

City of Pittsburgh Planning Commission Agenda

September 12, 2017

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

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

Planning Commission Members

**Mark Gargalikis, Chair
James Coniglio, Vice-Chair
Wolfgang Croskey, Commissioner
Oliver Guerrero, Commissioner
Elissa Robinson, Commissioner
Durie Foster, Commissioner
Jeremy Ward, 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, Pittsburgh. 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

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.)

1. Minutes

Meeting Minutes of August 8, 2017

PUBLIC HEARINGS

2. Super Massage, AP-17-1252 (UP).

This is a public hearing on a request for approval of a use permit to establish a foot reflexology and massage therapy business within an existing 1,286 square foot commercial space located at 1321 Buchanan Road, within the Highlands Square Shopping Center. The property is within the CC (Community Commercial) District. Assessor's Parcel Number: 088-460-002.

3. Durham Bus Storage and Maintenance Yard, AP-17-1250 (UP).

This is a public hearing on a request for a use permit to allow operation of a school bus storage and maintenance yard at 2121 Piedmont Way in the IP (Industrial Park) District. Assessor's Parcel No. 088-240-006.

4. Recommendation on a Zoning Text Amendment to the Avila Road Open Space Overlay District to Allow Warehousing and Storage Limited, AP-17-1253 (RZ)

This is a public hearing on a request by Dave and Kathy Rege for a recommendation for City Council approval of a Zoning Text Amendment to add "warehousing and storage limited" subject to a use permit and design review to the Open Space Overlays 07-1284 and 91-1016 located at 101 - 104 Avila Road.

ZONING ADMINISTRATOR REPORTS

5. 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 the Ferguson Enterprises freestanding sign proposal at 2112 Loveridge Road. The Zoning Administrator also submits one resolution 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**

August 8, 2017

A regular meeting of the Pittsburg Planning Commission was called to order by Acting Chair Gargalikis at 7:00 p.m. on Tuesday, August 8, 2017, in the Council Chamber, City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL

Present: Chair Gargalikis, Commissioners Croskey, Foster, Guerrero, Robinson, Ward

Absent: Vice Chair Coniglio

Staff: Community Development Director Jill Hecht, Planning Manager/Secretary Kristin Pollot, Senior Civil Engineer Richard Abono, Administrative Assistant Amanda McVey, Senior Planner Hector Rojas

PLEDGE OF ALLEGIANCE

Commissioner Elissa Robinson led the Pledge of Allegiance.

DELETIONS / WITHDRAWALS / CONTINUANCES

There were no deletions, withdrawals or continuances.

COMMENTS FROM THE AUDIENCE

There were no comments from the audience.

PRESENTATIONS

There were no presentations.

CONSENT

1. Minutes of July 25, 2017

On motion by Commissioner Croskey seconded by Commissioner Guerrero to approve the minutes and carried by the following vote:

AYES:	Croskey, Foster, Guerrero, Robinson, Ward, Gargalikis
NOES:	None
ABSTAIN:	None
ABSENT:	Coniglio

PUBLIC HEARINGS

2. Tulkoff Food Products, Inc. Warehouse, AP-17-1233 (UP)

A public hearing on a request for a use permit amendment to allow an expansion of an existing condiment and sauce manufacturing facility at 705 Bliss into a 9,000 sq. ft. warehouse located across the street at 546 Bliss Avenue, in the IP (Industrial Park) District. Assessor's Parcel Nos. 088-250-030.

Senior Planner Hector Rojas gave a presentation.

Chair Gargalikis opened the public hearing.

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

On motion by Commissioner Foster seconded by Commissioner Croskey to approve the use permit and carried by the following vote:

AYES:	Croskey, Foster, Guerrero, Robinson, Ward, Gargalikis
NOES:	None
ABSTAIN:	None
ABSENT:	Coniglio

STUDY SESSION

3. LMK Petro, Inc. AP-16-1189 (UP, DR, GP, RZ).

A study session for an application to develop a mini-mart, gas station and car wash on a 5 acre site in the RS-6 District, at 1625 S. Buchanan Road. Assessor's Parcel No. 088-030-021.

Contract Planner Christine Gregory gave a presentation.

Brenda Kozak, Pittsburg, spoke against the project.

Bruce Ohlson, Pittsburg, stated he had no opposition to the presented project, but gave suggestions regarding not allowing the sale of alcohol as well as suggestions regarding bike lanes.

Bernadette Silva, Pittsburg, spoke against the project.

STAFF COMMUNICATIONS

Planning Manager / Secretary Kristin Pollot informed the Commission that there will be a Pittsburg Recognition Committee meeting scheduled and that Chair Gargalikis should assign a Commissioner to the Committee as well as an alternate. Chair Gargalikis assigned Commissioner Guerrero as the Planning Commission's representative and Commissioner Robinson as the alternate.

COMMITTEE REPORTS

Bruce Ohlson reported that TRANSPLAN met and gave a summary of items discussed.

Commissioner Croskey reported that Land Use Subcommittee met and gave a summary of items discussed.

ADJOURNMENT

The meeting was adjourned at 8:29 p.m. to August 21, 2017.

Kristin Pollot, AICP, Secretary

**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
Sept 12, 2017**

ITEM: No. 2–Super Massage, AP-17-1252 (UP).

ORIGINATED BY: Jin Ming Ni, 156 Atlantic Avenue, Pittsburg, CA 94565

SUBJECT: This is a public hearing on a request for approval of a use permit to establish a foot reflexology and massage therapy business within an existing 1,286 square foot commercial space located at 1321 Buchanan Road, within the Highlands Square Shopping Center. The property is within the CC (Community Commercial) District. Assessor's Parcel Number: 088-460-002.

RECOMMENDATION:

Staff recommends the Commission adopt Resolution No. 10076, approving Use Permit Application No. 17-1252, as conditioned.

BACKGROUND:

The subject tenant space was constructed as part of the original Highland's Square Commercial Center in the late 1970s, and has previously housed multiple office and retail uses, as well as a religious assembly. The existing tenant space has been vacant since 2016.

On June 19, 2017, the applicant filed Use Permit Application No. 17-1252 to establish the proposed use. On August 4, 2017, the applicant met with staff and representatives of the Pittsburg Police Department (PD) to discuss concerns commonly associated with the proposed use, and potential operational requirements to ensure public health and safety.

The applicant currently operates an existing massage therapy and foot reflexology business at 156 Atlantic Avenue, in the Atlantic Plaza Shopping Center. The proposed massage business at 1321 Buchanan Road would be a second location for the business owner. On April 24, 2016, the business at 156 Atlantic Avenue was the scene of an armed robbery, which led to a physical altercation and the shooting of one employee of the business. Though not subject to this application, the applicant has taken steps to help increase safety in and around the existing location by installing cameras at the entrance of the building, and has proposed to provide the same level of security at this new location.

PROJECT DESCRIPTION:

Existing Conditions: The project site is a 1,286 square foot, ground-floor space within an existing multi-tenant commercial building (Attachment 2). The main entrance is located along the north side of the building, while the southern building façade provides a rear

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emergency/employee exit, which is adjacent to an existing walkway and visible from Loveridge Road, Starbucks, and the surrounding public parking lot.

See Attachment 3 for photos of the project site.

Surrounding Land Uses:

North: Highlands Square Shopping Center; single-family residential (250 feet)
West: Loveridge Road (adjacent); Buchanan Crossings Apartments (200 feet); single-family residential (300 feet)
South: Parking lot/Starbucks Coffee; Buchanan Road (160 feet); single-family residential (225 feet)
East: Highlands Square Shopping Center; single-family residential (525 feet)

See Attachment 4 for a map of surrounding uses.

Project:As mentioned above, the applicant is requesting approval of a use permit to allow full foot reflexology and massage therapy within an existing commercial space. The applicant has requested operating hours of 9:30 a.m. to 9:30 p.m., daily. The use would employ two masseuses to start, but could allow for up to five, in addition to a receptionist.

The tenant space would include an approximately 140 square foot reception area, a 310 square foot, foot reflexology area (which would not be enclosed), and five private massage rooms each between 60-66 square feet.

CODE COMPLIANCE:

General Plan:The project site is located in the 'Buchanan Subarea' of the General Plan, and has a land use designation of *Community Commercial*. This land use designation is intended to provide shopping areas (primarily in shopping centers) containing a wide variety of businesses, including personal services.

Pittsburg Municipal Code:The CC District is intended to provide commercial centers on sites that are located within reasonable distance of high densities of residences or that are served by local and regional transportation and transit systems. Support facilities such as personal services, are also allowed, subject to certain limitations to avoid adverse effects on adjacent uses.

Massage therapy is a permitted use subject to an approved use permit (PMC section 5.64.020(B)).

Off-Street Parking:PMC section 18.78.030(E)(3) sets forth standards for off-street parking within retail shopping centers. This section specifies that the parking requirement for all uses shall be those prescribed for retail sales (one space per each 250 square feet of retail space), unless a use permit is required for an individual use within the shopping center. In the instance where a use permit is required, the parking

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requirement for that use shall correspond to the parking requirements outlined in PMC section 18.78.040, Schedule A.

As 'Massage Therapy' is not an identified use within PMC section 18.78.040, Schedule A, staff recommends the Planning Commission apply the standards for the most similar use, 'Personal Services.' PMC section 18.78.040, Schedule A specifies that 'Personal Services' uses provide a minimum of one (1) space per each 250 square feet of retail space, which is equal to the standard set forth for off-street parking within multitenant retail shopping centers. As a result, no additional parking spaces beyond the number currently provided are required.

With regards to bicycle parking, PMC section 18.78.045 specifies a minimum number of bicycle parking stalls that must be provided on new non-residential sites based on the number of required off-street parking stalls for the use. According to this section of the PMC, the project is required to have bicycle parking for a minimum of one (1) bicycle. There is currently no visible bicycle parking at the project site.

Required Findings: Pursuant to Pittsburg Municipal Code (PMC) section 18.16.040, in order to approve the use permit for the proposed project, the Planning Commission must find 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 the light of taxation and spending restraints imposed by law; and
- I. is consistent with the City's approved funding priorities.

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

Public Notice: On or before September 2, 2017, a notice of the September 12, 2017 public hearing for this project was posted at City Hall and at or near the proposed project site; 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 all owners of property within 300 feet of the project site, to local service agencies expected to provide services to the business, and to individuals who had previously filed written request for such notice, in accordance with PMC section 18.14.010 and Government Code section 65091. In addition, a copy of the notice was posted on the "Public Notices" section of the City's website.

ANALYSIS:

As previously mentioned, staff and Pittsburg PD have met with the applicant to discuss potential operational requirements. Key conditions of approval recommended by Pittsburg PD and incorporated into the attached resolution of approval would require that:

- all massage therapists employed by the business maintain and keep publicly-displayed valid massage therapy licenses issued by the State of California;
- the business owner and all massage therapists shall adhere to all requirements of the California Massage Therapy Council (CAMTC);
- the business owner maintain exterior video cameras at the front and back doors of the business location, and that the cameras encompass the parking lot in front of the business, the front public entrance, the rear emergency exit, and the parking lot behind the business;
- the business owner ensure that front windows are not screened or tinted, and allow for visibility into the business; and
- the business operator shall be responsible for maintaining the peace and order on the premises. All necessary steps shall be taken to ensure that the customers refrain from incidents of violence or indecent acts that adversely impact the safety of the community. Should the business operator fail to control loitering, noise, public disturbances or incidents of violence or indecency, 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, additional video cameras, additional exterior lighting, hiring licensed and bonded security guards approved by the Police Department, or such other measures as determined necessary by the Chief of Police. Any such required additional measures shall be at the business owner/operator's sole expense.

In addition, the business owner and all massage therapists would be required to obtain and maintain active business licenses with the City of Pittsburg. Prior to issuance of a business license to the business owner or an individual masseuse, each applicant would be required to submit to the Chief of Police, or his designee, an application which must include, among other things: 1) fingerprints and recent photographs of the applicant; 2) proof that the applicant is a certified massage practitioner and member

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of a qualified massage association; 3) the applicant's birth certificate or other acceptable proof that the applicant is over 18 years of age; 4) a photograph identification card; 5) a statement that the applicant understands that the application shall be considered by the City only after a full background investigation has been made by the Chief of Police; and 6) any other information reasonably required by the Chief of Police (see Attachment 1, section 3.A.5 for a complete list of submittal requirements).

ACTION REQUIRED:

Move to adopt Resolution No. 10076, approving use permit application No. 17-1252, subject to conditions.

ATTACHMENTS:

1. Proposed Resolution No. 10076
2. Site and Floor Plans
3. Existing Condition Photos
4. Surrounding Uses Map
5. Public Hearing Notice/Vicinity Map

Prepared by: Jordan Davis, AICP, Associate Planner

PROPOSED
BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Approving a Use Permit to	)	
Allow a Foot Reflexology and Massage	)	
Therapy Business, located at 1321	)	
Buchanan Road, for "Super Massage, AP-	)	Resolution No. 10076
17-1252 (UP)."	)	

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. On June 19, 2017, Jin Ming Ni filed Planning Application No. AP-17-1252, requesting approval of a use permit to establish a foot reflexology and massage therapy business within an existing 1,286 square foot commercial space located at 1321 Buchanan Road, within the Highlands Square Shopping Center. The property is within the CC (Community Commercial) District. Assessor's Parcel Number: 088-460-002.
- B. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1, "Existing Facilities," of the CEQA Guidelines, section 15301.
- C. On or prior to September 2, 2017, notice of the September 12, 2017, public hearing was posted at City Hall, near the proposed project site, and on the "Public Notices" section of the city's website; was delivered for posting at the Pittsburg Library; and was mailed via first class or electronic mail to the applicant, to the property owner, to owners of property located within 300 feet of the proposed project site, to local service agencies expected to provide services to the building, and to individuals who had previously filed written request for such notice, in accordance with PMC section 18.14.010 and Government Code section 65091.
- D. PMC section 18.16.040 specifies that the following findings must be made before approval of a use permit. The Planning Commission may grant approval of a use permit if the proposed use:
 - 1. is in accord with the objective of the Zoning Ordinance, the purposes of the land use district in which it is located and is appropriate to the specific location;
 - 2. is not detrimental to the health, safety, and general welfare of the City;
 - 3. will not adversely affect the orderly development of property within the City;
 - 4. will not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the City;

5. is consistent with the objectives, policies, general land uses and programs specified in the general plan and applicable specific plan;
 6. will not create a nuisance or enforcement problem within the neighborhood;
 7. will not encourage marginal development within the neighborhood;
 8. will not create a demand for public services within the City beyond that of the ability of the City to meet in light of taxation and spending restraints imposed by law; and,
 9. is consistent with the City's approved funding priorities.
- E. On September 12, 2017, the Planning Commission held a public hearing on Planning Application No. 17-1252, at which time oral and/or written testimony was considered.

Section 2. Findings

- A. Based on the Planning Commission Staff Report entitled, "Super Massage, AP-17-1252 (UP)," 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 are incorporated herein by reference.
 2. The proposed foot reflexology and massage therapy use will:
 - a) be in accordance with the objectives of the Zoning Ordinance, the purposes of the land use district in which it is located, and will be appropriate to the specific location. The purpose of the CC District is to provide commercial centers, including personal services subject to a use permit and certain limitations to avoid adverse effects on adjacent uses, on sites that are located within reasonable distance of high densities of residences or that are served by local and regional transportation and transit systems. Approval of the requested use permit allowing a massage therapy and foot reflexology business will provide a personal service use in an area in which a similar service does not currently exist.
 - b) not be detrimental to the health, safety, and general welfare of the City, if: 1) the business owner, operator, and all massage therapists employed by the business undergo thorough background checks conducted by the Pittsburg Police Department; 2) the business owner install cameras at the front and rear entrances of the tenant space; and 3) that the front windows are not screened, tinted, or otherwise obscured, and allow for visibility into the business. In addition, the use will be required to meet health and safety requirements of the California Massage Therapy Council, the Pittsburg Community Development Department, the Contra Costa County Fire Protection District, and the Environmental Health Division of Contra Costa Health Services.

