



City of Pittsburg Planning Commission Agenda

07/12/2022

**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**
Minutes of June 28, 2022

PUBLIC HEARINGS

2. **ASAP Towing, AP-22-0056 (UP)**
This is an application filed by Ivis Ferrera, owner of ASAP Towing, LLC, requesting approval of a Use Permit to establish a towing services business within a 2,200-square foot (sq. ft.) space (Suite E) within an existing, 9,440 sq. ft. commercial warehouse located at 660 Garcia Avenue. The property is in the IP (Industrial Park) District Assessor's Parcel No. 088-392-008.

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**

June 28, 2022

A regular meeting of the Pittsburg Planning Commission was called to order by Chair Robinson at 7:00 p.m. on Tuesday, June 28, 2022, in the Council Chamber at City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL

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

Absent: Commissioner Perkins

Staff: City Attorney Donna Mooney, Director of Community and Economic Development Jordan Davis, Assistant Director of Planning John Funderburg, Assistant Planner Kelsey Gunter, Consulting Planner Joan Lamphier, Permit Center Supervisor Shelby Rose, Permit Technician Candace Hatch

PLEDGE OF ALLEGIANCE

Commissioner Foster led the Pledge of Allegiance.

DELETIONS / WITHDRAWALS / CONTINUANCES

There were no deletions, withdrawals, or continuances.

COMMENTS FROM THE AUDIENCE

There were no comments from the audience.

PRESENTATIONS

1. Diablo Energy Storage Project, Proposed Murals, AP-20-1507 (DR)

Consulting Planner Joan Lamphier gave a presentation

Applicant Eric Zell spoke on behalf of the proposed murals

Artist Dr. Ronald McDowell spoke regarding the proposed artwork on the murals

CONSENT

2. Minutes of Jun 14, 2022

On motion by Commissioner Popova, seconded by Commissioner Foster to approve the Minutes of June 14, 2022, and carried by the following vote:

AYES: Foster, Jackson, Kobata, Popova, Robinson
NAYES: None
ABSTAIN: None
ABSENT: Perkins

PUBLIC HEARING

3. Diamond Foot Massage, AP-22-0022 (UP)

A public hearing for a Use Permit to allow for a foot reflexology and massage therapy establishment within an existing 887 square-foot (sq. ft.) commercial space located at 564 Bailey Road, within the Oak Hills Shopping Center. The property is within the CC (Community Commercial) District. Assessor's Parcel Number: 093-130-046.

Assistant Planner Kelsey Gunter gave a presentation

Applicant Lee Wong spoke on behalf of the project

Chair Robinson opened the public hearing

There being no one to speak, Chair Robinson closed the public hearing.

On motion by Commissioner Jackson to adopt a resolution for Diamond Foot Massage, AP-22-0022 (UP), seconded by Commissioner Foster and carried by the following vote:

AYES: Foster, Jackson, Kobata, Popova, Robinson
NAYES: None
ABSTAIN: None
ABSENT: Perkins

COMMISSION CONSIDERATIONS

There were no commission considerations.

ZONING ADMINISTRATOR REPORT

4. Notice of Intent to Exercise Delegated Design Review Authority

The Zoning Administrator submits five notices of intent to exercise delegated design review authority for:

- 1) Administrative Design Review and Minor Modification approval to install new equipment for a wireless facility on an existing PG&E power pole located along State Route 4 on Assessor's Parcel No. 095-130-029;
- 2) Administrative Design Review and Minor Modification approval to install new equipment for a wireless facility on an existing PG&E power pole located along State Route 4 on Assessor's Parcel No. 095-130-029;
- 3) Administrative Design Review and Minor Modification approval to install new equipment for a wireless facility on an existing T-Mobile Telecommunications Facility (PG&E Power Pole) along the north side of State Route 4 Westbound on Assessor's Parcel No. 074-090-005;
- 4) Administrative Design Review and Minor Modification approval to install new equipment for a wireless facility outside of the existing telecommunications enclosure area (existing AT&T equipment on PG&E Power Pole). The project is located at 2099 Range Road on Assessor's Parcel No. 095-130-029;
- 5) Administrative Design Review and Minor Modification approval to install new equipment for a wireless facility outside of the existing telecommunications enclosure area. The project is located on APN 095-160-005;
- 6) Administrative Design Review approval to construct a 2,412-square-foot (sq. ft.) concrete slab for placement of new, 1,224-sq. ft. metal grit blast building and 240-sq. ft. awning in the Paint Yard (Block 920) of the Corteva Agriscience site located at 901 Loveridge Road.

