



City of Pittsburg Planning Commission Agenda

08/08/2023

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

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

Planning Commission Members

**Ivelina Popova, Chair
Arlene Kobata, Vice-Chair
Sarah Foster, Commissioner
Alvin Jackson, Commissioner
Donna Smith, Commissioner
Elissa Robinson, 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 July 11, 2023

PUBLIC HEARINGS

2. **Gutsy Mama LLC and The OWL School, AP-23-0088 (UP)**
This is a Public Hearing on a request for approval of a Use Permit to establish a “Personal Improvement Services” use within an existing multi-tenant building located at 635 Railroad Avenue (Unit C), Pittsburg, CA. The tenant space would serve two community-centered services and would be located within the Pedestrian Commercial (CP) Zoning District of Old Town Pittsburg. Assessor’s Parcel No. 085-171-004.

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. e proposed project qualifies for a Class 1 categorical exemption because the project site is an existing privately owned structure, and the applicant is not proposing any expansion of the existing structure. The proposed project would not have any significant effect on the environment and therefore categorically exempt from the provisions of CEQA.

3. **Pittsburg Renaissance Day Care Facility, AP-23-0092 (UP)**
This is a Public Hearing on a request for approval of a Use Permit to establish a “Day Care, General” use within an existing multi-tenant building located at 158 East Third Street, Pittsburg, CA. The tenant space is located within the Pedestrian Commercial (CP) Zoning District of Old Town Pittsburg. Assessor’s Parcel No. 085-108-011.

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 privately owned structure, and the applicant is not proposing any expansion of the existing structure. The proposed project would not have any significant effect on the environment and therefore categorically exempt from the provisions of CEQA.

ZONING ADMINISTRATOR REPORTS

4. Notice of Intent to Exercise Delegated Design Review Authority

The Zoning Administrator submits one notice of intent to exercise delegated design review authority for: An application requesting Administrative Design Review approval to modify the exterior paint colors of the existing building located at 1235 California Avenue. The parcel contains an existing Service Station, including both a convenience store and gasoline sales.

The applicant proposes to change exterior colors to similar color as the building to the west of the existing Service Station ("Jack in the Box"). The colors include Benjamin Moore - Redstone 2009-10 (accent band) - Pewter 2121-30 (base building color) and Distant gray - 2124 (cornice and wainscot).

The site is located within the CS-O (Service Commercial – Limited Overlay [1284]) District. Assessor's Parcel No. 073-190-029.

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 11, 2023

A regular meeting of the Pittsburg Planning Commission was called to order by Chair Robinson at 7:00 p.m. on Tuesday, July 11, 2023, in the Council Chamber at City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL

Present: Chair Popova, Vice-Chair Kobata, Commissioners Foster, Robinson

Absent: Commissioner Smith, Jackson

Staff: City Attorney Donna Mooney, Director of Community and Economic Development
Jordan Davis, Assistant Director of Planning John Funderburg, Assistant Planner
Ariana Ruiz, Administrative Coordinator Candace Hatch

PLEDGE OF ALLEGIANCE

Secretary Funderberg led the Pledge of Allegiance.

DELETIONS / WITHDRAWALS / CONTINUANCES

Item No. 4, a Use Permit to establish a multi-use meeting, networking and/or event space that can be rented by small businesses or individuals to host events within an existing 2,236-square-foot (sq. ft.) commercial/office space located at 62 E. 4th Street. The property is within the CP (Pedestrian Commercial) District. Assessor's Parcel Number: 085-104-006, was continued to be determined.

Item No. 5, a Use Permit to allow for the sale of distilled spirits in conjunction with the sale of beer, wine, at an existing convenience store. The convenience store is located at 2102 West Leland Road, in the CS (Service Commercial) District. Assessor's Parcel No. 091-050-038, was continued to be determined.

Chair Popova acknowledge the arrival of Commissioner Smith at 7:02 pm

COMMENTS FROM THE AUDIENCE

There were no comments from the audience.

CONSENT

1. Minutes of June 27, 2023

2. Esperanza Apartments at San Marco (Village M), Extension of Design Review Approval, AP-23-0074 (EXT)

A public hearing request for a second, three-year extension of approval for design review of plans to construct a 318-unit apartment complex, consisting of twelve three-story buildings and one clubhouse, on a 13.3-acre site located at 2009 W Leland Road and known as 'Village M' of the San Marco PD (Planned Development, Ordinance No.12-1362) District. Assessor's Parcel Nos. 091-050-068 and portion of 091-050-069.

Chair Popova opened the public comment.

Public comment was received by the following:

Bruce Ohlson, Pittsburg resident.

There being no one to speak further on this item, Chair Popova closed the public comment.

On motion by Commissioner Robinson, seconded by Chair Popova to approve the consent items and carried by the following vote:

AYES: Foster, Kobata, Popova, Robinson, Smith

NAYES: None

ABSTAIN: None

ABSENT: Jackson

PRESENTATIONS

There were no presentations.

PUBLIC HEARING

3. Consideration of Granting a Use Permit for Doctorbird Market, AP-23-0048 (UP)

A public hearing request for the approval of a Use Permit to establish a Specialty Food Market with alcohol sales as an ancillary use. The Specialty Food Market will include sales of artisanal foods, beer, wine, and branding merchandise. The applicant is also proposing to host community events with local authors, winemakers, and producers, as well as interactive tastings. Events will be open to the public and is proposed to take place during normal business hours of 10:00 A.M. to 8:00 P.M. The proposed business will utilize the existing tenant space of approximately 1,287 square feet located on a parcel with an existing 11,380 multi-tenant building known as the Bank of America Building, located on the southwestern corner of Railroad Avenue and East 4th Street in Downtown Pittsburg. The subject site is located at the property address 90 East 4th Street and is within the CP (Pedestrian Commercial) District. Assessor's Parcel No. 085-104-006.

Assistant Planner Ariana Ruiz gave a presentation.

Applicant Danielle Fiala spoke on behalf of the project.

Chair Popova opened the public hearing.

There being no one to speak on this item, Chair Popova closed the public hearing.

On motion by Commissioner Robinson to approve the request for approval of a Use Permit to establish a Specialty Food Market and alcohol sales as an ancillary use located on the southwestern corner of Railroad Avenue and East 4th Street in Downtown Pittsburg, AP-23-0048 subject to Condition No. 4 being amended to include the following Hours of Operations. The hours of operations shall be limited from 10:00 am to 8:00 om daily, except that the Zoning Administrator authorized to extend hours up to no later than 11:00 pm on Friday and midnight on Saturday, a the request of the applicant. This will be allowed by request from the applicant through the Zoning Administrator. Community events and interactive tastings shall be limited to the hours of operation of the business; unless otherwise permitted by Temporary Activity Permit or Special Event Permit issued on behalf of the Planning Division. Seconded by Vice-Chair Kobata and carried by the following vote:

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

Secretary Funderberg acknowledge the arrival of Commissioner Jackson at 7:15 pm

ZONING ADMINISTRATOR REPORTS

Secretary Funderberg informed the Commissioners that a notice of intent to conduct a Zoning Administrator Public Hearing was added to the agenda.

The Zoning Administrator submitted one notice of intent to exercise delegated design review authority on consideration of a variance application to allow a two-foot, three inches (2'-3') side-yard setback where four feet (4'-0") minimum is required to legalize an existing unpermitted 338 square-foot Accessory Dwelling Unit (ADU) attached to an existing single family dwelling located at 2114 Chestnut Drive in the RS-6 (Single-Family Residential, 6,000 Square Feet Minimum) District. AP-23-0064 (VA)

COMMISSION CONSIDERATIONS

There were no commission considerations.

