

City of Pittsburg Planning Commission Agenda

July 24, 2018

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

**AB1234 Ethics Training
5:00 P.M. – 7:00 P.M.**

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

Planning Commission Members

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

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

A decision by the Planning Commission is not final until the appeal period expires 10 calendar days after the date the decision occurred. The applicant, City Council member(s), City Manager, or any affected person may appeal the denial, approval, recommendation, or any condition of approval of an item within the 10-day appeal period. A completed appeal form and the applicable filing fee must be filed with the City Planner, 65 Civic Avenue, 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

PRESENTATIONS

1. City Manager's Report

CONSENT

(All items listed under the "Consent" portion of the agenda are considered routine and are adopted under one motion. Any item appearing as a Consent item on this agenda will be considered separately only upon request from a member of the Planning Commission, staff or public.)

2. Minutes

Meeting Minutes of July 10, 2018

PUBLIC HEARINGS

3. Consideration of a Resolution Recommending City Council Approval of the Diablo Energy Storage Project, AP-17-1270 (RZ, UP, DR).

This is a continued public hearing on a request for a recommendation to City Council for: 1) adoption of an amendment to the existing 'Empire Business Park' Overlay Zoning District (Ord. Nos. 07-1284 and 04-1214) to allow a "Major Utility" use subject to a use permit; 2) approval of a use permit for a Major Utility; and 3) design review approval of plans to install an energy storage project in three 60,000 sq. ft. buildings with related accessory equipment and tie-line to an existing PG&E substation. The project site covers a 12-acre portion of the 35-acre Empire Business Park parcel located at 701 Willow Pass Road in the IP-O (Industrial Park Overlay) District. Assessor's Parcel No. 085-280-010.

ZONING ADMINISTRATOR REPORTS

4. Notice of Intent to Exercise Delegated Design Review Authority and Submittal of Adopted Zoning Administrator Resolutions.

The Zoning Administrator submits one notice of intent to exercise delegated design review authority for an exterior color change for the Mar-Ray Motel located at 1989 Railroad Avenue. The Zoning Administrator also submits two resolutions 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**

July 10, 2018

A regular meeting of the Pittsburg Planning Commission was called to order by Chair Coniglio at 7:00 p.m. on Tuesday, July 10, 2018, in the Council Chamber, City Hall, 65 Civic Avenue, Pittsburg, California.

OATH OF OFFICE

Commissioners James Coniglio, Sarah Foster, and J. Faye Fields were administered the oath of office.

ROLL CALL

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

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

PLEDGE OF ALLEGIANCE

Commissioner S. Foster led the Pledge of Allegiance.

REORGANIZATION

On motion by Commissioner D. Foster seconded by Commissioner Robinson to nominate James Coniglio as Chair and carried unanimously.

On motion by Chair Coniglio seconded by Commissioner Ward to nominate Elissa Robinson as Vice Chair and carried unanimously.

DELETIONS / WITHDRAWALS / CONTINUANCES

There were no deletions, withdrawals, or continuances.

COMMENTS FROM THE AUDIENCE

Luis Lopez, Pittsburg, stated his concerns within the City.

PRESENTATIONS

There were no presentations.

CONSENT

1. Minutes of May 22, 2018

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

PUBLIC HEARINGS

2. Consideration of a Resolution Recommending City Council Approval of the Diablo Energy Storage Project, AP-17-1270 (RZ, UP, DR).

A public hearing on a continued public hearing on a request for a recommendation to City Council for: 1) adoption of an amendment to the existing 'Empire Business Park' Overlay Zoning District (Ord. Nos. 07-1284 and 04-1214) to allow a "Major Utility" use subject to a use permit; 2) approval of a use permit for a Major Utility; and 3) design review approval of plans to install an energy storage project in three 60,000 sq. ft. buildings with related accessory equipment and tie-line to an existing PG&E substation. The project site covers a 12-acre portion of the 35-acre Empire Business Park parcel located at 701 Willow Pass Road in the IP-O (Industrial Park Overlay) District. Assessor's Parcel No. 085-280-010.

Contract Planner Joan Lamphier gave a presentation.

Chair Coniglio opened the public hearing.

Kevin Johnson spoke as the applicant on behalf of Diablo Energy Storage LLC.

Bruce Ohlson, Pittsburg, suggested the City require the developer to make the project bicycle and pedestrian friendly by helping construct the Great Delta Trail and by creating a bike path from the Great Delta trail to Willow Pass Road.

The following individuals spoke in support of the project:

Bill Whitney, Contra Costa Building and Construction Trades Council

Tom Hansen, Electricians Union IBEW Local 302

Vince Ferrante, Pittsburg

BJ Delgado, Pittsburg

Derek Cole, Pittsburg

Pat Matejcek, Pittsburg

Jason Lindsey, Antioch

The following individuals spoke against the project:

Luis Lopez, Pittsburg

Robert Bouman, Pittsburg

There being no one to speak further to the item, Chair Coniglio closed the public hearing.

On motion by Commissioner D. Foster seconded by Commissioner Linde to continue the item to the next meeting of July 24, 2018 and carried unanimously.

STUDY SESSION

3. San Marco Commercial Center, AP-18-1349 (PPR).

A preliminary plan review of a proposal to construct a new commercial center on a 3.69-acre site located at 2011 W. Leland Road in the PD (Planned Development, Ordinance No. 12-1362) District. Assessor's Parcel No. 097-550-054.

Senior Planner Hector Rojas gave a presentation.

Doug Messner spoke as the applicant on behalf of Sierra Pacific Properties, Inc.

Bruce Ohlson, Pittsburg, suggested the Commission require the developer to connect Giacomelli Park and Larry Lasater Park by a pedestrian / bicycle trail.

Luis Lopez, Pittsburg, spoke in favor of the proposal.

Lisa Mull, Pittsburg, expressed concerns with the proximity of the proposed commercial development to the park as well as concerns regarding traffic.

Amy Kubeck, Pittsburg, spoke in favor of the proposal.

ZONING ADMINISTRATOR REPORTS

4. Notice of Intent to Exercise Delegated Design Review Authority and Submittal of Adopted Zoning Administrator Resolutions.

The Zoning Administrator submits five notices of intent to exercise delegated design review authority for: 1) an application by Durham School Services, LP, to install of a 1,440-square-foot modular office building for an existing bus storage yard; 2) an application by Praxair to construct a 0.16-acre, secure cylinder storage facility; 3) an application to remodel the existing Woods Grove Apartments common building; 4) an application by the Dow Chemical Company to install an approximately 3,600 square foot ISO container offloading station; and 5) an application to relocate the monument sign for the Sonic Drive-In Restaurant. The Zoning Administrator also submits one resolution previously approved under the delegated authority (Planning Commission Resolution No. 9918).

Commissioners acknowledged receipt of the notices and previously approved resolution.

STAFF COMMUNICATIONS

Acting Planning Manager / Secretary Jordan Davis stated that there has been a request for a study session or workshop to review the Planning Commission Bylaws.

Pittsburg Moves will be hosting a community workshop at Pittsburg City Hall in the Council Chamber on Thursday, July 12, 2018, from 6:30 p.m. to 8:30 p.m.

COMMITTEE REPORTS

Chair Coniglio reported that TRANSPLAN met on June 14, 2018. The 2018/2019 fiscal budget was approved.

Chair Coniglio assigned Commissioners to the following Committees:

TRANSPLAN: James Coniglio and Durie Foster (as alternate)
Land Use: Elissa Robinson, Durie Foster, and Marke Linde (as alternate)
Pittsburg Recognition: Jeremy Ward and Faye Fields (as alternate)

ADJOURNMENT

The meeting was adjourned at 9:09 p.m. to July 24, 2018.

Jordan Davis, AICP, Acting Secretary

**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT**

ITEM: Consideration of a Resolution Recommending City Council Approval of the Diablo Energy Storage Project, AP-17-1270 (RZ, UP, DR).

ORIGINATED BY: Kevin Johnson on behalf of Diablo Energy Storage LLC, 5000 Hopyard Road, Suite #480, Pleasanton, CA 94588

SUBJECT: This is a continued public hearing on a request for a recommendation to City Council for: 1) adoption of an amendment to the existing 'Empire Business Park' Overlay Zoning District (Ord. Nos. 07-1284 and 04-1214) to allow a "Major Utility" use subject to a use permit; 2) approval of a use permit for a Major Utility; and 3) design review approval of plans to install an energy storage project in three 60,000 sq. ft. buildings with related accessory equipment and tie-line to an existing PG&E substation. The project site covers a 12-acre portion of the 35-acre Empire Business Park parcel located at 701 Willow Pass Road in the IP-O (Industrial Park Overlay) District. Assessor's Parcel No. 085-280-010.

RECOMMENDATION:

Staff recommends that the Planning Commission move to continue this public hearing to August 14, 2018.

BACKGROUND:

On July 10, 2018, the Planning Commission considered the proposed project and voted to continue the item to July 24, 2018, with direction given to the developer and staff to address concerns identified by the Planning Commission and conduct additional public outreach.

Staff is recommending a continuance to the next regularly scheduled Planning Commission meeting in order to comply with the Commission's direction.

PROJECT DESCRIPTION:

Not applicable at this time.

GENERAL PLAN/CODE COMPLIANCE:

Public Notice: On or prior to June 30, 2018, notice of the July 10, 2018, public hearing was published in the East County Times; was posted at City Hall 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 facility, and to individuals who had previously filed

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written request for such notice, in accordance with PMC section 18.14.020 and Government Code sections 65091. On July 10, 2018, the Planning Commission continued the public hearing to July 24, 2018.