- c) not adversely affect the orderly development of property within the City. The proposed use will occupy an existing commercial space that has previously been operated as an office, and the applicant is proposing no further building improvements or expansions.
- d) 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 continued occupancy of empty tenant spaces throughout town will increase property values as well as the City's tax base.
- e) be consistent with the General Plan. The project site is located in the 'Buchanan Subarea' of the General Plan, and has a land use designation of *Community Commercial*. This land use designation is intended to provide shopping areas (primarily in shopping centers) containing a wide variety of businesses, including personal services.
- f) not create a nuisance or enforcement problem within the neighborhood, if: 1) the business owner, operator, and all massage therapists employed by the business undergo thorough background checks conducted by the Pittsburg Police Department; 2) the business owner install cameras at the front and rear entrances of the tenant space; and 3) that the front windows are not screened, tinted, or otherwise obscured, and allow for visibility into the business. In addition, the use will be required to meet health and safety requirements of the California Massage Therapy Council.
- g) not encourage marginal development within the neighborhood, in that the business will occupy a space located within an existing commercial shopping center, and does not involve construction of a new building or building addition.
- h) not create a demand for public services within the City beyond that of the ability of the City to meet in light of taxation and spending restraints imposed by law, in that any such use will operate in a building that has been designed to take advantage of existing infrastructure. Additional proposed conditions of approval state that the Pittsburg Police Department reserves the right to require the business owner to provide additional public safety measures, including but not limited to, video cameras, additional exterior lighting, hiring licensed and bonded security guards approved by the Police Department, or such other measures as determined necessary by the Chief of Police, at the business owner's sole expense to ensure that the Pittsburg Police Department can adequately address potential public safety concerns.
- i) not be inconsistent with the City's approved funding priorities, in that the use does not include any City funding.

B. The staff report entitled, "Super Massage, AP-17-1252 (UP)," dated September 12, 2017, is referenced hereto as additional support for the findings.

Section 3.Decision

A. Based on the findings set forth above, the Planning Commission hereby approves Planning Application No. 17-1252, subject to the following conditions:

1. The approved use shall be operated substantially as presented to the Planning Commission in the staff report identified in Section 2 of this resolution, except as may be modified by the conditions below. Operation of the approved use in a manner inconsistent with this use permit shall be grounds for revocation of the use permit.
2. The hours of operation for the business shall be limited to 9:30 a.m. to 9:30 p.m., daily.
3. The business owner and all massage therapists shall adhere to all requirements of the California Massage Therapy Council (CAMTC).
4. All massage therapists employed by the business shall maintain and keep displayed valid massage therapy licenses issued by the state of California.
5. The business owner, operator, and all massage therapists employed by the business shall maintain and keep displayed active business licenses issued by the City of Pittsburg. Pursuant to Pittsburg Municipal Code (PMC) section 5.64.030, prior to issuance of a business license to the business owner or an individual massage therapist, each applicant shall be required to submit to the Chief of Police or his designee an application which shall include the following:
 - a) The true name of the applicant, owner, and operator;
 - b) The arrest record, if any, of the applicant, owner, and operator;
 - c) Fingerprints and recent photographs of the applicant, owner, and operator;
 - d) The date of the application;
 - e) The status of the applicant as being an individual, a sole proprietor, a partnership, a corporation, or other business entity;
 - f) If the applicant is an individual, the residence and business address of the applicant;
 - g) If the applicant is not an individual, the name, residence and business address of each of the officers and directors or, if a partnership, the name, residence and business address of the partners;
 - h) Proof that the applicant is a certified massage practitioner (CMP);
 - i) Proof that the applicant is a member of a qualified massage association;

- j) The applicant's birth certificate or other acceptable proof that the applicant is over 18 years of age;
 - k) A photograph identification card (e.g., drivers' license, state identification card, passport) of the applicant;
 - l) A statement of the applicant's experience in the business of massage or other relevant experience;
 - m) A statement that the applicant understands that the application shall be considered by the City only after a full background investigation has been made by the Chief of Police;
 - n) A statement that the applicant understands and agrees that any business or activity conducted or operated under any permit issued under such application shall be operated in full conformity with all state and local laws and regulations, and that a violation of any such laws or regulations may render any permit subject to immediate suspension or revocation;
 - o) A statement that the applicant has read the provisions of PMC Chapter 5.64, and particularly the provisions of PMC section 5.64.030, and understands and agrees to abide by all rules and regulations contained in PMC Chapter 5.64;
 - p) A statement in a form acceptable to the city attorney that the applicant understands and agrees to be bound by the indemnity provisions set forth in PMC Chapter 5.64. Furthermore, a statement by the applicant that it accepts all risks of any adverse public notice, publicity, embarrassment, criticism, financial loss or all other actions and consequences which may result from activities with respect to reviewing, processing, approving or disapproving any application, and that the applicant waives any claims for damages against the City, its agents, officials and employees resulting therefrom, other than damages resulting from the intentional willful misconduct of the City, its agents, officials and employees; and
 - q) Any other information reasonably required by the Chief of Police.
6. The business owner shall install and maintain exterior video cameras at the front and back doors of the business location. The cameras shall encompass the parking lot in front of the business, the front public entrance, and the rear emergency exit. The cameras shall be web-based, and the business owner shall provide the Police Department with the cameras' internet protocol (IP) addresses.
 7. The business owner shall ensure that front windows are not screened, tinted, or otherwise obscured, and allow for visibility into the business.

8. Exterior signage is not approved at this time. No signs shall be installed until plans are reviewed and approved by the Planning Division under a separate sign permit application.
9. Illuminated window signage shall be prohibited.
10. The business owner shall ensure a minimum of one 'Inverted-U' bicycle rack be installed within 75 feet of the front entrance of the business. The final design of the bike rack shall meet the requirements of City Standard T-9, and shall be installed in a location approved by the Planning Division prior to installation.
11. The business operator shall ensure that there is no loitering on the sidewalks, rear or side yards, or streets surrounding the business tenant space, or within the nearby parking lots, during operating hours and within one (1) hour of business closing. If the business operator observes loitering, the Pittsburg Police Department shall be notified immediately.
12. The business operator shall be responsible for maintaining the peace and order on the premises. All necessary steps shall be taken to ensure that the customers refrain from incidents of violence that adversely impact the safety of the community. Should the business operator fail to control loitering, noise, public disturbances or incidents of violence, and in the event that the business necessitates an increased police presence, the Chief of Police may require the business owner to provide additional public safety measures, including but not limited to, video cameras, additional exterior lighting, hiring licensed and bonded security guards approved by the Police Department, or such other measures as determined necessary by the Chief of Police. Any such required additional measures shall be at the business owner/operator's sole expense.
13. The site shall be kept clean and free of all litter, debris, and refuse at all times. For the cleanup of trash and leaf debris on and around the premises, the applicant shall ensure that dry cleanup methods such as sweeping are used whenever possible, in lieu of hosing the area down with water. There shall be no outside storage of materials, supplies, bins, or other equipment related to the business operation.
14. The business owner shall practice dry clean-up methods for outdoor sidewalk and patio surface areas, in accordance with the guidelines established by the Bay Area Stormwater Management Agencies Association (BASMAA).
15. The business owner shall ensure employees collect and dispose of water and cleaning liquids to the sanitary sewer, not the exterior storm drain inlets/catch basins.
16. The business owner shall ensure detergents/degreasers are never used in the process of outdoor cleaning.
17. The Standard Conditions of Development as adopted by the Pittsburg Planning Commission by Resolution No. 8931 shall apply as conditions of approval for this

project as applicable. Where there is a conflict between the Standard Conditions of Development and the project-specific conditions identified in this resolution, the specific conditions of this resolution shall govern.

18. The business owner shall comply with all the requirements of the City's Community Development Department, Contra Costa County Fire Protection District, the Environmental Health Division of Contra Costa Health Services, the California Massage Therapy Council, and all other applicable local, state and federal agencies. It is the responsibility of the business owner to contact each local, state, or federal agency for requirements that may pertain to this project.
19. Business owner agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person challenging the validity of this project approval, subsequent project approval, or other action arising out of, or in connection with, this project approval. The parties shall cooperate in defending such action or proceeding. The parties shall use reasonable efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel at applicant's sole cost and expense. Business owner may select its own legal counsel to represent business owner's interests at business owner's sole cost and expense. Business owner shall pay for City's costs of defense, whether directly or by timely reimbursement to City on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent responding to and defending the claim, action or proceeding.
20. This use permit will expire on September 12, 2018, unless the use has been legally established prior to the expiration date, or a written request for an extension is filed with the Planning Division prior to the expiration date and subsequently approved by the Planning Commission.

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner _____, seconded by Commissioner _____, the foregoing resolution was passed and adopted the 12th day of September, 2017, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES:

NAYES:

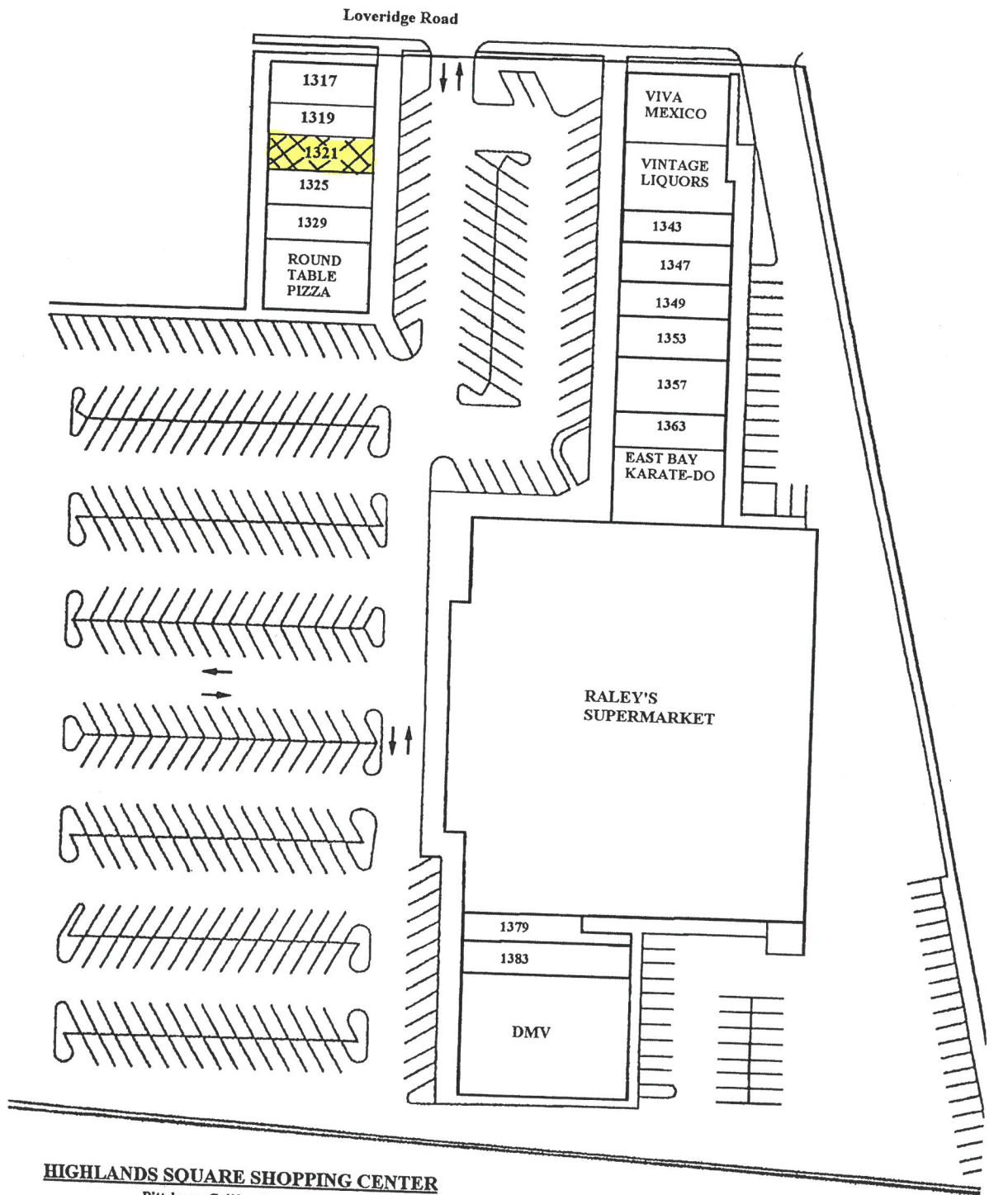
ABSTAIN:

ABSENT:

I hereby certify that the above Resolution No. 10076 was adopted by the Planning Commission of the city of Pittsburg on September 12, 2017.

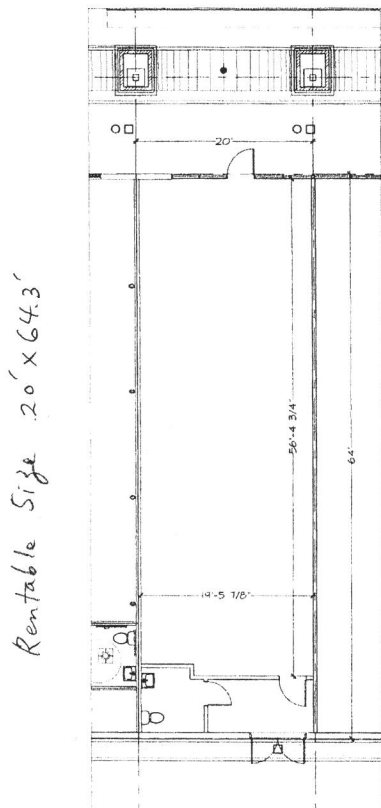
KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

GENERAL SITE PLAN OF THE SHOPPING CENTER



HIGHLANDS SQUARE SHOPPING CENTER
Pittsburg, California





Rentable Size 20' x 64.3'

USE PERMIT APPLICATION

LOCATION: 1321 Buchanan Rd., Pittsburg

1,286 sq ft of Commercial Space in
HIGHLANDS SQUARE SHOPPING CENTER
at corner of Loveridge Rd. and Buchanan Rd..

