AND OPERATING COMMERCIAL RETAIL BUILDING

PROJECT ADDRESS: 125 E. LELAND RD.
PITTSBURG, CA 94565
CONTRA COSTA COUNTY

APN: 088-183-016-0

ZONING: PD

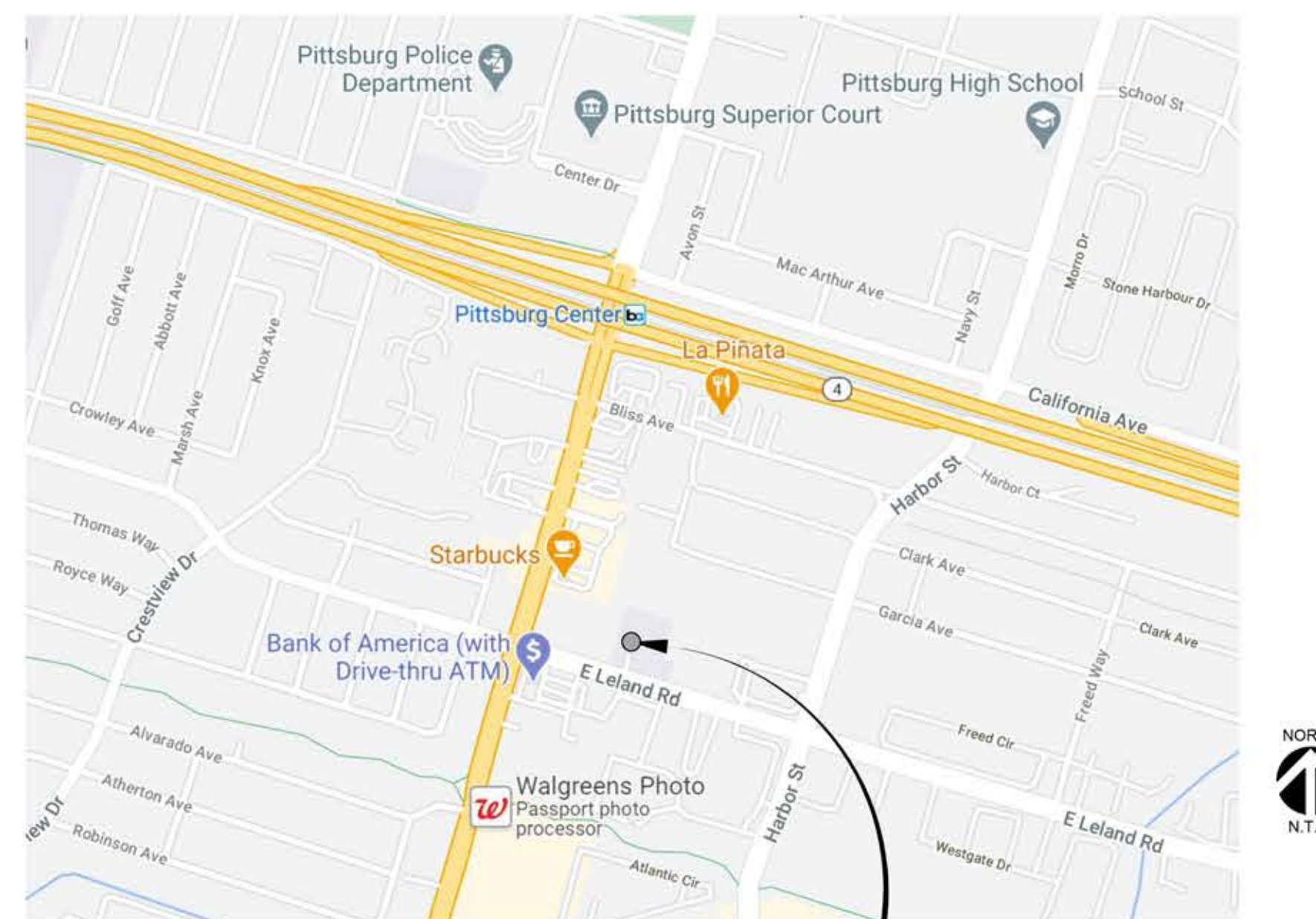
USE TYPE: RETAIL SALES

PROJECT TEAM

OWNER
PITTSBURG ACE
125 E. LELAND RD.
PITTSBURG, CA 94565
CONTACT: JEFF LEOPOLD
PH: (415) 213-0361

ARCHITECT
STIRLING ARCHITECTS, INC.
1145 SECOND ST., STE. 188
BRENTWOOD, CA 94513
PH: (925) 634-0095
FX: (925) 226-4816
CONTACT: DON STIRLING