ANALYSIS:

Not applicable at this time.

ACTION REQUIRED:

Move to continue the public hearing to July 24, 2018.

ATTACHMENTS:

None.

Prepared by: Jordan Davis, AICP, Senior Planner

**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT**

**ITEM: Notice of Intent to Exercise Delegated Design Review Authority and
Submittal of Adopted Zoning Administrator Resolutions.**

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

SUBJECT: The Zoning Administrator submits one notice of intent to exercise delegated design review authority for an exterior color change for the Mar-Ray Motel located at 1989 Railroad Avenue. The Zoning Administrator also submits two resolutions previously approved under the delegated authority (Planning Commission Resolution No. 9918).

RECOMMENDATION:

Staff recommends that the Commission acknowledge receipt of the attached Notice of Intent to Exercise Design Review Authority, and the attached adopted Zoning Administrator resolutions.

BACKGROUND:

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

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

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7. New Model Homes in Approved Subdivisions. Must be consistent with the general size, quality of architecture and materials, and general character of the originally approved models. Must comply with approved zoning development standards.

8. Ancillary Structures: Structures in any district where visual impacts are minimal, including miscellaneous mechanical equipment associated with legal uses in the Industrial Districts.

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

PROJECT DESCRIPTION:

Since the last Commission meeting, staff has received four applications requesting design review approval which qualify within one or more of the nine categories of delegated authority established by Resolution No. 9918:

1. Mar-Ray Motel – Exterior Color Change, AP-18-1354 (AD) – Delegated Design Review Category 3 (Minor Building Remodels).

This is an application by Sunil Patel requesting administrative design review approval to apply new paint colors to the existing Mar-Ray Motel buildings located at 1989 Railroad Avenue, in the PD-1319 (Planned Development, City Council Ordinance No. 09-1319) District. Assessor's Parcel No. 086-190-001.

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

1. Resolution No. 321: Praxair Secure Cylinder Storage, AP-18-1341 (AD)
2. Resolution No. 322: Sonic Drive-In Monument Sign Relocation, AP-18-1352 (AD)

GENERAL PLAN/CODE COMPLIANCE:

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

Planning Commission Staff Report

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 Notice of Intent and the adopted Zoning Administrator resolutions.

ATTACHMENTS:

1. Notice of Intent: Mar-Ray Motel – Exterior Color Change, AP-18-1354 (AD)
2. Zoning Administrator Resolution No. 321
3. Zoning Administrator Resolution No. 322

Prepared by: Jordan Davis, Acting Zoning Administrator

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

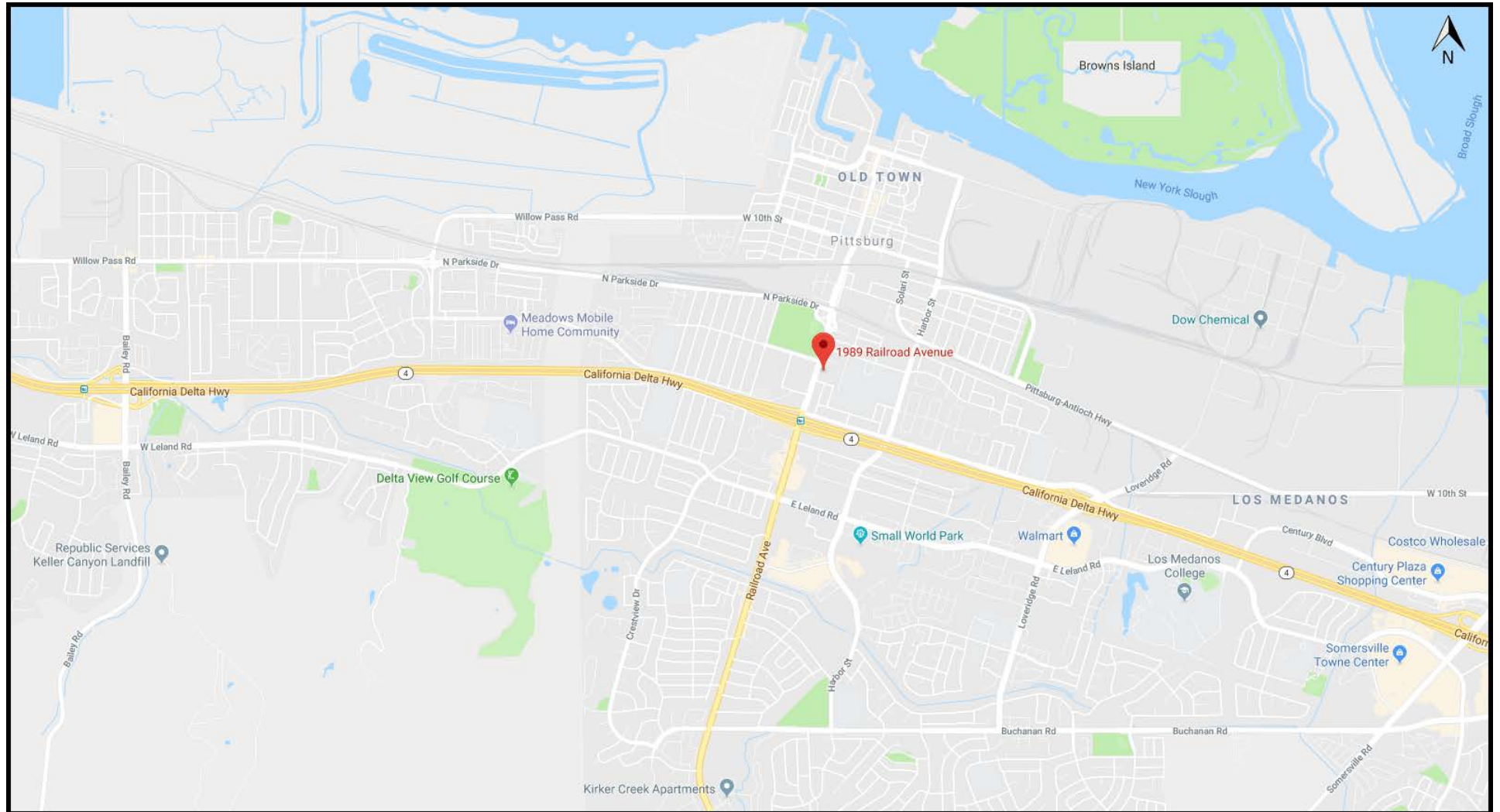
Mar-Ray Motel - Exterior Color Change, AP-18-1354 (AD).

This is an application by Sunil Patel requesting administrative design review approval to apply new paint colors to the existing Mar-Ray Motel buildings located at 1989 Railroad Avenue, in the PD-1319 (Planned Development, City Council Ordinance No. 09-1319) District. Assessor's Parcel No. 086-190-001.

Pursuant to Planning Commission Resolution No. 9918, this project is eligible for delegation to staff under Category 3 (Minor Building Remodels). Projects eligible for delegation under this category are limited to changes in building colors, awnings, fenestration and finishes.

Mar-Ray Motel - Painting – Vicinity Map

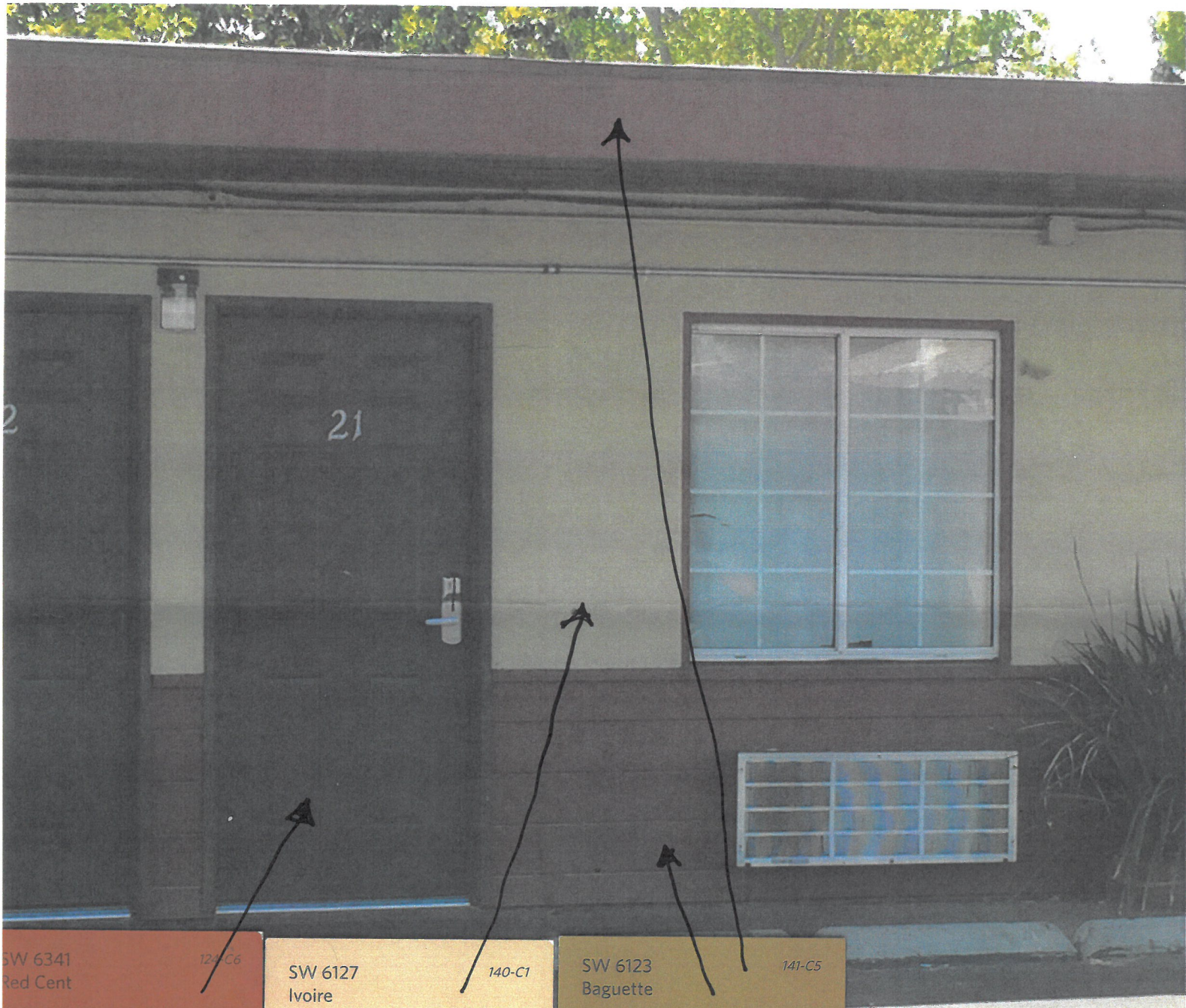
AP-18-1354	1989 Railroad Avenue
Administrative Design Review	APN: 086-190-001