APPLICANT: Mr. NI, Jin Ming

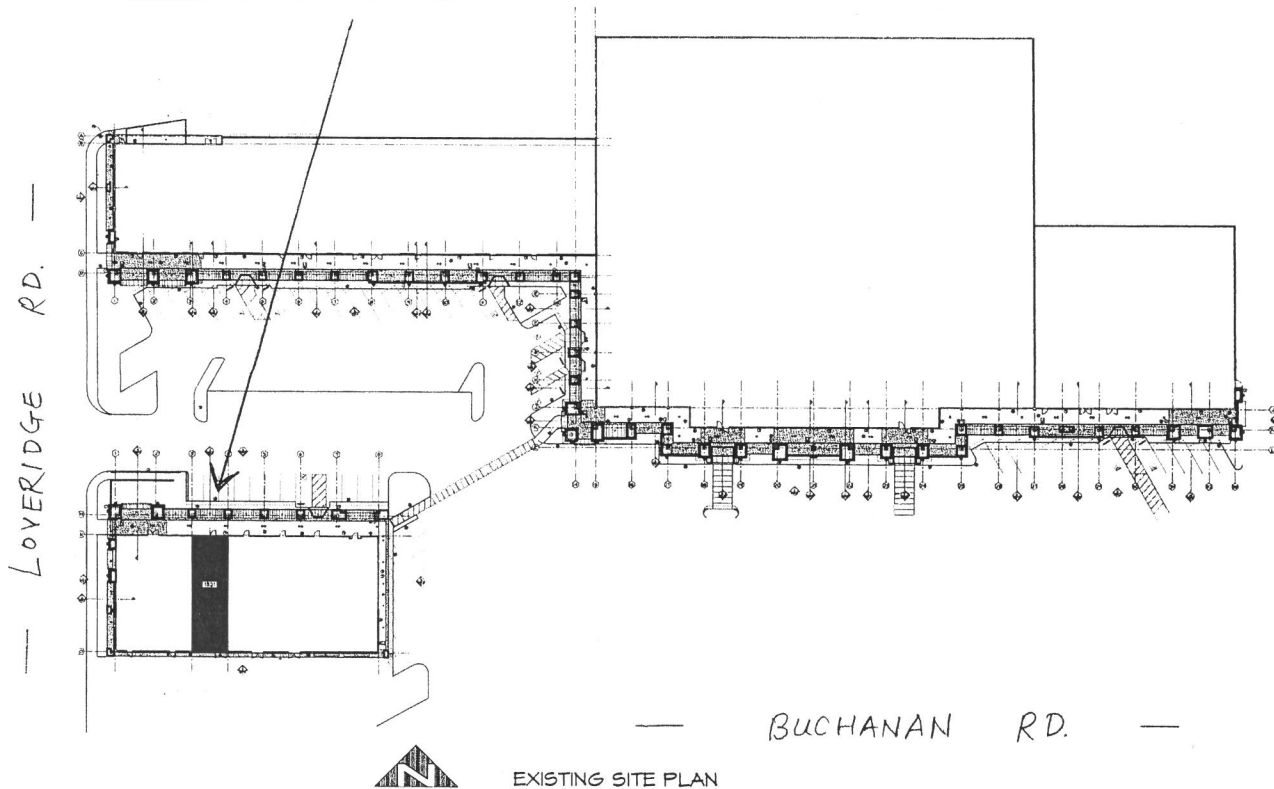
Current owner of the "Super Massage"
store at 156 Atlantic Ave., Pittsburg in
Atlantic Center, in business for 5 years

PROPOSED USE: Foot Reflexology / Massage Studio

A branch store at 2nd location



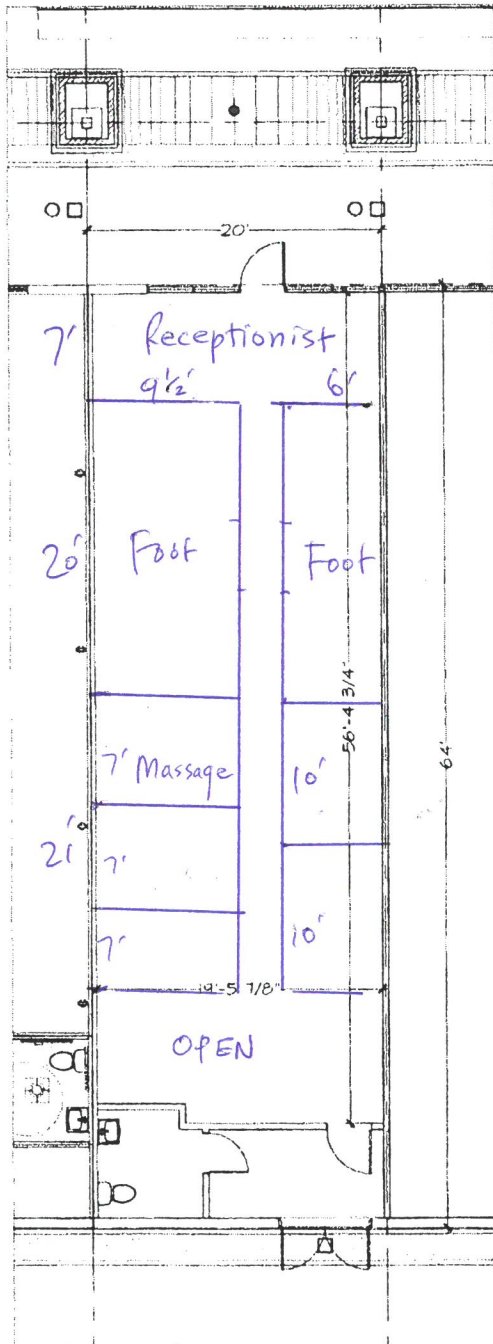
EXISTING FLOOR PLAN



EXISTING SITE PLAN

Proposed Floor Plan

Rentable Size 20' x 64.3'



Existing Condition Photos

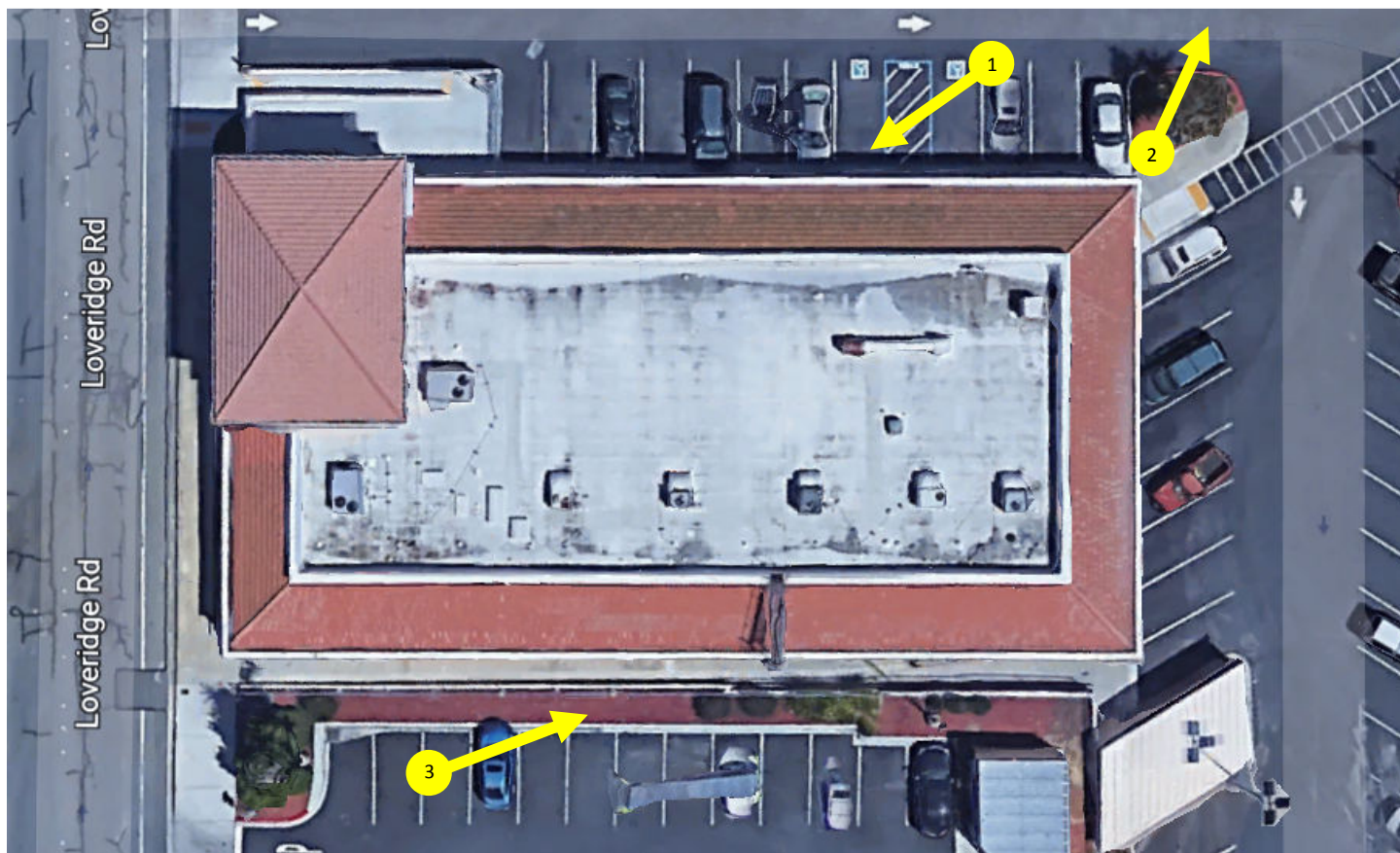


Figure 1:

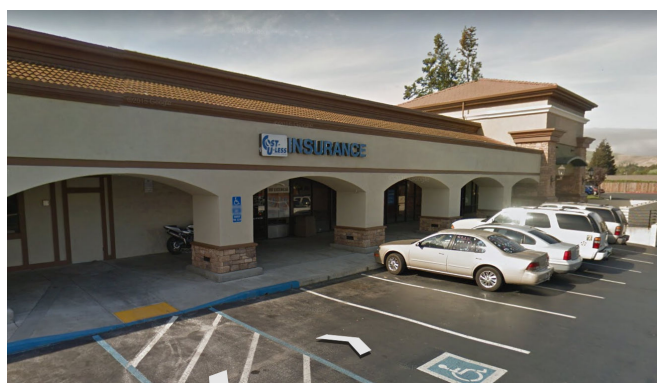


Figure 2:



Figure 3:



Surrounding Land Uses





City of Pittsburg

Community 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: September 12, 2017
TIME: 7:00 p.m.
PLACE: City Council Chamber at City Hall
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Super Massage, AP-17-1252 (UP).

This is a public hearing on a request for approval of a use permit to establish a foot reflexology and massage therapy business within an existing 1,286 square foot commercial space located at 1321 Buchanan Road, within the Highlands Square Shopping Center. The property is within the CC (Community Commercial) District. Assessor's Parcel Number: 088-460-002.

PROJECT PLANNER: Jordan Davis, (925) 252-4015 or jdavis@ci.pittsburg.ca.us

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

Where can I get more information about this project?

The complete file for this project is available for public inspection at the Planning Division, weekdays during the hours of 8:00 AM to 12:00 PM and 1:00 PM to 5:00 PM. You can also find out more about the project by contacting the project planner listed above.

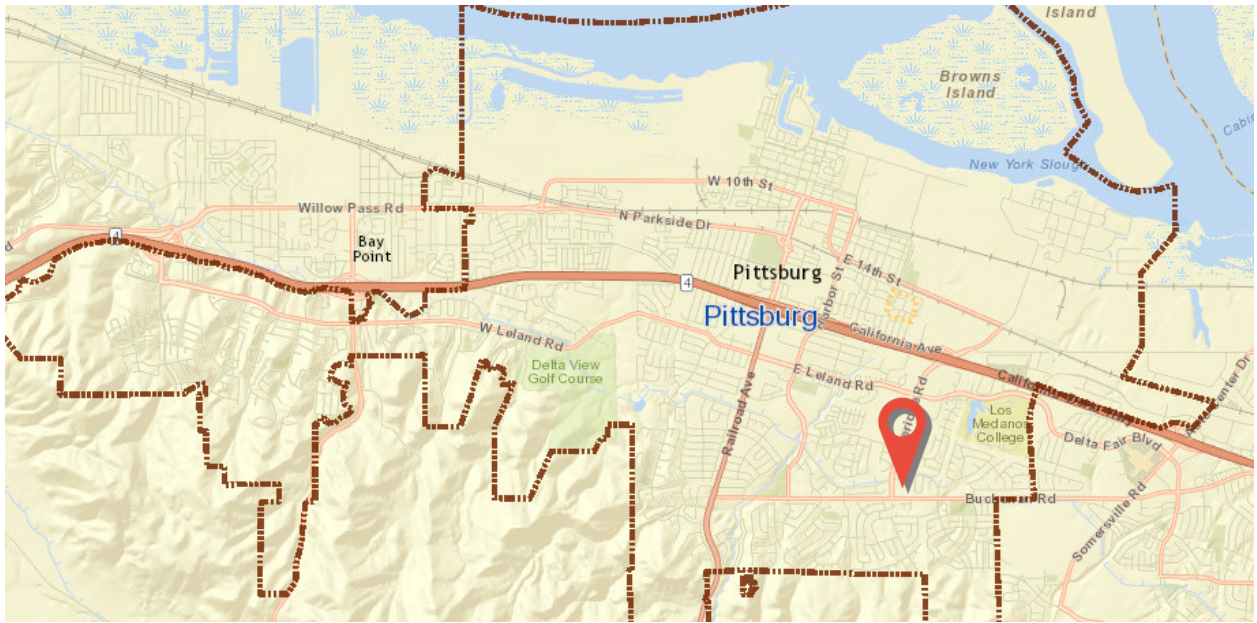
What can I do if I have comments on the project?

Comments or objections to the project can be made by writing or through oral testimony during the public hearing. Written comments citing the project name may be emailed to the project planner listed above, or may be mailed or delivered to: Pittsburg Planning Division, 65 Civic Avenue, Pittsburg, CA 94565. You may also register your comments or objections by attending the public hearing on the date and time listed above.

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


KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

Project Title: Super Massage, AP-17-1252 (UP)
Location: 1321 Buchanan Road, APN: 088-460-002



**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
September 12, 2017**

ITEM: No. 3 – Durham Bus Storage and Maintenance Yard, AP-17-1250 (UP).

ORIGINATED BY: Tyler M. Zupo, Durham School Services, 5029 Forni Drive, Concord, CA 94520

SUBJECT: This is a public hearing on a request for a use permit to allow operation of a school bus storage and maintenance yard at 2121 Piedmont Way in the IP (Industrial Park) District. Assessor's Parcel No. 088-240-006.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 10074, approving Planning Application No. 17-1250, subject to conditions.

BACKGROUND:

Durham School Services ("Durham") provides third-party transportation services for schools and other organizations. Their services include home-to-school, special needs, field trip, and charter trip transportation. Durham operates over 16,300 school buses, which serve more than 400 school districts nationwide. Durham's Northern California branch is looking to relocate its local bus storage yard from Concord to Pittsburg. The Concord yard lease expired in July 2017, so Durham moved their buses to the new yard "at risk," and in advance of securing the necessary use permit. It should be noted, however, that Durham has agreed to not operate their buses until a use permit has been approved.

PROJECT DESCRIPTION:

Existing Conditions: The project site is a 2.89-acre parcel located near the northern terminus of Piedmont Way. It contains a 5,050-square-foot, pre-fabricated, metal building with three large maintenance bays; two shipping containers attached to the building for storage; an open shed structure; a parking area for up to 19 vehicles; and a large, asphalt, paved yard for outdoor storage. There is a 36-foot-wide access driveway at the southwest corner of the property. Landscaping is limited to a two-foot-wide strip running along the inside of the north property line and a five-foot-wide strip along the outside of the west property line, adjacent to Piedmont Way. The site's perimeter is fully enclosed by a five-foot-high chain-link fence with barbed wire. The sidewalk along the property's frontage has been damaged and requires repair. There is enough space to park nine cars along Piedmont Way in front of the property. The property was last used by BakerCorp as a storage yard for their tank, pump, filtration, and shoring equipment rentals before they moved to their brand-new facility on North Park Boulevard earlier this year.

See Attachment 2 for photos of the project site.

Surrounding Land Uses:

North: Outdoor storage, State Route 4
West: Elite Roofing Supply
South: AgraTech
East: Ferguson Plumbing Supply

See Attachment 3 for a map of surrounding uses.

Proposed Project: The applicant proposes to use the existing paved yard as storage for a maximum of 60 school buses, including 48 small buses (10' by 16') and 12 large buses (10' by 40'). The small buses would be parked along the northern and eastern perimeter with the large buses grouped at the center of the site. The eastern half of the existing building would be used to perform preventative maintenance inspections, oil changes, tire installations, and repairs for Durham's buses. The western half of the building would be used for reception, offices, dispatch, meetings, trainings, driver breaks, and office supply storage.

Durham would operate the facility Monday through Friday between 5:00 AM and 6:00 PM. Approximately 30 bus routes would be operated from this location, serving approximately 200 students in several school districts located throughout Contra Costa County. Fifteen buses would leave and come back during the morning (5:00-10:00 AM), with the same number of departures and arrivals occurring in the afternoon (12:00-5:30 PM). The buses would leave from and return to the site in a staggered pattern. The anticipated bus departure and arrival schedule is provided below. Buses would only be fueled off-site at local gas stations.