STAFF COMMUNICATIONS

Secretary Funderburg provided information materials and discussed the tentative schedule for upcoming meetings.

There are no tentative schedule for the July 25, 2023 meeting. Secretary Funderberg announced to the Commission that this meeting has been cancelled.

Three (3) items tentatively being presented at the August 8, 2023, meeting:

1. CP (Pedestrian Commercial) Zone Text Amendments – City initiated updates to the permitted uses in this zone.

2. Gutsy Mama – Use Permit to establish a Personal Improvement Service use within an existing multitenant building. The use would operate within the existing 777 square-foot tenant space located at 635 Railroad Avenue (Unit C), and provide coaching and consultations to women who aspire to start their own business, and establish a Recourse Center to provide educational support services to residents of Pittsburgh.
3. Pittsburgh Renaissance Preschool – Use Permit to establish a Day Care facility within an existing multitenant building. The use would operate within the existing 1,200 square-foot tenant space located at 158 East Third Street.

Secretary Funderburg introduced the new Planning Intern, Cassey Carandang, to the Commission.

There were no further staff communications.

COMMITTEE REPORTS

There were no committee reports.

ADJOURNMENT

The meeting was adjourned at 7:39 p.m. to August 8, 2023.

Respectfully Submitted,

John Funderburg, Secretary

**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
August 8, 2023**

ITEM: Gutsy Mama LLC and The OWL School, AP-23-0088 (UP)

ORIGINATED BY: Isabelle Mussard, 635 Railroad Avenue, Pittsburg, CA 94565

SUBJECT: This is a Public Hearing on a request for approval of a Use Permit to establish a “Personal Improvement Services” use within an existing multi-tenant building located at 635 Railroad Avenue (Unit C), Pittsburg, CA. The tenant space would serve two community-centered services and would be located within the Pedestrian Commercial (CP) Zoning District of Old Town Pittsburg. Assessor’s Parcel No. 085-171-004.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a Resolution approving Use Permit Application No. 23-0088, subject to conditions.

BACKGROUND:

On July 3, 2023, Isabelle Mussard filed Use Permit Application No. 23-0088 to establish a Personal Improvement Services business at 635 Railroad Avenue within the City of Pittsburg, CA. The site is located in the Pedestrian Commercial (CP) Zoning District and serves as one of the core retail storefronts in Old Town Pittsburg.

One of the two proposed businesses for operation within the tenant space at 635 Railroad Avenue, Gutsy Mama LLC, has been in operation within the City of Pittsburg since 2021 as a Home Occupation Permit. The business has been successful throughout its operation and the applicant now intends to open a commercial business to better serve Pittsburg and the surrounding communities. The second proposed business as part of this Use Permit, the OWL School, is a registered private school with the State of California and has received grant funds to provide support services to residents of Pittsburg and neighboring communities.

PROJECT DESCRIPTION:

Existing Conditions:

The site is located within the Commercial Core of Old Town Pittsburg where retail uses are encouraged within the ground floor spaces along Railroad Avenue. The proposed Personal Improvement Services establishment would occupy an existing approximately 777 square-foot vacant tenant space within a multi-tenant retail space located in the middle of the 600 block of Railroad Avenue.

The Existing Conditions Photos are included as Attachment 2 to this Staff Report.

Surrounding Land Uses:

Surrounding land uses include establishments such as “Revitalize” (a Massage Therapy establishment) and the “Mechanic’s Bank” (which also contains the “Steeltown Coffee and Tea” cafe) to the south end of the block, “Lumpy’s Diner” (a restaurant), and “Coats Barber Shop” to the north end on the same side of the 600 Railroad block. The location of the proposed Personal Improvement Services use is within a city block from John Buckley Square and other small-scale commercial establishments and mixed-use buildings along Railroad Avenue and surrounding side streets.

The proposed use would operate from a multi-tenant building, which currently has the following businesses in operation: Black Crown Tattoo Studio; Jointer Elite Savage Academy; Lion’s Den Boxing; TC Transformation Church; and Nine Ten Group.

A map of Surrounding Land Uses is included as Attachment 3 to this Staff Report.

Proposed Project:

The tenant space would serve two community-centered services. The first being “Gutsy Mama, LLC” and the second would be “The OWL School”. Gutsy Mama LLC would provide coaching and consultations to women who aspire to start their own business (sole proprietorship, LLC) or non-profit organization (fiscally sponsored or 501c3). The OWL School is a registered private school with the State of California and has received grant funds to provide support services to residents of Pittsburg. This resource center is open to all families and is designed to support families of color with neurodivergent children. The applicant would provide both consultations and resources and make available private tutoring and specialized services. The applicant does not propose any interior or exterior changes to the tenant space to facilitate either use proposed.

The proposed community-centered services would operate Monday, Tuesday, and Thursday between the hours of 12:00 PM and 7:00 PM. Wednesday, Friday, and Saturday would be open by appointment only, and Sunday would be open from 12:00 PM – 4:00 PM. The proposed businesses would be operated by one employee. The employee owned and operated business would contract with additional providers for specific services as needed, including private tutoring, play group with speech therapy, and workshops.

The proposed floor plan and business plan are included as Attachments 4 and 5 to this Staff Report.

CODE COMPLIANCE:

Pittsburg General Plan 2020: The project site is located in the Commercial Core Downtown Subarea of the City of Pittsburg’s 2020 General Plan and has a land use designation of Downtown Commercial. The Downtown Commercial land use designation is intended to be a walkable, mixed-use district with specialty retail, restaurants, service uses, and professional offices integrated with residential uses. The

proposed Personal Improvement Services use is a compatible use within the Downtown Commercial Core, as it would contribute to a pedestrian-oriented, community-service use. Additional General Plan compliance is included in the Analysis Section of this Staff Report.

Pittsburg Municipal Code: The project site is located within the Pedestrian Commercial (CP) Zoning District which is intended to provide a vibrant destination area that caters to pedestrian shoppers and visitors in the Downtown Commercial Core. Permitted uses on ground floor along the primary corridor consist primarily of pedestrian-oriented retail, entertainment, and restaurants. The Zoning District is intended to create a place for pedestrian-oriented activity by providing inviting, visually interesting, human-scale architecture, pedestrian-friendly storefronts, outdoor dining opportunities, and a limited number of (public) parking facilities.

Pursuant to the Pittsburg Municipal Code (PMC) Section 18.08.080 - Commercial Use Classifications and Section 18.52.010 – CP District – Land Use Regulations, Personal Improvement Services establishments are conditionally permitted in the CP District subject to an approved City of Pittsburg Business License and Business Permit. Pursuant to PMC Section 18.52.010, Personal Improvement Services are permitted in the CP Zoning District but require an approved Use Permit when located on the ground floor of buildings located on Railroad Avenue as required under Limited Commercial Land Use Regulation L-133. The proposed use would keep a transparent storefront and maintain the pedestrian-friendly nature of the Pedestrian Commercial Zoning District while allowing for both “walk-in” and “appointment only” days for customers and clients. The proposed project, if approved, would provide an additional Personal Improvement Services use in the Pedestrian Commercial Zoning District in Oldtown Pittsburg.

Off-Street Parking: PMC Section 18.78.040 sets forth standards for off-street parking. PMC Section 18.78.040(G)(3) specifies that nonresidential uses on properties located in the CP Zoning District shall not be subject to the minimum off-street parking and loading spaces required by Section 18.78.040. Therefore, no off-street parking is required for the proposed project. Street parking and public parking lots are located within walking distance of the proposed project site.

