



City of Pittsburg Planning Commission Agenda

April 23, 2019

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

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

Planning Commission Members

**Elissa Robinson, Chair
Sarah Foster, Vice-Chair
J. Faye Fields, Commissioner
Christopher Moreno, Commissioner
Dr. Trinh Nguyen, Commissioner
Michael Caliguire, Commissioner
James Coniglio, 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 April 9, 2019

STUDY SESSION

2. **Pittsburg Moves**
This is a study session to provide the Planning Commission with an update on the status of Pittsburg Moves – the City’s bicycle and pedestrian master plan.
3. **Railroad Avenue Specific Plan (RASP) Refresher**
This is an informational session intended to provide a general overview of the content (land use, design and vision) of the existing Railroad Avenue Specific Plan, which was originally adopted by the City Council in 2009.

ZONING ADMINISTRATOR REPORTS

4. **Submittal of Adopted Zoning Administrator Resolutions**
The Zoning Administrator submits Resolution No. 336, Wow Smiles Awning Installation, AP-19-1405 (AD), previously approved under the delegated authority (Planning Commission Resolution No. 9918).

STAFF COMMUNICATIONS

COMMITTEE REPORTS

ADJOURNMENT OF PLANNING COMMISSION MEETING

NOTICE TO PUBLIC

NOTICE TO THE DISABLED AND VISUALLY OR HEARING IMPAIRED

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

GENERAL INFORMATION

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

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

April 9, 2019

A regular meeting of the Pittsburg Planning Commission was called to order by Chair Robinson at 7:05 p.m. on Tuesday, April 9, 2019, in the Council Chamber at City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL

Present: Chair Robinson, Vice-Chair Foster, Commissioners Fields, Moreno, Nguyen, Caliguire, Coniglio

Staff: City Engineer Richard Abono, Planning Manager/ Secretary Kristin Pollot, Deputy City Clerk Amanda McVey, Administrative Coordinator Shelby Rose, Assistant Planner John Dacey, Contract Planner Joan Lamphier

PLEDGE OF ALLEGIANCE

Commissioner Fields led the Pledge of Allegiance.

DELETIONS / WITHDRAWALS / CONTINUANCES

Item 2, Public Storage Redevelopment (525 California Avenue), AP-18-1315 (RZ, DR, TRP), on the Public Hearing calendar was continued to a date uncertain.

COMMENTS FROM THE AUDIENCE

There were no comments from the audience.

PRESENTATIONS

There were no presentations.

CONSENT

1. Minutes of March 26, 2019

On motion by Commissioner Moreno seconded by Commissioner Coniglio to approve and carried unanimously.

PUBLIC HEARINGS

2. Public Storage Redevelopment (525 California Avenue), AP-18-1315 (RZ, DR, TRP)

A public hearing requesting approval of a use permit to establish a drive-thru establishment within an approximately 250 square-foot building, on a 62,726 square-

foot parcel, located at 2075 E. Leland Road, in the CS (Service Commercial) District. APN: 088-152-032.

The public hearing was continued to a date uncertain.

STUDY SESSION

3. Pittsburg Technology Park, Conceptual Plan, AP-18-1395 (PPR)

A study session to receive initial comments on a Preliminary Plan Review for a conceptual plan which would facilitate development of a series of data centers, or other light industrial park uses yet to be determined, on a 101-acre portion of the former Pittsburg Golf Course. The forthcoming proposal would include, at minimum: 1) general plan amendment; 2) rezoning for a Master Plan Overlay District; 3) major subdivision of the site into approximately 25 equal lots; and 4) environmental review for future development of the full site under the terms of the master plan. The site generally encompasses the eastern half of the existing 175-acre golf course located at 2232 Golf Club Road. APN's: 095-150-032; 094-080-011; 095-160-001; 095-160-002; and portions of 094-080-002 and 094-090-001.

Contract Planner Joan Lamphier gave a presentation.

Diarmuid MacNeill spoke as the applicant on behalf of Energy Delivery Solutions, LLC.

Jeremy Ward, Pittsburg, expressed concerns with the location and height of the structures in the proposal.

Bruce Ohlson, Pittsburg, spoke on behalf of the bicycle community and expressed they are in favor of the proposal. He proposed multiple ideas regarding bicycle and pedestrian paths as well as a concrete barrier at the canal to minimize accidents.