Mar-Ray Motel - Painting – Aerial Map

AP-18-1354	1989 Railroad Avenue
Administrative Design Review	APN: 086-190-001





SW 6341
Red Cent

124-C6

SW 6127
Ivoire

140-C1

SW 6123
Baguette

141-C5

Doors

Stucco

Wood



PLANNING APPLICATION (Administrative Review)
City of Pittsburg Development Services Department – Planning Division
65 Civic Avenue, Pittsburg, CA 94565
Phone: (925) 252-4920; Fax: 252-4814

TYPE OF APPLICATION REQUESTED:

- ☐ SR Sign Review Permit ☐ TS Temporary Sign Permit
☐ TA Temporary Activity Permit ☐ OD Outdoor Dining Permit
☐ Other Administrative Design Review

STAFF USE ONLY

Application Number: AP-18-1354 Date Filed: 7.9.18

PROJECT INFORMATION: (To be completed by applicant – only complete lines that are relevant to the application)

Name of Project: ~~AAA~~ MAR-RAY MOTEL (PAINT JOB)

Project Location: 1989 RAILROAD AVE PITT CA 94565

Assessor's Parcel No(s): 086-190-001

Existing Use: Motel Proposed Use: Motel

Size of Structure(s), (sq. ft.) existing: 12,341 SF

Size of Addition(s), (sq. ft.) proposed: N/A

Property Size (acres or sq. ft.): 43560 SF No. of Lots Existing: 1 Proposed: 1

Days/Hours of Operation: _____

Number of Employees; Existing: _____ Proposed: _____

Number of On-Site Parking Stalls; Existing: _____ Proposed: _____

**Describe proposed project/use request below or include description as an attachment.
(For sign permits, include length x width x height dimensions, sign copy, colors, and length of building frontage.)**

PAINT ENTIRE PLACE
PLEASE SEE ATTACHMENT

APPLICANT INFORMATIONApplicant's Name: SUNIL PATEL Email: SUNIL322051@YAHOO.COMPhone No.: (975) 432-2923 Fax No.: ()Mailing Address: 1989 RAILROAD AVE PITTSBURGH CA 94565Property Manager: SUNIL PATEL Phone No.: (975) 432-2923Address: 1989 RAILROAD AVE PITTSBURGH CA 94565Property Owner(s): VAHMAKIBHAI PATEL Phone No.: ()Address: 1989 RAILROAD AVE PITTSBURGH CA 94565**Notarized Signature** of Agent and/or Property Owner:

Agent (attach notary) _____ Date _____

Property owner/manager (attach notary) [Signature] Date 7/9/18
(If not property owner or manager, provide letter from property owner authorizing agent to sign application.)**APPLICATION REQUIREMENTS, SUBMITTAL CHECKLIST** (To be completed by applicant)

- ☐ Planning application form completed with property owner(s) notarized signature.
- ☐ ** Two photos and/or three sets of plans of the proposed project location and/or sign(s).
- ☐ Correct filing fees. If paying by check, make payable to the City of Pittsburgh.

You are encouraged to schedule an appointment with Planning Division staff to discuss your project prior to submittal of your application.

** At least one set of plans must be printed on 11x17 or 8.5x11 sized paper.

STAFF USE ONLYReceipt No. 0060289-0071 Date Rec'd: 7.9.18 By: Celina Palmer
by DJ.Y

	Fees Paid	Finance Code
(TS) Temporary Sign Permit	\$ _____	TS
(AD) Administrative Design Review	\$ <u>425.00</u>	DR
(TA) Temporary Activity Permit	\$ _____	TA
Other _____	\$ _____	
Other _____	\$ _____	

TOTAL FEES PAID\$425.00

BEFORE THE ZONING ADMINISTRATOR OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Granting Design Review)
Approval to Construct a Secure Cylinder)
Storage Facility at 1930 Loveridge Road,)
for "Praxair Cylinder Storage, AP-18-1341)
(AD).")

Resolution No. 321

The Zoning Administrator DOES RESOLVE as follows:

Section 1. Background

- A. On June 6, 2018, Anthony Tabacco filed Planning Application No. 18-1341 requesting administrative design review approval of plans to construct an approximately 7,000-square-foot, secure cylinder storage facility at 1930 Loveridge Road in the IG (General Industrial) District. Assessor's Parcel No. 073-190-035. The facility consists of a double-tiered bulk storage area, covered canopy cylinder storage area, and utilities which extends over a portion of the Los Medanos Wasteway. The facility is required to expand Praxair's ability to provide local customers with timely deliveries of industrial gases.
- B. The proposed project is governed by the policies and development standards in the Pittsburg General Plan, Pittsburg Municipal Code (PMC) Title 18 (Zoning), the City of Pittsburg Development Review Design Guidelines (DRDGs; Planning Commission Resolution No. 9864), and the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan.
- C. On September 25, 2012, the Planning Commission adopted Resolution No. 9918, delegating certain types of design review projects to the Zoning Administrator. Design review of this project is delegated to the Zoning Administrator under Category 8, Ancillary Structures of Planning Commission Resolution No. 9918.
- D. On July 10, 2018, a Notice of Intent to exercise staff delegated authority for this project was included on the Planning Commission agenda.
- E. The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 11, 'Accessory Structures' of the state CEQA Guidelines Section 15311.

Section 2. Findings

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 July 13, 2018, the Zoning Administrator finds that:

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

2. The proposed project will conform with good taste, good design and in general will not detract from the character and image of the city as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality, in that the cylinder storage facility will be fully screened by taller existing structures and landscaping.
3. The proposed project will be protected against exterior and interior noise, vibrations and other factors that may tend to make the environment less desirable, in that the facility will be required to comply with all applicable building and fire codes.
4. The proposed project is not of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value, in that the cylinder storage facility's utilitarian design is appropriate for the area's industrial character and there are other similar structures located on properties throughout the IG District.
5. The proposed project is in harmony with proposed developments on land in the general area, in that and there are no proposed developments near the facility's vicinity.
6. The city's adopted DRDGs are not applicable to the proposed project, in that they include no guidance for accessory structures located on industrial properties.

Section 3. Decision

Based on the findings set forth above, the Zoning Administrator hereby grants design review approval for Planning Application No. 18-1341, subject to the following conditions:

Design Review:

1. **Conformity with Project Plans.** The project shall be carried out in substantial conformity with the project plans, date-stamped June 5, 2018, and attached as Exhibit A 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. **Finishes.** All portions of the canopy structures, including the steel support columns and the underside and roofs of canopy structures shall be painted light color finish. All gutters, downspouts, or other appurtenances shall be painted the same color as the surface to which they are mounted.
3. **Landscaping.** All site landscaping shall be maintained so as to remain thriving and free of weeds.
4. **Outdoor Cleaning.** The business owner shall ensure that detergents/degreasers are never used in the process of outdoor cleaning, and that employees use dry cleanup methods whenever possible.
5. **Take Authorization:** The applicant is required to obtain permit coverage under the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan ("ECCC HCP/NCCP"). All applicable standard avoidance and minimization measures of the ECCC HCP/NCCP, as outlined in the draft Planning Survey Report (PSR) dated

June 5, 2018, are incorporated as conditions of approval. With the incorporation of these conditions, the project will be eligible to receive take authorization under the City's incidental take permit from the United States Fish and Wildlife Service (USFWS) issued pursuant to Section 10(a)(1)(B) of the Federal Endangered Species Act (permit number: TE 160958-0) and the City's incidental take permit from the California Department of Fish and Wildlife (CDFW) issued pursuant to California Fish and Wildlife Code Section 2835 (permit number 2835-2007-01-03).