STAFF COMMUNICATIONS

Secretary Funderburg reported on the upcoming items:

1. Additional staff to the Planning Division.
2. Tentative schedule for July 12, 2022, for the Liberty II Subdivision Project. Discovery Builders requesting to rezone the project from Residential Single-Family Zone to Planned Development.
3. No additional items scheduled for the July 26, 2022, meeting at this time.

COMMITTEE REPROTS

There were no committee reports.

ADJOURNMENT

The meeting was adjourned at 7:50 p.m. to July 12, 2022.

Respectfully Submitted,

John Funderburg, Secretary

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

ITEM: ASAP Towing, AP-22-0056 (UP)

ORIGINATED BY: Ivis Ferrera, 197 Cleopatra Drive, Pleasant Hill, CA 94523

SUBJECT: This is an application filed by Ivis Ferrera, owner of ASAP Towing, LLC, requesting approval of a Use Permit to establish a towing services business within a 2,200-square foot (sq. ft.) space (Suite E) within an existing, 9,440 sq. ft. commercial warehouse located at 660 Garcia Avenue. The property is in the IP (Industrial Park) District Assessor's Parcel No. 088-392-008.

RECOMMENDATION: Staff recommends the Planning Commission adopt a Resolution (Attachment 1), approving Use Permit Application No. 22-0056, subject to conditions.

BACKGROUND: The existing, 2,200 sq. ft. tenant space for the proposed towing business is one of five tenant spaces (suites) within an existing 9,440-sq. ft. commercial warehouse. The existing commercial warehouse was constructed in 1979 and is primarily devoted to automotive uses.

On June 14, 2022, the applicant filed Use Permit Application No. 22-0056 (UP) to establish a towing business within an existing commercial warehouse in an industrial district. The warehouse is one of many in the general vicinity that currently provide a range of automobile-related services. The addition of a towing business at this location would be compatible with existing and allowed uses in the surrounding area.

The applicant for the proposed towing business does not operate any other towing businesses; if approved, this would be the only location in operation for the business owner.

PROJECT DESCRIPTION:

Existing Conditions: The parcel is approximately 0.58 acres and is located just south of Garcia Avenue in an industrial area of Pittsburg. The parcel is square in shape, measuring approximately 150 feet by 167 feet, and contains one, 9,440 sq. ft. commercial warehouse building with five tenant spaces (Suites A – E). The proposed towing business would occupy Suite E, an existing 2,200 sq. ft. tenant space within the 9,440 sq. ft. commercial warehouse building.

Surface parking is located on the west side of the parcel and is accessible from an approximately 28-foot-wide driveway along Garcia Avenue. The north side of the parcel, facing Garcia Avenue, contains an approximately 25-foot (ft.) wide landscaping strip on either side of the driveway. The landscaping strips contains eight mature trees total.

Entrances to all five tenant spaces are located on the west building façade opposite the parking lot. Each suite in the commercial warehouse building includes one,

approximately 12-foot (ft.) commercial roll up garage door and a single, standard-sized pedestrian-entry door. The east building façade contains five, rear-exit doors (one for each suite) all of which open up to a 20-ft. rear yard planted in grass.

See Attachment 2 for Existing Conditions Photos.

Surrounding Land Uses:

North: Garcia Avenue (adjacent) and Light Industrial Uses (100 ft.)

West: Parking Lot and Light Industrial Uses (20 ft.)

South: Light Industrial Uses (20 ft.) and Single-Family Residential (400 ft.)

East: Light Industrial Uses (20 ft.)

The property is surrounded on all sides by similar commercial warehouse buildings. Surrounding businesses include Bush Motor Works, Brian's Auto Glass, Delta Muffler, R&G Auto Body, Nick's Auto Center, BMW Motor Works and Lehr Auto Electric. Beyond the commercial warehouse building to the south of the parcel is a gated, single-family residential community along E Leland Rd (Rockridge).

See Attachment 3 for Map of Surrounding Land Uses.

Proposed Project: The applicant is requesting approval of a Use Permit for a towing business within an existing, multi-tenant, steel-sheeted commercial warehouse building at 660 Garcia Avenue. The applicant has leased one of five, approximately 2,200 sq. ft. commercial tenant spaces (Suite E).

The proposed towing business would operate between the hours of 9:00 am to 4:30 pm Monday – Friday and would have one employee onsite at any given time. All vehicle storage associated with the proposed towing business would take place indoors.

The leased space includes an approximately 170-sq. ft. reception area just inside the pedestrian entry and an existing stairway that leads up to a 170 sq. ft., second-story office space. At the back of the building, there is a 50 sq. ft. restroom. The remaining floor area of Suite E (~1,810 sq ft) is all single-story and would be devoted to parking towed vehicles.

The applicant proposes two aisles of parking within Suite E; four spaces on the north side and four spaces on the south side. Each parking space would measure 9 feet (ft.) by 18 ft., providing storage for a maximum total of eight vehicles.