VICINITY MAP



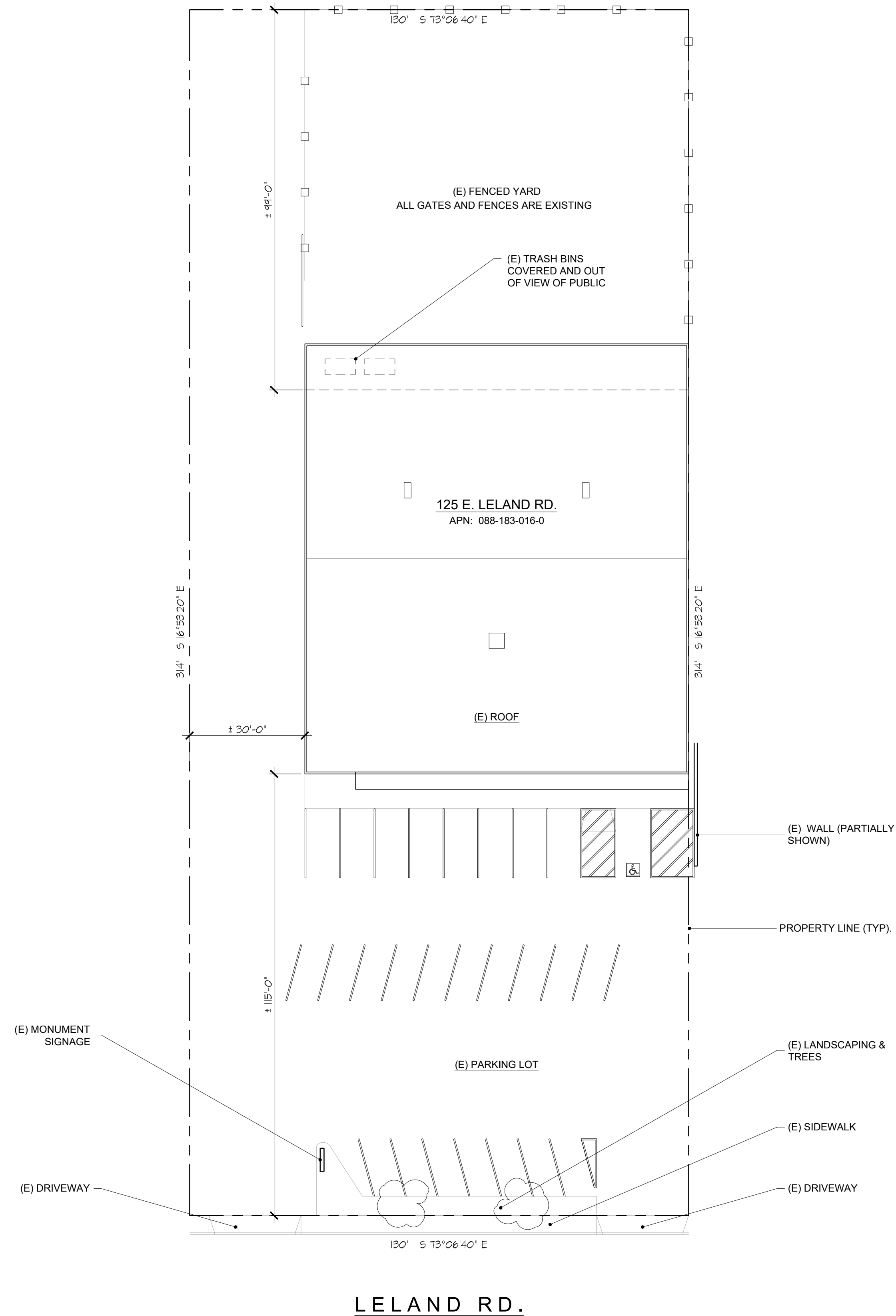
PROJECT LOCATION
125 E. LELAND RD.
PITTSBURG, CA 94565

SHEET INDEX

1. COVER SHEET
2. ARCHITECTURAL SITE PLAN
3. PROPOSED STOREFRONT PLAN
4. PROPOSED ELEVATIONS
5. COLORED ELEVATION
6. EXISTING STOREFRONT PLAN
7. EXISTING ELEVATIONS
8. REFERENCE PHOTOS