Signage: The applicant is not proposing any exterior signage for the tenant space at this time. Signage associated with the proposed project would require a separate sign permit application that demonstrates consistency with the Old Town Design Guidelines. Any future exterior signage would be reviewed by staff for compliance with applicable guidelines prior to application for a Building Permit and installation.

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

- 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 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 privately owned structure, and the applicant is not proposing any expansion of the existing structure. The proposed project would not have any significant effect on the environment and therefore categorically exempt from the provisions of CEQA.

If the proposed project is approved, 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 prior to July 28, 2023, a notice of the August 8, 2023, 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. The notice was also posted on www.nextdoor.com (“Nextdoor”) and was sent directly to all subscribed residents in the “Harbor and School Street”, “Marina Vista”, “The Village at New York Landing” “W. 8th Street” and “Downtown Pittsburg” neighborhoods.

The Public Hearing Notice is included as Attachment 6 of this Report.

ANALYSIS:

Staff finds that the proposed Personal Improvement Services businesses are consistent with the General Plan Goals and Policies. The proposed use is a conditionally permitted use in the Pedestrian Commercial (CP) Zoning District and would provide a needed service in demand to the community. Also, the new business would occupy a tenant space that would otherwise continue to remain vacant. The proposed Personal Improvement Services would co-exist among a diverse group of other commercial uses including retail and personal service uses ranging from restaurants, clothing stores, beauty salons, bookshops, martial arts studio, art galleries, and barber shops. The addition of a Personal Improvement Services use within the Old Town district would be compatible with the existing and allowed uses and would further improve the City’s tax base with the addition of a new business.

The project site would be located along the Railroad Avenue corridor and would establish a pedestrian-oriented business with a Personal Improvement Services aspect, further satisfying General Plan Goal 5-G-1, which promotes Downtown as the City’s symbolic center, with a mix of residential and commercial uses in a walkable, pedestrian-oriented district. and General Plan Policy 5-P-3, which requires concentration of Downtown Commercial activity—which includes specialty retail, professional offices, personal services, entertainment, and other uses along the Railroad Avenue corridor. The concentration of retail and service commercial uses within the Downtown, including visitor-serving and neighborhood commercial establishments, along Railroad Avenue would provide an identifiable corridor for redevelopment investment. The addition of a Personal Improvement and Professional Service establishment within Downtown Pittsburg along Railroad Avenue would further the General Plan’s Goal of establishing an identifiable corridor for redevelopment investment. In addition, one of the two proposed businesses intends to focus on coaching and consultations to women who aspire to open their own business. Promoting this business within the City of Pittsburg has the potential to establish more small businesses, and women-owned small businesses, within the Railroad Avenue corridor.

The proposed use would further the promotion of cultural activities and facilities, as encouraged within the Commercial Core by General Plan Policy 5-P-5 which requires the City to pursue the development and promotion of cultural activities and facilities, such as museums, meeting halls, community theatres, public art galleries, and shows,

located within the Commercial Core. The proposed Personal Improvement Services use would be open to all families in need of educational or coaching assistance. One of the two proposed Personal Improvement Services businesses has been specifically designed to support families of color and families with neurodivergent children. Types of resources provided by the proposed business would include educational materials for homeschooling, culturally affirming literature, tutoring services, computer literacy and coding courses, as well as consultation services for families in need of support. All curricula recommended as part of this use would be culturally affirming to families of color, furthering the General Plan Policy 5-P-5.

The proposed businesses would further aid the City of Pittsburg in satisfying the Economic Development goals as set forth in the City's General Plan. Specifically, one of the two proposed businesses aims to coach and encourage women to initiate their own business endeavors, which would further economic opportunities to women within the City and in surrounding communities, furthering compliance with General Plan Goal 6-G-1, which requires the City, in partnership with neighboring cities, businesses, and community groups, to proactively participate in the pooling of resources and development of economic opportunities. The proposed coaching sessions are holistic in that they would address overcoming personal and structural barriers faced by first time business owners and are intentionally culturally affirming of first generation, English second language learners, immigrants, and women of color.

The Personal Improvement Services businesses proposed would contribute to fostering a diversity of recreational and cultural opportunities, including facilities and programs targeted toward local youth and senior residents, within the Downtown Commercial Core of the City of Pittsburg, in that they have the opportunity to aid residents of Pittsburg and surrounding communities in all phases of life. This includes early childhood education between preschool and second grade, coding and computer literacy courses for both youth and adults, and business coaching consultations, open to all age groups, among other services, furthering compliance with General Plan Goal 8-G-8, which requires providing a diversity of recreational and cultural opportunities, including facilities and programs targeted toward local youth and senior residents.

Staff finds that the proposed use would establish a Community Resource Center for both women and families that is in accord with the purposes of the land use district in which it is located and is appropriate to the specific location. The proposed use would not be detrimental to the health, safety, and general welfare of the City, rather, it would improve health and general welfare of the City's residents. The use would not adversely affect the orderly development of property within the City, in that the proposed use is consistent with both the General Plan and Municipal Code. It would not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the City, as the proposed business is privately operated. The use would 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 use would operate within an existing building with existing public services in place. The proposed use would support the goals of creating a vibrant,

economically prosperous, visually interesting, and engaging pedestrian-oriented atmosphere along the primary downtown corridor.

ACTION REQUIRED:

Move to adopt a Resolution, approving Use Permit application No. 23-0088, subject to the Conditions of Approval as specified in the proposed Resolution.

ATTACHMENTS:

1. Proposed Resolution
2. Existing Conditions Photos
3. Surrounding Land Uses Map
4. Proposed Project Floor Plan
5. Proposed Project Business Plan
6. Public Hearing Notice/Vicinity Map
7. Standard Conditions of Development

Prepared by: Kelsey Gunter, Associate Planner

BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

RESOLUTION NO. ____

Granting Use Permit approval to establish two)
Personal Improvement Businesses at 635)
Railroad Avenue, Pittsburg, for Gutsy Mama)
LLC and The OWL School, AP-23-0088 (UP))
Assessor's Parcel Number 085-171-004)

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. On July 3, 2023, Isabelle Mussard filed Use Permit Application No. 23-0088 to establish a Personal Improvement Services business at 635 Railroad Avenue within the City of Pittsburg, CA. The site is located in the Pedestrian Commercial (CP) Zoning District and serves as one of the core retail storefronts in Old Town Pittsburg. The tenant space would serve two community-centered services and would be located within the Pedestrian Commercial (CP) Zoning District of Old Town Pittsburg. Assessor's Parcel No. 085-171-004.
- B. The proposed project is governed by the policies, development standards, and guidelines contained in the Pittsburg General Plan, Pittsburg Municipal Code (PMC) Title 18 ("Zoning").
- C. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1, "Existing Facilities," of the CEQA Guidelines, section 15301.
- D. PMC Section 18.16.040 specifies that the following findings must be made before approval of a Use Permit. The Planning Commission may grant approval of a Use Permit if the proposed use:
 - 1. is in accord with the objective of this title, the purposes of the land use district in which it is located and is appropriate to the specific location;
 - 2. is not detrimental to the health, safety, and general welfare of the City;
 - 3. will not adversely affect the orderly development of property within the City;
 - 4. will not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the City;
 - 5. is consistent with the objectives, policies, general land uses and programs specified in the General Plan and applicable Specific Plan;

6. will not create a nuisance or enforcement problem within the neighborhood;
7. will not encourage marginal development within the neighborhood;
8. will not create a demand for public services within the City beyond that of the ability of the City to meet in the light of taxation and spending restraints imposed by law;
9. is consistent with the City's approved funding priorities; and
10. if located within the Pedestrian Commercial (CP) district, will support the goals of creating a vibrant, economically prosperous, visually interesting, and engaging pedestrian-oriented atmosphere along the primary downtown corridor.