See Attachment 4 for the Project Site and Floor Plans.

CODE COMPLIANCE:

General Plan: The project site is located in the 'East Leland Subarea' of the General Plan (GP) and has a land use designation of Business Commercial. The Business Commercial land use designation is intended to provide sites for administrative, financial, business, professional, medical, research and development, and public

offices, as well as custom manufacturing, limited assembly, light manufacturing, warehousing and distribution, and support commercial uses.

The proposed project is consistent with GP Land Use Goal 2-G-2, in that the proposed project would promote large-scale office/business development on a parcel designated Business Commercial which is accessible from regional transportation systems. The proposed towing business is located in an existing Industrial Park adjacent to other automobile-related businesses. Additionally, the proposed project complies with GP Land Use Goal 2-G-3, in that it is located in an area where existing commercial development is concentrated, rather than sporadically spread in linear commercial strips throughout the city.

Zoning: The project site is located within the Industrial Park (IP) Zoning District which is intended to provide sites in landscaped settings for service-oriented commercial and light industrial uses with limited customer presence and turnover, including industrial office centers, research and development facilities, limited industrial activities (including production and assembly but no raw materials processing or bulk handling), limited and warehouse type retail and commercial activities, and small-scale warehousing distribution.

The proposed vehicle towing use is included in the definition of “Automobile and Recreational Vehicle Repair, Major” in PMC 18.08.080(30) which is a conditionally permitted use in the IP District. The proposed project, if approved, would provide a service-oriented industrial use with limited customer presence and turnover in the East Leland Subarea which is located within one-half mile of the Railroad Avenue BART Station.

Development Standards:

The applicant is not proposing any exterior or interior alterations to the existing tenant space at this time.

Off-Street Parking. The existing parking lot for the property currently contains 16 parking spaces, four of which are designated for Suite E specifically.

PMC section 18.78.040, Schedule A, sets forth standards for off-street parking for Vehicle Sales and Service uses. This section specifies that the parking requirement for “Automobile and Recreational Vehicle Repair, Major” is one space per each 500 sq. ft. of gross floor area. Given the total floor area of the tenant space is 2,200 sq. ft., the towing business is required to provide a total of four parking spaces. No additional parking is required beyond the four spaces provided for the proposed towing business.

With regards to bicycle parking, PMC section 18.78.045 specifies a minimum number of bicycle parking stalls that must be provided on new non-residential sites based on the number of required off-street parking stalls for the use. According to this section of the PMC, for projects requiring four off-street parking spaces or less, no bicycle parking stalls are required. Therefore, the proposed project is not required to provide bicycle parking.

Signage. The applicant is not proposing exterior signage at this time. The property is not subject to a Master Sign Program. Signage associated with the proposed project will require a separate sign permit application that demonstrates consistency with PMC Chapter 19.12. Once Planning Staff has reviewed and approved a separate sign permit, the applicant will be able to apply for a Building Permit allowing signage at the project site.

Landscaping. PMC Table 18.54.115 requires 15% minimum site landscaping in the IP District. The parcel currently contains two landscape strips totaling approximately 4,500 sq. ft., which exceeds the minimum site landscaping requirement of 3,800 sq. ft. Therefore, pursuant to the provisions for existing landscaping in PMC 18.84.325, no additional landscaping is required.

Findings: Required Findings – Use Permit: Pursuant to PMC section 18.16.040, in order to approve the Use Permit for the proposed towing business, the Planning Commission must find that the proposed project:

- A. is in accord with the objective of the Zoning Ordinance, the purposes of the land use district in which it is located and is appropriate to the specific location;
- B. is not detrimental to the health, safety, and general welfare of the city;
- C. will not adversely affect the orderly development of property within the city;
- D. will not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the city;
- E. is consistent with the objectives, policies, general land uses and programs specified in the general plan and applicable specific plan;
- F. will not create a nuisance or enforcement problem within the neighborhood;
- G. will not encourage marginal development within the neighborhood;
- H. will not create a demand for public services within the city beyond that of the ability of the city to meet in 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.

A full analysis of how the proposed project meets the required Use Permit findings is provided in the Resolution (Attachment 1).

Environmental: The proposed 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. The proposed project qualifies for a Class 1 categorical exemption because the project site is an existing, private structure and the applicant is not proposing any expansion of the existing structure. Therefore, the proposed project will not have a significant effect on the environment and is exempt from the provisions of CEQA.

If the proposed project is approved, Planning Staff will file a Notice of Exemption with the Governor's Office of Planning and Research (OPR) State Clearinghouse and Contra Costa County Clerk-Recorder's Office.