Lenette Hendricks, Pittsburg, expressed concerns with the proximity of the proposed development to the existing homes backing the development as well as noise from generators.

Nancy Parent, Pittsburg, asked commission to consider views from all areas of the city as well as which phase to start first.

The Commissioners discussed and provided feedback to staff related to grading, conforming to existing landscape, building heights, potential loss of open space and views of the hills, and communication with the community.

4. Fishermen's Catch, AP-19-1416 (PPR)

A study session to receive Planning Commission feedback on an application from David Fogelman requesting Preliminary Plan Review to construct a new 12,000 square-foot restaurant on a 1.63-acre site located at 27-31 Marina Boulevard, in the CW (Waterfront Commercial) District. Assessor's Parcel Nos. 085-071-030; 085-071-038; 085-071-046 and 085-290-001.

Assistant Planner John Dacey gave a presentation.

Dave Fogleman, Pittsburg, spoke as the applicant.

Bruce Ohlson, Pittsburg, spoke in favor of the proposal and asked that trees be incorporated into the site.

ZONING ADMINISTRATOR REPORTS

5. Notice of Intent to Exercise Delegated Design Review Authority

The Zoning Administrator submit a notice of intent to exercise delegated design review authority for a remodel of a building at 266 Diane Avenue for Taqueria Los Gallos.

The Commissioners acknowledged receipt of the notice of intent.

STAFF COMMUNICATIONS

6. Tentative Schedule

Planning Secretary / Planning Manager Kristin Pollot stated that the Tentative Schedule was included in the agenda packet and offered to answer any questions the Commission may have.

Planning Secretary / Planning Manager Kristin Pollot announced the following upcoming meetings:

First General Plan Visioning Workshop – April 13, 2019 at 10:00 am
Alves Ranch EIR Comment Meeting – April 16, 2019 at 6:00 pm

COMMITTEE REPORTS

Chair Robinson assigned Commissioners to the following Committees:

TRANSPLAN: Sarah Foster with James Coniglio as the alternate.
Land Use: Christopher Moreno, Elissa Robinson with Michael Caliguire and Sarah Foster as alternates.
Pittsburg Recognition: Faye Fields with Trinh Nguyen as the alternate.

ADJOURNMENT

The meeting was adjourned at 8:33 p.m. to April 23, 2019.

Respectfully Submitted,

Kristin Pollot, AICP, Secretary

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

ITEM: Submittal of Adopted Zoning Administrator Resolutions

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

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

RECOMMENDATION:

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

BACKGROUND:

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

1. Freestanding signs: Applicable to signs not already part of a sign program; must be consistent with sign standards and architecturally compatible with associated building.
2. Wireless Communication Equipment: New or replacement antennas on existing poles and their related equipment.
3. Minor Building Remodels: Limited to changes in building colors, awnings, fenestration, and finishes.
4. Changes to Existing Parking Lots.
5. Changes to Existing Landscaping.
6. Additions to Existing Buildings: Additions must be smaller than 2,500 square feet and designed to complement existing building architecture.
7. New Model Homes in Approved Subdivisions. Must be consistent with the general size, quality of architecture and materials, and general character of the originally approved models. Must comply with approved zoning development standards.
8. Ancillary Structures: Structures in any district where visual impacts are minimal, including miscellaneous mechanical equipment associated with legal uses in the Industrial Districts.

Submittal of Adopted Zoning Administrator Resolutions
Planning Commission Staff Report
April 23, 2019

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

PROJECT DESCRIPTION:

Since the last Commission meeting, the Zoning Administrator has adopted one resolution approving a delegated design review application:

1. Resolution No. 336: Wow Smiles Awning Installation, AP-19-1405 (AD)

GENERAL PLAN/CODE COMPLIANCE:

Not applicable.

ANALYSIS:

Not applicable.

ACTION REQUIRED:

Acknowledge receipt of the adopted Zoning Administrator resolutions.