On or prior to July 28, 2023, a notice of the August 8, 2023, 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. The notice was also posted on www.nextdoor.com ("Nextdoor") and was sent directly to all subscribed residents in the "Harbor and School Street", "Marina Vista", "The Village at New York Landing" "W. 8th Street" and "Downtown Pittsburg" neighborhoods.

- E. On August 8, 2023, the Planning Commission held Public Hearing on Planning Application No. 23-0088, at which time oral and/or written testimony was considered.

Section 2. Findings

- A. Based on the Planning Commission Staff Report entitled, "Gutsy Mama LLC and The OWL School, AP-23-0088 (UP)," dated August 8, 2023, and based on all the information contained in the Planning Division files on the project, incorporated herein by reference and available for review in the Planning Division located at 65 Civic Avenue in Pittsburg, and based on all written and oral testimony presented at the meeting, the Planning Commission finds that:
 1. All recitals above are true and correct and incorporated herein by reference.
 2. The proposed Personal Improvement Services Uses to establish Gutsy Mama LLC and The OWL School, will:
 - a. be in accordance with the objectives of the Zoning Ordinance, the purpose of the land use district in which it is located and is appropriate to the specific location, in that the proposed Personal Improvement Services is a permitted

use in the CP (Pedestrian Commercial) Zoning District, and is conditionally permitted in tenant spaces adjacent to Railroad Avenue;

- b. not be detrimental to the health, safety, and general welfare of the City, in that it will be required to meet health and safety requirements of the Pittsburg Community and Economic Development Department, Contra Costa County Environmental Health Department, and the Contra Costa County Fire Protection District;
- c. not adversely affect the orderly development of property within the City, in that approval of the Use Permit will allow the applicant to occupy a site located in an area where infrastructure is already present, and no changes are needed that could impact the orderly development of the surrounding area;
- d. not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the City, in that the continued occupancy of empty tenant spaces throughout town will increase property values in the vicinity as well as the City's tax base, therefore increasing revenue for the City;
- e. will be consistent with the General Plan, specifically Goal 8-G-8, in that The Personal Improvement Services businesses proposed would contribute to fostering a diversity of recreational and cultural opportunities, including facilities and programs targeted toward local youth and senior residents, within the Downtown Commercial Core of the City of Pittsburg, in that they have the opportunity to aid residents of Pittsburg and surrounding communities in all phases of life. This includes early childhood education between preschool and second grade, coding and computer literacy courses for both youth and adults, and business coaching consultations, open to all age groups, among other services, furthering compliance with General Plan Goal 8-G-8, which requires providing a diversity of recreational and cultural opportunities, including facilities and programs targeted toward local youth and senior residents;
- f. will not create a nuisance or enforcement problem within the neighborhood, in that the use will be required to meet performance standards, as set forth by PMC chapter 18.82, which are intended to address ongoing safety, noise, and maintenance concerns;
- g. will not encourage marginal development within the neighborhood, in that the business will occupy a space located within an existing building, and does not involve construction of a new building or building addition;
- h. will not create a demand for public services within the City beyond that of the ability of the City to meet in light of taxation and spending restraints imposed by law, in that the project site is located in an area of the City served by existing utilities;

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

B. The Staff Report entitled, "Gutsy Mama LLC and The O.W.L. School, AP-23-0088 (UP)" dated August 8, 2023, is referenced hereto as additional support for findings.

Section 3. Decision

Based on the findings set forth above, this Planning Commission hereby approves Planning Application No. 23-0088, subject to the following conditions:

City of Pittsburg - Planning Division Conditions of Approval:

1. Conformity with Project Plans. The approved use shall be operated in substantial conformity with the project plans submitted on July 3, 2023, (attached to the Staff Report) except as may be hereinafter modified. Any major changes to the project plans shall be subject to review and approval by the Planning Commission at the City Planner's discretion.
2. License and Permitting. At all times during operation of the business, the business operator and all contracted workers shall maintain a City of Pittsburg Business License.
3. State License and Permitting. At all times during operation of the business, the business operator must operate in substantial conformance with the 2022-2023 affidavit from the California Department of Education for the OWL School. Any changes to the proposed operations shall be subject to review and approval by the Zoning Administrator.
4. Site Maintenance. The business operator shall ensure that the site is maintained in a neat and clean manner at all times. Trash, debris, weeds and/or other unkempt shrubbery shall not be allowed to accumulate on or around the site, or on the street gutters and sidewalks. There shall be no outside storage of materials, supplies, bins, or other equipment related to the business operation.
5. Maximum Occupancy. The number of people within the tenant space shall not exceed the maximum occupancy for the space.

6. Project Operations. The proposed business shall operate in substantial conformance with this Use Permit application, including the submitted Floor Plan and Business Plan documentation. Any proposed change in use is subject to review and approval by the City of Pittsburg Planning Commission.
7. Signage. Signage for the use is not approved with this resolution. Should the applicant consider signage for the building, the applicant or their designee shall submit proposed signs as part of a separate Sign Review Permit Application, which will be subject to review and approval by the Planning Division prior to installation.
8. Peace and Order. The business operator shall be responsible for maintaining the peace and order on the premises. All necessary steps shall be taken to ensure that customers refrain from incidents of violence that adversely impact the safety of the community. Should the business operator fail to control loitering, noise, illegal parking, public disturbances or incidents of violence, and in the event that the business necessitates an increased police presence, the Chief of Police may require the business owner to provide additional public safety measures, including but not limited to, video cameras, additional exterior lighting, reduced hours of operation, submittal of a written acknowledgment by customers/guests allowing the Pittsburg Police Department to enter the premises to conduct an inspection during games, or such other measures as determined necessary by the Chief of Police in their sole discretion. Any such required additional measures shall be at the business owner/operator's sole expense.

Contra Costa County Fire Protection District (CCC FPD) Conditions of Approval:

9. The proposed business shall comply with Fire Code including having required fire extinguisher mounted and identified.
 - a. CCC FPD preliminary review comments shall not be construed to encompass the complete project. Additional plans and specifications may be required after further review.
 - b. Contact person: Michael Cameron, Fire Inspector, (925) 941-3300

Standard Conditions of Approval:

10. Other Agency Requirements. The applicant shall comply with all the requirements of the Community Development Department, Contra Costa County Fire Protection District, Delta Diablo Sanitation District, and all other applicable local, state, and federal agencies. It is the responsibility of the applicant to contact each local, state, or federal agency for requirements that may pertain to this project.
11. Standard Conditions of Development. The Standard Conditions of Development as adopted by the Pittsburg Planning Commission by Resolution No. 8931 shall apply as conditions of approval for this project as applicable. Where there is conflict between the Standard Conditions of Development and the specific conditions of

approval specified in this resolution, the specific conditions of this resolution shall govern.

12. Indemnification. Applicant agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person challenging the validity of this project approval, subsequent project approval, or other action arising out of, or in connection with, this project approval. The parties shall cooperate in defending such action or proceeding. The parties shall use reasonable efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel at applicant's sole cost and expense. Applicant may select its own legal counsel to represent applicant's interests at applicant's sole cost and expense. Applicant shall pay for City's costs of defense, whether directly or by timely reimbursement to City on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent responding to and defending the claim, action or proceeding.
13. Expiration of Approval. This Use Permit approval will expire on August 8, 2025, 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 is 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 8th day of August 2023, 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 August 8, 2023.