Public Notice: On or before July 2, 2022, a notice of the July 12, 2022, public hearing for the proposed project was posted at City Hall and at or near the project site; was delivered for posting at the Pittsburg Library; was posted 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 all owners of property within 300 feet of the project site, to local service agencies expected to provide services to the business, 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. In addition, a copy of the notice was posted on www.nextdoor.com ("Nextdoor") and was sent directly to all subscribed residents in the "Mosaic Apartments" neighborhood.

See Attachment 5 for the Public Hearing Notice.

ANALYSIS: Staff believes that the Planning Commission can make the required findings to grant Use Permit approval for the proposed project, as it would provide a new commercial business within the City, have a positive impact on the City's tax base, and occupy a vacant tenant space that could otherwise remain vacant. See Attachment 1 for a full analysis of how the proposed project meets the required Use Permit findings.

ACTION REQUIRED: Move to adopt a Resolution, approving Use Permit application No. 22-0056, subject to conditions.

ATTACHMENTS:

1. Proposed Resolution
2. Existing Conditions Photos
3. Surrounding Land Uses Map
4. Project Site and Floor Plans
5. Public Hearing Notice/Vicinity Map

Prepared by: Alison Hodgkin, Associate Planner

BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Approving a Use Permit to Allow a Towing)
Services Business, located at 660 Garcia)
Avenue, for "ASAP Towing, AP-22-0056)
(UP).") Resolution No. XXXXX
)

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. On June 14, 2022, Ivis Ferrera filed Planning Application No. AP-22-0056 (UP), requesting approval of a use permit to establish a towing services business within an existing 2,200 square-foot (sq. ft.) commercial space (Suite E) within an existing, 9,440 sq. ft. multi-tenant, commercial warehouse located at 660 Garcia Avenue. The property is in the IP (Industrial Park) District. Assessor's Parcel No. 088-392-008.
- B. 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.
- C. On or prior to July 2, 2022, notice of the July 12, 2022, public hearing was posted at City Hall, near the proposed project site, and on the "Public Notices" section of the city's website; was delivered for posting at the Pittsburg Library; and was mailed via first class or electronic mail to the applicant, to the property owner, to owners of property located within 300 feet of the proposed project site, to local service agencies expected to provide services to the building, and to individuals who had previously filed written request for such notice, in accordance with Pittsburg Municipal Code (PMC) section 18.14.010 and Government Code section 65091. In addition, a copy of the notice was posted on www.nextdoor.com ("Nextdoor") and was sent directly to all subscribed residents in the "Mosaic Apartments" neighborhood.
- 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 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.
- E. On July 12, 2022, the Planning Commission held a public hearing on Planning Application No. 22-0056 (UP), at which time oral and/or written testimony was considered.

Section 2. Findings

- A. Based on the Planning Commission Staff Report entitled, "ASAP Towing, AP-22-0056 (UP)," dated July 12, 2022, and based on all the information contained in the Planning Division files on the project, incorporated herein by reference and available for review in the Planning Division located at 65 Civic Avenue in Pittsburgh, and based on all written and oral testimony presented at the meeting, the Planning Commission finds that:
1. All recitals above are true and correct and are incorporated herein by reference.
 2. The proposed towing services business use will:
 - a) be in accordance with the objectives of the Zoning Ordinance, the purposes of the land use district in which it is located, and will be appropriate to the specific location, in that the purpose of the Industrial Park (IP) District is to provide sites for service-oriented commercial and light industrial uses with limited customer presence and turnover, including industrial office centers, research and development facilities, limited industrial activities (including production and assembly but no raw materials processing or bulk handling), limited and warehouse-type retail and commercial activities, and small-scale warehousing distribution. Approval of the requested use permit allowing a vehicle towing business would provide a service-oriented commercial and light industrial use with limited customer presence and turnover.
 - b) not be detrimental to the health, safety, and general welfare of the city, in that the proposed towing services business will be required to meet health and safety requirements of the Pittsburgh Economic and Community Development

Department, the Contra Costa County Fire Protection District, and the Environmental Health Division of Contra Costa Health Services.

- 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 the applicant is not proposing building improvements or expansions 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 the city will increase property values as well as the city's tax base.
- e) be consistent with the General Plan in that the project site is located in the 'East Leland Subarea' of the General Plan and has a land use designation of *Business Commercial*, which is intended to provide sites for custom manufacturing, limited assembly, light manufacturing, warehousing and distribution, and support commercial uses. The proposed towing services business is also consistent with GP Land Use Goal 2-G-3, in that it is located in an area where existing commercial development is concentrated, rather than sporadically spread in linear commercial strips throughout the city.
- f) not create a nuisance or enforcement problem within the neighborhood, in that the proposed 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) not encourage marginal development within the neighborhood, in that the proposed towing business will occupy a space located within an existing industrial area primarily devoted to automobile uses, and does not involve construction of a new building or building addition.
- h) 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 proposed towing business will operate in a building that has been designed to utilize existing infrastructure. Further, the proposed project is located on private property and will be maintained privately.
- i) not be inconsistent with the city's approved funding priorities, in that the proposed use is on private property, to be maintained privately, and does not propose or require any city funding.
- j) will not be located in the Pedestrian Commercial (CP) District.