SCOPE OF WORK

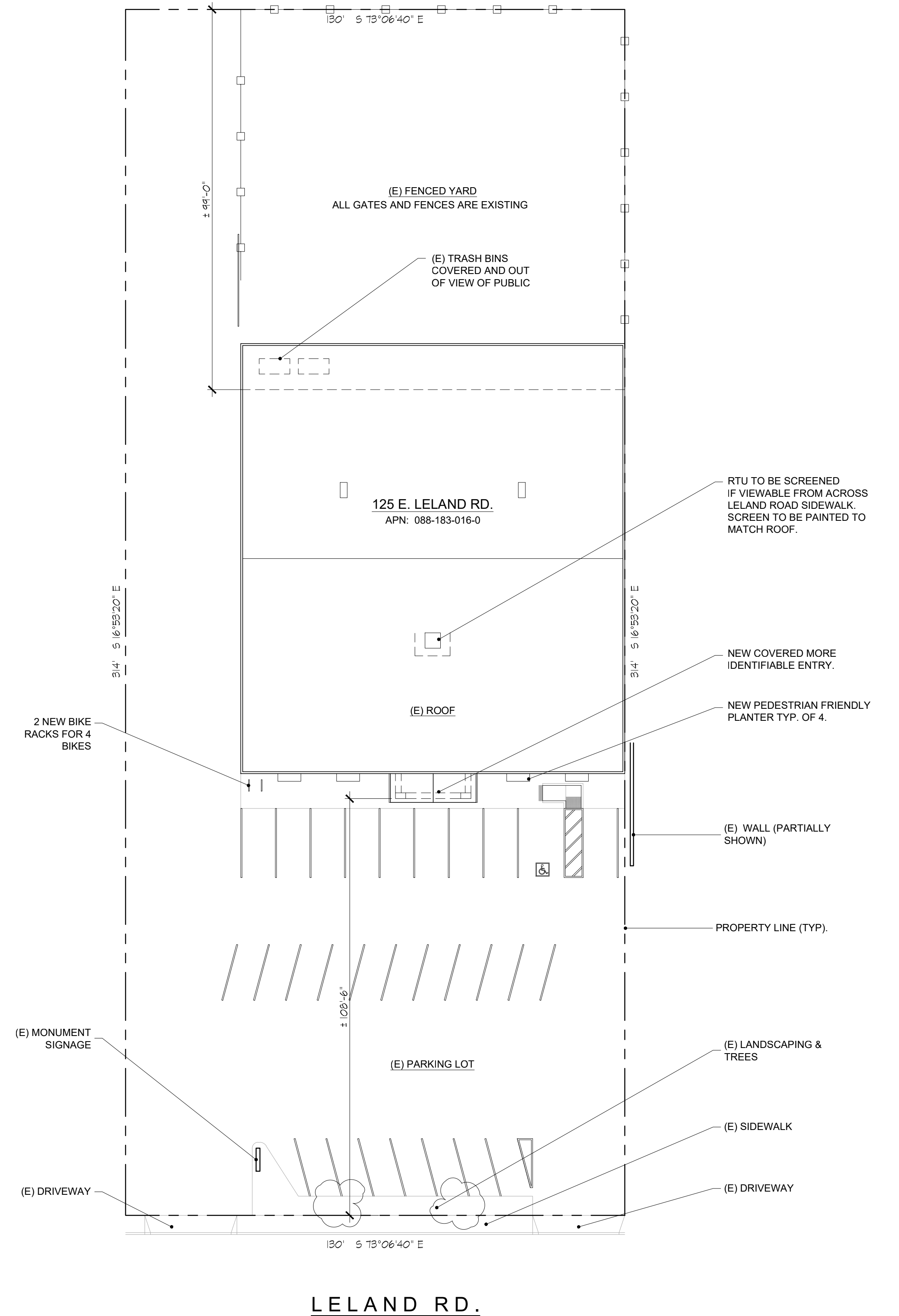
ENHANCE STORE IDENTITY WITH NEW ENTRY ELEMENT
AND NEW SIGNAGE



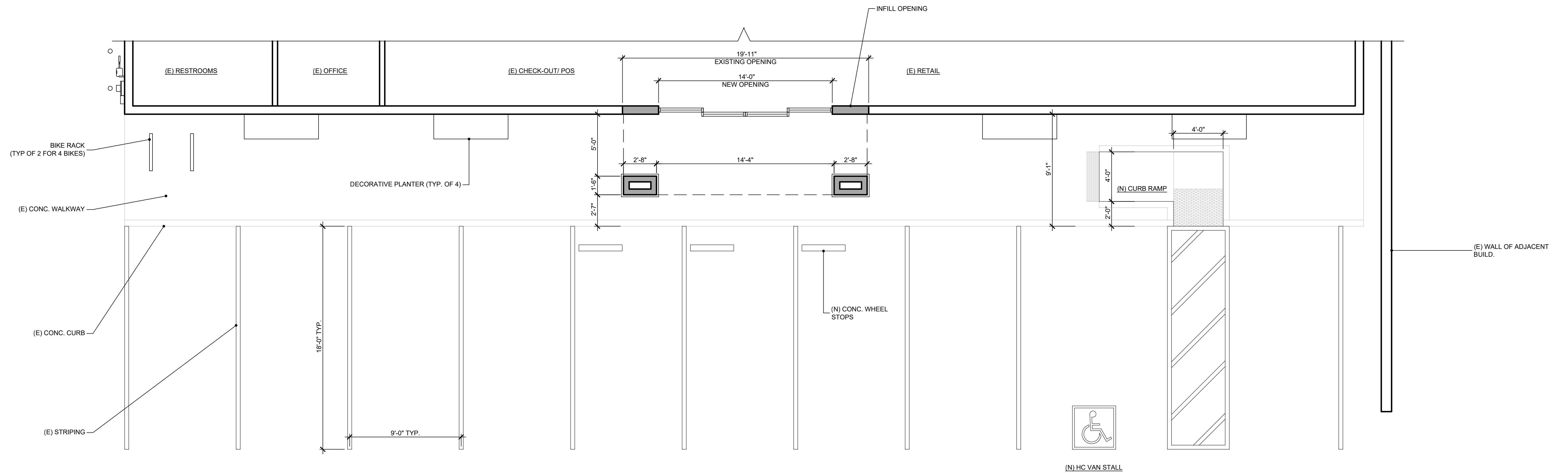
EXISTING SITE PLAN/ ROOF PLAN

PARCEL INFORMATION

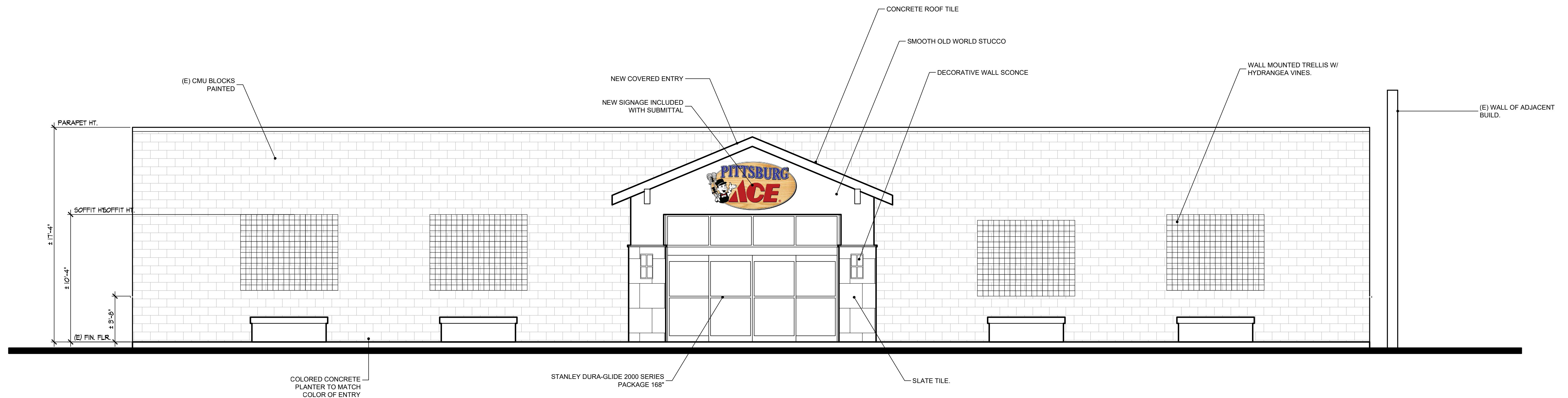
EXISTING FLOOR AREA:	10,000 SQ. FT.
LOT ACRES:	0.940 AC.
LOT SQ. FT.:	40,946 SQ. FT.
EXISTING LOT COVERAGE:	+/- 24.4%