JOHN FUNDERBURG, SECRETARY
PITTSBURG PLANNING COMMISSION

AP-23-0088 (UP) Attachment 2 – Project Site Photos

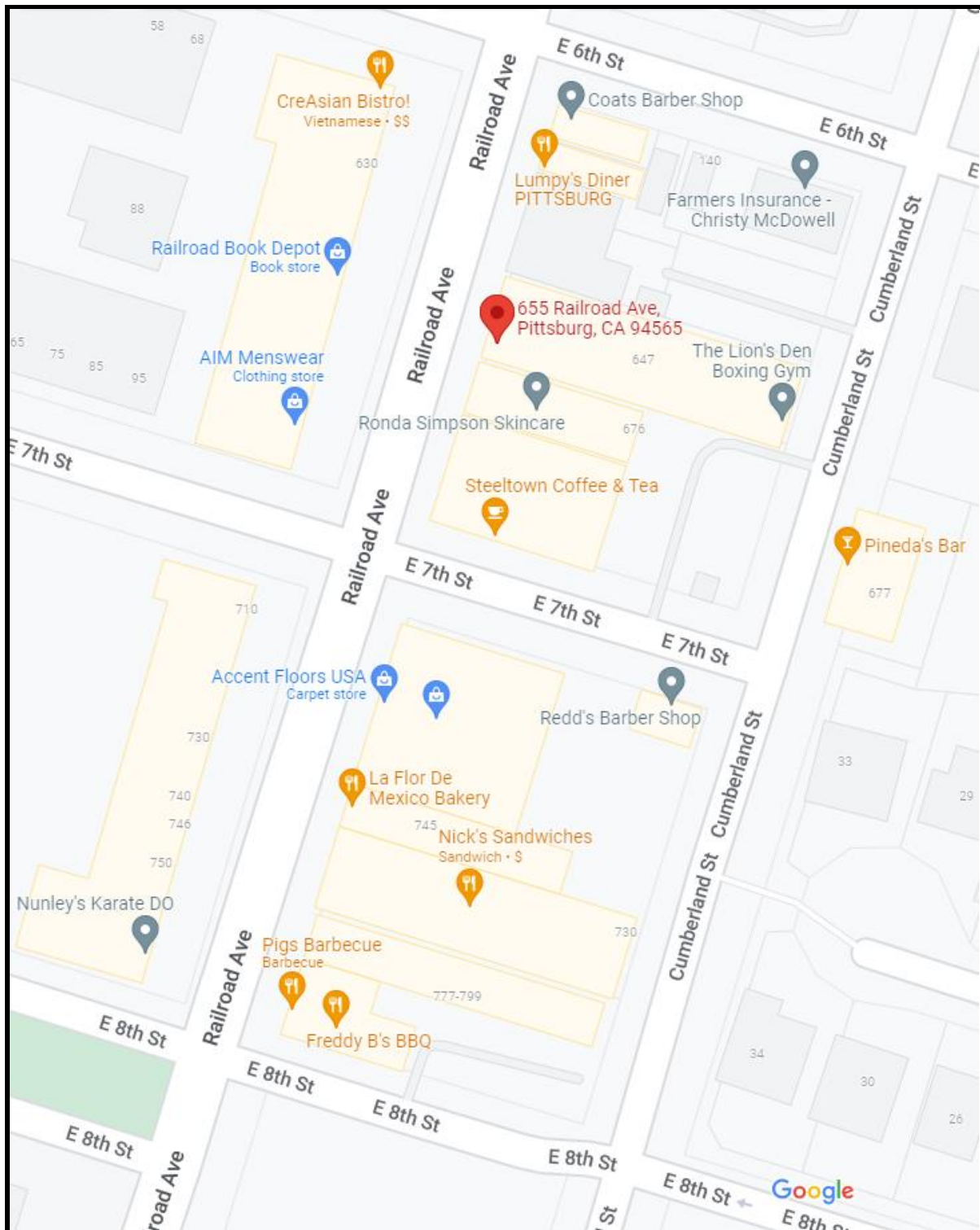


AP-23-0088 (UP) Attachment 2 – Project Site Photos

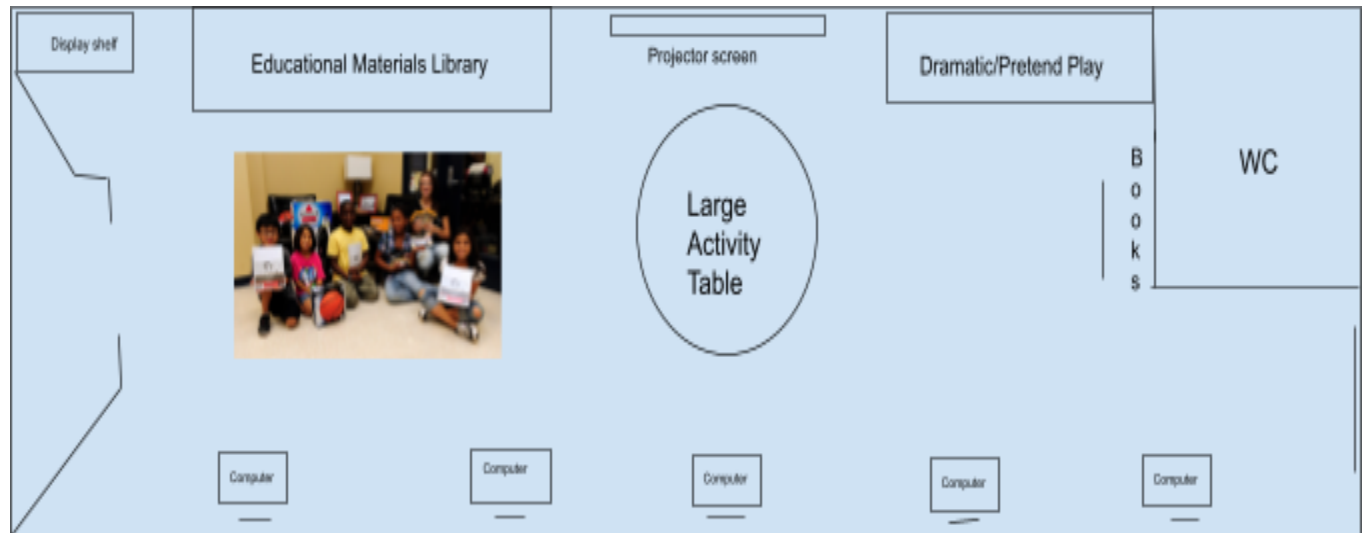


Gutsy Mama LLC, The O.W.L. School (AP-23-0088 [UP]) - Surrounding Land Uses





635 Railroad Avenue Floor Plan



Width: 15.6 feet

Unit C

777 Square Feet

L:53.5 feet

Gutsy Mama LLC & The OWL School (501c3 in progress): A Pittsburgh Community Resource Center for Women and Families

The 635 Railroad Avenue site will feature:

- A. 5 computer desk areas along the wall adjoining unit B (along the 5 electrical outlets on wall)
 - a. These will be used to provide
 - i. Tutoring for youth
 - ii. Entrepreneurship training for adults (LLC and non-profit formation)
 - iii. Coding and computer literacy classes and tutoring for youth and adults
- B. Large shelves to display educational materials to be used by community members
 - a. These materials will include hands on learning materials for preschool through 2nd grade students (additional grade levels will be added over time) in the following subjects:
 - i. Math
 - ii. Science, including
 - 1. Chemistry (including two microscopes)
 - 2. Earth Science
 - 3. Biology and Anatomy
 - iii. English Language Arts
 - 1. Reading
 - 2. Writing
 - iv. Engineering
 - v. Coding
 - vi. Social Emotional Learning

- C. A large projector screen for community members to follow along during presentations
- D. A large activity table for children and adults to use during experiential learning activities
- E. A play area featuring toys suitable for children ages 3-8
 - a. Including a toy kitchen, Duplos and legos kits, construction zone toys
- F. A book shelf featuring high quality multicultural and affirming childrens' books
- G. A display shelf featuring educational materials for adults and children

The educational materials library shelves and bookshelves will be secured to the walls using non-permanent earthquake proof securing materials.