<u>Time:</u>	<u>Bus Trips:</u>
5:00/5:30 AM	9 departures
6:00 AM	6 departures
7:00 AM	None
8:00 AM	None
9:00 AM	9 arrivals
10:00 AM	6 arrivals
11:00 AM	None
12:00 AM	4 departures
1:00 PM	6 departures
2:00 PM	5 departures
3:00 PM	6 arrivals
4:00/5:30 PM	9 arrivals
6:00 PM	None

Between 25 and 30 employees, including administrative staff and bus drivers, would report to work at the site. Durham would re-stripe the site to provide 36 parking spaces (34 standard, 2 ADA) for employees. They would also repaint the building exterior with the same color scheme, repaint and re-carpet the building interior, and repair the paved yard's surface as needed.

See Attachment 4 for Project Plans.

GENERAL PLAN/CODE COMPLIANCE:

General Plan: The project site is located in the 'East Leland Subarea' of the General Plan and has a land use designation of 'Business Commercial'. This land use designation is intended to provide sites for offices, light industrial, warehouse and distribution, and some commercial uses. The project is consistent with the General Plan, and more specifically with the General Plan's Transportation Element, which prioritizes the use of mass transit. Durham would provide the Pittsburg Unified School District and other organizations in the city with a cost-effective option for meeting their mass transit needs locally.

Zoning: The project site is zoned 'IP (Industrial Park) District'. The proposed use falls under the classifications of 'Vehicle Storage' and 'Automobile Repair, Major' as defined by Pittsburg Municipal Code (PMC) sections 18.08.080(28)(a) and (h). A use permit is required for Vehicle Storage and Automobile Repair, Major in the IP District (PMC section 18.54.010).

As shown in Attachment 2 of this report, the property complies with the IP District development regulations related to height, FAR, lot coverage, lot area, lot width, setbacks, screening of outdoor storage areas, and parking for cars. However, the property is considered non-conforming since it does not meet the District's regulations for landscape coverage, bike parking, and trash enclosures. Properties in the IP District must provide at least 15 percent landscape coverage (PMC section 18.54.115), one bike rack/locker for every 5-10 spaces of required vehicular parking (PMC section 18.78.045), and a roofed trash enclosure (PMC section 18.80.035). The site's current landscape coverage is approximately one percent and no bike racks/lockers or trash enclosure is provided on site. Durham is required to substantially reduce these non-conformities as part of their use permit approval (PMC section 18.76.060); however, the definition for 'substantial reduction' is not clearly stated in the PMC and therefore open to interpretation.

Required Use Permit 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; and,
- I. is consistent with the City's approved funding priorities.

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

Public Notice: On or prior to September 1, 2017, notice of the September 12, 2017, public hearing was posted at City Hall, near the proposed project site, and on the "Public Notices" section of the city's website; was delivered for posting at the Pittsburg Library; and was mailed via first class or electronic mail to the applicant, to the property owner, to owners of property located within 300 feet of the proposed project site, to local service agencies expected to provide services to the building, and to individuals who had previously filed written request for such notice, in accordance with PMC section 18.14.010 and Government Code section 65091.

ANALYSIS:

Staff believes that the Commission can make the required findings to approve the requested use permit for Durham's bus storage and maintenance facility at 2121 Piedmont Avenue. The facility would be in accordance with the objectives of the Zoning Ordinance, if conditions of approval are adopted requiring Durham to substantially reduce the site's non-conformities by: i) increasing their landscape coverage from 1% to 3% (a 235% increase from existing conditions) as shown in the project plans; ii) installing at least one bicycle rack near the building entrance; iii) and providing a roofed trash enclosure as shown on the project plans.

Durham's facility would be in accordance with the purposes of the IP District and would be appropriate to the specific location, in that it is a light industrial use with limited customer presence (consistent with PMC section 18.54.005(B)(1)) and would be located among other light industrial uses with outdoor vehicle, equipment, or material storage, including Elite Roofing Supply (2120 Piedmont Way), Wally's Rental Center (2150 Piedmont Way), Irish Construction (2151 Piedmont Way), and Ferguson Plumbing Supply (2112 Loveridge Road). There are also several auto repair business nearby including Pittsburg Automotive (2171 Piedmont Way), Automotive Specialist (2180 Piedmont Way), and Angel's Collision Center (2160 Piedmont Way). The facility would not be detrimental to the health, safety, and general welfare, if a condition of approval is adopted requiring Durham to replace the damaged sidewalk along property frontage.

Durham's facility would not adversely affect property values, in that property values stand to benefit from improvements they would make to the premises, including repainting the building exterior, repainting and re-carpeting the building interior, repairing the paved yard's surface, increasing the landscape coverage, and replacing damaged sidewalk along Piedmont Way. Lastly, the facility would be consistent with the General Plan's Transportation Element, which prioritizes the use of mass transit. Durham would provide the Pittsburg Unified School District and other organizations in the city with a cost-effective option for meeting their mass transit needs locally.

ACTION REQUIRED:

Move to adopt Resolution No. 10074 approving Planning Application No. 17-1250, subject to conditions.

ATTACHMENTS:

1. Proposed Resolution No. 10074
2. Development Regulations Table
3. Site Photos
4. Map of Surrounding Uses
5. Project Plans
6. Public Hearing Notice & Vicinity Map

Prepared by: Hector J. Rojas, AICP, Senior Planner

PROPOSED
BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Granting a Use Permit to Allow)	
a School Bus Storage and Maintenance)	
Yard at 2121 Piedmont Way, for "Durham)	Resolution No. 10074
School Bus Storage and Maintenance)	
Yard, AP-17-1250 (UP).")	

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. On June 12, 2017, Durham School Services ("Durham") filed Planning Application No. AP-17-1250, requesting a use permit to allow operation of a school bus storage and maintenance yard at 2121 Piedmont Way in the IP (Industrial Park) District. Assessor's Parcel No. 088-240-006.
- B. This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1, 'Existing Facilities' of the state CEQA Guidelines, section 15301.
- C. On or prior to September 1, 2017, notice of the September 12, 2017, public hearing was posted at City Hall, near the proposed project site, and on the 'Public Notices' section of the city's website; was delivered for posting at the Pittsburg Library; and was mailed via first class or electronic mail to the applicant, to the property owner, to owners of property located within 300 feet of the proposed project site, to local service agencies expected to provide services to the building, and to individuals who had previously filed written request for such notice, in accordance with Pittsburg Municipal Code (PMC) section 18.14.010 and Government Code section 65091.
- D. PMC section 18.16.040 specifies that the following findings must be made before approval of a use permit. The Planning Commission may grant approval of a use permit if the proposed use:
 - 1. is in accord with the objective of the Zoning Ordinance, the purposes of the land use district in which it is located and is appropriate to the specific location;
 - 2. is not detrimental to the health, safety, and general welfare of the City;
 - 3. will not adversely affect the orderly development of property within the City;
 - 4. will not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the City;

5. is consistent with the objectives, policies, general land uses and programs specified in the general plan and applicable specific plan;
 6. will not create a nuisance or enforcement problem within the neighborhood;
 7. will not encourage marginal development within the neighborhood;
 8. will not create a demand for public services within the City beyond that of the ability of the City to meet in light of taxation and spending restraints imposed by law; and,
 9. is consistent with the City's approved funding priorities.
- E. On September 12, 2017, the Planning Commission held a public hearing on Planning Application No. 17-1250, at which time oral and/or written testimony was considered.

Section 2. Findings

- A. Based on the Planning Commission Staff Report entitled, "Durham Bus Storage and Maintenance Yard, AP-17-1250 (UP)," 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 are incorporated herein by reference.
 2. The proposed bus storage and maintenance yard will:
 - a) be in accordance with the objectives of the Zoning Ordinance, if conditions of approval are adopted requiring Durham to substantially reduce the site's non-conformities by: i) increasing their landscape coverage from 1% to 3% as shown in the project plans; ii) installing at least one bicycle rack near the building entrance; iii) and providing a roofed trash enclosure as shown on the project plans.
 - b) be in accordance with the purposes of the land use district in which it is located and will be appropriate to the specific location, in that it is a light industrial use with limited customer presence (consistent with PMC section 18.54.005(B)(1)) and will be located among other light industrial uses with outdoor vehicle, equipment, or material storage, including Elite Roofing Supply (2120 Piedmont Way), Wally's Rental Center (2150 Piedmont Way), Irish Construction (2151 Piedmont Way), and Ferguson Plumbing Supply (2112 Loveridge Road). There are also several auto repair business nearby including Pittsburg Automotive (2171 Piedmont Way), Automotive Specialist (2180 Piedmont Way), and Angel's Collision Center (2160 Piedmont Way).
 - c) not be detrimental to the health, safety, and general welfare of the City, if a condition of approval is adopted requiring Durham to replace the damaged

sidewalk along property frontage. Further, the use will meet health and safety requirements of the Pittsburg Community Development Department, the Contra Costa County Fire Protection District, and the Environmental Health Division of Contra Costa Health Services.

- d) will not adversely affect the orderly development of property within the City, in that it will be located among other light industrial uses with outdoor vehicle, equipment, or material storage.
- e) 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 property values stand to benefit from improvements Durham will make to the premises, including repainting the building exterior, repainting and re-carpeting the building interior, repairing the paved yard's surface, increasing the landscape coverage, and replacing damaged sidewalk along Piedmont Way.
- f) will be consistent with the General Plan, in that its Transportation Element prioritizes the use of mass transit. Durham will provide the Pittsburg Unified School District and other organizations in the city with a cost-effective option for meeting their mass transit needs locally.
- g) will not create a nuisance or enforcement problem within the neighborhood, in that it will be required to meet performance standards, as set forth by PMC chapter 18.82, which are intended to address ongoing safety, noise, odor, and maintenance concerns.
- h) will not encourage marginal development within the neighborhood, in that Durham will make improvements to the premises that will improve the overall appearance of the property and nearby neighborhood.
- i) 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 it will have access to existing infrastructure, including fire, police, and water.
- j) will not be inconsistent with the City's approved funding priorities, in that it will not require municipal funding.

B. The staff report entitled, "Durham Bus Storage and Maintenance Yard, AP-17-1250 (UP)," dated September 12, 2017, is referenced hereto as additional support for the findings.

Section 3. Decision

Based on the findings set forth above, the Planning Commission hereby approves Planning Application No. 17-1250, subject to the following conditions:

1. Operation: Operation of the bus storage and maintenance yard in a manner inconsistent with that described in the report, violation of a zoning regulation or condition of this resolution, existence of a public nuisance, or conviction of a federal or state law or city ordinance in connection with the operation of the use shall be grounds for revocation of the use permit (PMC section 18.28.100).
2. Hours of Operation: The bus storage and maintenance facility's hours of operation shall be limited to Monday through Friday between 5:00 AM and 6:00 PM.
3. Bus Departures/Arrivals: Bus departures and arrivals shall occur in a staggered pattern with at least ten-minutes in between each bus departure or arrival.
4. Bus Parking: The maximum number of buses parked on the premises shall be 48 small (10' by 16') and 12 large (10' by 16') buses. The buses shall be parked in accordance with the bus parking layout shown on the project plans stamped August 9, 2017. Durham shall provide painted bus parking stalls consistent with the bus parking layout by December 31, 2017.
5. On-site Fueling: Installation of underground or above-ground storage tanks for fuel shall be prohibited on the premises. Fueling of all buses and vehicles shall occur off-site at local gas stations.
6. Other Outdoor Storage: Outdoor storage of materials, parts, equipment, products, or unsightly objects shall be prohibited.
7. Bus Maintenance: In addition to administrative offices and bus storage, the site may only be utilized for repair and service or installation of parts for the buses kept on the premises; however, all repairs shall be conducted inside the building only.
8. Curbside Parking: Durham shall provide at least nine curbside parking spaces along the property frontage on Piedmont Way as shown on the project plans stamped August 9, 2017. Durham shall provide painted parking stalls consistent with the project plans by December 31, 2017.
9. Off-Street Parking: Off-street parking shall be increased for employees to at least 34 standard spaces and two ADA spaces as shown on the project plans stamped August 9, 2017. Durham shall provide painted parking stalls consistent with the project plans by December 31, 2017.
10. Building Improvements: Durham shall remove the existing open shed structure and all shipping containers from the site, repaint the existing building's exterior with a similar color scheme, repaint and re-carpet the building interior, and repair the paved yard's surface by December 31, 2017.
11. Landscape Coverage: Durham shall increase the site's total landscape coverage from 1% to 3% as shown on the project plans stamped August 9, 2017. Durham shall submit a landscaping and irrigation plan to the City's Planning Division for review and approval prior to installation. Landscaping shall consist of drought-tolerant trees and shrubs with

mulch cover. At least one 15-gallon tree shall be planted for every 50 feet of street frontage.

12. Bicycle Rack: Durham shall install at least one bicycle rack in front of the existing building by December 31, 2017. The bicycle rack shall be selected and installed in accordance with the City's standard specifications.
13. Trash Enclosure: Durham shall install a roofed trash enclosure as shown on the project plans stamped August 9, 2017. The enclosure shall be designed in accordance with the City's standard specifications and shall be subject to review and approval by the Planning Division prior to the issuance of a building permit. Construction of the enclosure shall be completed prior to December 31, 2017.
14. Sidewalk Replacement: All damaged sidewalks along the property frontage on Piedmont Way shall be repaired in accordance with the City's standard specifications by December 31, 2017. An Encroachment Permit Application shall be submitted to the Engineering Division prior to starting the work.
15. Fence Repair: Any damaged fencing along the northern, eastern, and southern perimeter shall be repaired by December 31, 2017.
16. Fence Replacement: The existing fence along Piedmont Way shall be replaced with a six-foot-high, green vinyl coated, chain-link fence with green vertical slats as shown on the project plans stamped August 9, 2017. The fence shall be set back at least ten feet from the western property line along Piedmont Way behind the new landscaped area.
17. 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 a conflict between the Standard Conditions of Development and the project-specific conditions identified in this resolution, the specific conditions of this resolution shall govern.
18. Other Agency Requirements: The applicant shall comply with all the requirements of the City's Community Development Department, Contra Costa County Fire Protection 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.
19. Indemnification: Applicant agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person challenging the validity of this project approval, subsequent project approval, or other action arising out of, or in connection with, this project approval. The parties shall cooperate in defending such action or proceeding. The parties shall use reasonable efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel at applicant's sole cost and expense. Applicant may select its own legal counsel to represent applicant's interests at applicant's sole cost and expense. Applicant shall pay for City's costs of defense, whether directly or by timely

reimbursement to City on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent responding to and defending the claim, action or proceeding.

20. Expiration of Approval: This use permit amendment will expire on September 12, 2018, unless the use has been legally established prior to the expiration date, or a written request for an extension is filed with the Planning Division prior to the expiration date and subsequently approved by the Planning Commission.

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner _____, seconded by Commissioner _____, the foregoing resolution was passed and adopted the 12th day of September 2017, 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. 10074 was adopted by the Planning Commission of the city of Pittsburg on September 12, 2017.

KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

Attachment 2
Property Development Regulations Table – PMC Schedule 18.54.115 et.al.
Durham School Services, AP-17-1250 (UP)

Development Regulations: <i>Industrial Park (IP) District</i>	Requirement:	Existing:	Proposed:
Max. Height	35 ft.	17'-0"	No Change
Max. FAR	0.8	0.04	No Change
Max. Lot Coverage	50%	4%	No Change
Min. Lot Area	15,000 sq. ft.	125,889 sq. ft. (2.89 acres)	No Change
Min. Lot Width	80 ft.	274 ft.	No Change
Min. Front Yard Setback	25 ft.	185 ft.	No Change
Min. Side Yard Setback	10 ft.	72 ft. (south) 16 ft. (north)	No Change
Min. Rear Setback	10 ft.	75 ft.	No Change
Min. Site Landscaping	15%	1%	3%
Outdoor Storage	Must be screened from view of streets by solid fence or wall	Screened from view of streets by existing vinyl-slatted, chain-link fence	Screened from view of streets by new vinyl-slatted, chain-link fence
Min. Parking • 1 space/500 sq. ft. of floor area	10 spaces (including 1 ADA)	19 spaces (including 0 ADA)	36 spaces (including 2 ADA)
Min. Bike Parking • 1 rack/locker per 5-10 <u>required</u> parking spaces	1	0	1
Trash Enclosure	1	None	1

Attachment 3
Site Photos
Durham School Services, AP-17-1250 (UP)



Above: View of building and yard looking east from Piedmont Way.
Below: View of same looking southeast from Piedmont Way



Attachment 3
Site Photos
Durham School Services, AP-17-1250 (UP)



Above: View of building and yard looking southwest toward Piedmont Way.
Below: View of damaged sidewalk along Piedmont Way.



Attachment 3
Site Photos
Durham School Services, AP-17-1250 (UP)

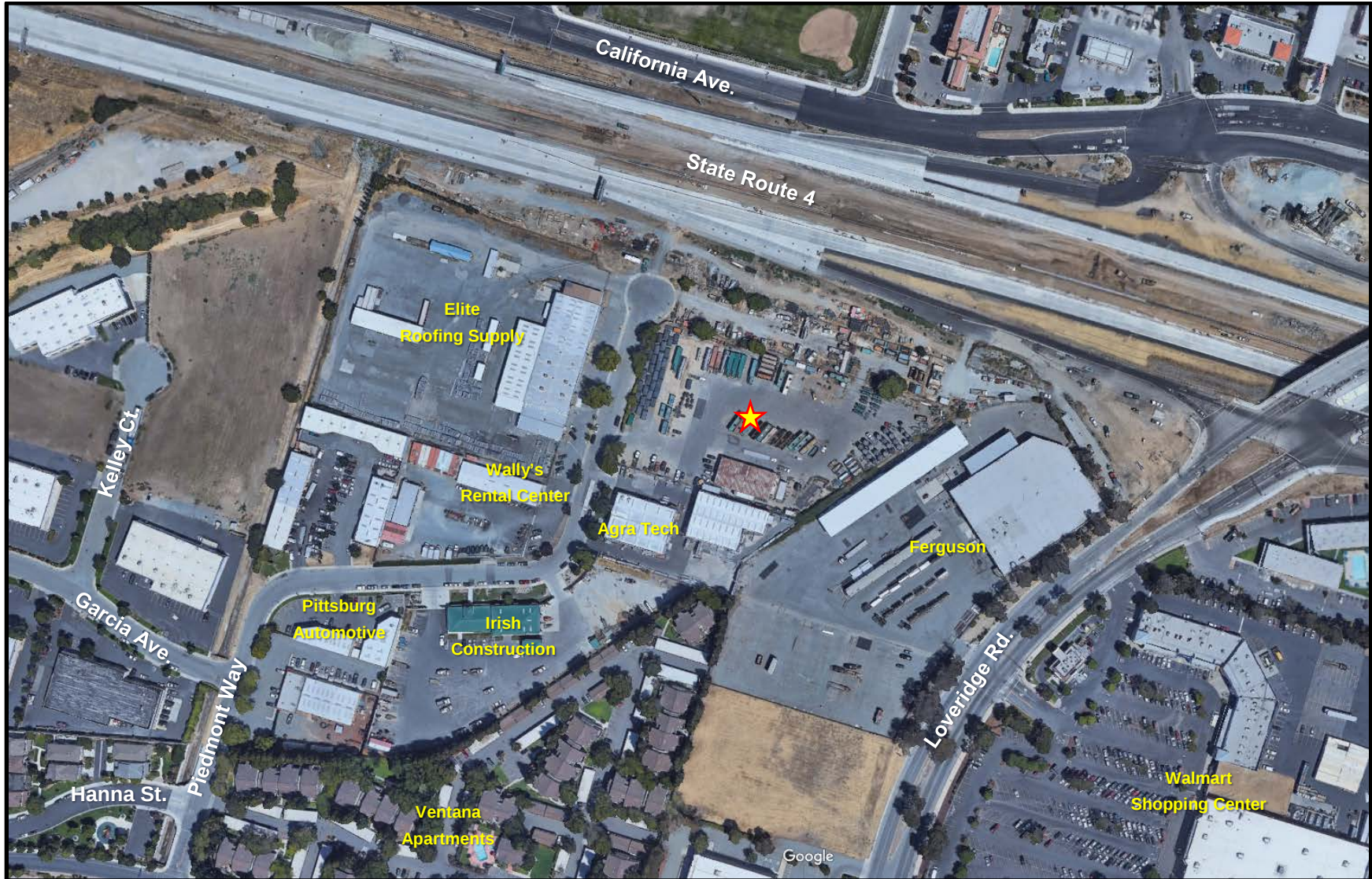


Above: View of damaged sidewalk along Piedmont Way.
Below: View of damaged sidewalk along Piedmont Way.

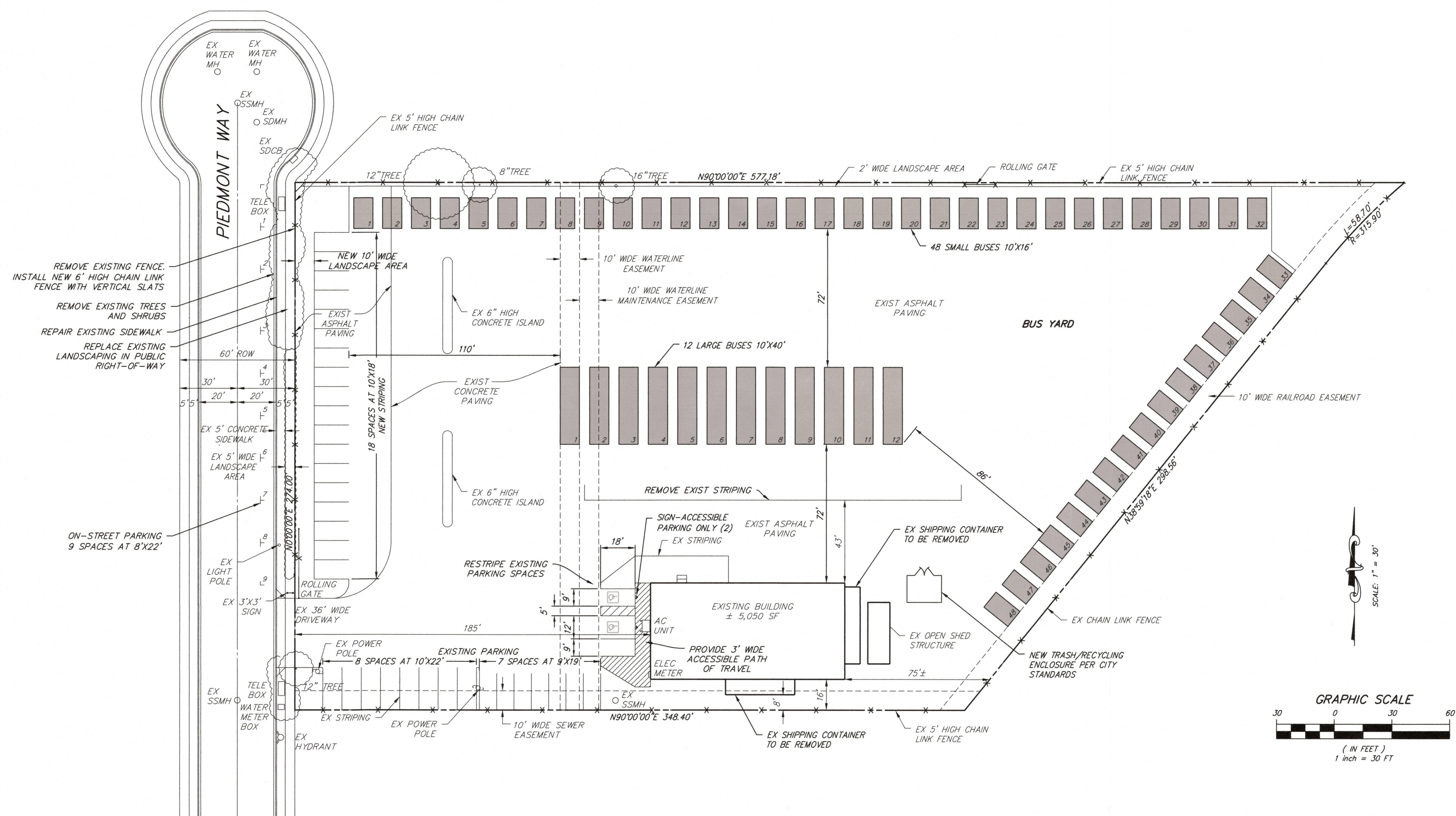


Attachment 4
Map of Surrounding Uses
Durham School Services, AP-17-1250 (UP)

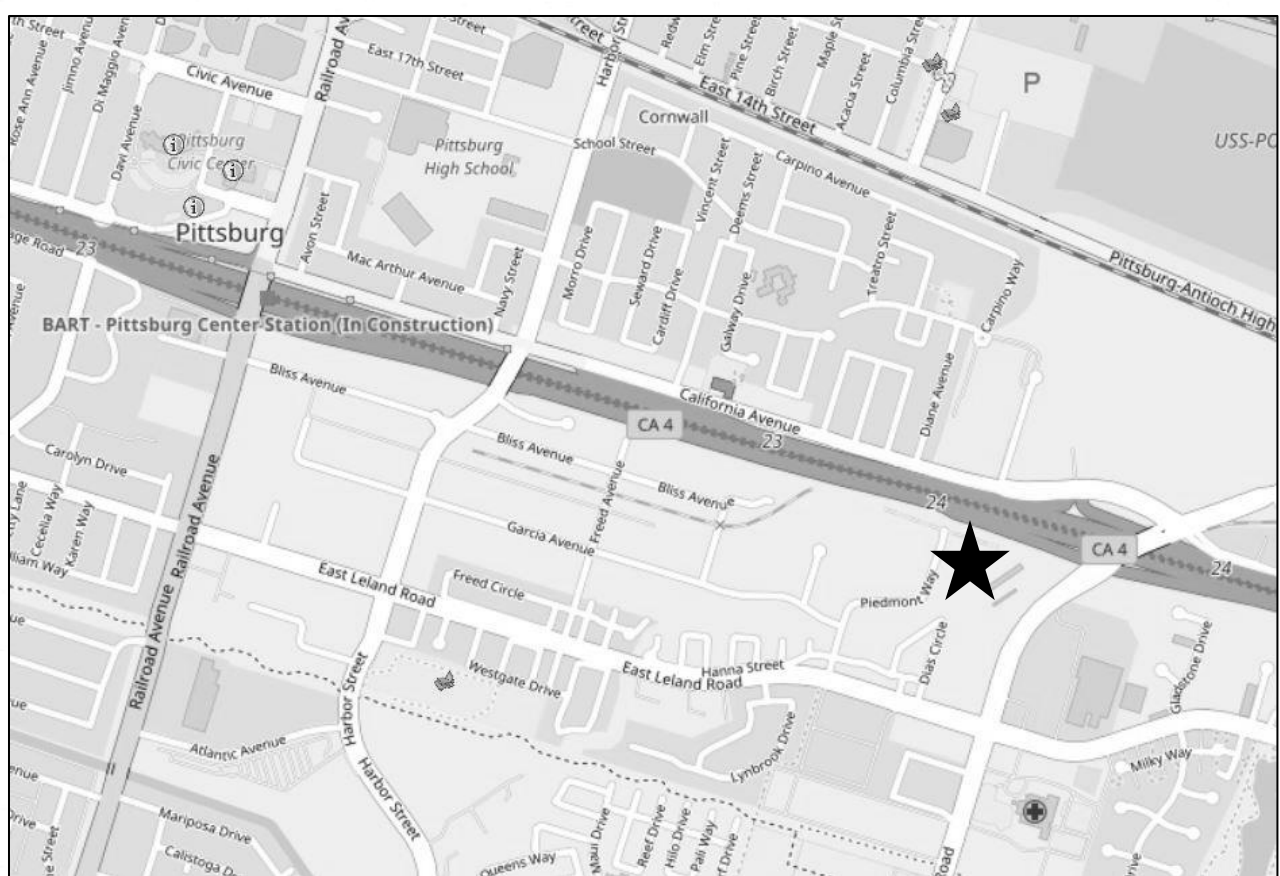
★ **Project Site**



Attachment 5
Project Plans



PRELIMINARY SITE PLAN



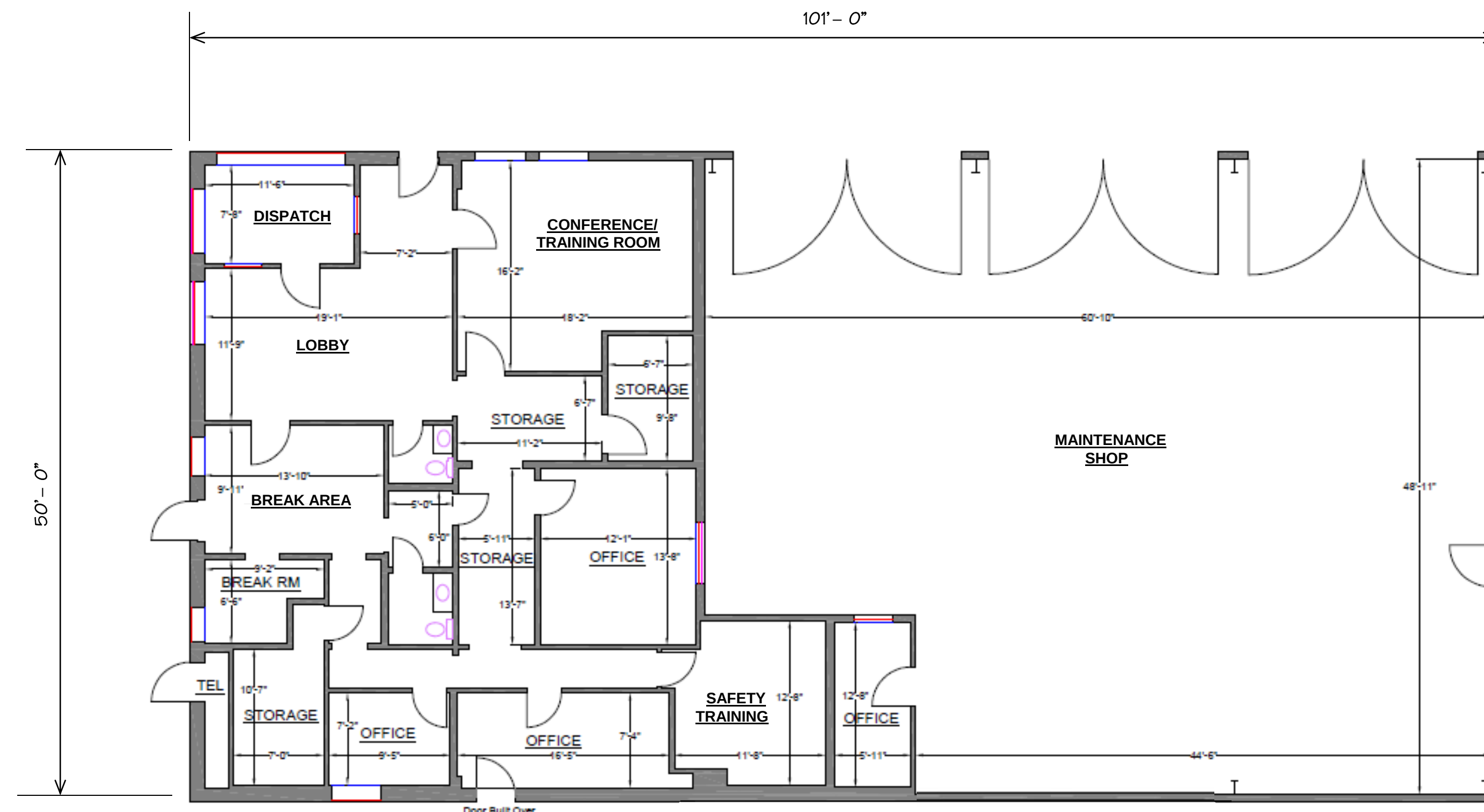
VICINITY MAP

SITE SUMMARY

ADDRESS:	2121 PIEDMONT WAY PITTSBURG, CA
APN:	088-240-006
EXISTING ZONING:	INDUSTRIAL PARK (IP)
PROPOSED LAND USE:	COMMERCIAL/PERSONAL TRANSPORT SERVICES (SCHOOL BUS TRANSPORT)
SITE AREA:	2.89 ACRES
BUILDING AREA:	5,050 SF (EXISTING)
LOT COVERAGE:	4.0 % (EXISTING)
FLOOR AREA RATIO:	0.04 (EXISTING)
LANDSCAPE COVERAGE:	1.0 % - 1,154 SF (EXISTING) 3.0 % - 3,876 SF (PROPOSED)
REQUIRED PARKING:	10 SPACES
PROVIDED PARKING:	16 STD. SPACES (EXISTING) 1 STD. ACCESSIBLE (NEW) 1 VAN ACCESSIBLE (NEW) 18 STD. SPACES (NEW) 36 TOTAL

- NOTES:
1. NO BUILDING OR TENANT IMPROVEMENTS ARE PROPOSED AS PART OF THIS SUBMITTAL.
 2. DIMENSIONS AND MEASUREMENTS OF BUILDING OBTAINED FROM LASERTECH DRAWING DATED APRIL 2017.
 3. EXISTING SITE INFORMATION IS BASED UPON THE CONDITION OF TITLE REPORT PREPARED BY FIRST AMERICAN TITLE DATED MAY 11, 2017, ASSESSORS PARCEL MAP, GOOGLE EARTH, AND FIELD MEASUREMENTS.
 4. DISCLAIMER: THE DRAWINGS ARE PRELIMINARY AND NOT FOR CONSTRUCTION.