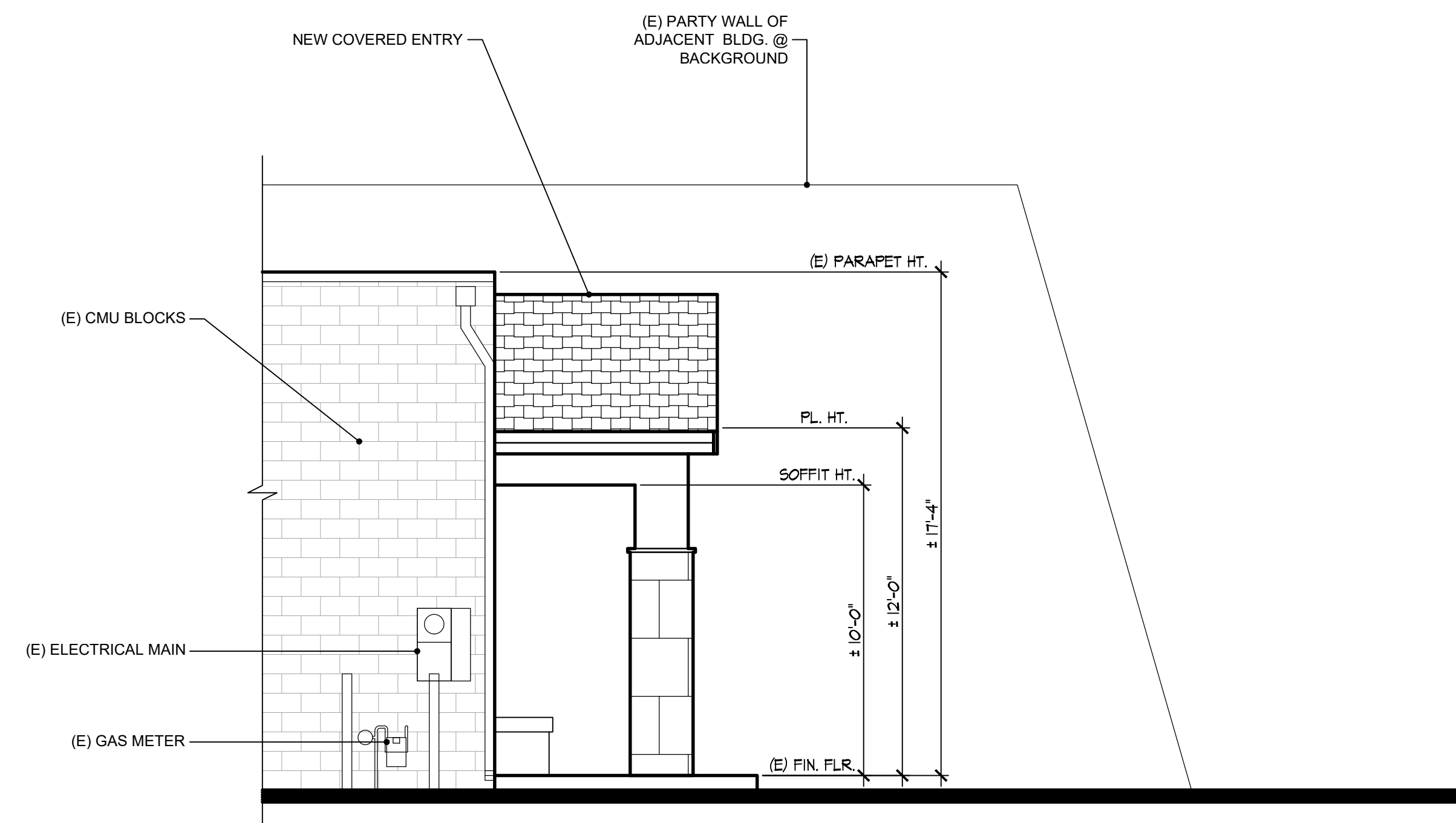
SITE PLAN/ ROOF PLAN



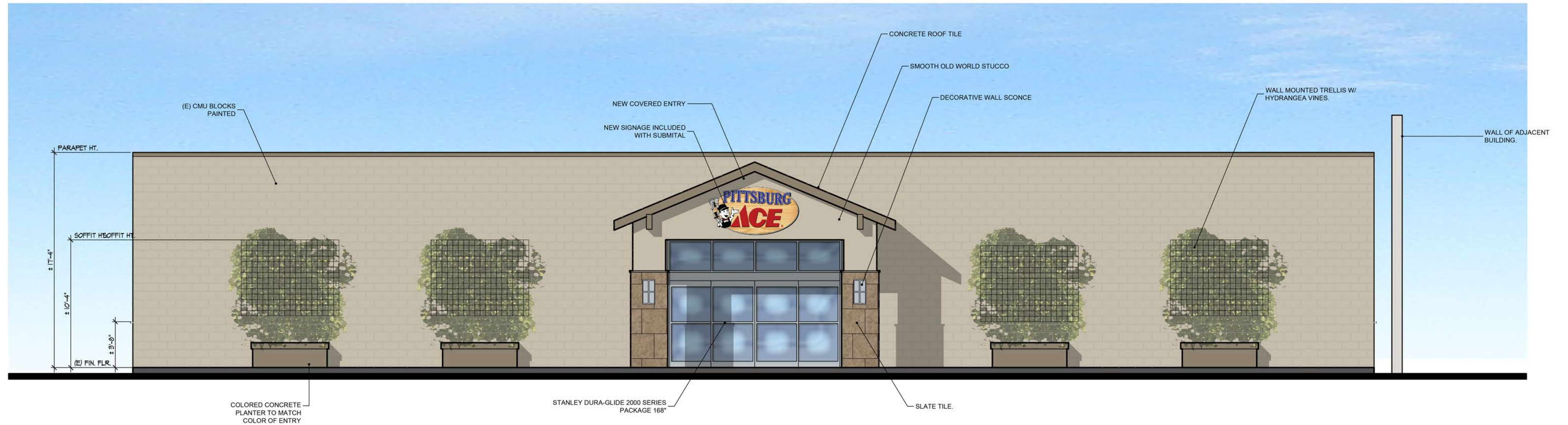
PROPOSED STOREFRONT PLAN



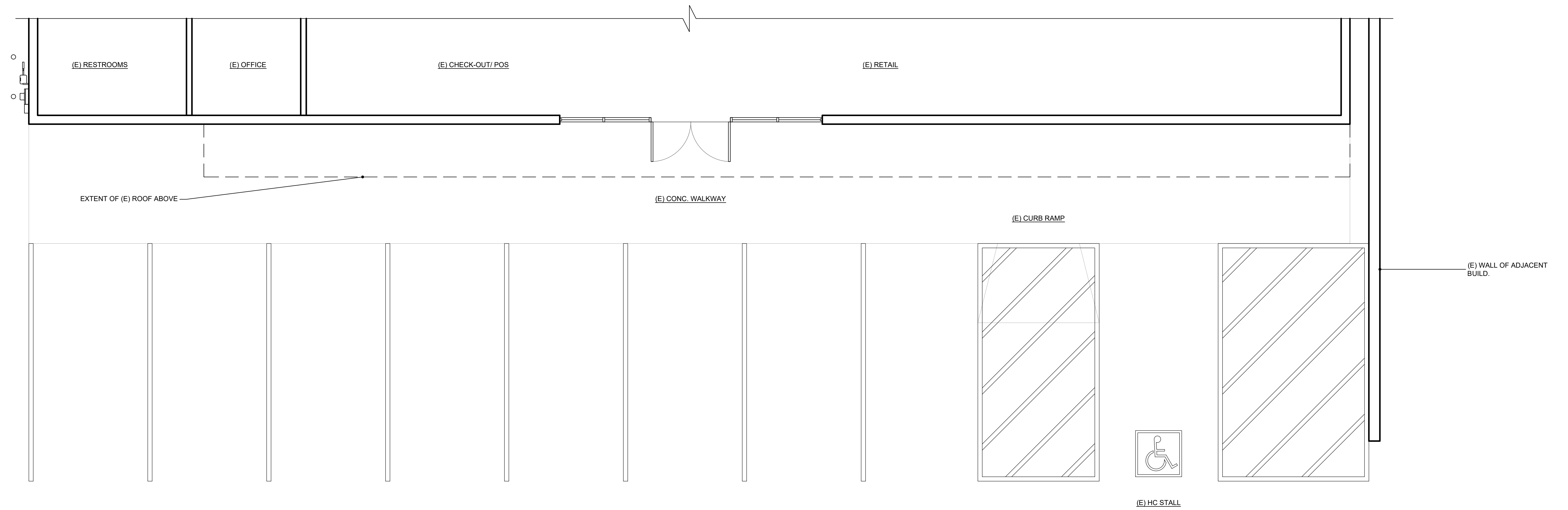
PROPOSED SOUTH ELEVATION (FRONT VIEW)