B. The staff report entitled, "ASAP Towing, AP-22-0056 (UP)," dated July 12, 2022, is referenced hereto as additional support for the findings.

Section 3. Decision

A. Based on the findings set forth above, the Planning Commission hereby approves Planning Application No. 22-0056 (UP), subject to the following conditions:

1. The approved use shall be operated substantially as presented to the Planning Commission in the staff report identified in Section 2 of this resolution, except as may be modified by the conditions below. Operation of the approved use in a manner inconsistent with this use permit shall be grounds for revocation of the use permit.
2. The hours of operation for the business shall be limited to 8:00 a.m. to 8:00 p.m., seven days per week, as specified in PMC section 5.64.070(A)(5).
3. Equipment and vehicle dismantling shall be prohibited on the project site.
4. Any vehicle repairs shall be prohibited on the project site.
5. Onsite cleaning of vehicles is prohibited on the project site.
6. All towed vehicles shall be stored inside not to exceed a maximum total of eight stored vehicles at any one time. Outdoor storage of towed vehicles, parts, materials, tires, drums, barrels, etc., shall be prohibited at the project site.
7. Exterior signage is not approved at this time. No signs shall be installed until plans are reviewed and approved by the Planning Division under a separate sign permit application.
8. The site shall be kept clean and free of all litter, debris, and refuse at all times. For the cleanup of trash and leaf debris on and around the premises, the applicant shall ensure that dry cleanup methods such as sweeping are used whenever possible, in lieu of hosing the area down with water. There shall be no outside storage of materials, supplies, bins, or other equipment related to the business operation.

Contra Costa County Health Services – Hazardous Materials Program Conditions

9. The applicant shall ensure that towed vehicles parked onsite are maintained so as not to leak oil or other potentially hazardous fluids.
10. The applicant shall inspect the site regularly for any potential spills, drips or leaks from towed vehicles, and any spills, drips or leaks shall be immediately cleaned using dry cleanup methods or caught (ex: drip pans) and stored properly. No part of the site shall be cleaned by hosing the area down with water, unless the wastewater is collected and properly discarded into a sanitary sewer.
11. If incidental potentially hazardous materials (such as vehicle oil or other fluids) are collected and/or stored onsite, they must be maintained inside the building only and the applicant must obtain an Environmental Protection Agency (EPA) identification number and a permit with Contra Costa Health Services Hazardous Materials Program.

12. The applicant shall ensure that no vehicle oil or other fluids, wastewater or any cleaning agents are discharged into any exterior storm drain system or any storm drain inlets or catch basins.

Contra Costa County Fire Protection District Conditions

13. Provide emergency apparatus access roadways with all-weather (paved) driving surfaces of not less than 16 / 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 35 / 45 feet and must be capable of supporting the imposed fire apparatus loading of 22 / 37 tons. Access roadways shall not exceed 20% grade. Grades exceeding 16% shall be constructed of grooved concrete per the Fire District standard in (503) CFC.
14. 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.

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.

15. 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.

Standard Conditions of Development

16. The Standard Conditions of Development as adopted by the Pittsburg Planning Commission by Resolution No. 8931 shall apply as conditions of approval for this project as applicable. Where there is a conflict between the Standard Conditions of Development and the project-specific conditions identified in this resolution, the specific conditions of this resolution shall govern.
17. The business owner shall comply with all the requirements of the City's Community Development Department, Contra Costa County Fire Protection District, the Environmental Health Division of Contra Costa Health Services, and all other applicable local, state and federal agencies. It is the responsibility of the business owner to contact each local, state, or federal agency for requirements that may pertain to this project.
18. Business License: It shall be the responsibility of the applicant to maintain an updated business license containing an accurate description of the use at the site.

19. Business owner 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. Business owner may select its own legal counsel to represent business owner's interests at business owner's sole cost and expense. Business owner 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. This use permit will expire on July 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 July, 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 July 12, 2022.