The projector screen will be hung from the exposed beams

Large child friendly play rugs will be added to the floor

A video camera will be installed in one or two corners of the unit (to be determined based on consultation with ADT)

Curtain dividers may be added between computer desks (to minimize distractibility for ADHD students)

Applicant Contact:

Isabelle Mussard, JD
CEO and Founder
Gutsy Mama LLC
The O.W.L. School
510-439-6378 c

Detailed Description of Proposed Businesses to Operate at 635 Railroad Avenue

- A. This site will serve two community facing purposes
1. Gutsy Mama LLC will provide coaching and consultations to women who aspire to start their own business (sole proprietorship, LLC) or non-profit organization (fiscally sponsored or 501c3)
 - a. I will walk clients through the process of from start to finish including ideation, business planning, start up costs and budgeting, grant writing (if applicable), LLC formation (if applicable), 501c3 formation (if applicable), board formation (for a 501c3), obtaining an EIN, business licensing, leasing space, city permit use application process, marketing, website development, logo development, opening a business account, establishing a business line of credit, sustainability and scalability plans and work-life balance.
 - b. The coaching sessions are holistic in that they address overcoming personal and structural barriers faced by first time business owners and are intentionally culturally affirming of first generation, English second language learners, immigrants and women of color.
 - c. Services will be fee based on a sliding scale and will be subsidized as grants or government contracts are secured.
 - d. Free workshops will be provided to the public featuring local Pittsburg first time business owners who represent the target clientele.
 - e. Sessions will be available in person and virtually by appointment.
 2. The O.W.L. School and Resource Center is a registered private school with the State of California and has received grant funds to provide support services to residents of Pittsburg. This resource center is intentionally designed to support families of color with neurodivergent children and is open to all families. I will provide both consultations and resources and make available private tutoring as well as specialized services from contractors.
 - a. Resources include:
 - i. A library of educational materials that can be used to supplement educational needs of Pittsburg youth to provide an alternative to traditional schooling (homeschooling)
 - ii. A library of culturally affirming books
 - iii. A reference library of a wide variety of online and print resources to support the education of all children including books about self-directed education, homeschooling, unschooling, the history of education in the United States, and a number of examples of curricula that can be used by parents/kinship caregivers.

- b. Consultations include:
 - i. Legal rights of parents/kinship caregivers who wish to homeschool
 - ii. How to set up a homeschool environment
 - iii. How to select the right curriculum
 - 1. Including for children who have ADHD, are identified as being on the autism spectrum or otherwise neurodivergent learners
 - 2. All curricula recommended are culturally affirming of families of color
 - iv. How to balance entrepreneurship or business ownership with homeschooling
 - v. How to access low cost psychoeducational assessments outside of the school district (to assess learning differences such as dyslexia for example)
- c. Tutoring services will include:
 - i. One on one in person and virtual private tutoring sessions at \$35-55/session on a sliding scale
 - ii. Sessions will be provided by contracted providers
- d. Computer Literacy and Coding classes for youth and adults:
 - i. Quentin Thomas (Senior Data Scientist at Time Warner Media with a Masters in Data Science and my husband) will provide no to low cost workshops on data science and coding for community members
 - 1. He will demonstrate lessons on a projector screen and host Q&A sessions.
- e. Supportive Play Groups: “Say N Play” small groups will be play groups facilitated by a speech therapist for groups of up to 5 children ages 3-7.
- f. Workshops and Presentations: Professionals from the early childhood education field, general education field, parenting education field and other social justice and educational rights fields will be invited to hold workshops for community members.
- g. All services except private tutoring will be provided free of charge to low-income Pittsburg residents for 2023-2024 if Vela Foundation funding is secured (lease is contingent on funding) and on a sliding scale to all other Pittsburg residents.
- h. Non-Pittsburg residents will be charged a fee for all services.

635 Railroad Avenue -Business Plan
Gutsy Mama LLC and The OWL School & Resource Center
Isabelle Mussard, JD

B. Hours of Operation

Monday, Tuesday, Thursday: 12PM-7PM

Wednesdays, Fridays and Saturdays: By Appointment only or for scheduled group sessions or classes

Sunday: 12-4PM

C. Amenities

One gender neutral bathroom (diaper changing table will be installed if not already available)

D. Employees

- a. I will be the sole employee
- b. I will pay additional providers as contractors for specific services rendered (private tutoring, play group with speech therapy, workshops and presentations).

Additional Information about physical layout (per site plan)

The 635 Railroad Avenue site will feature:

- A. 5 computer desk areas along the wall adjoining unit B (along the 5 electrical outlets on wall)
 - a. These will be used to provide
 - i. Tutoring for youth
 - ii. Entrepreneurship training for adults (LLC and non-profit formation)
 - iii. Coding and computer literacy classes and tutoring for youth and adults
- B. Large shelves to display educational materials to be used by community members
 - a. These materials will include hands on learning materials for preschool through 2nd grade students (additional grade levels will be added over time) in the following subjects:
 - i. Math
 - ii. Science, including
 - 1. Chemistry (including two microscopes)
 - 2. Earth Science
 - 3. Biology and Anatomy
 - iii. English Language Arts
 - 1. Reading
 - 2. Writing
 - iv. Engineering
 - v. Coding
 - vi. Social Emotional Learning

- C. A large projector screen for community members to follow along during presentations
- D. A large activity table for children and adults to use during experiential learning activities
- E. A play area featuring toys suitable for children ages 3-8
 - a. Including a toy kitchen, Duplos and legos kits, construction zone toys
- F. A book shelf featuring high quality multicultural and affirming childrens' books
- G. A display shelf featuring educational materials for adults and children

The educational materials library shelves and bookshelves will be secured to the walls using non-permanent earthquake proof securing materials.

The projector screen will be hung from the exposed beams

Large child friendly play rugs will be added to the floor

A video camera will be installed in one or two corners of the unit (to be determined based on consultation with ADT)

Curtain dividers may be added between computer desks (to minimize distractibility for ADHD students)



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: August 8, 2023
TIME: 7:00 p.m.
PLACE: City Council Chamber at City Hall
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Personal Improvement Services: Gutsy Mama LLC and The OWL School, AP-23-0088 (UP)

Proposed Project: This is a public hearing on a request for Use Permit approval to establish a Personal Improvement Service use within an existing multi-tenant building. The use would operate within the existing 777 square-foot tenant space located at 635 Railroad Avenue (Unit C), Pittsburg, CA. The tenant space would serve two community-centered services. The first being “Gutsy Mama, LLC” and the second would be “The OWL School and Resource Center”. Gutsy Mama LLC would provide coaching and consultations to women who aspire to start their own business (sole proprietorship, LLC) or non-profit organization (fiscally sponsored or 501c3). The OWL School and Resource Center is a registered private school with the State of California and has received grant funds to provide support services to residents of Pittsburg. The applicant would provide both consultations and resources and make available private tutoring as well as specialized services from contractors. The applicant does not propose any interior or exterior changes to the tenant space to facilitate either use proposed. The property is in the CP (Pedestrian Commercial) District. Assessor’s Parcel Number: 085-171-004.