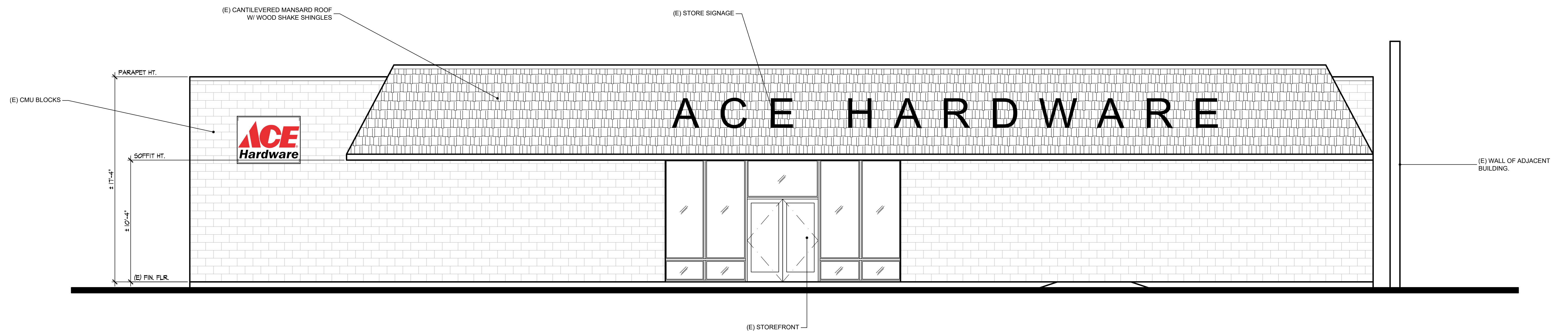
PROPOSED PARTIAL WEST ELEVATION (LEFT VIEW)



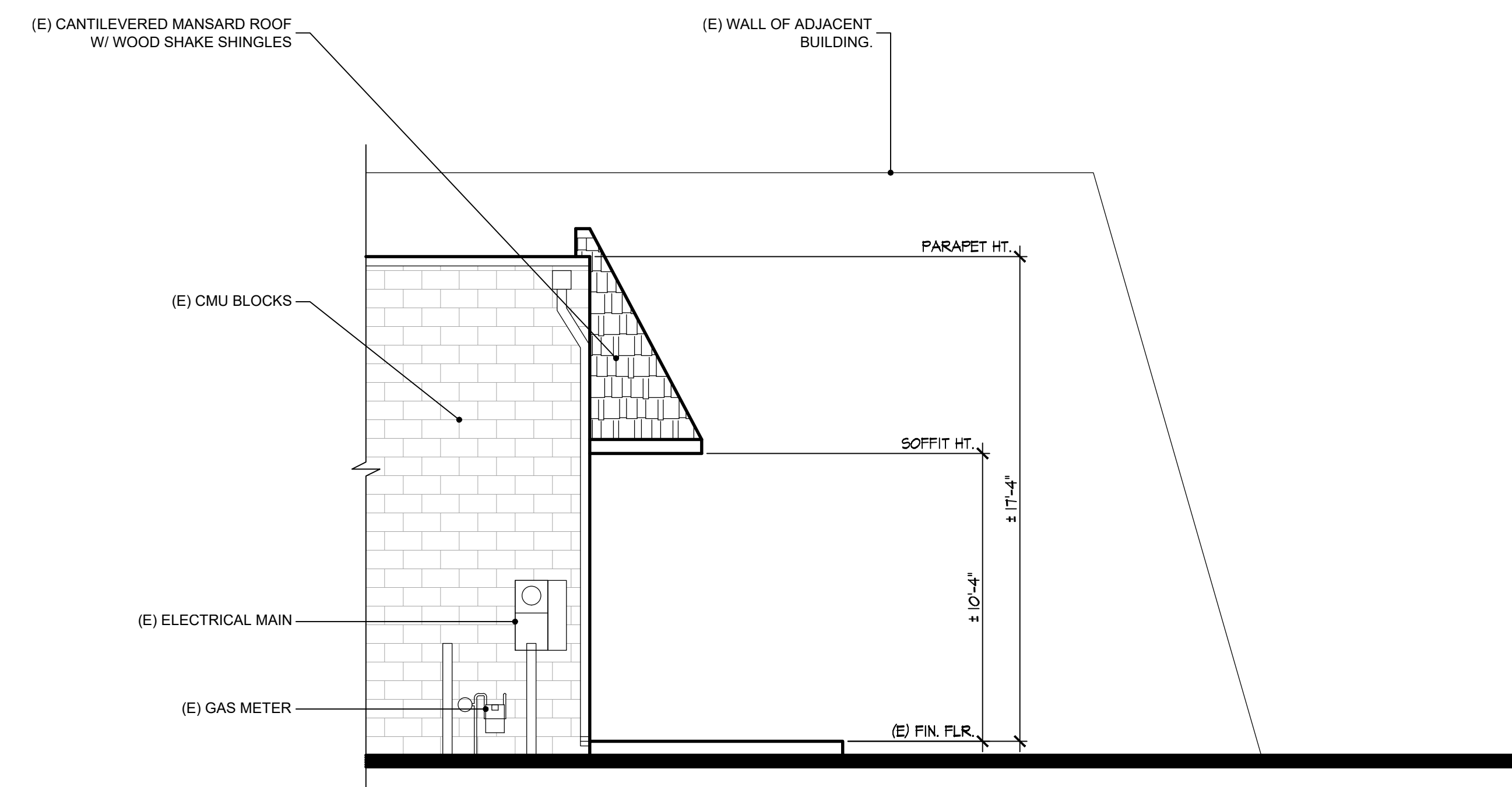
PROPOSED SOUTH ELEVATION (FRONT VIEW)