ATTACHMENTS:

1. Zoning Administrator Resolution No. 336

Prepared by: Kristin Pollot, AICP, Zoning Administrator

BEFORE THE ZONING ADMINISTRATOR OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Granting Administrative Design	)	
Review Approval to Legalize an Exterior	)	
Paint Change and Awning Installation at	)	
1600 Northpark Boulevard, for "Wow	)	
Smiles Awning Installation and Paint	)	
Change, AP-19-1405 (AD)."_____	)	Resolution No. 336

The Zoning Administrator DOES RESOLVE as follows:

Section 1. Background

- A. On February 5, 2019, Angelica Campa, on behalf of Wow Smiles, filed Planning Application No. 19-1405 requesting administrative design review approval to legalize new paint colors and an awning installation to the existing building located at 1600 Northpark Boulevard, in the CC (Community Commercial) District. Assessor's Parcel Number: 088-151-029.
- B. The proposed project is governed by the policies and development standards in the Pittsburg General Plan, Pittsburg Municipal Code (PMC) Title 18 ("Zoning"), and the City of Pittsburg Development Review Design Guidelines (DRDGs; Planning Commission Resolution No. 9864).
- C. On September 25, 2012, the Planning Commission adopted Resolution No. 9918, delegating certain types of design review projects to the Zoning Administrator. Design review of this project is delegated to the Zoning Administrator under Category 3, "Minor Building Remodels," of Planning Commission Resolution No. 9918.
- D. On March 13, 2019, a Notice of Intent to exercise staff delegated authority for this project was included on the Planning Commission agenda.
- E. The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1, "Existing Facilities," of the state CEQA Guidelines, sections 15301.

Section 2. Findings

- A. Based on all the information contained in the Planning Division files on the project, incorporated herein by reference and available for review in the Planning Division located at 65 Civic Avenue in Pittsburg, and based on evidence presented to the Zoning Administrator on April 17, 2019, the Zoning Administrator finds that:
 - 1. All recitals above are true and correct and are incorporated herein by reference.

2. The repainted structure will conform with good taste, good design and in general will not detract from the character and image of the City as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality, in that the new paint colors will enhance the appearance of the building by providing an attractive, refreshed exterior. The proposed colors will coordinate with the surrounding buildings, utilizing different, yet complementary, earth tones, with a pop of color added to the awnings for visual interest.
3. The structure will be protected against exterior and interior noise, vibrations and other factors that may tend to make the environment less desirable, in that the building is an existing structure and no new additions or modifications are proposed.
4. The exterior design and appearance will not be of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value, in that the proposed repainting will result in rehabilitation of a building façade and will enhance the appearance of the building by providing an attractive and refreshed exterior.
5. The new color scheme will be in harmony with proposed developments on land in the general area, in that the proposed colors will coordinate with the surrounding buildings, utilizing different, yet complementary, earth tones with a pop of color added to the awnings for visual interest.
6. The repainted structure will be in conformance with the City's adopted DRDGs, specifically sections IV.f, in that the project's new awning will break up the continuous horizontal roof line; and IV.p, in that the project's color palette is compatible with adjacent development. The project will also be consistent with DRDG section IV.m, if a condition is added to require all downspouts or other appurtenances be painted to match the surface to which they are mounted.

Section 3. Decision

Based on the findings set forth above, the Zoning Administrator hereby grants design review approval for Planning Application No. 19-1405, subject to the following conditions:

Design Review:

1. **Conformity with Project Plans.** The project shall be carried out in substantial conformity with the project photos, date-stamped February 5, 2019, and attached as Exhibit A to this resolution, except as may be hereinafter modified. Any major changes to the project plans shall be subject to review and approval by the Zoning Administrator.
2. **Exterior Color.** All gutters, downspouts, flashing vents, utility equipment, and similar items shall be painted to match the building exterior to which they are directly attached.
3. **Awning.** The business operator shall inspect the awning fabric regularly in order to maintain the integrity of the awning. Deteriorated awnings shall be removed and replaced immediately.

4. Site Maintenance. The entire parcel shall be kept clean and free of all litter, debris, and refuse.
5. Site Maintenance. The applicant shall ensure that detergents/degreasers are never used in the process of outdoor cleaning, and that employees use dry cleanup methods whenever possible.
6. Landscaping. All landscaped areas shall be maintained so as to remain in a healthy, thriving, and weed free condition. Any dead or unhealthy plants shall be replaced with a similar species.
7. Signage. This resolution does not approve new or additional on-site signage. No new or additional permanent wall signs or temporary, promotional, or event signs and banners may be placed on the site prior to approval by the Planning Division.
8. Construction. All site development shall comply with Title 15 (Building and Construction) of the Pittsburg Municipal Code.