6. ECC HCP/NCCP Development Fees: Prior to the issuance of grading or construction permits for the project site, the applicant shall pay the final required ECC HCP/NCCP development fee in effect for Zone 3, in compliance with PMC Section 15.108.070 (note that the fee is subject to annual adjustments, in accordance with Chapter 9.3.1 of the ECC HCP/NCCP). The final fee shall be paid for approximately 0.16 acres of land to be permanently disturbed, as identified in the draft PSR, which is subject to final review and approval by the Pittsburg Community Development Department.
7. Preconstruction Survey for Western Burrowing Owl: Prior to any ground disturbance related to covered activities, a USFWS/CDFW-approved biologist shall conduct a preconstruction survey in areas identified in the planning surveys as having potential burrowing owl habitat. The surveys shall establish the presence or absence of Western Burrowing Owl and/or habitat features and evaluate use by owls in accordance with CDFW survey guidelines (California Department of Fish and Game 1995).

On the parcel where the activity is proposed, the biologist shall survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify burrows and owls. Adjacent parcels under different land ownership shall not be surveyed. Surveys should take place near sunrise or sunset in accordance with CDFW guidelines. All burrows or burrowing owls shall be identified and mapped. Surveys shall take place no more than 30 days prior to construction. During the breeding season (February 1–August 31), surveys shall document whether burrowing owls are nesting in or directly adjacent to disturbance areas. During the nonbreeding season (September 1–January 31), surveys shall document whether burrowing owls are using habitat in or directly adjacent to any disturbance area. Survey results shall be valid only for the season (breeding or nonbreeding) during which the survey is conducted. Copies of both surveys shall be submitted to ECC Habitat Conservancy and the City for review and approval.

8. Avoidance and Minimization and Construction Monitoring for Western Burrowing Owl: If burrowing owls are found during the breeding season (February 1–August 31), the project proponent shall avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young. Avoidance shall include establishment of a non-disturbance buffer zone (described below). Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation or that the juveniles from the occupied burrows have fledged. During the nonbreeding season (September 1–January 31), the project proponent should avoid the owls and the burrows they are using, if possible. Avoidance shall include the establishment of a buffer zone (described below).

During the breeding season, buffer zones of at least 250 feet in which no construction activities can occur shall be established around each occupied burrow (nest site). Buffer zones of 160 feet shall be established around each burrow being used during the nonbreeding season. The buffers shall be delineated by highly visible, temporary construction fencing.

If occupied burrows for burrowing owls are not avoided, passive relocation shall be implemented. Owls should be excluded from burrows in the immediate impact zone and within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors should be in place for 48 hours prior to excavation. The project area should be monitored daily for a week to confirm that the owl has abandoned the burrow. Whenever possible burrows should be excavated using hand tools and refilled to prevent reoccupation (California Department of Fish and Game 1995). Plastic tubing or a similar structure should be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow.

9. Preconstruction Survey for Swainson's Hawk: Prior to any ground disturbance related to covered activities that occurs during the nesting season (March 15–September 15), a qualified biologist will conduct a preconstruction survey no more than 1 month prior to construction to establish whether Swainson's Hawk nests within 1,000 feet of the project site are occupied. If potentially occupied nests within 1,000 feet are off the project site, then their occupancy will be determined by observation from public roads or by observations of Swainson's Hawk activity (e.g., foraging) near the project site. If nests are occupied, minimization measures and construction monitoring are required.
10. Avoidance and Minimization and Construction Monitoring for Swainson's Hawk: During the nesting season (March 15–September 15), covered activities within 1,000 feet of occupied nests or nests under construction will be prohibited to prevent nest abandonment.

If site-specific conditions or the nature of the covered activity (e.g., steep topography, dense vegetation, limited activities) indicate that a smaller buffer could be used, the City of Pittsburg will coordinate with CDFW/USFWS to determine the appropriate buffer size. If young fledge prior to September 15, covered activities can proceed normally. If the active nest site is shielded from view and noise from the project site by other development, topography, or other features, the project applicant can apply to the City of Pittsburg for a waiver of this avoidance measure. Any waiver must also be approved by USFWS and CDFW. While the nest is occupied, activities outside the buffer can take place.

All active nest trees will be preserved on site, if feasible. Nest trees, including non-native trees, lost to covered activities will be mitigated by the project proponent according to the requirements below.

11. Preconstruction Survey for Golden Eagle: Prior to implementation of covered activities, a qualified biologist will conduct a preconstruction survey to establish whether nests of golden eagles are occupied. If nests are occupied, minimization requirements and construction monitoring will be required.

12. Avoidance and Minimization for Golden Eagle: Covered activities will be prohibited within 0.5 mile of active nests. Nests can be built and active at almost any time of the year, although mating and egg incubation occurs late January through August, with peak activity in March through July. If site-specific conditions or the nature of the covered activity (e.g., steep topography, dense vegetation, limited activities) indicate that a smaller buffer could be appropriate or that a larger buffer should be implemented, the City of Pittsburg will coordinate with CDFW/USFWS to determine the appropriate buffer size.
13. Construction Monitoring for Golden Eagle: Construction monitoring will focus on ensuring that no covered activities occur within the buffer zone established around an active nest. Although no known golden eagle nest sites occur within or near the ULL, covered activities inside and outside of the Preserve System have the potential to disturb golden eagle nest sites. Construction monitoring will ensure that direct effects to golden eagles are minimized.
14. Wetland, Pond, and Stream Avoidance and Minimization. All projects that discharge into or fill waters of the United States, including jurisdictional wetlands, are required to obtain applicable permits from the U.S. Army Corps of Engineers. All projects that discharge into or fill waters of the State, including jurisdictional wetlands, are required to obtain applicable permits from the Regional Water Quality Control Board. Projects that fill streams under the jurisdiction of the State are also required to obtain a streambed alteration agreement with CDFG.

Engineering:

15. Grading Plan Review Fee. The applicant shall provide an initial payment for review of the grading plan with the first submittal. This fee is based on the Engineer's estimated cost for site grading, which shall be submitted with the plans. The Grading Plan Check Fee is 2.5% of the cost for grading or may be based upon cubic yards of earth disturbance. Fifty percent (50%) of this total fee is due payable with the first plan submittal and will be credited towards the final permit fee.
16. Grading Inspection Fee. The applicant shall pay the Grading Inspection Fee to the Engineering Department when permit is issued. The Grading Inspection Fee is 3% of the estimated cost of Grading. The Grading Inspection Fee may also be based upon an approved Engineer's Estimate of total cubic yards, according to the current schedule of Grading Fee Charges.

Standard Conditions:

17. Grading Work. All grading work shall be done in accordance with the provisions of Chapter 15.88 of the Pittsburg Municipal Code.
18. Site Development. All site development shall comply with Title 12 (Streets, Sidewalks, and Utilities), Title 13 (Water and Sewers), and Title 15 (Buildings and Construction) 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.

19. **Public and Pedestrian Facilities.** All public and pedestrian facilities shall be designed in accordance with Title 24, Handicap Access, and the California Department of State Architect's standards for accessibility compliance.
20. **Other Agency Requirements.** The developer shall comply with all the requirements of the Community Development Department, Contra Costa County Fire Protection District, Delta Diablo Sanitation District, and all other applicable local, state and federal agencies.
21. **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. 307 shall govern.
22. **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.
23. **The Developer or their subcontractor(s)** shall record with the California Board of Equalization a nexus or additional location within the City of Pittsburg to ensure any and all sales tax paid shall be recorded and paid to the City of Pittsburg. Developer or subcontractors shall add a new location to an existing account or ensure the seller of goods and materials subject to sales tax have registered a location within the City of Pittsburg with the Board of Equalization.
24. **Expiration of Approval.** This design review approval will expire on July 13, 2019, 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 13th day of July 2018, by the Zoning Administrator of the City of Pittsburg, California.

A handwritten signature in black ink, consisting of two large, overlapping loops with a small 'JD' monogram in the center.

JORDAN DAVIS, AICP
ACTING ZONING ADMINSTRATOR

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

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

A. Project Site.

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

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

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

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

B. Architecture.

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

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

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

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

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

C. Landscaping.

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

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

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

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

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

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

D. General Requirements

1. Final inspection for occupancy permits will not be granted until all construction and landscaping is complete in accordance with approved plans.
2. The applicant shall defend, indemnify and hold harmless the City of Pittsburgh, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval, or any aspect of the City's consideration of applicant's project. The applicant recognizes and agrees that applicant's voluntary commitment to meet the obligations described in this condition is an integral factor in the City's approval of this project. The intent of this condition is to require the applicant to bear the cost of any and all litigation instituted to overturn or in any way modify the City's approval of this project. Such costs include without limitation, any award of attorney's fees and costs to a prevailing plaintiff or petitioner. In the event the city becomes aware of any such claim, action, or proceeding, the City shall promptly notify the applicant and shall cooperate fully in the defense. If the City fails to promptly notify the applicant, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City. Nothing contained in this condition prohibits the City from participating in the defense of any claim, action, or proceeding, if both the following occur:
(a) the City bears its own attorneys' fees and costs; and (b) the City defends the action in good faith. The applicant shall not be required to pay or perform any settlement unless the applicant approves the settlement.
3. It is required by State Law (Business and Professional Code Section No. 5537 & 5538 and Section 302(b) of the Uniform Building Code) that all commercial buildings, new or existing must have a licensed professional designer (Architect, Civil or Structural Engineer) to design all changes of use or occupancy as well as new construction.
4. The applicant shall submit a complete area water pressure availability study for all phases of the Project prior to issuance of any development permits. If the study indicates that the present system is inadequate, the Applicant must provide plans, which will demonstrate any remedial action necessary to abate the deficiency and shall take all necessary actions at the applicant's expense.
5. This use permit may be recalled to the Planning Commission for review at any time due to complaints regarding lack of compliance with conditions of approval, traffic congestion, noise generation, or other adverse operating characteristics. At such time, the Commission may revoke the use permit or add/modify conditions approval.
6. It is the responsibility of the applicant or developer to check with each agency for requirements that may pertain to their project.
7. All signs shall be submitted to the Planning Division for design review per Title 19 of the Pittsburgh Municipal Code.
8. All landscape areas shall be maintained in a healthy, thriving and weed free condition.