EXISTING STOREFRONT PLAN



EXISTING SOUTH ELEVATION (FRONT VIEW)



EXISTING PARTIAL WEST ELEVATION (LEFT VIEW)



REFERENCE PHOTO



REFERENCE PHOTO



REFERENCE PHOTO



REFERENCE PHOTO



Color Board

125 E. Leland Rd., Pittsburg, CA

December 2, 2020

Main Body Color:
163-D Khaki Shorts



Trim Color:
D21-6 Sadyhook





Color Board

125 E. Leland Rd., Pittsburg, CA

December 2, 2020

Roof Tile:

Eagle Roofing Products

Concrete Tile - 1634 Kings Canyon Blend

Profile: Golden Eagle

Weight: Conventional

Description:

Blend of Dark Green, Tan, Red and Black Streaks



Wainscot:

Daltile

SlimLite Slate & Quartzite

Natural Stone

Color: California Gold S700

24X24 Tiles



NOTICE OF INTENT

TO EXERCISE DESIGN REVIEW AUTHORITY DELEGATED TO STAFF PURSUANT TO PLANNING COMMISSION RESOLUTION NO. 9918

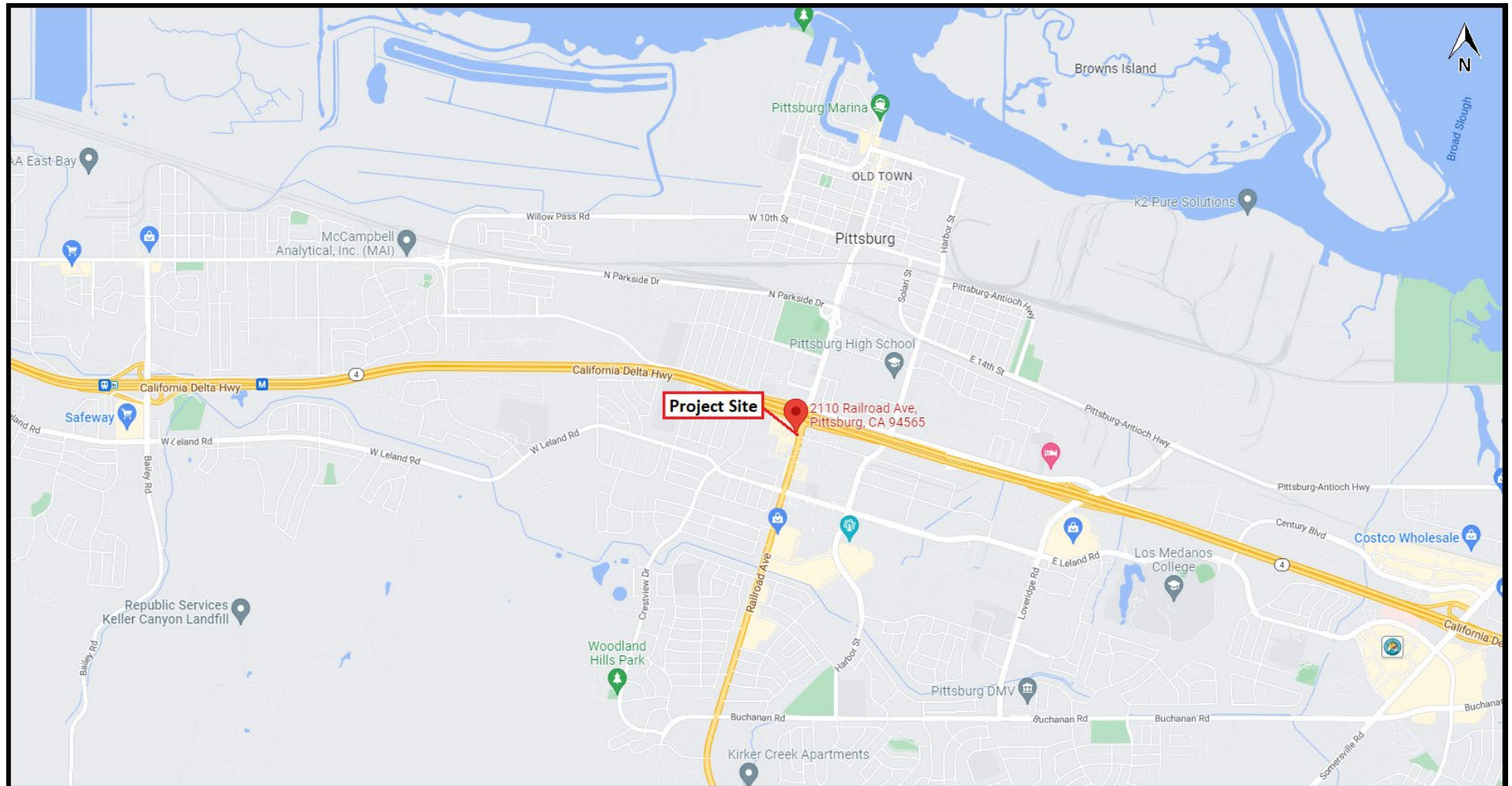
SHOE PALACE, AP-22-0017 (ADR).

This is an application filed by Al Baba of Baba Builders Company, on behalf of Michael Musleh, requesting administrative design review approval to legalize new paint colors applied to the exterior façade of the space leased by Shoe Palace located at 2110 Railroad Ave., Ste. 130, in the PD-1319 (Planned Development, City Council Ordinance No. 09-1319) District. Assessor's Parcel Number 087-030-086.

This project is delegated to staff under Category 3 (Minor Building Remodels, limited to changes in building colors, awnings, fenestration, and finishes) of Planning Commission Resolution No. 9918.