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.

You are invited to submit comments regarding any aspect of this matter in writing before the public hearing, or verbally at the public hearing. If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. For further details on this matter, please contact Kelsey Gunter, Associate Planner, via mail at 65 Civic Avenue, Pittsburg, CA, by telephone at (925) 252-4824, through e-mail at kgunter@pittsburgca.gov, or by fax at (925) 252-4814.

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

JOHN FUNDERBURG, SECRETARY
PITTSBURG PLANNING COMMISSION

Project Title: Personal Improvement Services: Gusty Mama LLC & The OWL School, AP-23-0088 (UP)
Location: 635 Railroad Avenue, Pittsburg, CA 94565

Gusty Mama LLC and The OWL School and Resource Center – Personal Improvement Services (UP)

AP-23-0088	635 Railroad Avenue
Use Permit	APN: 085-171-004



STANDARD CONDITIONS OF DEVELOPMENT

(Planning Commission Resolution No. 8931)

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

A. Project Site.

1. The applicant shall comply with all regulations and code requirements of the Building Division, Engineering Division, Contra Costa Fire Protection District, the Police Department and any other agencies requiring review of the project. If required, these agencies shall be supplied copies of the final building and site plans.

2. Developer shall provide written notification to adjacent property owners for any drainage work required to collect or convey storm water runoff, which may or will affect their properties.

3. During construction water trucks or sprinkler systems are to be used in sufficient quantities to prevent dust from leaving the site during any earthmoving and/or construction activities. Nonpotable water shall be used from a source approved by the City Engineer. (Title 15 of PMC)

4. Continuous 6" high Portland Concrete Cement curbing shall be provided between all driveways and landscaped areas as indicated in the City of Pittsburg Standard Details. In addition to above, curbing between length of parking space and landscaped area shall include a 12" wide "Courtesy Curb."

5. CC&R's (Covenants, Conditions and Restrictions) for the project shall contain appropriate provisions for joint maintenance of any infrastructure, roadways, utilities, landscaping and irrigation as determined necessary by the City Engineer.

6. Developer shall submit a study addressing on and off-site storm water and sewer system capabilities. If the study

indicates that the present system is inadequate, the developer must provide plans and install any additional storm water and sanitary and sanitary sewer facilities including off-site improvements to correct storm water runoff and sanitary sewer demands anticipated for upstream buildout in accordance with the Pittsburg General Plan.

7. Environmental and engineering studies, as directed by the Planning and Building Director, must be complete and on file prior to commencement to plan checking. Developer shall install off-street improvements determined necessary by the City Engineer to provide safe traffic conditions.

8. Developer shall underground existing and required on and off-site utilities as specified in Chapter 17 of the Municipal Code or as deemed necessary by the City Engineer.

9. All site development shall comply with title 12 (Streets, Sidewalks and Utilities), Title 13 (Water and Sewers) and Chapter 15.88 (Grading, Erosion and Sediment Control) of the Pittsburg Municipal Code as determined by the City Engineer. Issuance of a site development permit will be required whereby specific engineering requirements will be made as conditions of approval of that permit.

10. The CC&R's shall restrict the storage of recreational vehicles on this site or parcels unless they are the principle source of transportation for the owner and prohibit parking on the public street for long than 72 hours.

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

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

B. Architecture.

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

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

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

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

5. Finish quality of exterior design elements including, but not limited to, building façade 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.

6. 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 Pittsburg, 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 Pittsburg 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-Builts) 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.

**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
August 8, 2023**

ITEM: Notice of Intent to Exercise Delegated Design Review Authority

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

SUBJECT: The Zoning Administrator submits one notice of intent to exercise delegated design review authority for: An application requesting Administrative Design Review approval to modify the exterior paint colors of the existing building located at 1235 California Avenue. The parcel contains an existing Service Station, including both a convenience store and gasoline sales.

The applicant proposes to change exterior colors to similar color as the building to the west of the existing Service Station ("Jack in the Box"). The colors include Benjamin Moore - Redstone 2009-10 (accent band) - Pewter 2121-30 (base building color) and Distant gray - 2124 (cornice and wainscot).

The site is located within the CS-O (Service Commercial – Limited Overlay [1284]) District. Assessor's Parcel No. 073-190-029.

RECOMMENDATION:

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

BACKGROUND:

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

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

6. Additions to Existing Buildings: Additions must be smaller than 2,500 square feet and designed to complement existing building architecture.
7. New Model Homes in Approved Subdivisions. Must be consistent with the general size, quality of architecture and materials, and general character of the originally approved models. Must comply with approved zoning development standards.
8. Ancillary Structures: Structures in any district where visual impacts are minimal, including miscellaneous mechanical equipment associated with legal uses in the Industrial Districts.

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

PROJECT DESCRIPTIONS:

1. Poppy's Pittsburg – Exterior Paint Change (AP-23-0075 [ADR])

This is an application requesting Administrative Design Review approval to modify the exterior paint colors of the existing building located at 1235 California Avenue. The parcel contains an existing Service Station, including both a convenience store and gasoline sales. The site is located within the CS-O (Service Commercial – Limited Overlay [1284]) District. Assessor's Parcel No. 073-190-029.

The applicant proposes to change exterior colors to similar color as the building to the west of the existing Service Station ("Jack in the Box"). The colors include Benjamin Moore - Redstone 2009-10 (accent band) - Pewter 2121-30 (base building color) and Distant gray - 2124 (cornice and wainscot).

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

GENERAL PLAN/CODE COMPLIANCE:

Zoning Administrator Public Hearings: PMC sections 18.32.010 and 18.84.560 authorize the Zoning Administrator to hear and decide on applications for approval of variances, exceptions to fence regulations, large day care homes, small recycling facilities, and wireless telecommunications collocation facilities. PMC section 18.10.100 directs the Zoning Administrator to notify the Planning Commission of his or her intent to

Planning Commission Staff Report

schedule and conduct a public hearing on any application for which the Zoning Administrator is authorized to act, prior to the Zoning Administrator acting on the application.

Delegated Design Review Authority: Resolution No. 9918 established nine categories of design review applications upon which the Commission would authorize the Zoning Administrator to act. Resolution No. 9918, and PMC section 18.10.100, direct staff to notify the Planning Commission of intent to exercise delegated design review authority on any application that falls within one of those nine categories, prior to approving the application. Upon receiving such notification, a majority of the Commission may direct that the matter be scheduled for future consideration by the entire Commission. Resolution No. 9918 also directs staff to keep the Commission informed about delegated design review application approvals by providing copies of resolutions adopted by the Zoning Administrator.

ANALYSIS:

Not applicable.

ACTION REQUIRED:

Acknowledge receipt of the attached Notice of Intent.