8' 4' 0' 8'

SCALE: 1/8" = 1' -0"

FLOOR PLAN

NOTES:

1. EXISTING WALLS AND PARTITIONS TO REMAIN.
2. NO BUILDING OR TENANT IMPROVEMENTS ARE PROPOSED AS PART OF THIS SUBMITTAL.
3. DISCLAIMER: THE DRAWINGS ARE PRELIMINARY AND NOT FOR CONSTRUCTION.
4. DIMENSIONS AND MEASUREMENTS OBTAINED FROM LASERTECH DRAWING DATED APRIL 2017.



2121 Piedmont Way

Use Permit Application

Floor Plan

August 4, 2017



NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

17'-0" EXIST. BUILDING HEIGHT

EXIST. VERTICAL METAL SIDING



2121 Piedmont Way

Use Permit Application

Building Elevations

June 12, 2017

**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT**

ITEM: No. 4 - Recommendation on a Zoning Text Amendment to the Avila Road Open Space Overlay District to Allow Warehousing and Storage Limited, AP-17-1253 (RZ)

ORIGINATED BY: David and Kathy Rege, PO Box 507, Clayton, CA 94517

SUBJECT: This is a public hearing on a request by Dave and Kathy Rege for a recommendation for City Council approval of a Zoning Text Amendment to add "warehousing and storage limited" subject to a use permit and design review to the Open Space Overlays 07-1284 and 91-1016 located at 101 - 104 Avila Road.

RECOMMENDATION:

Staff recommends that the Commission adopt Resolution No. 10075, recommending City Council approval of an amendment to the land use regulations of an existing OS-O District in order to add the land use category "Warehousing and Storage, Limited" subject to a use permit and design review.

BACKGROUND:

Prior to the annexation to the City, the overlay area was used for grazing, stables, residences, dog kennel, vehicle storage yard, and contractor storage. In 1984, the County of Contra Costa approved a land use permit for "a commercial dog kennel, veterinary hospital, pet cemetery, three dwelling units and related accessory structures." It was determined that most of the existing and proposed uses at the time were not permitted in the OS base district. These uses, nonetheless, were determined to be generally consistent with the Pittsburg General Plan and were evaluated in the Southwest Hill General Plan Amendment EIR. Since annexation, permits have been issued for industrial contractor's yard, RV storage, modular office and storage building, and telecommunications towers.

On July 23, 1991, the City of Pittsburg initiated proceedings to prezone consistent with the Pittsburg General Plan and annex into the City of Pittsburg the 129+ acres (Z-91-08) bordered on the north by State Highway 4, to the west and south by unincorporated property and the east by the existing City Limits. A negative declaration was posted for that project having found that no significant effects upon the environment would occur as result of the project.

On November 18, 1991, in conjunction with this project the City Council adopted Avila Road Prezoning Ordinance No. 91-1016, which established a Limited Overlay District (OS-O) for the project area. The Limited Overlay included pre-existing commercial and industrial uses that would not usually be found in the Open Space land use designation (see Attachment 2, OS-O 1016 Exhibit A Land Use Regulations).

Planning Commission Staff Report

This original OS-O (Ordinance No. 91-1016) District remained in effect until it was amended by the City Council on April 17, 2007, through the adoption of Ordinance No. 07-1284, which amended the district in order to allow commercial recreation, commercial filming and artist studio uses (see Attachment 3 for an excerpt from Ordinance No. 07-1284 amending OS-O No. 1016).

On June 27, 2017, David and Kathy Rege filed an application to further amend the existing OS-O District in order to add “Warehousing and Storage, Limited” as an allowable use in the area, subject to approval of a use permit. While the applicant currently has no specific plan to add this business to his property, the use classification would enable storage uses at his site, and other sites within in the OS-O District boundaries, in the future subject to a use permit and design review.

PROJECT DESCRIPTION:

The project proposal is to revise the existing ‘Land Use Regulations’ table associated with the OS-O (Ordinance No. 91-1016) District by adding the “Warehousing and Storage, Limited” classification to the list. The PMC 18.08.080 definition for this commercial use is: “Provision of space, within an enclosed building, for the storage of privately owned household goods, personal property, business records, documents, and supplies. This classification includes ministorage facility but excludes wholesaling and storage, and vehicle storage.” No changes to the use classifications or other special regulations are proposed as part of this project.

GENERAL PLAN/CODE COMPLIANCE:

General Plan: The project site has a General Plan land use designation of Open Space, and according to the description “much of the City’s Planning Area is rural privately-owned land that falls within the open space designation. This classification accommodates any greenbelts and/or urban buffer areas that may be designated in the future. Greenbelts are open space, parkland, and agricultural areas located outside urban areas, as opposed to urban parks located within developed areas” (General Plan, page 2-21). Staff reviewed all applicable policies in the General Plan related to the Open Space land use designation and while there were no specific policies related to warehousing and storage uses, staff did determine that the proposed use would not be inconsistent with existing policies.

Pittsburg Municipal Code: Pursuant to PMC sections 18.16.020 and 18.48.030, the Planning Commission shall include written findings to support any recommendation it makes to the City Council to amend a zoning district or land use regulation of the Municipal Code.

Required Findings: In order to recommend approval of an amendment to the Zoning Ordinance, the Commission must find (in accordance with PMC Section 18.48.030) that:

Planning Commission Staff Report

1. The changes proposed are consistent with the objectives, policies, general land uses and programs specified in the General Plan.
2. In the case of a base district, the change proposed is compatible with the uses authorized in, and the regulations prescribed for, the land use district for which it is proposed.
3. A community need is demonstrated for the change proposed.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice.

In order to recommend approval of an overlay plan or amendment to an overlay, the Commission must also find (in accordance with PMC section 18.74.060) that the proposed overlay:

1. Is necessary because there are special or unique characteristics of the site or improvements that require land use and development regulations that cannot be adequately accommodated or controlled by the base zoning district;
2. Conforms to the general plan; and
3. Generally complies with the land use and development regulations of the base zoning district.

Environmental: This project is exempt from the requirements of the California Environmental Quality Act under the general rule of State CEQA Guidelines, section 15061, in that there is no possibility that the activity in question may have a significant negative physical impact on the environment. The proposed addition of “warehousing and storage, limited” uses, as defined in PMC section 18.08.080.30 Commercial use classifications, would include storage of non-sensitive items that occur entirely within a building. This type of use would present no greater impacts than the existing allowable uses in the OS-O District, such as Vehicle/Equipment Sales and Service, Vehicle Storage, and/or Industrial Contractor Yards. Further, individual site specific proposals that may be initiated in the future would require a discretionary use permit and design review application that would undergo a separate CEQA-specific review, under a separate application process.

Public Notice: On or prior to September 2, 2017, notice of the September 12, 2017, public hearing to consider this application was posted at City Hall and on the ‘public notices’ page of the City’s website; was delivered to the Pittsburg Library; was published in the local newspaper (East County Times); and was mailed via first class mail or email to the property owner, all property owners within 300 feet of the project area, and all interested parties and individuals and organizations that requested such notice, in accordance with PMC sections 18.14.010, and Government Code section 65091.

ANALYSIS:

Staff believes that the Commission can make the necessary findings to recommend approval of the proposed amendment to the overlay district in order to revise the existing Land Use Regulations table associated with Overlay District 91-1016, as amended by Ordinance No. 07-1284, by adding the “Warehousing and Storage, Limited” classification- subject to approval of a use permit and design review- to the list. While the applicant of a couple parcels has requested the amendment, staff determined that due to the existing allowable industrial and commercial uses in the overlay district, adding “Warehousing and Storage, Limited” would best apply to the entire OS-O 1016 district.

The warehousing and storage limited amendment proposal is compatible with the existing commercial and industrial uses within the area, such as contractor yard, vehicle and boat storage. Future warehousing and storage limited applications would require design review and a use permit to assure continued compatibility in use, visibility and environmental compliance, as well as conformity with public convenience, general welfare and good zoning practice.

There is currently no public warehousing and storage in the overlay area, (See Attachment 5 Existing Mini Storage Locations Google Map), or in the immediate vicinity. The lack of such facilities in the area paired with the high number of existing and planned residential units in the same area, indicates that there is a community need for this use in the area proposed.

ACTION REQUIRED:

If the Commission concurs with staff, then the Commission must move to adopt Resolution No. 10075, recommending City Council approval of an amendment to the land use regulations of an existing OS-O (Ordinance No. 91-1016) as amended by Ordinance No. 07-1284, District in order to add the land use category “Warehousing and Storage, Limited,” subject to a use permit, and design review.

ATTACHMENTS:

1. Proposed Resolution No. 10075
2. Exhibit A from Ordinance No. 91-1016 “OS-O (1016) Zoning District Land Use Regulations”
3. Excerpt from Ordinance No. 07-1284 Amending OS-O (1016)
4. Avila Road Photos
5. Existing Mini Storage Locations Google Map
6. Public Hearing Notice & Vicinity Map

Planning Commission Staff Report

Prepared by: Christine Gregory, Contract Planner

PROPOSED
BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Recommending that the City	)	
Council Approve an Amendment to the	)	
Open Space Overlay District 91-1016, to	)	
add "Warehousing and Storage, Limited,"	)	Resolution No. 10075
Subject to Use Permit, for "Avila Road	)	
Overlay Amendment, AP-17-1253 (RZ).")	)	

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. On June 27, 2017 the applicant filed Application No.17-1253 to add the "Warehousing and Storage Limited" land use classification, as defined in the Pittsburg Municipal Code (PMC) section 18.08.080.30, to the existing OS-O (Open Space Overlay District, Ordinance No. 91-1016) District, as amended by Ordinance No. 07-1284. While the applicant currently has no specific plan to add this business to his property, the use classification would enable storage uses at his site, and other sites within in the OS-O District boundaries, in the future subject to a use permit and design review.

- B. The proposed project is governed by the policies and development standards in the Pittsburg General Plan, the Open Space Overlay 91-1016 District, as amended by Ordinance No. 07-1284, and the Pittsburg Municipal Code (PMC).

- C. This project is exempt from the requirements of the California Environmental Quality Act under the general rule of State CEQA Guidelines, section 15061, in that there is no possibility that the activity in question may have a significant negative physical impact on the environment. The proposed addition of "Warehousing and Storage, Limited" uses, as defined in PMC section 18.08.080.30 Commercial use classifications, would include storage of non-sensitive items that occur entirely within a building. This type of use would present no greater impacts than the existing allowable uses in the OS-O District, such as Vehicle/Equipment Sales and Service, Vehicle Storage, and/or Industrial Contractor Yards. Further, individual site specific proposals that may be initiated in the future would require a discretionary use permit and design review application that would undergo a separate CEQA-specific review, under a separate application process.

- D. On or prior to September 2, 2017, notice of the September 12, 2017 public hearing to consider this application was posted at City Hall and on the 'public notices' page of the City's website; was delivered to the Pittsburg Library; was published in the local newspaper (East County Times); and was mailed via first class mail or email to the

property owner, all property owners within 300 feet of the project area, and all interested parties and individuals and organizations that requested such notice, in accordance with PMC sections 18.14.010, and Government Code section 65091.

- E. Pittsburg Municipal Code (PMC) section 18.48.030.A specifies that the following determinations must be made in order to recommend approval of an amendment to the Zoning Ordinance:
 - 1. the amendment is consistent with the objectives, policies, general land uses and programs in the General Plan;
 - 2. the land use regulation is compatible with uses and regulations of the land use district for which it is proposed;
 - 3. there is a community need for the change proposed; and
 - 4. the change will be in conformity with the public convenience, general welfare, and good zoning practice.
- F. Pittsburg Municipal Code (PMC) section 18.74.060. specifies that the following determinations must be made in order to recommend approval of an amendment of an overlay plan:
 - 1. Is necessary because there are special or unique characteristics of the site or improvements that require land use and development regulations that cannot be adequately accommodated or controlled by the base zoning district;
 - 2. Conforms to the general plan; and
 - 3. Generally complies with the land use and development regulations of the base zoning district.
- G. On September 12, 2017, the Planning Commission held a public hearing on Planning Application No. 17-1253, at which time oral and/or written testimony was considered.

Section 2. Findings

- A. Based on the Planning Commission Staff Report entitled "Recommendation on a Zoning Text Amendment to the Avila Road Open Space Overlay District to Allow Warehousing and Storage Limited, AP-17-1253 (RZ)," 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 are incorporated herein by reference.
2. The proposed amendment is not inconsistent with the General Plan.
3. The proposed land use regulations are compatible with uses and regulations of the land use district for which they are proposed, in that they would provide the community with storage options while still providing site development and operational controls through the use permit and design review process to ensure that new businesses do not become a nuisance for the surrounding neighbors, nor the City as a whole. In addition, the existing OS-O District currently allows other similar uses, including Vehicle/Equipment Sales and Service, Vehicle Storage, and Industrial Contractor Yards, so the proposed addition of "Warehousing and Storage, Limited" would not be out of character or inconsistent with existing land use regulations.
4. There is currently no public "Warehousing and Storage, Limited" use in the overlay area, and the use permit and design review requirement will ensure that future applications for development of this type of use will be in conformity with public convenience, general welfare and good zoning practice.
5. The change will be in conformity with the public convenience as it would provide residents with an easily accessible storage and warehousing option along Avila Road, as no mini storage exists in the area surrounding the project. The amendment would provide an option for future mini storage that is currently unavailable to nearby residents.