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

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

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

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

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

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

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

or

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

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

APPROVED	DATE
DESIGN	DATE
SCALE	DATE
JOB NO	DATE

PITTSBURG
CONTRA COSTA COUNTY
APN 073-190-035-3
PRAXAIR
STORMWATER CONTROL PLAN

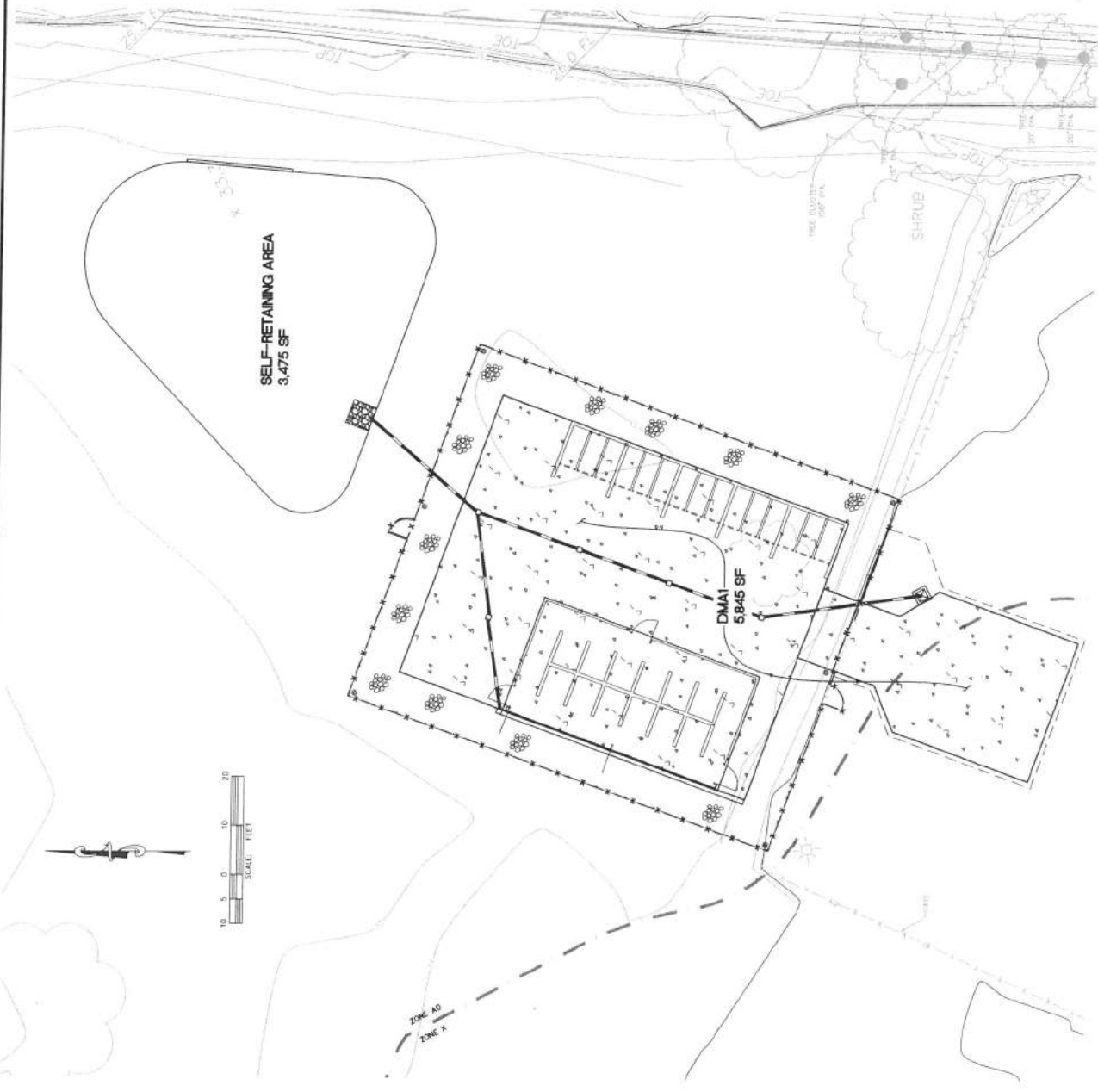


NO.	BY	DATE	REVISIONS

ALQUOT
Aliquot Associates, Inc.
10000 Camino Arroyo, Suite 200
Pittsburg, CA 94565
Tel: 925.436.1200
Fax: 925.436.1201
Civil Engineers
Surveyors



THE CONTRACTOR SHALL NOTIFY
UNDERGROUND SERVICE ALERT AND THE CITY
OF PITTSBURG AT LEAST 48 HOURS AND
HOURS (2 WORKING DAYS) PRIOR TO
BEGINNING ANY EXCAVATION IN THE VICINITY
OF THE UNDERGROUND FACILITIES.



NO.	BY	DATE	REVISIONS



CALIFORNIA
 CONTRA COSTA COUNTY
 APN 073-190-035-3

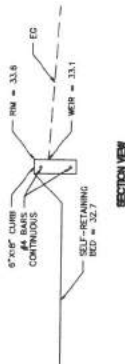
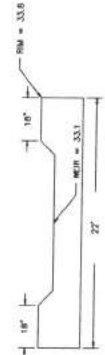
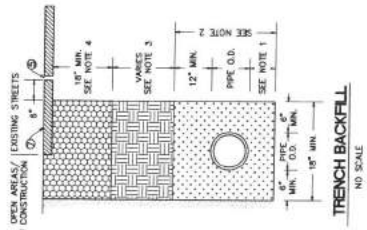
DETAILS
PRAXAIR

PITTSBURG
 JOB NO. 217079
 SCALE: AS SHOWN
 DATE: 6/9/2018
 DRAWING NUMBER: 7 OF 7

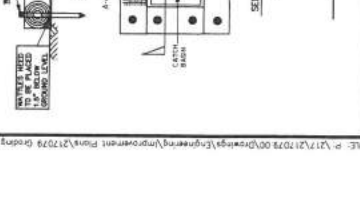
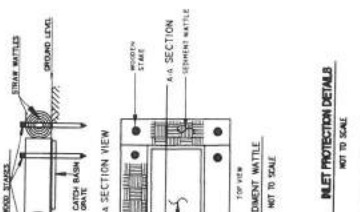
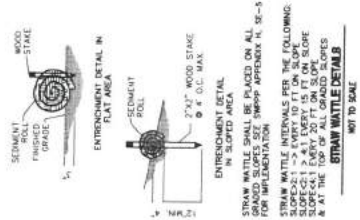
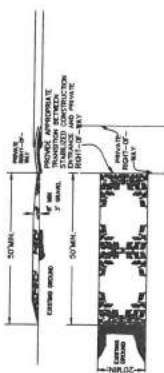
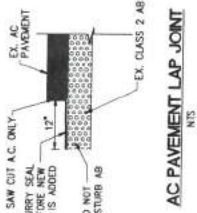


THE CONTRACTOR SHALL NOTIFY THE CALTRANS DISTRICT OFFICE OF ANY UNDERGROUND SERVICE ALERT (USA) AT LEAST 48 HOURS BEFORE ANY EXCAVATION IN THE VICINITY OF THE UNDERGROUND FACILITIES.

1. 1/8" PIPE O.D. - 4" MIN.
2. BEDDING SHALL BE CRUSHED AGGREGATE BASE, 3/4" MAX. SIZE COMPACTED TO A RELATIVE COMPACTION OF 90%.
3. SELECT MATERIAL MAY BE COMPRISED OF THAT WHICH PROVIDES THE SAME STRENGTH THAT IT IS FREE OF ORGANIC AND OTHER CONTAMINANTS, AND THAT 100% OF IT SHALL BE FREE OF PARTICLES THAT PASS THROUGH A NO. 100 SIEVE AND ARE RETAINED IN PLACE SHALL BE NO LESS THAN 90% ACCOMPANIED BY MECHANICAL WEARS.
4. THE UPPER 16" OF BACKFILL IN STREET AREAS SHALL BE CRUSHED AGGREGATE COMPACTION OF 90%.
5. PAVEMENT DIRT SHALL BE STRAIGHT AND NEAT.
6. TEMPORARY PAVING SHALL CONSIST OF CRUSHED AGGREGATE BASE, 3/4" MAX. SIZE PLACED ON THE SAME DIRT PATCH IS MAINTAINED UNTIL THE FINAL PATCH IS PLACED.
7. FINAL PAVING FINISHES SHALL MATCH THE EXISTING, HOWEVER A MINIMUM OF 2" IS REQUIRED.
8. TRENCHES WITH DEPTHS GREATER THAN 36" SHALL BE BACKFILLED WITH CRUSHED AGGREGATE BASE, 3/4" MAX. SIZE.
9. TRENCHES IN EXISTING ROADS OR DRIVEWAYS TO BE BACKFILLED WITH 100% CRUSHED AGGREGATE BASE (SEE NOTE 1 FOR SPECIFICATIONS).