JOHN FUNDERBURG, SECRETARY
PITTSBURG PLANNING COMMISSION

Existing Condition Photos
ASAP Towing AP-22-0056 (UP)



Fig. 1 Front of Warehouse Building
Looking North from Project Site toward Garcia Ave



Fig. 2 – Front of Warehouse Building
Looking South from Garcia Ave Driveway Entrance to Property



Fig. 3 – Suite E Vehicle and Pedestrian Entry
Looking West from Parking Lot at Front of Warehouse Building



Fig. 4 – South Side Yard of Warehouse



Fig. 5 – East Rear Yard of Warehouse



Fig. 6 – Parking Lot
Looking West from Warehouse Building

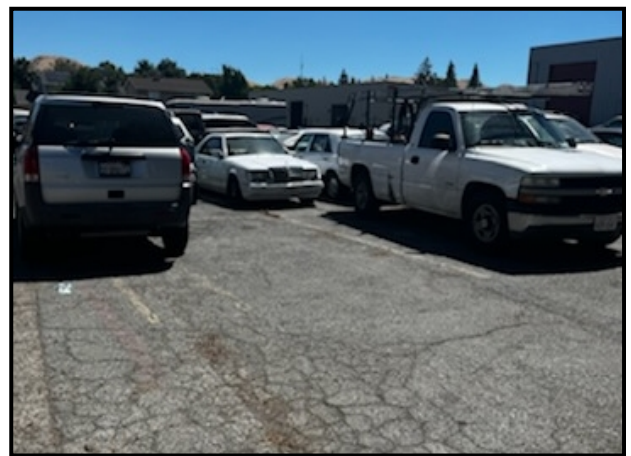
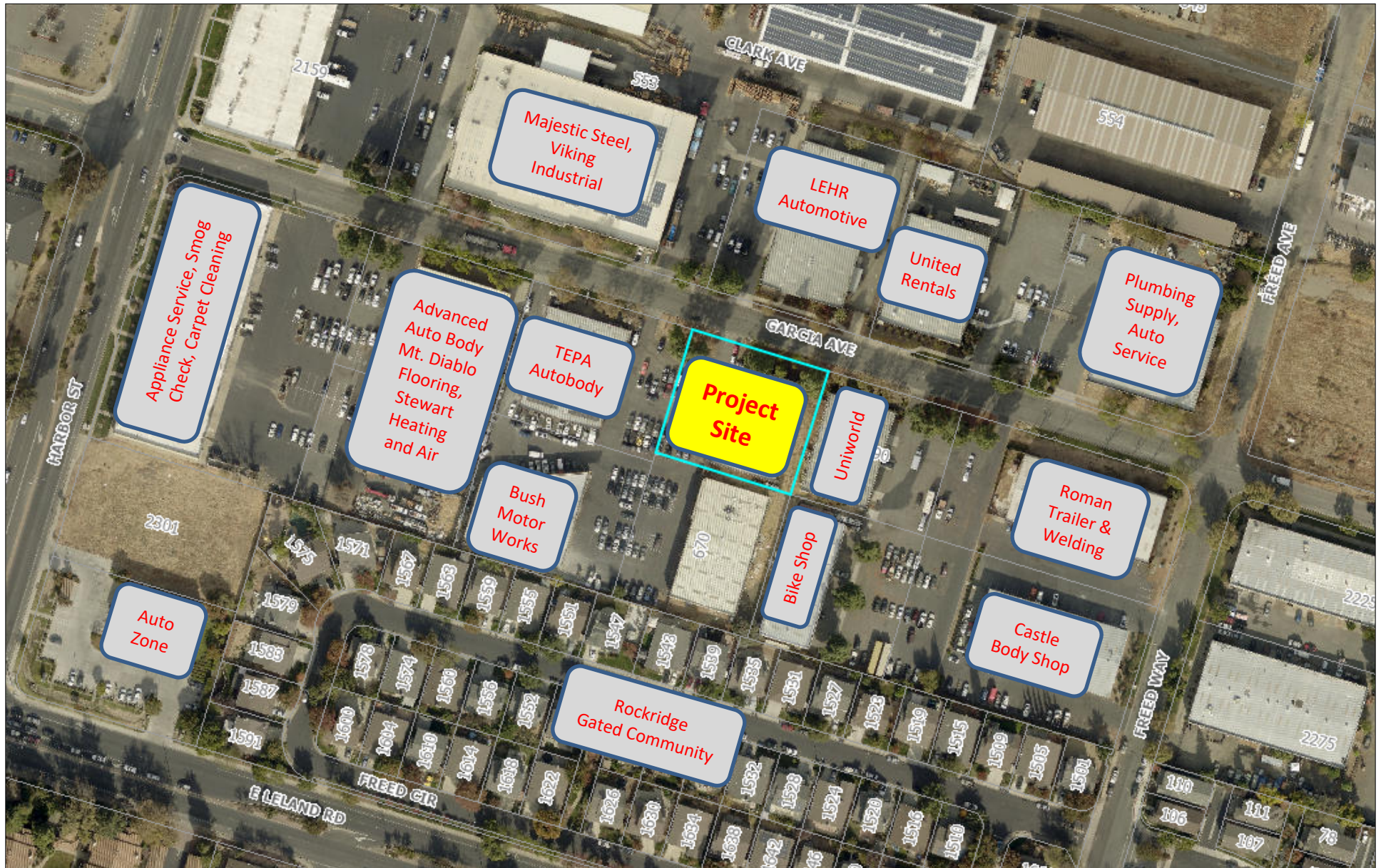