ATTACHMENTS:

1. Notice of Intent Poppy's Pittsburg – Exterior Paint Change (AP-23-0075 [ADR])
2. PC Reso 9918

Prepared by: John Funderburg, Zoning Administrator

NOTICE OF INTENT

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

Poppy's Pittsburg – Exterior Paint Change (AP-23-0075 [ADR])

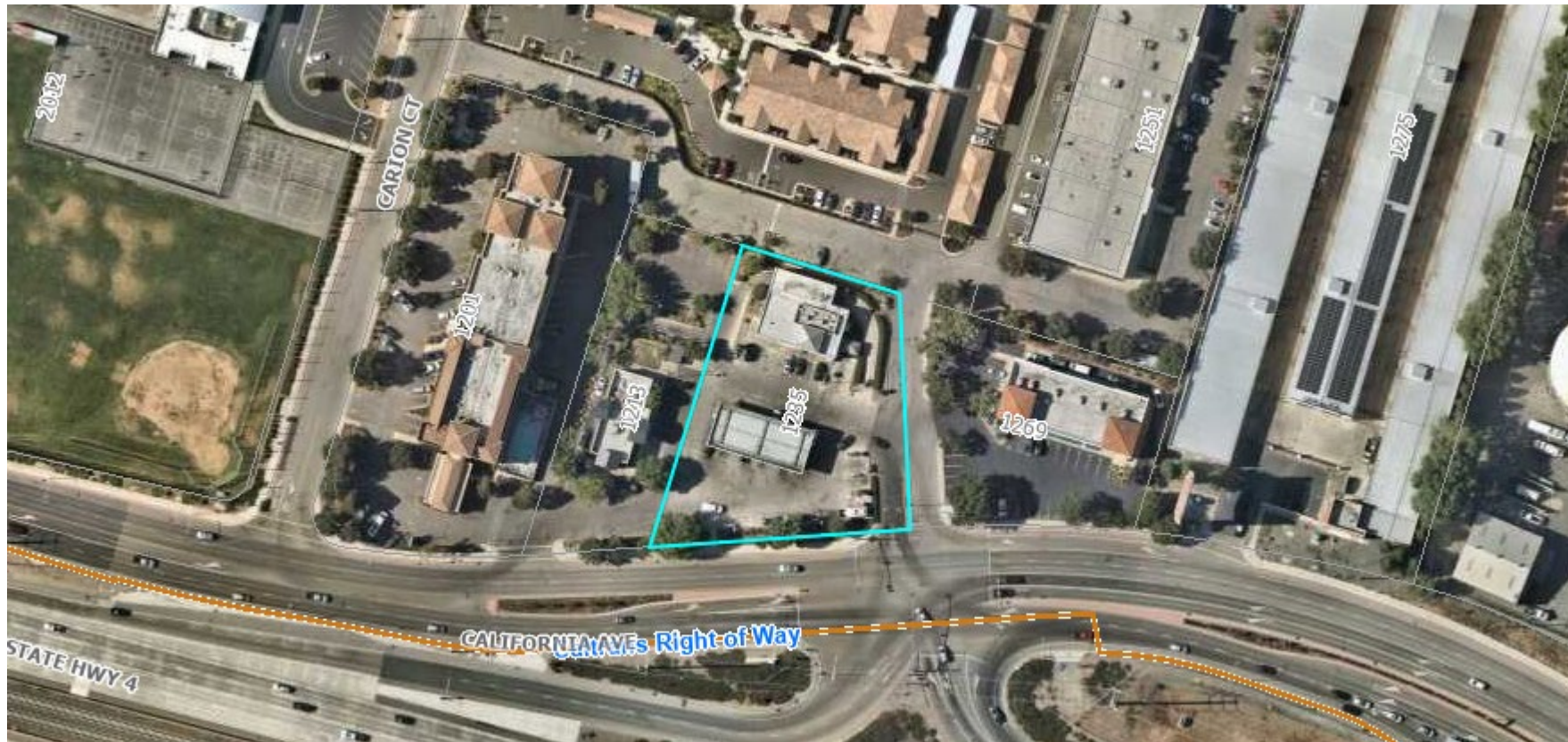
This is an application requesting Administrative Design Review approval to modify the exterior paint colors of the existing building located at 1235 California Avenue. The parcel contains an existing Service Station, including both a convenience store and gasoline sales. The site is located within the CS-O (Service Commercial – Limited Overlay [1284]) District. Assessor's Parcel No. 073-190-029.

The applicant proposes to change exterior colors to similar color as the building to the west of the existing Service Station ("Jack in the Box"). The colors include Benjamin Moore - Redstone 2009-10 (accent band) - Pewter 2121-30 (base building color) and Distant gray - 2124 (cornice and wainscot).

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

Poppy's Pittsburg – Exterior Paint Change – Map

AP-23-0075	1235 California Avenue
Administrative Design Review	APN: 073-190-029









1235

NO LOITERING
NO LITTERING
VIOLATORS ARE
SUBJECT TO
ARREST

Warning:
It Is A Crime
(Misdemeanor) To
Consume Liquor
Or Beer On These
Premises

California Chevron
2555 Central Expy.
Chico, CA 95926
In Case Of Emergency Call 911


PARKING
ONLY VAN
ACCESSIBLE
MINIMUM
FINE \$250

UNAUTHORIZED VEHICLES PARKED
IN DESIGNATED ACCESSIBLE
SPACES NOT DISPLAYING
DISTINGUISHING PLACARDS OR
SPECIAL LICENSE PLATES ISSUED
FOR PERSONS WITH DISABILITIES
WILL BE TOWED AWAY
AT THE OWNER'S EXPENSE
TOWED VEHICLES
MAY BE RECLAIMED AT
OR BY TELEPHONING





BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

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

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

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

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

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

Section 2. Decision

- A. The Planning Commission hereby delegates discretionary Design Review Authority to the Zoning Administrator, for the following types of applications, when categorically or statutorily exempt from the provisions of CEQA:
 - 1. Freestanding Signs. Applicable to signs not already part of a sign program; must be consistent with sign standards and architecturally compatible with associated building.
 - 2. Wireless Communication Equipment. New or replacement antennas on existing poles and their related equipment.

3. Minor Building Remodels. Limited to changes in building colors, awnings, fenestration, and finishes.
 4. Changes to Existing Parking Lots.
 5. Changes to Existing Landscaping.
 6. Additions to Existing Buildings. Additions must be smaller than 2,500 sq. ft. and designed to complement existing building architecture.
 7. New Model Homes in Approved Subdivisions. Must be consistent with the general size, quality of architecture and materials, and general character of the originally approved models. Must comply with approved zoning development standards.
 8. Ancillary Structures. Structures in any district where visual impacts are minimal, including miscellaneous mechanical equipment associated with legal uses in Industrial Districts.
- B. In compliance with PMC Section 18.10.100, staff shall prepare a list and brief description along with a copy of the project plans when applicable, of new pending applications for which the Zoning Administrator intends to exercise delegated design review authority, and submit it to the Commission at a Commission meeting prior to taking any action on the applications. Any member of the Planning Commission may then request at that time to have the matter scheduled for future consideration by the entire Commission. The Commission must approve the request as a group through a majority vote, prior to scheduling the item for future consideration.
- C. Staff shall continue to prepare resolutions of approval, when appropriate, describing the project, project location, applications being filed, required findings to approve the project and identifying evidence to support the required findings. Resolutions shall be signed by the Zoning Administrator and continue to have conditions of project approval, where applicable.
- D. To keep the Commission informed about what applications are processed under this proposal, copies of all Zoning Administrator approved resolutions shall be forwarded to the Commission in its packet for the next regularly scheduled meeting.
- E. If the Zoning Administrator does not believe he/she can make the required design review findings to approve a project, and the applicant is unwilling or unable to make the changes requested, the application shall automatically be referred to the Commission for action on the design review application.

Section 3. Effective Date

This resolution shall take effect immediately upon its adoption.

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

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

NAYES:

ABSTAIN:

ABSENT: Diokno

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



KRISTIN VAHL POLLOT, SECRETARY
PITTSBURG PLANNING COMMISSION