CONCRETE CURB OVERFLOW (NEW)
 NOT TO SCALE



Praxair Distribution, Inc.
1930 Loveridge Rd.
Pittsburg, CA

Praxair Distribution, Inc.
1930 Loveridge Rd.
Pittsburg, CA

1. THIS PROJECT IS CAL-GREEN EXEMPT. CONTRACTOR SHALL FILE AND CONFORM TO CAL GREEN SECTION 5408.1 CONSTRUCTION WASTE REDUCTION DISPOSAL AND RECYCLE MANAGEMENT PLAN AS SPECIFIED BY CITY OF BERKELEY.

A 0.0

**Anthony
Tabacco**
and Associates

Architecture
Planning

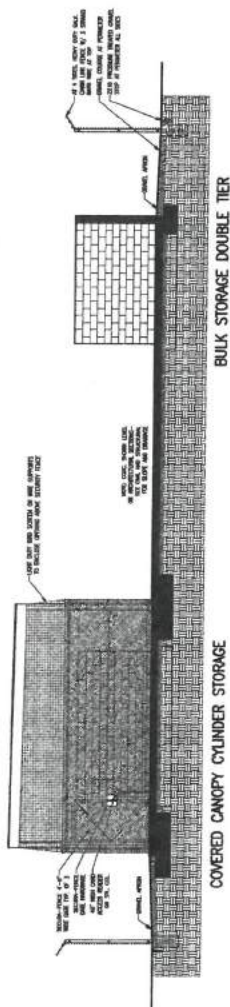
7 Westwood Court
Orinda, California
94563

(925) 254-5642

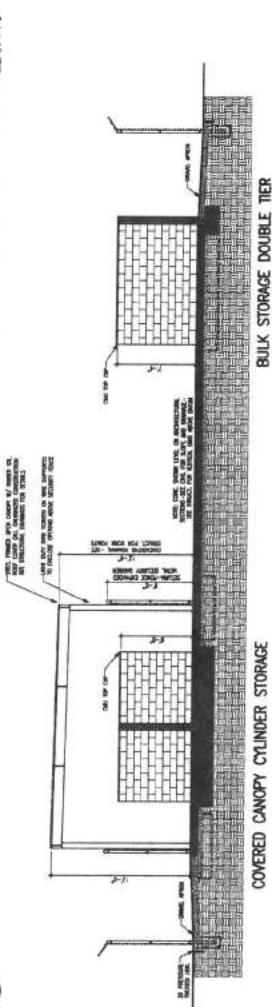
ANDREFFETS.COM

**New Materials
Open Storage Yard
and
Open Storage Canopy**

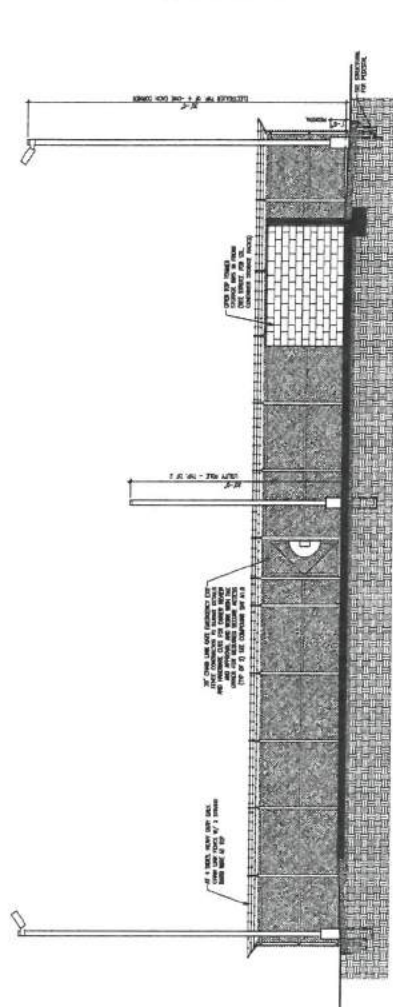
Praxair Distribution, Inc.
1930 Loweridge Rd.
Pittsburg, CA



09 SECTION THRU COMPOUND (SOUTH ELEVATION CANOPY SHOWN)



10 SECTION THRU THROUGH CANOPY AND OPEN STORAGE



12 SECTION THRU NORTH ELEVATION (NORTH PERIMETER SHOWN)



**SECTIONS
ELEVATIONS**

DATE	ISSUE
10/18/11	1
10/18/11	2
10/18/11	3
10/18/11	4
10/18/11	5
10/18/11	6
10/18/11	7
10/18/11	8
10/18/11	9
10/18/11	10
10/18/11	11
10/18/11	12

PROJECT NUMBER
170100
SHEET NUMBER
A1.1

BEFORE THE ZONING ADMINISTRATOR OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Granting Administrative Design)
Review Approval to Relocate a)
Freestanding Monument Sign, for "Sonic)
Drive-In Monument Sign Relocation," AP-)
18-1352 (AD).")

Resolution No. 322

The Zoning Administrator DOES RESOLVE as follows:

Section 1. Background

- A. On May 11, 2018, the Zoning Administrator adopted Resolution No. 315 granting administrative design review approval of: a) two sign panels on an existing 55-foot-tall freestanding sign; b) three double-sided, three-foot-tall, freestanding, directional signs; c) one double-sided, six-foot-tall, freestanding, monument sign; and d) several other building signs for the Sonic Drive-In Restaurant currently under construction at 1600 North Park Boulevard, in CC (Community Commercial) District. Assessor's Parcel No. 088-151-044.
- B. On July 3, 2018, All Sign Services, filed Planning Application No. 18-1352 requesting administrative design review approval to relocate the approved, six-foot-tall, freestanding, monument sign from the southeastern corner of the site to the western end, near the intersection of Loveridge Road and N. Park Boulevard. The approved design of the sign would be unchanged.
- C. The proposed freestanding sign is governed by the policies and guidelines of Pittsburg Municipal Code (PMC) section 19.12.020.
- D. In addition, signs for retail and services businesses are regulated by PMC section 19.16.020.
- E. 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 1, "Freestanding Signs" of Planning Commission Resolution No. 9918.
- F. On July 10, 2018, a Notice of Intent to exercise staff delegated authority for this project was included on the Planning Commission agenda.
- G. The Zoning Administrator may approve a freestanding sign if he or she can make one or more of the following findings, in accordance with PMC section 19.12.020:

1. The business is set back from the street or obscured from view by adjacent structures or vegetation in such a manner that adequate identification cannot be obtained from a sign placed on the building;
 2. The sign is necessary to provide the business with a comparable degree of identity from the street as that available to businesses or uses on neighboring premises;
 3. The size or width of the property upon which the business or use is located is such that a sign placed on the building would not adequately identify the premises occupied by that use;
 4. The architectural style, material, or elements of construction are such that signs attached to the building would be in conflict with the provisions of Chapter 18.36 of the Zoning Ordinance; or
 5. The sign is part of a master identification sign for a shopping center of four more individual businesses.
- H. This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 11, "Accessory Structures" of the state CEQA Guidelines section 15311.

Section 2. Findings

Based on all the information contained in the Planning Division files on this 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 July 18, 2018, the Zoning Administrator finds that:

1. All recitals above are true and correct and are incorporated herein by reference.
2. The freestanding monument sign is appropriate for this location in that the Sonic Drive-In Restaurant building will be setback from the street and behind landscaping in such a manner that adequate identification cannot be obtained from signs placed on the buildings alone.
3. The freestanding monument sign is also appropriate for this location in that restaurants with drive-in service typically incorporate such signs to provide additional identification. Approval of this sign will ensure parity between the Sonic Drive-In Restaurant and other restaurants in the city.
4. No portion of the proposed freestanding monument sign will project into the public right-of-way; the sign will be placed on-site and adjacent to a private street functioning as a public right-of-way; the sign will be located in a permanently

maintained landscaped area; the sign will be attractively designed and engineered; and the height of the sign (six feet) will comply with the maximum height specified for the CC District (no maximum).

5. The freestanding signs will comply with the regulations set forth in PMC section 19.16.020.D.

Section 3. Decision

Based on the findings set forth above, the Zoning Administrator hereby approves Planning Application No. AP-18-1352, subject to the following conditions:

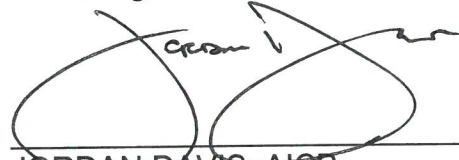
1. The monument sign shall be constructed in substantial conformity with the Sign Plans in Exhibit A, date stamped July 3, 2018, except as modified below.
2. The final location of the monument sign shall be determined by the applicant and project planner in the field to ensure the perimeter fencing does not interfere with the sign's visibility. The Planning Manager may require the perimeter fence be modified to ensure sign visibility.
3. The Standard Conditions of Development as adopted by the Pittsburgh Planning Commission by Resolution No. 8931 shall apply as condition of approval for this project as applicable. Where there is a conflict between the conditions of approval of Resolution No. 8931 and the specific conditions identified herein, the specific conditions of this resolution shall apply.
4. 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. 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.
5. This approval will expire on July 18, 2019 unless a building permit has been issued and the improvements noted herein are diligently pursued to completion, or unless a written request for extension is filed with the Planning Division prior to the expiration date and is subsequently approved by the Zoning Administrator.

The approval shall be valid for no more than six months from the date of building permit issuance, unless work is commenced and diligently pursued prior to the expiration of the applicable building permit.