Section 3. Decision

- A. Based on the findings and the authority set forth above, the Planning Commission hereby recommends that the City Council adopt an ordinance amending Ordinance No. 91-1016, Exhibit "A" OS-O (1016) Zoning District, as amended by Ordinance No. 07-1284, "Land use and development regulations," as identified below:

1. The schedule is amended to add the following land use category under the "Commercial" heading, as follows (new text shown with underlines):

<u>Warehousing and Storage, Limited</u>	<u>U</u>
---	----------

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner , seconded by Commissioner _____, the foregoing resolution was passed and adopted the 12th day of September,2017, 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. 10075 was adopted by the Planning Commission of the city of Pittsburg on September 12, 2017.

KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

Ordinance No. 91-1016
Exhibit "A"

OS-O(1016) Zoning District

Land Use Regulations

In the following schedule, the letter "P" designates use classifications permitted in OS districts. The letter "L" designates use classifications subject to certain limitations prescribed by the "Additional Use Regulations" which follow. The letter "U" designates use classifications permitted on approval of a use permit (chapter 18.28). The letter "Z" designates accessory use classifications permitted on approval of the zoning administrator. The letter "T" designates temporary use classifications permitted on approval of a temporary activity permit. Letters in parentheses in the "Additional Use and Development Regulations" column refer to development regulations which follow after the schedule.

OS-O(1016) DISTRICT: LAND USE REGULATIONS

P - Permitted
U - Use Permit
Z - Zoning Administration
Approval
T - Temporary Activity
Permit
L - Limited (See
Additional Use
Regulations)

	OS-O(1016)	ADDITIONAL AND DEVELOPMENT USE REGULATIONS
Residential		
Single Family Residential	P	(A)
Governmental and Semipublic		
Cemetery	L36	
Government Office	L23	
Park and Recreation Facility	U	
Public Safety Facility	U	
Utility, Minor	P	
Commercial		
Animal Services		
Animal Boarding	P	
Animal Grooming	P	
Animal Hospital	P	
Animal Retail Sales	P	
Commercial Recreation and Entertainment		

Within a Building	L37
Outdoor Facilities	L38
Eating and Drinking Establishment	
Restaurant, Full-service	P
Horticulture, Limited	P
School, Commercial	L39
Vehicle/Equipment Sales and Service	
Vehicle Storage	U
Visitor Accommodations	L40
Industrial	
Industrial Services	
Contractor Yard	U
Agricultural and Extractive	
Animal Husbandry	P
Crop Production	P
Mining and Processing	U
Accessory Uses	
Accessory Uses	L30
Accessory Structures	
Nonresidential Accessory Structure	
Accessory Dwelling Unit	Z
Accessory Living Quarters	P
Caretaker's Quarters	U
Temporary Uses	
Animal Show	T
Christmas Tree Sales	T
Circus and Carnival	T
Commercial Filming, Limited	T
Holiday Boutique	P
Personal Property Sales	P
Real Property Sales	P
Religious Assembly	T

OS-O(1016) DISTRICT: ADDITIONAL USE REGULATIONS AND DEVELOPMENT REGULATIONS

- (A) Minimum lot area is 20 acres per dwelling unit.
- L23 Permitted as part of a park or recreational public service, or utility facility.
- L36 Limited to burial of pets including taxidermy, crematory, columbarium, mausoleum and mortuary.

- L37 Limited to exposition hall for animal shows, trade fairs, meetings, live performing arts and social functions.
- L38 Limited to animal shows and exhibits.
- L39 Limited to training of animal handlers.
- L40 Limited to recreational vehicle hookups for participants and attendees.

Development Regulations

Development regulations are as specified by a use permit or design review where required. A permitted use or ancillary activity not specifically regulated by a use permit or design review approval is regulated by the property development regulations specified in the Rural Residential District, except as otherwise prescribed by this Chapter.

Review of Plans

All projects require design review (chapter 18.36).

***OS-O DISTRICT: ADDITIONAL USE REGULATIONS AND DEVELOPMENT
REGULATIONS**

- (A) Minimum lot area is 20 acres per dwelling unit.
- L23 Permitted as part of a park or recreational public service, or utility facility.
- *L36 LIMITED TO BURIAL OF PETS INCLUDING TAXIDERMY, CREMATORY, COLUMBARIUM, MAUSOLEUM AND MORTUARY.
- *L37 LIMITED TO EXPOSITION HALL FOR ANIMAL SHOWS, TRADE FAIRS, MEETINGS, LIVE PERFORMING ARTS AND SOCIAL FUNCTIONS.
- *L38 LIMITED TO ANIMAL SHOWS AND EXHIBITS.
- *L39 LIMITED TO TRAINING OF ANIMAL HANDLERS.
- *L40 LIMITED TO RV HOOKUPS FOR PARTICIPANTS AND ATTENDEES.

CB/ly
a:landuse.reg

Attachment 3 Excerpt from Ordinance No. 07-1284 Amending OS-O (1016)

4. Ordinance No. 02-1203 (Landmark Missionary Baptist Church Overlay) is amended, in order to add "Religious Assembly" as a permitted use in that IL-O (Limited Industrial with a Limited Overlay) District;
5. Ordinance No. 02-1193 (Mill Creek Development Overlay) is amended, in order to add "Religious Assembly" as an allowed use in that CS-O (Service Commercial with a Limited Overlay) District, subject to limitation L-117, which requires a use permit for facilities capable of accommodating an occupancy of 50 or more seated persons based on Uniform Building Code standards, but otherwise permits the use;
6. Ordinance Nos. 98-1154 and 97-1133 (Fort Knox Storage Overlay) is amended, in order to add "Boat Storage" and "Vehicle Storage" as conditionally permitted uses in those CO-O (Office Commercial with a Limited Overlay) Districts;
7. Ordinance No. 91-1016 (Avila Road Overlay) is amended, in order to modify the limitation for "Commercial Recreation and Entertainment Within a Building" to incorporate the following revisions and so as to read, "Limited to **scale model course, shooting gallery, and** exposition hall for animal shows ~~and trade fairs, meetings, live performing arts, and social functions all subject to a use permit,~~" and to add "Commercial Filming and Communications" and "Artist Studio" as conditionally permitted uses in that OS-O (Open Space with a Limited Overlay) District; and
8. An overlay district is established for that portion of the property formerly occupied by Johns Manville, located west of Harbor Street and south of East Third Street (Assessor's Parcel No. 073-050-001), and designated *Downtown Medium Density Residential* in the General Plan. The use and development standards for this overlay district shall be those of the RMD District, except that minimum lot size shall be 2,200 square feet, and maximum building height for attached and detached single-family residential units shall be 35 feet for up to 75 percent of all interior lots and 28 feet for all lots with frontage on more than one public or private street and no fewer than 25 percent of all interior lots.

SECTION 4. Severability.

If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remainder of this ordinance, and this City Council hereby declares that it would have passed the remainder of this ordinance if such invalid portion thereof had been deleted.

SECTION 5. Publication.

The City Clerk shall either (a) have this ordinance published once within 15 days after adoption in a newspaper of general circulation or (b) have a summary of the ordinance published twice in a newspaper of general circulation, once 5 days before its adoption and again 20 days after its adoption.

Attachment 4 Avila Road Photos



Photo 1 Looking Northeasterly along Avila Road (applicant's property behind fence)



Photo 2 Looking Easterly along Avila road. RV storage on left and industrial contractor yard on right



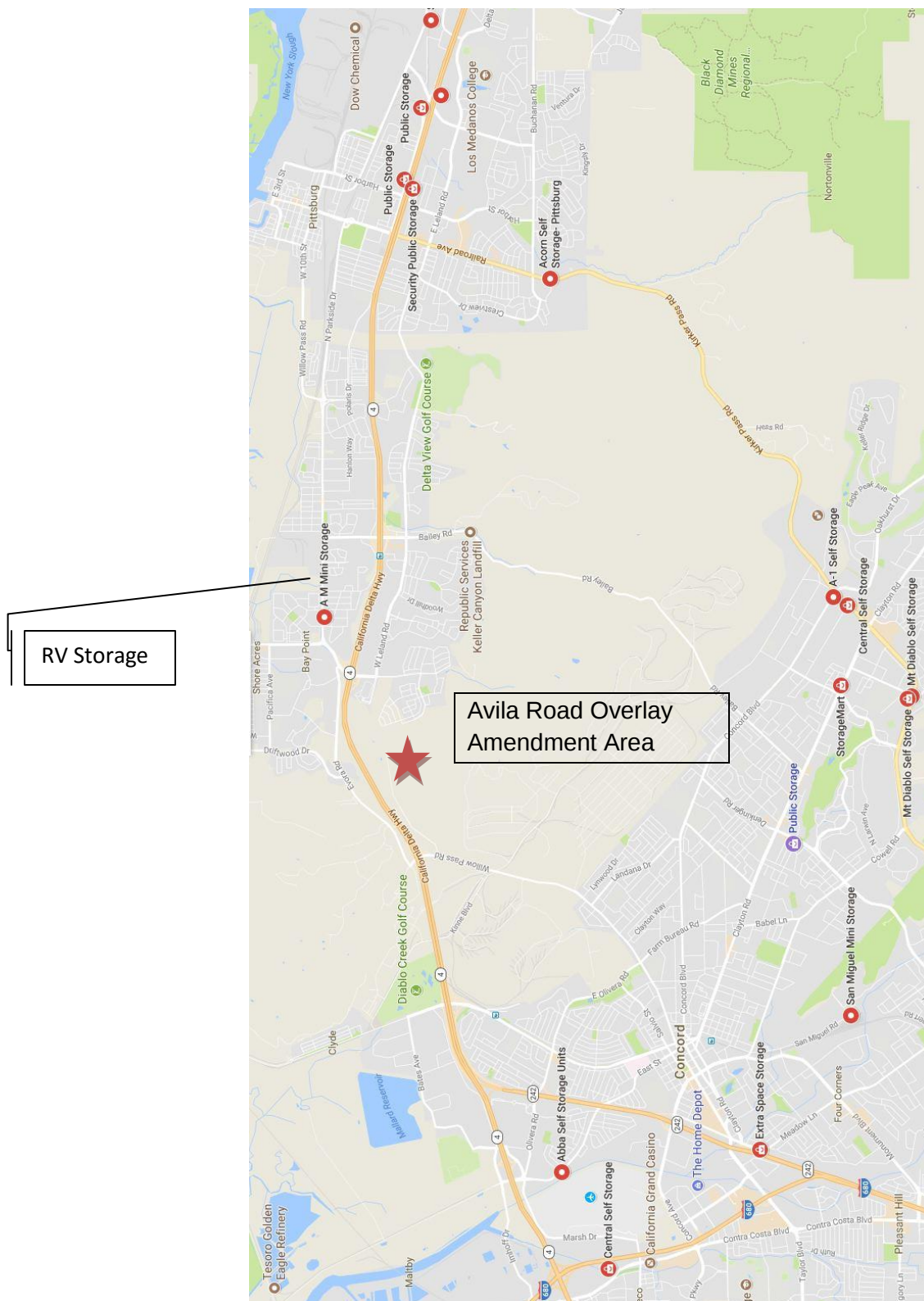
Photo 3 Looking north from Avila Road at applicant's industrial contractor yard



Photo 4 Looking South at RV storage

Planning Commission Staff Report
Avila Road Overlay Amendment for Warehousing and Storage Limited
September 12, 2017

Attachment 5 EXISTING MINI STORAGE GOOGLE LOCATIONS MAP





City of Pittsburg

Community 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: September 12, 2017

TIME: 7:00 p.m.

PLACE: City Council Chamber at City Hall
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Avila Road Overlay Amendment AP-17-1253.

This is a public hearing on a request by Dave and Kathy Rege for a recommendation for City Council approval of an Overlay District Amendment to add the land use category “warehousing and storage limited,” subject to a use permit, to the existing Open Space Overlay’s No. 07-1284 and 91-1016 located in the vicinity of 100 - 104 Avila Road. APN’s: 097-140-014, 015, 016, 017, 018, and 097-130-009

PROJECT PLANNER: Christine Gregory (925) 252-4824 or cgregory@ci.pittsburg.ca.us

Where can I get more information about this project?

The complete file for this project is available for public inspection at the Planning Division, weekdays during the hours of 8:00 AM to 12:00 PM and 1:00 PM to 5:00 PM. You can also find out more about the project by contacting the project planner listed above.

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

Comments or objections to the project can be made by writing or through oral testimony during the public hearing. Written comments citing the project name may be emailed to the project planner listed above, or may be mailed or delivered to: Pittsburg Planning Division, 65 Civic Avenue, Pittsburg, CA 94565. You may also register your comments or objections by attending the public hearing on the date and time listed above.

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



**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
September 6, 2017**

ITEM: No. 5 - 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 the Ferguson Enterprises freestanding sign proposal at 2112 Loveridge Road. The Zoning Administrator also submits one resolution 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 adopted Zoning Administrator resolution.

BACKGROUND:

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

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

Planning Commission Staff Report

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 one application requesting design review approval which qualifies within one or more of the nine categories of delegated authority established by Resolution No. 9918:

1. Ferguson Enterprises Freestanding Sign, AP-17-1262 (SR) – Delegated Design Review Category 1.

This is an application by Steve Peterson, on behalf of Ferguson Enterprises, requesting sign review approval of plans to construct and install a new freestanding sign to identify the business located at 2112 Loveridge Road. The proposed project is located within the IP (Industrial Park) District. Assessor's Parcel No. 088-240-068.

The Zoning Administrator has also adopted one resolution approving a delegated design review application for:

1. Resolution No. 302: Community Presbyterian Church Three Cross Installation, AP-17-1255 (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

Planning Commission Staff Report

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 and the adopted Zoning Administrator resolution.

ATTACHMENTS:

1. Notice of Intent: Ferguson Enterprises Freestanding Sign, AP-17-1262 (SR)
2. Zoning Administrator Resolution No. 302

Prepared by: Kristin Pollot, Zoning Administrator

NOTICE OF INTENT

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

Ferguson Enterprises Freestanding Sign, AP-17-1262 (SR).

This is an application by Steve Peterson, on behalf of Ferguson Enterprises, requesting sign review approval of plans to construct and install a new freestanding sign to identify the business located at 2112 Loveridge Road. The proposed project is located within the IP (Industrial Park) District. Assessor's Parcel No. 088-240-068.

This project is delegated to staff under Category 1 (Freestanding Signs) of Planning Commission Resolution No. 9918.

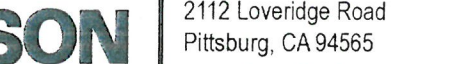


N.T.S.

WORK SCOPE

PP.1

D/F NON-ILLUMINATED POST & PANEL SIGN (Qty. 1)
SQUARE FOOTAGE: 32 per side

JONES SIGN Your Vision. Accomplished. WWW.JONESSIGN.COM	JOB # 223573-R1	REV.	DATE	BY	DESCRIPTION	CLIENT APPROVAL	DATE	FERGUSON	FERGUSON	SHEET NUMBER
	DATE 7.25.2017	1	07.27.17	DM	REVISED CONSTRUCTION DETAILS TO THE WALL SIGNS				2112 Loveridge Road	
	DESIGNER: D Moore	2	08.13.17	XX	XXXX				Pittsburg, CA 94565	
	SALES REP --	3	08.08.18	XX	XXXX	LANDLORD APPROVAL	DATE			
	PROJ MGR J Snow	4	03.07.19	XX	XXXX					
		5	08.08.19	XX	XXXX					
		6	08.08.19	XX	XXXX					
		7	08.08.19	XX	XXXX					
		8	08.08.19	XX	XXXX					
		9	08.08.19	XX	XXXX	QC				
		10	08.08.19	XX	XXXX					

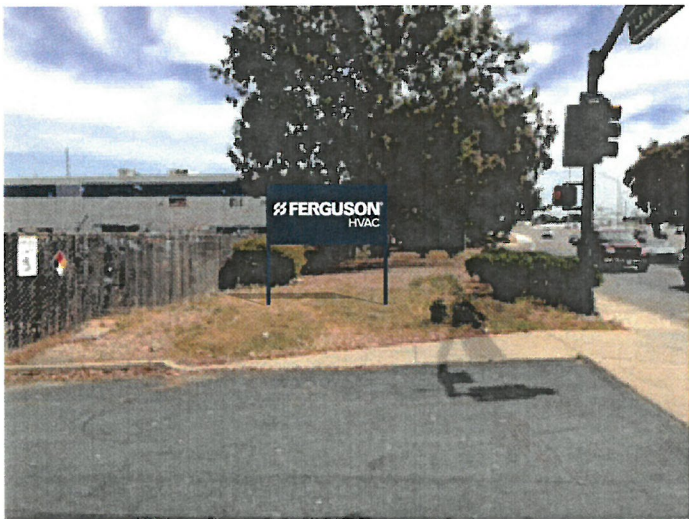
This is an original, unpublished drawing by Jones Sign Co., Inc. It is for your personal use in conjunction with a project being planned for you by JONES SIGN. It is not to be shown to anyone outside of your organization, nor is it to be used, reproduced, copied or exhibited in any fashion. Use of this design or the salient elements of this design in any sign done by any other company, without the express written permission of JONES SIGN, is forbidden by law and carries a civil forfeiture of up to 25% of the purchase price of the sign. JONES SIGN will endeavor to closely match colors, including PMS, where specified. We cannot guarantee exact matches due to varying compatibility of surface materials and paints used. All sizes and dimensions are illustrated for client's conception of project and are not to be understood as being exact size or exact scale.