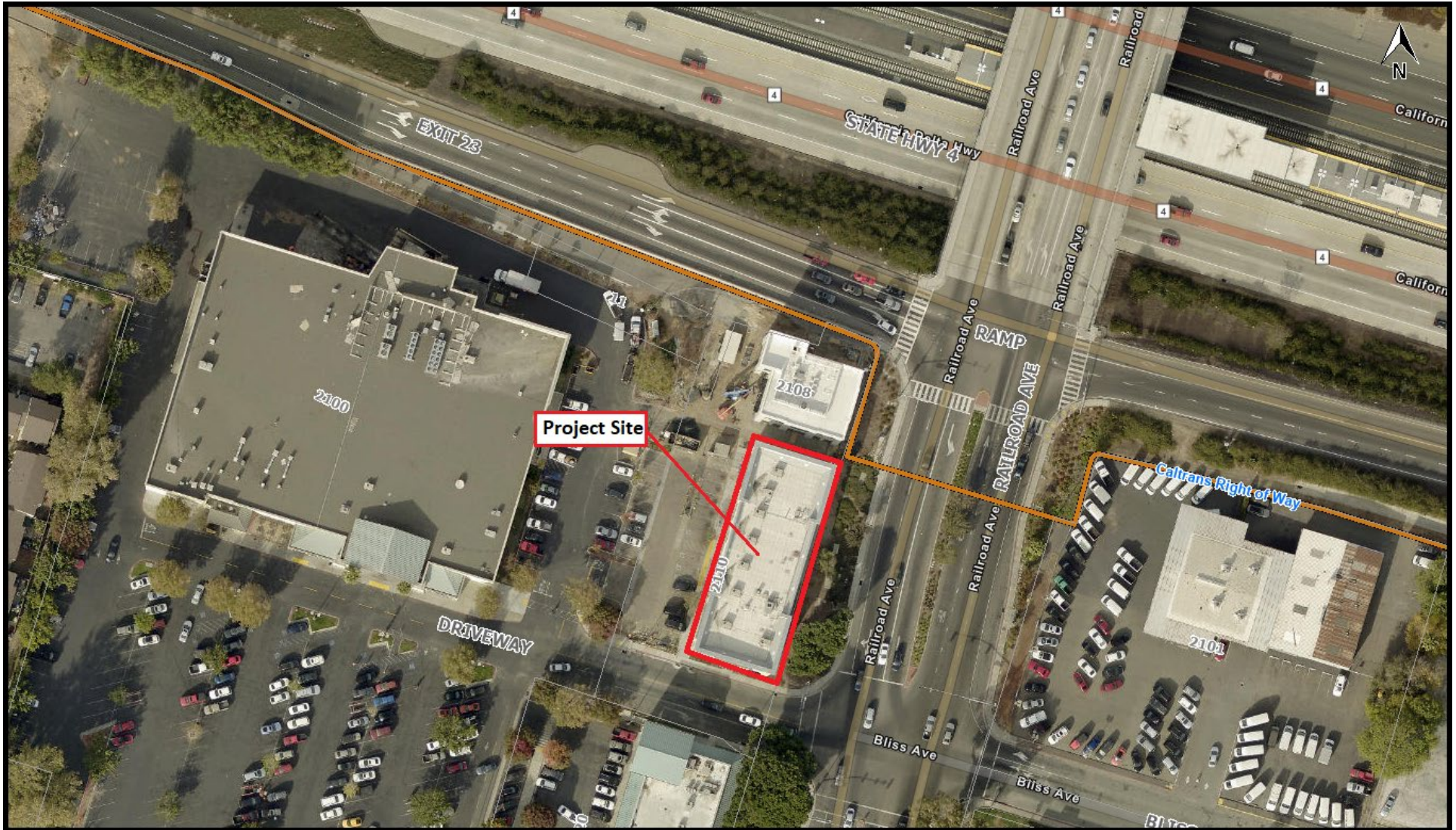
Shoe Palace (ADR) – Vicinity Map

AP-22-0017	2110 Railroad Avenue
Administrative Design Review	APN: 087-030-086



Shoe Palace (ADR) – Aerial Map

AP-22-0017	2110 Railroad Avenue
Administrative Design Review	APN: 087-030-086







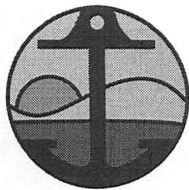
NOW OPEN
SP
SHOEPALACE

112









Planning Application

City of Pittsburgh

Community and Economic Development Department – Planning Division

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

TYPE OF APPLICATION REQUESTED:

- | | |
|---|---|
| ☐ UP Conditional Use Permit | ☐ ZA Zoning Administrator |
| ☐ DR Design Review | ☐ TRP Tree Removal Permit |
| ☒ ADR Design Review (Admin) | ☐ TA Temporary Activity |
| ☐ GP General Plan Amendment | ☐ PPR Preliminary Plan Review |
| ☐ RZ Rezoning (Includes PUD) | ☐ MM Minor Modification (wireless) |
| ☐ SUB Major Subdivision | ☐ SR Sign Review (Type: _____) |
| ☐ MS Minor Subdivision | |
| ☐ VA Variance | ☐ Other: _____ |

STAFF USE ONLY

Application Number: AP-22-0017

Date Filed: 3/3/22

PROJECT INFORMATION:

Project Name (Business/Development): Shoe Palace

Address/Location of Project: 2110 Railroad Ave

Assessor's Parcel No(s): _____

Mapping Address (Latitude/Longitude): _____

Existing General Plan / Zoning Designations: n/a

Proposed General Plan / Zoning Designations: n/a

Existing Use: Shoe store

Proposed Use: Shoe store

Size of Existing Structure(s): 5,000 sq ft

Size of Proposed Additions / New Structure(s): n/a

Amount of New Impervious Surfaces (s.f. or acres)¹: n/a

Property Size (s.f. or acres): _____ No. of Existing Lots: _____ Proposed: n/a

Days/Hours of Operation: _____

No. of Employees, Existing: _____ Proposed: n/a

No. of On-Site Parking Stalls, Existing: _____ Proposed: n/a

¹ If over 10,000 square feet, a stormwater control plan and related documents may be required per PMC §13.28.050(A)(2). Please contact Planning staff or refer to the Stormwater C.3 Guidebook available at www.cccleanwater.org/construction/nd.php for further guidance.

Proposed Project/Use Description:

(Attach additional sheets if necessary. For sign permits, include length x width x height dimensions, sign copy, colors, and length of building frontage.)

Paint the exterior of the building

APPLICANT INFORMATION:

Applicant Name: Baba Builders Co. **Primary Contact:** Al Baba

E-Mail: vsbbco@aol.com **Phone:** 415-716-2398

Mailing Address: P.O. Box 1430 San Bruno, CA 94066

Property Owner(s): 421 E18th Property Partnership c/o Michael Nader Musleh

E-Mail: musleh@gmail.com **Phone:** (415)308-2538

Mailing Address: P.O. Box 320171 SF Ca 94132

Notarized Signature of Agent and/or Property Owner:

Agent (Attach Notary): _____ **Date:** _____

Property owner/manager (attach notary): Michael Musleh **Date:** 2/3/22

(If not property owner or manager, provide letter from property owner authorizing agent to sign application.)