Section 4. Effective Date

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

The foregoing resolution was passed and adopted the 18th day of July 2018, by the acting Zoning Administrator of the City of Pittsburg, California.



JORDAN DAVIS, AICP
ACTING ZONING ADMINISTRATOR

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

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

A. Project Site.

1. The applicant shall comply with all regulations and code requirements of the Building Division, Engineering Division, Contra Costa Fire Protection District, the Police Department and any other agencies requiring review of the project. If required, these agencies shall be supplied copies of the final building and site plans.
2. Developer shall provide written notification to adjacent property owners for any drainage work required to collect or convey storm water runoff, which may or will affect their properties.
3. During construction water trucks or sprinkler systems are to be used in sufficient quantities to prevent dust from leaving the site during any earthmoving and/or construction activities. Nonpotable water shall be used from a source approved by the City Engineer. (Title 15 of PMC)
4. Continuous 6" high Portland Concrete Cement curbing shall be provided between all driveways and landscaped areas as indicated in the City of Pittsburg Standard Details. In addition to above, curbing between length of parking space and landscaped area shall include a 12" wide "Courtesy Curb."
5. CC&R's (Covenants, Conditions and Restrictions) for the project shall contain appropriate provisions for joint maintenance of any infrastructure, roadways, utilities, landscaping and irrigation as determined necessary by the City Engineer.
6. Developer shall submit a study addressing on and off-site storm water and sewer system capabilities. If the study indicates that the present system is inadequate, the developer must provide plans and install any additional storm water and sanitary 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.

SCHEDULE

N13 - (1) 8' X 4' DF MONUMENT CABINET

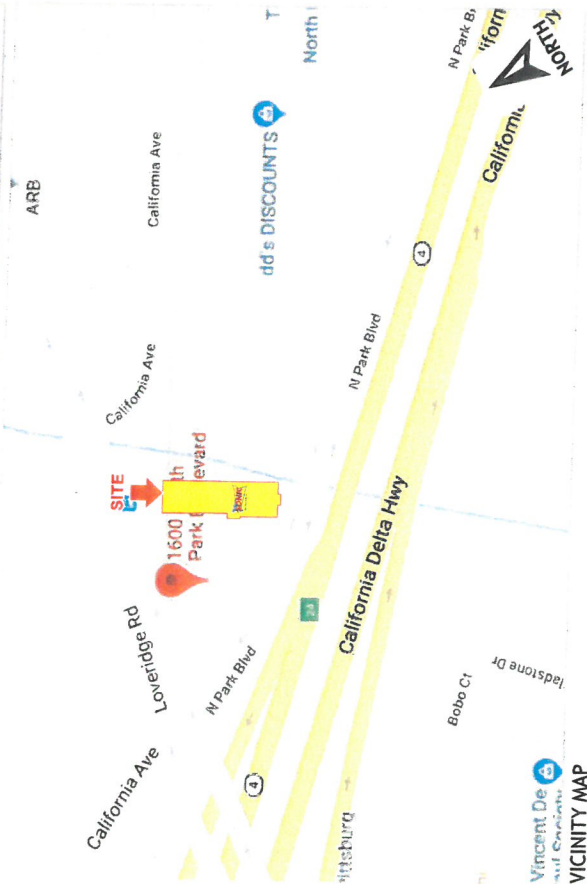
APPROVED BY THE CITY OF PITTSBURG

Planning Department
☒ Zoning Administrator
☐ Planning Commission
☐ City Council

App. No. AP-18-1352
 Reso. No. 322
 Date Approved: 7/18/18
 Signature: [Signature]

LEGEND

NEW PROPOSED ☐ N1 EXISTING SIGN TO BE REPLACED ☐ R1 EXISTING SIGN TO BE REMOVED ☐ X1 EXISTING SIGN TO REMAIN ☐ S1



VICINITY MAP
NOT TO SCALE



Sonic

1600 N. Park Blvd.
Pittsburg, CA 94565

APPROVAL

Title _____ Date _____

SIGN CODE

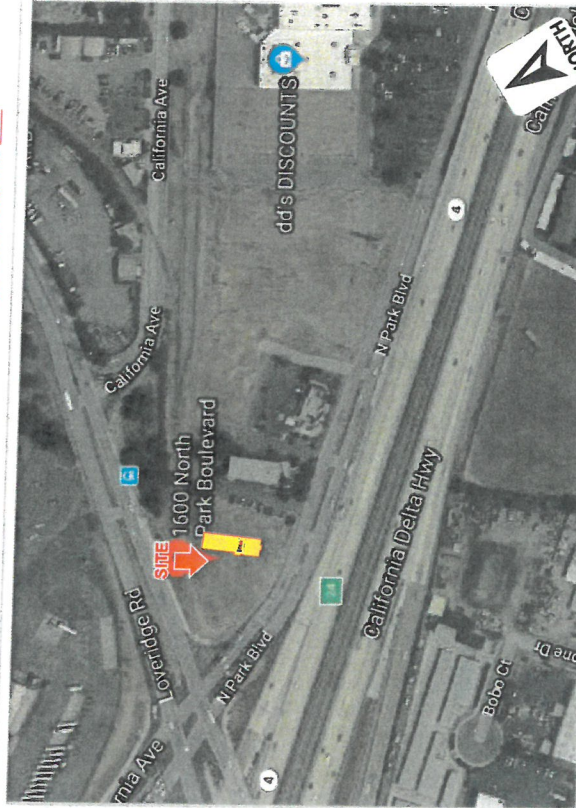
RECEIVED

JUL 03 2018

PLANNING DIVISION

SQUARE FOOTAGE INFORMATION

ALLOWABLE SQ. FT. 000 PROPOSED SQ. FT. 000



AERIAL PHOTO / SITE PLAN
NOT TO SCALE

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 Fax: 562.946.3707
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 Los Angeles, CA



DRAWING/REVISION NO.:
 03-18-0023R4

PAGE NO.:
 1 of 14

CLIENT:
 Sonic

ADDRESS:
 1600 N. Park Blvd.
 Pittsburg CA 94565

Approval Signature

X

DATE:
 03/21/2018

PROJECT MANAGER:
 Dave Palmgren

DESIGNER:
 J. Medina

REVISION DATE:
 06/19/2018

REVISION BY:
 Jose Soria

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Approval Signature
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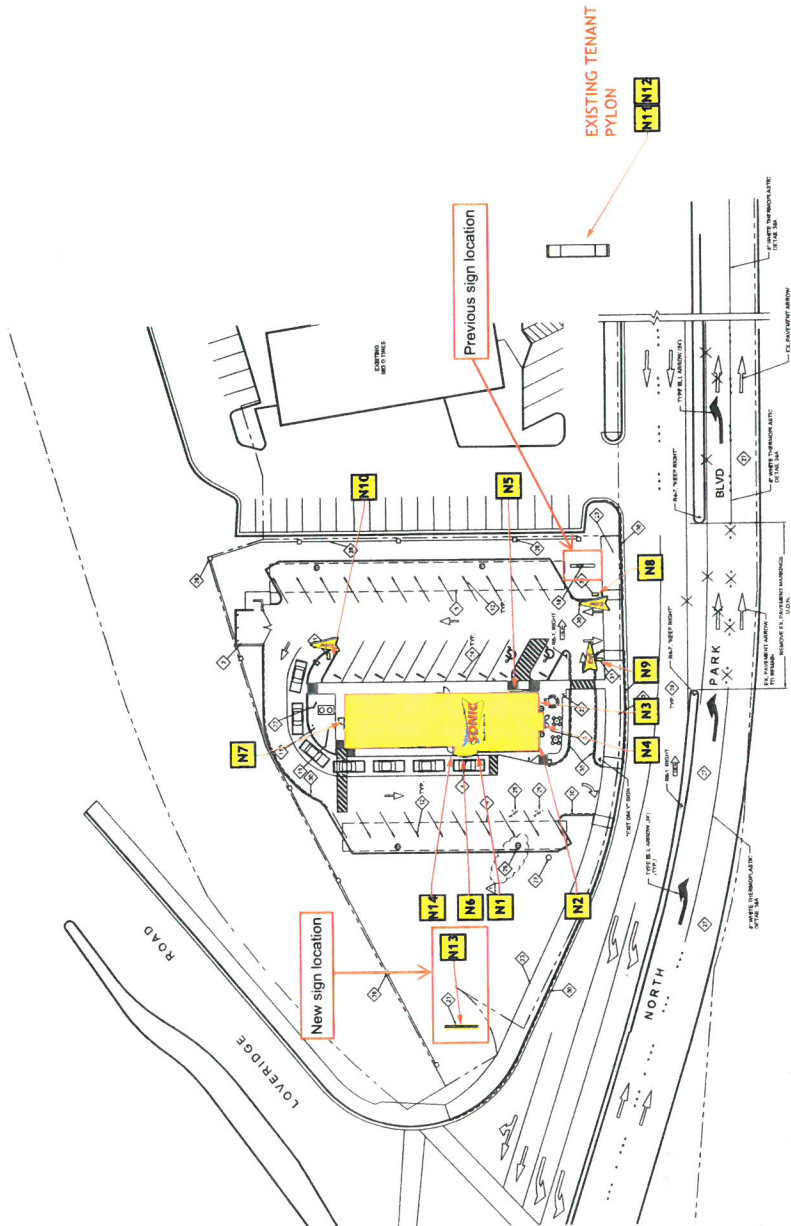
PROJECT MANAGER:
Dave Palmgren