Standard Conditions:

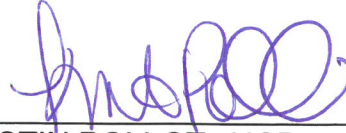
9. Other Agency Requirements. The developer shall comply with all the requirements of the Community Development Department (including the Planning, Engineering and Building Divisions), Contra Costa County Fire Protection District, Delta Diablo Sanitation District, and all other applicable local, state and federal agencies. It is the responsibility of the applicant to contact each local, state, or federal agency for requirements that may pertain to this project.
10. Standard Conditions of Development. The Standard Conditions of Development as adopted by the Pittsburg Planning Commission by Resolution No. 8931 shall apply as conditions of approval for this project as applicable. Where there is conflict between the Standard Conditions of Development and the specific conditions of approval specified in this resolution, the specific conditions of this resolution shall govern.
11. Indemnification. Developer agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person challenging the validity of this project approval, subsequent project approval, or other action arising out of, or in connection with, this project approval. The parties shall cooperate in defending such action or proceeding. The parties shall use reasonable efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel at developer's sole cost and expense. Developer may select its own legal counsel to represent developer's interests at developer's sole cost and expense. Developer shall pay for City's costs of defense, whether directly or by timely reimbursement to City on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent responding to and defending the claim, action or proceeding.

12. Expiration of Approval. This design review approval will expire on April 19, 2020, unless a written request for an extension is filed with the Planning Division prior to the expiration date and is subsequently approved by the Zoning Administrator.

Section 4. Effective Date

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

The foregoing resolution was passed and adopted the 17th day of April 2019, by the Zoning Administrator of the City of Pittsburg, California.



KRISTIN POLLOT, AICP
ZONING ADMINSTRATOR

APPROVED BY THE CITY OF PITTSBURGH

Planning Department
☒ Zoning Administrator
☐ Planning Commission
☐ City Council

App. No. AP-19-1405

Reso. No. 336

Date Approved: 4.17.19

Signature: Alva F. Allen



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

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

A. Project Site.

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

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

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

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

B. Architecture.

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

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

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

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

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

C. Landscaping.

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

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

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

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

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

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

D. General Requirements

1. Final inspection for occupancy permits will not be granted until all construction and landscaping is complete in accordance with approved plans.
2. The applicant shall defend, indemnify and hold harmless the City of Pittsburgh, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval, or any aspect of the City's consideration of applicant's project. The applicant recognizes and agrees that applicant's voluntary commitment to meet the obligations described in this condition is an integral factor in the City's approval of this project. The intent of this condition is to require the applicant to bear the cost of any and all litigation instituted to overturn or in any way modify the City's approval of this project. Such costs include without limitation, any award of attorney's fees and costs to a prevailing plaintiff or petitioner. In the event the city becomes aware of any such claim, action, or proceeding, the City shall promptly notify the applicant and shall cooperate fully in the defense. If the City fails to promptly notify the applicant, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City. Nothing contained in this condition prohibits the City from participating in the defense of any claim, action, or proceeding, it both the following occur:
(a) the City bears its own attorneys' fees

and costs; and (b) the City defends the action in good faith. The applicant shall not be required to pay or perform any settlement unless the applicant approves the settlement.

3. It is required by State Law (Business and Professional Code Section No. 5537 & 5538 and Section 302(b) of the Uniform Building Code) that all commercial buildings, new or existing must have a licensed professional designer (Architect, Civil or Structural Engineer) to design all changes of use or occupancy as well as new construction.
4. The applicant shall submit a complete area water pressure availability study for all phases of the Project prior to issuance of any development permits. If the study indicates that the present system is inadequate, the Applicant must provide plans, which will demonstrate any remedial action necessary to abate the deficiency and shall take all necessary actions at the applicant's expense.
5. This use permit may be recalled to the Planning Commission for review at any time due to complaints regarding lack of compliance with conditions of approval, traffic congestion, noise generation, or other adverse operating characteristics. At such time, the Commission may revoke the use permit or add/modify conditions approval.
6. It is the responsibility of the applicant or developer to check with each agency for requirements that may pertain to their project.
7. All signs shall be submitted to the Planning Division for design review per Title 19 of the Pittsburgh Municipal Code.
8. All landscape areas shall be maintained in a healthy, thriving and weed free condition.

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

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

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

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

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

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

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

or

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

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