SUBMITTAL REQUIREMENTS: (to be completed by the applicant)

- ☐ Consultation with Planning Division
- ☐ Completed Planning Application Form
- ☐ 2 sets (minimum) of Project Plans* + 1 electronic set on a flash drive or CD
- ☐ Correct Filing Fees (if paying by check, make payable to "City of Pittsburg")
- ☐ Anticipated Postage Fees for Public Notices (check with Planning Division if applicable)

*One full-sized and one reduced (8.5" x 11" or 11" x 17") required. Please review the Planning Application Submittal Checklist (separate handout) for details about what needs to be included on the project plans.

STAFF USE ONLY

TOTAL FEES PAID*: _____ **Date Rec'd:** _____ **By:** _____

*Attach Copy of Completed Planning Receipt Form or Developer Deposit Request

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

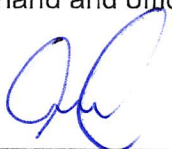
State of California
County of San Francisco)

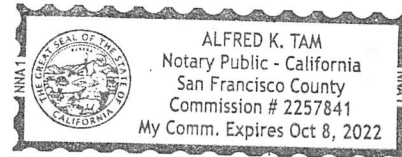
On 02/03/2022 before me, Alfred K. Tam, Notary Public
(insert name and title of the officer)

personally appeared MICHAEL MUSLEH,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Amending the Categories of Eligible)
Projects and Revising the Procedures for) Resolution No. 9918
Delegating Design Review Authority of Certain)
Types of Projects to the Zoning Administrator)

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. On August 26, 2003, the Planning Commission adopted Resolution No. 9444 in an effort to streamline the planning review process for certain projects that the Commission had determined to be routine in nature and have minimal visual impacts on the surrounding community. This resolution authorized various types of projects to be reviewed by the Zoning Administrator rather than the Planning Commission, including "Wireless Communication Antennas, Monopoles and Related Structures and Equipment."
- B. On August 14, 2012, in response to recent Commission concerns regarding the approval process for wireless telecommunication equipment, a study session was conducted with the Planning Commission to review proposed updates to the existing design review delegation procedures. At this study session, the consensus of a majority of Commissioners was to keep all staff proposed changes, with an added clarification on the recommended voting process (Section B) for calling up items to be reviewed by the Commission.
- C. Proposed changes to the existing staff delegated design review authority (as presented during the August 14, 2012, study session) generally include: 1) a modification to the text of category 2, "Wireless Communication Antennas, Monopoles and Related Structures and Equipment," intended to separate out construction of new wireless telecommunications facilities from requests for modifications to existing facilities, with the only latter retaining eligibility for delegated review by the Zoning Administrator; 2) a revision to Category 3 to clarify that it applies to all minor building remodels and not just 'storefront' remodels; 3) a consolidation of Category 7 (changes in building colors) into Category 3; 4) a clarification to Category 9 to confirm application within all districts, not just Industrial areas; and 5) a clarification within Section B clarifying that a Commissioner's request to rescind delegated authority for a specific application, otherwise eligible for Zoning Administrator review, must be supported by a majority of the Commissioners present.
- D. Pittsburgh Municipal Code (PMC) Section 18.10.020, *Powers and Duties of the Planning Commission*, grants primary design review authority to the Planning

Commission. In 2003 the Planning Commission delegated its review and approval authority of certain routine and non-controversial application types to the Zoning Administrator through the adoption of Resolution No. 9444. Changes or revisions to Resolution No. 9444 fall within the same category as the original delegation, which the Commission has authority to approve under PMC 18.10.020.

- E. PMC Section 18.10.030 identifies the City Planner as the Zoning Administrator, and in accordance with PMC Section 18.10.100, the City Planner will continue to give notice to the Planning Commission of intent to exercise any authority that the Commission previously granted, including the authority to review and approve staff delegated design review applications.
- F. Staff would continue to be responsible for reviewing delegated applications for compliance with the General Plan, City Codes and adopted Design Guidelines, and the Zoning Administrator would continue to be required to make findings for approval and identify evidence to support the required findings, consistent with PMC Section 18.36.220(B). Approved resolutions would continue to be signed by the Zoning Administrator and no separate staff reports would be prepared on these items.
- G. Copies of all Zoning Administrator approved resolutions would continue to be forwarded to the Commission in its packet for the next regularly scheduled meeting.
- H. The proposed action delegating certain Planning Commission discretionary authority to the Zoning Administrator is not considered a project, as defined by the Public Resources Code section 21065, of the California Environmental Quality Act (CEQA).
- I. On September 25, 2012, the Planning Commission considered the proposed revisions to the staff delegated design review authority process as previously established by adoption of Resolution No. 9444.

Section 2. Decision

- A. The Planning Commission hereby delegates discretionary Design Review Authority to the Zoning Administrator, for the following types of applications, when categorically or statutorily exempt from the provisions of CEQA:
 - 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 sq. ft. 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 Industrial Districts.
- B. In compliance with PMC Section 18.10.100, staff shall prepare a list and brief description along with a copy of the project plans when applicable, of new pending applications for which the Zoning Administrator intends to exercise delegated design review authority, and submit it to the Commission at a Commission meeting prior to taking any action on the applications. Any member of the Planning Commission may then request at that time to have the matter scheduled for future consideration by the entire Commission. The Commission must approve the request as a group through a majority vote, prior to scheduling the item for future consideration.
- C. Staff shall continue to prepare resolutions of approval, when appropriate, describing the project, project location, applications being filed, required findings to approve the project and identifying evidence to support the required findings. Resolutions shall be signed by the Zoning Administrator and continue to have conditions of project approval, where applicable.
- D. To keep the Commission informed about what applications are processed under this proposal, copies of all Zoning Administrator approved resolutions shall be forwarded to the Commission in its packet for the next regularly scheduled meeting.
- E. If the Zoning Administrator does not believe he/she can make the required design review findings to approve a project, and the applicant is unwilling or unable to make the changes requested, the application shall automatically be referred to the Commission for action on the design review application.

Section 3. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner Wirick, seconded by Commissioner Gargalikis, the foregoing resolution was passed and adopted the 25th day of September, 2012, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES: Fardella, Fogleman, Gargalikis, Kelley, Ohlson, Wirick

NAYES:

ABSTAIN:

ABSENT: Diokno

I hereby certify that the above Resolution No. 9918 was adopted by the Planning Commission of the City of Pittsburg on September 25, 2012.



KRISTIN VAHL POLLOT, SECRETARY
PITTSBURG PLANNING COMMISSION