DESIGNER:
J. Medina

REVISION DATE:
06/19/2018

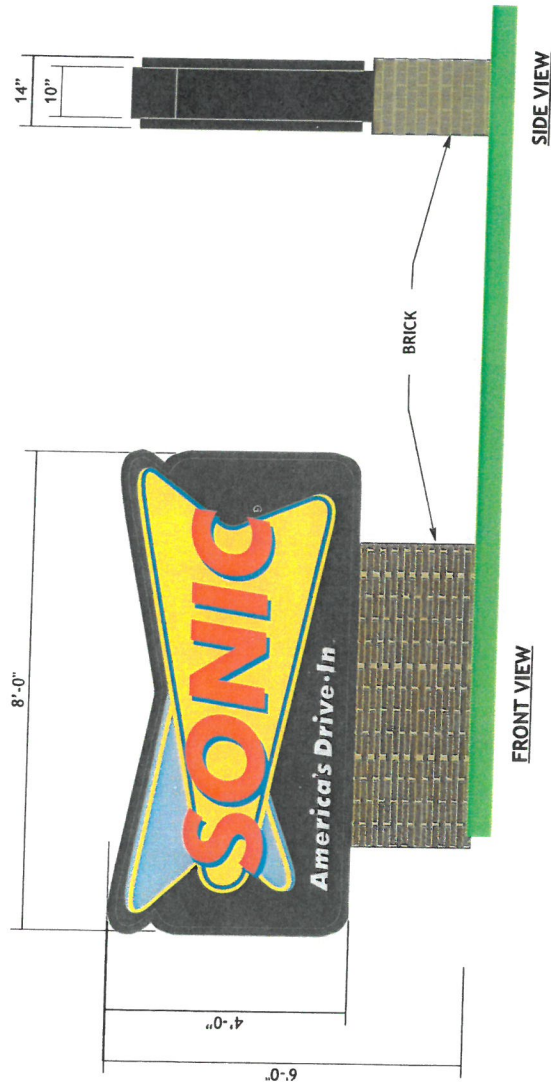
REVISION BY:
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 NORTH

Scale: 1/64" = 1'-0"



PAIN'T SPEC'S:
CABINET: BLACK ANODIC ENAMEL
RETAINER - BLACK ANODIC ENAMEL
FACE: DK BLUE - PMS 2728
RED - PMS 485
LT.BLUE - PMS 278
YELLOW - PMS 109

SPECIFICATIONS
SIGN AREA: 32 SQ. FT.
FACE - HIGH IMPACT .125 ACRYLIC;
SECOND SURFACE DECORATION
PANNED, AND EMBOSSED



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ADDRESS
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Approval Signature

X

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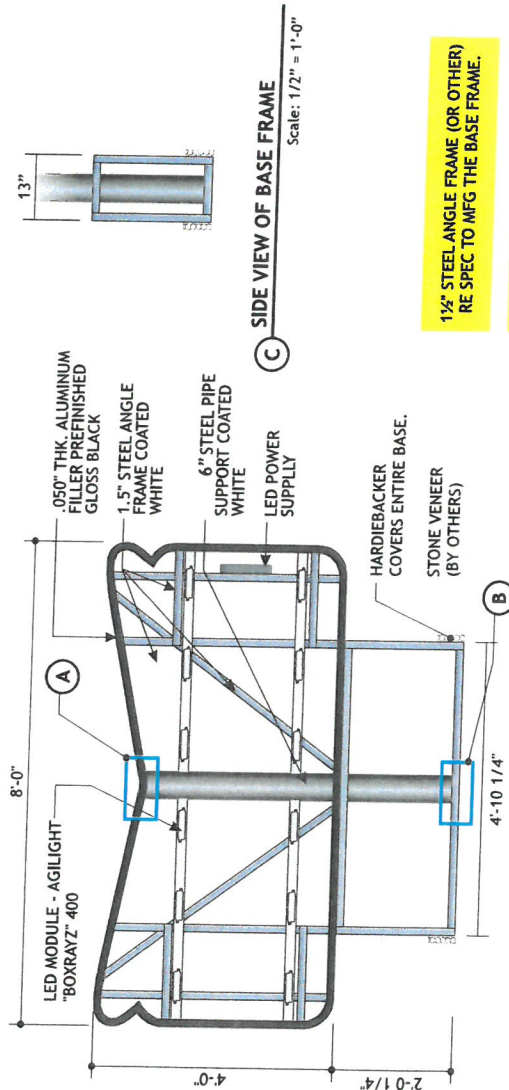
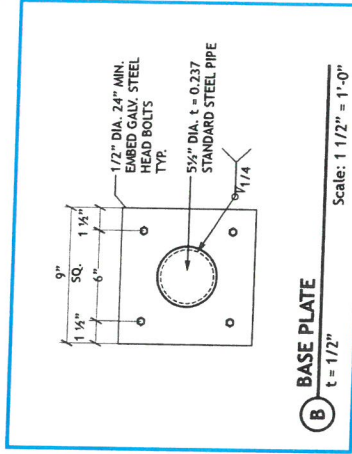
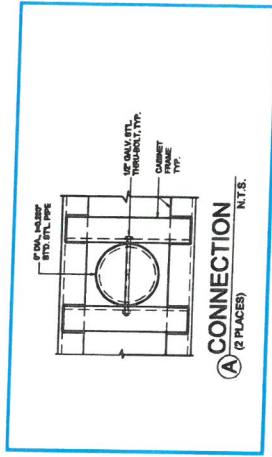
PROJECT MANAGER
ave Palmgren

DESIGNER:
J. Medina

REVISION DATE: 06/19/2018

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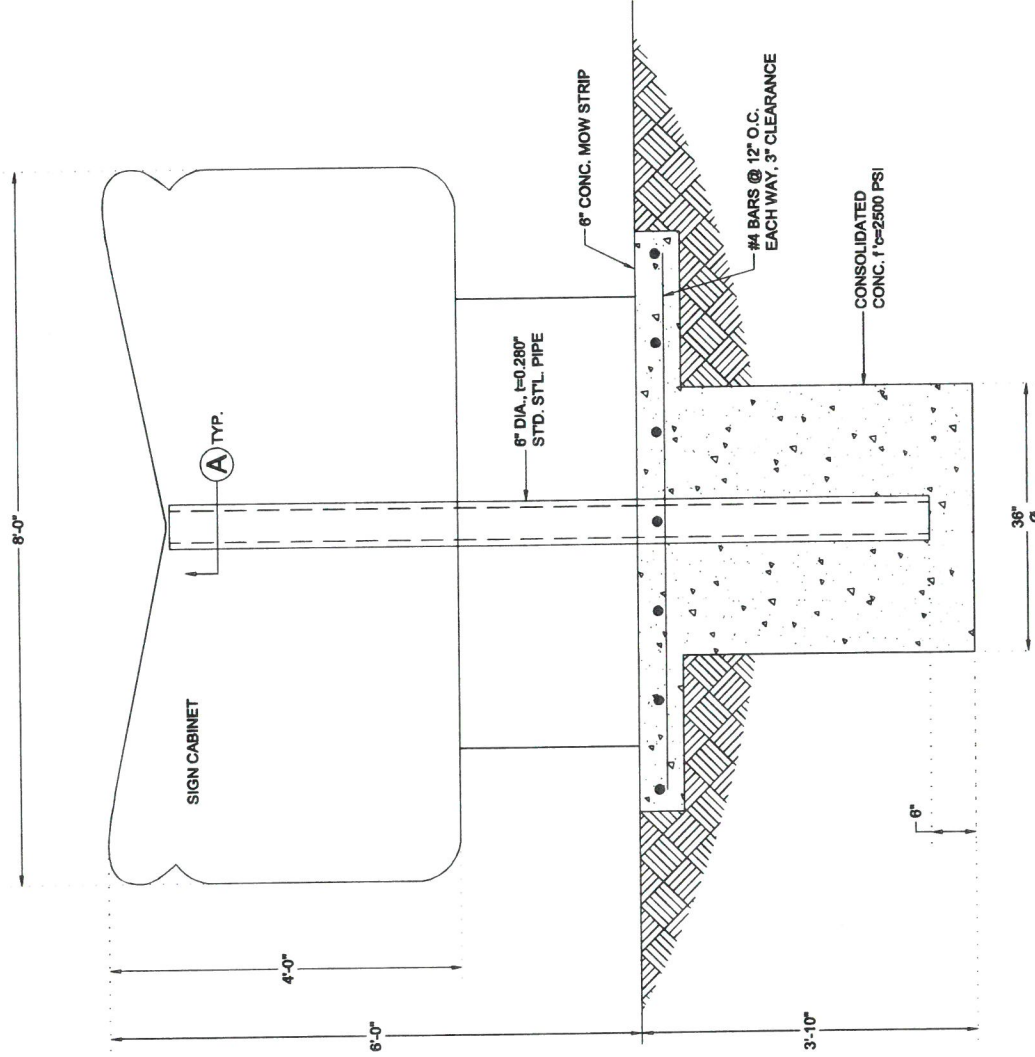


1½" STEEL ANGLE FRAME (OR OTHER)
RE SPEC TO MFG THE BASE FRAME.

**NOTE: PANNED AND EMBOSSED
FACE NOT SHOWN.**

DF LED ILLUMINATED MONUMENT SIGN
AREA: 50.0 SQ. FT.

SCALE: 1/2" = 1'-0"



ELEVATION
 N.T.S.

MONUMENT SIGN: ENGINEERING FOOTING & POLE CONNECTION DETAILS

SCALE: NTS