Fig. 7 – Parking Lot
Looking Southwest from Warehouse Building



Figs. 8 and 9 – Existing Landscaping along Garcia Ave

ASAP Towing (AP-22-0056) - Surrounding Land Uses

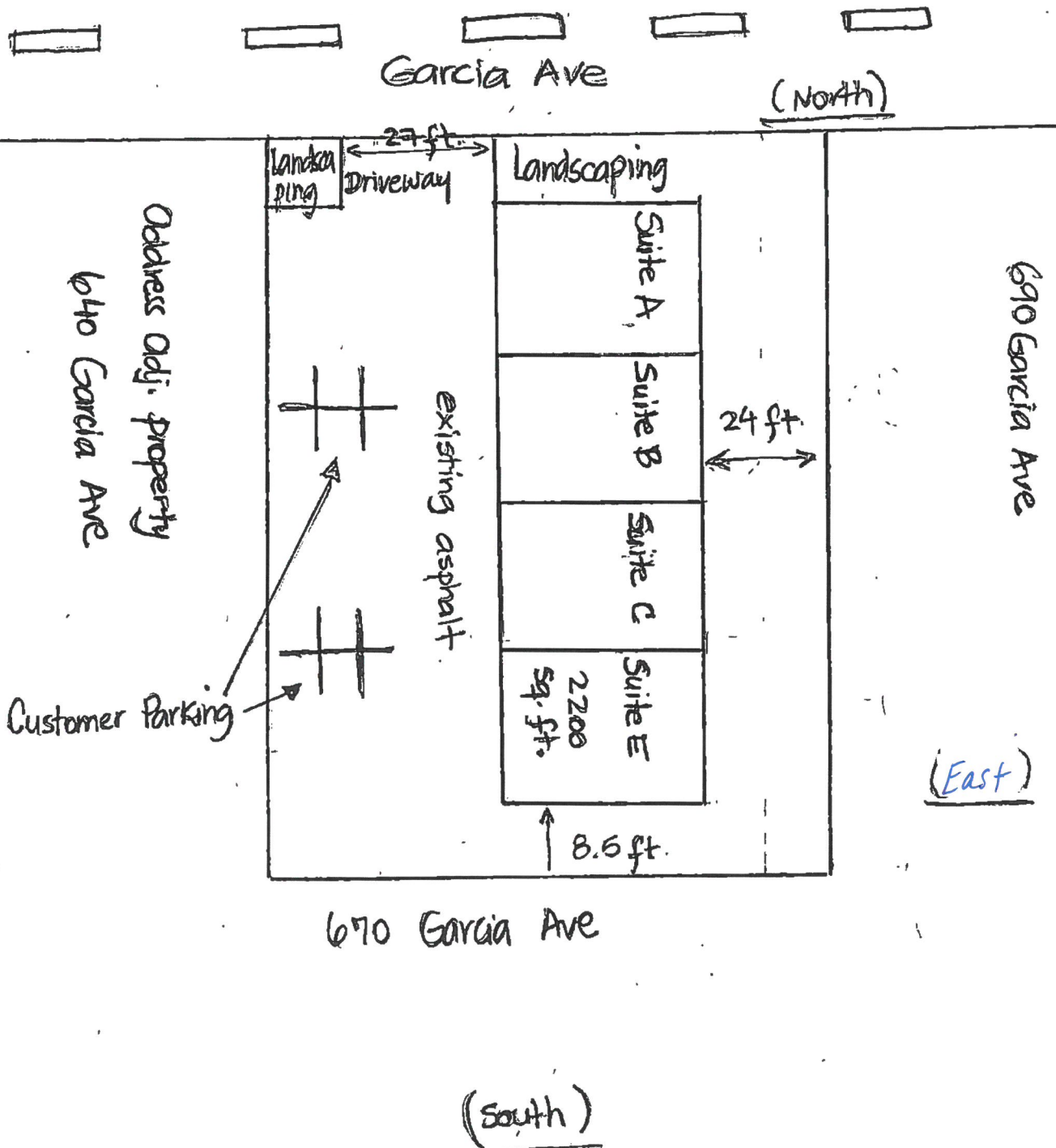


Project Site: 660 Garcia Avenue, Suite E

Site Plan

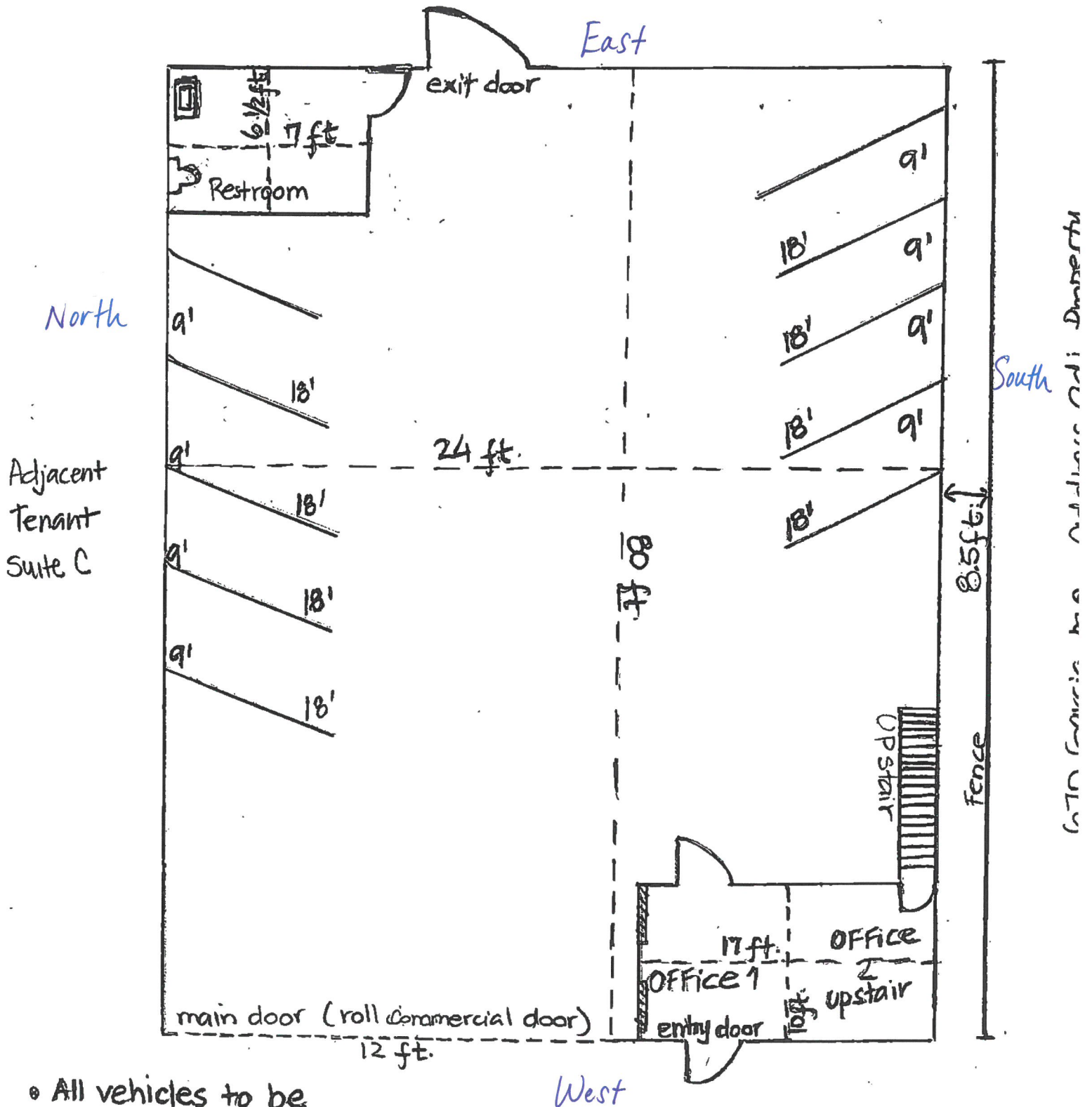
660 Garcia Ave

0.58 Acre



Floor Plan

660 Garcia Ave
Unit E
Pittsburg, CA 94565



- All vehicles to be Parked at a 45° angle
- Map shows 8 vehicles

Customer Parking



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

Concerning the following matter:

ASAP Towing Services, AP-22-0056 (UP)

This is an application filed by Ivis Ferrera, owner of ASAP Towing, LLC, requesting approval of a Use Permit to establish a towing services business within a 2,200-square foot (sq. ft.) space (Suite E) within an existing, 9,440 sq. ft. commercial warehouse located at 660 Garcia Avenue. The property is in the IP (Industrial Park) District. Assessor's Parcel No. 088-392-008.

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: Alison Hodgkin, (925) 252-6987 or ahodgkin@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 prior to the meeting or provided orally 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: ASAP Towing Services, AP-22-0056 (UP)
Location: 660 Garcia Avenue, APN 088-392-008



City of Pittsburg

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