PP.1 D/F NON-ILLUMINATED POST & PANEL SIGN (Qty. 1)

SQUARE FOOTAGE: 32 per side



EXISTING CONDITIONS
N.T.S.



PROPOSED SIGNAGE
N.T.S.

SPECIFICATIONS

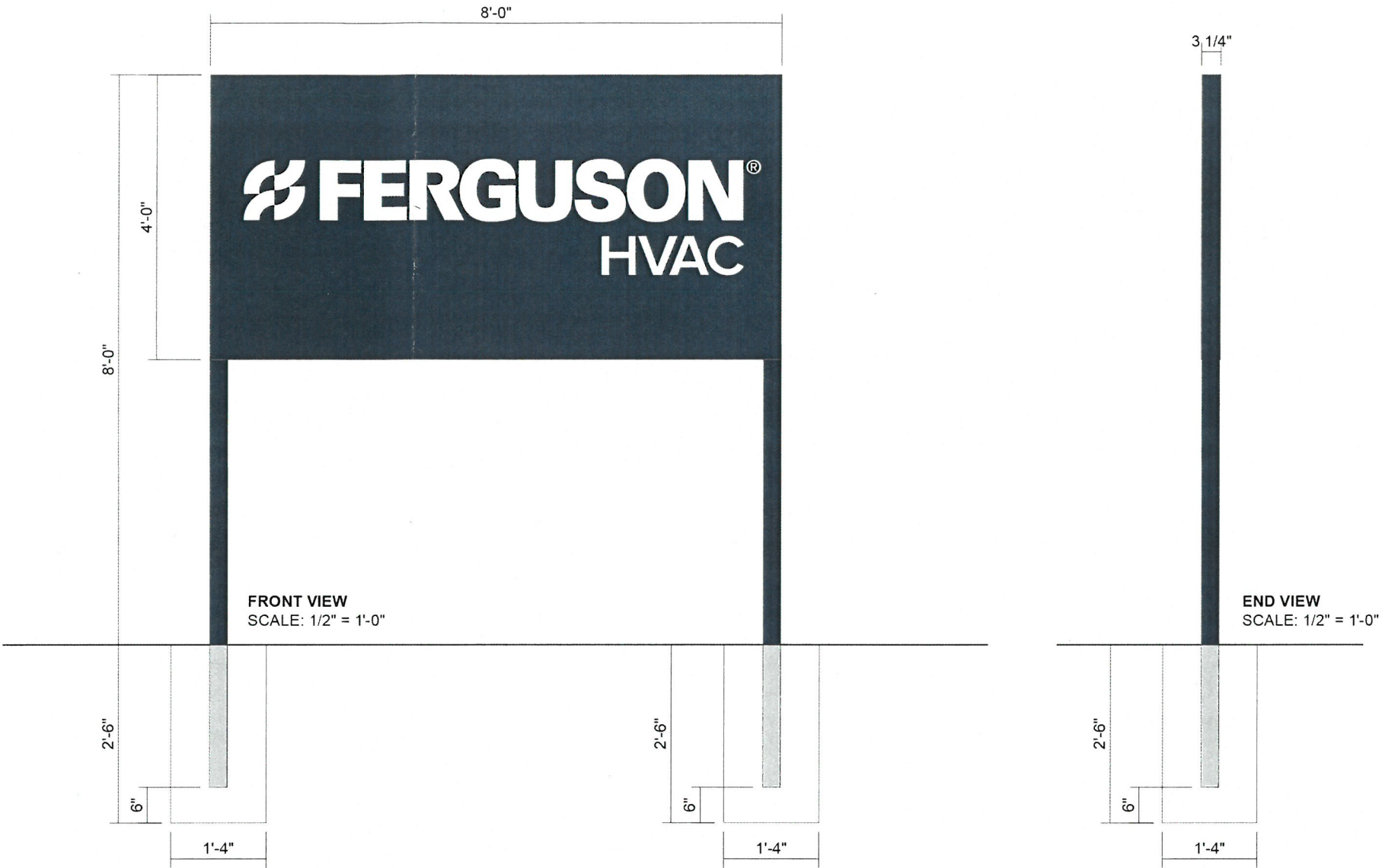
- 1. .125" ALUMINUM FACE / PAINTED P-1 / WITH FIRST SURFACE VINYL V-1
- 2. 3" SQUARE TUBE POSTS / PAINTED P-1

COLORS/FINISHES

- P-1 PMS 302C FERGUSON BLUE, SATIN
- V-1 3M 7725-10 WHITE

NOTES:

- FOOTING DETAIL TO BE VERIFIED



JONES SIGN
Your Vision. Accomplished.
WWW.JONESSIGN.COM

JOB #: 223573-R1
DATE: 7.25.2017
DESIGNER: D Moore
SALES REP: --
PROJ MGR: J Snow

REV.	DATE	BY	DESCRIPTION
1	07.27.17	DM	REVISED CONSTRUCTION DETAILS TO THE WALL SIGNS
2	08.08.00	XX	XXXX
3	08.08.00	XX	XXXX
4	08.08.00	XX	XXXX
5	08.08.00	XX	XXXX
6	08.08.00	XX	XXXX
7	08.08.00	XX	XXXX
8	08.08.00	XX	XXXX
9	08.08.00	XX	XXXX
10	08.08.00	XX	XXXX

CLIENT APPROVAL	DATE
LANDLORD APPROVAL	DATE
QC	QC APPROVED

FERGUSON

FERGUSON
2112 Loveridge Road
Pittsburg, CA 94565

DESIGN PHASE: CONCEPTUAL

SHEET NUMBER

1.0

BEFORE THE ZONING ADMINISTRATOR OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Approving Installation of	)	
Three Freestanding Crosses at 200 E.	)	
Leland Road, for "Community	)	Resolution No. 302
Presbyterian Church Three Cross	)	
Installation, AP-17-1255 (AD).")	)	

The Zoning Administrator DOES RESOLVE as follows:

Section 1. Background

- A. On June 30, 2017, Chris Persing, on behalf of Community Presbyterian Church, filed Administrative Design Review Application No. 17-1255, requesting approval to install three freestanding crosses, located at 200 E. Leland Road, in the CC (Community Commercial) District. APN 088-184-019.
- 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), and the City of Pittsburg Development Review Design Guidelines (DRDG; Planning Commission Resolution No. 9864).
- C. On September 25, 2012, the Planning Commission adopted Resolution No. 9918, delegating certain types of design review projects to the Zoning Administrator. Design review of this project is delegated to the Zoning Administrator under Category 8, "Ancillary Structures" of Planning Commission Resolution No. 9918.
- D. On July 11, 2017, a Notice of Intent to exercise staff delegated authority for this project was included on the Planning Commission agenda.
- E. Design review approval can be granted by the Zoning Administrator only after a determination is made that the proposed project is consistent with PMC section 18.36.220 (B).
- F. 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

- A. 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 September 5, 2017, the Zoning Administrator finds that:

1. All recitals above are true and correct and are incorporated herein by reference.
2. In accordance with the requirements of PMC 18.36.020 (B), the proposed cross installation:
 - a. Will conform with good taste, good design and in general contribute to the character and image of the City as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality, if the new crosses are kept clean and well maintained.
 - b. Will be protected against exterior and interior noise, vibrations and other factors that may tend to make the environment less desirable, in that no new additions are proposed to the building as part of this project.
 - c. Will have an exterior design and appearance that will not be of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value, in that it will enhance the appearance of the building by providing an attractive art feature that will also help to indicate the use of the site.
 - d. Will be in harmony with proposed developments on land in the general area, in that the proposed cross installation will provide visual interest in the neighborhood.
 - e. Will generally conform with the City's Development Review and Design Guidelines (DRDG); Planning Commission Resolution No. 9864 sections IV.g, IV.p, and IV.q, in that the proposed crosses will provide a focal point to the site; the proposed crosses are a feature on the street oriented portion of the site; the proposed colors and materials will complement surrounding commercial development and will signal increased investment in the area.

Section 3. Decision

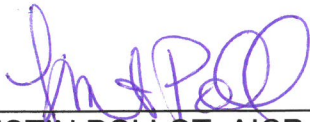
- A. Based on the findings set forth above, the Zoning Administrator hereby approves Administrative Design Review Application No. 17-1255, subject to the following conditions.
 1. The project shall be constructed in substantial conformity with the project plans and elevations date stamped June 30, 2017, and attached as Exhibit "A" to this resolution, except as modified below.

2. The exterior finish on the crosses shall be kept clean and well maintained.
3. Any lights used on-site shall be focused in a manner that does not create a nuisance to vehicles using adjacent streets.
4. All landscaped areas shall be maintained so as to remain in a healthy, thriving, and weed free condition. Any dead or unhealthy plants shall be immediately replaced with a similar species.
5. The site shall be kept clean and free of all litter, debris, and refuse.
6. Should the crosses ever be removed, all disturbed surfaces shall be restored to their former/better condition, as determined by the City of Pittsburg Community Development Department.
7. This resolution does not approve on-site signage. No permanent wall signs or temporary, promotional, or event signs and banners may be placed on the site prior to approval by the Planning Division.
8. The Standard Conditions of Development as adopted by the Pittsburg Planning Commission by Resolution No. 8931 shall apply as conditions of approval for this project as applicable. Where there is a conflict between this resolution and the Standard Conditions of Development, this resolution shall govern.
9. 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.
10. The applicant shall comply with all of the requirements of the Community Development Department (including the Planning, Engineering and Building Divisions), Contra Costa County Fire Protection District and all 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.

This approval will expire on September 5, 2018, unless a building permit has been issued or a written request for an extension is filed with the Planning Division prior to the expiration date and then subsequently approved by the Zoning Administrator. The approval shall be valid for no more than six months from the date of permit issuance, unless work is commenced and diligently pursued prior to the expiration of the permit.
Section 4. Effective Date

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

The foregoing resolution was passed and adopted the 5th day of September, 2017, by the Zoning Administrator of the City of Pittsburg, California.



KRISTIN POLLOT, AICP
ZONING ADMINISTRATOR

RECEIVED

JUN 30 2017

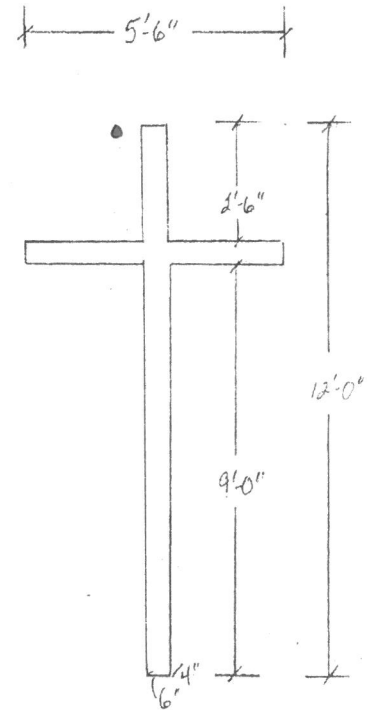
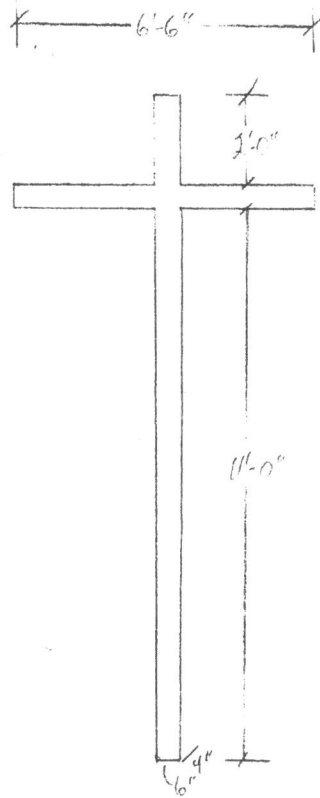
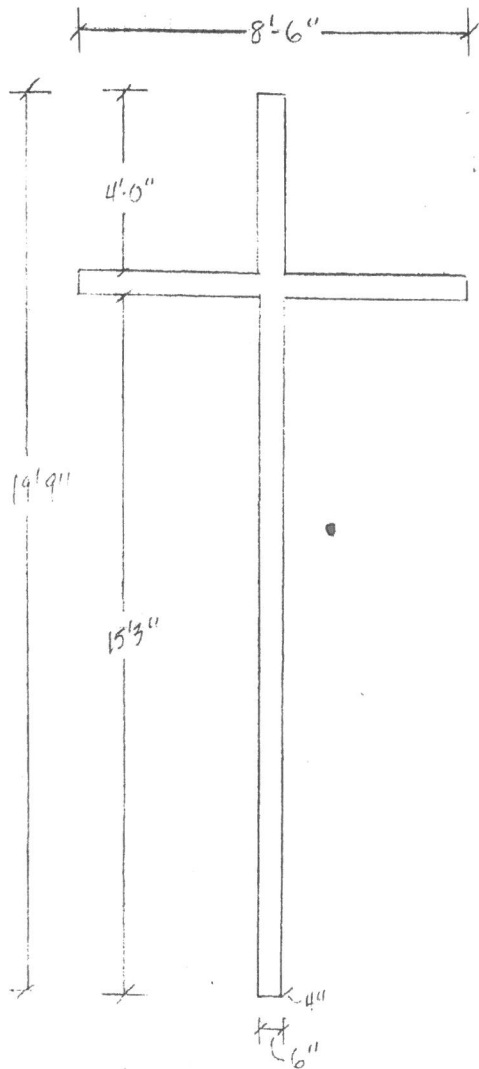
PLANNING DIVISION



**APPROVED BY
THE CITY OF PITTSBURG**

____ Planning Department
☒ Zoning Administrator
____ Planning Commission
____ City Council

App. No. AP 17-1255
Reso. No. 302
Date Approved: 9/5/17
Signature: Celina Palmer



$\frac{1}{4}'' = 1'$

aluminum is $\frac{1}{4}''$ thick

**APPROVED BY
THE CITY OF PITTSBURGH**

☐ Planning Department
☒ Zoning Administrator
☐ Planning Commission
☐ City Council

App. No. AP-17-1255

Reso. No. 302

Date Approved: 9/5/17

Signature: Celina Palmer



As they were placed
in a prior location. We
would like to place them
similarly.

E. Leland

**APPROVED BY
THE CITY OF PITTSBURG**

☐ Planning Department
☒ Zoning Administrator
☐ Planning Commission
☐ City Council

App. No. AP-17-1255
Reso. No. 302
Date Approved: 9/5/17
Signature: Celina F. Palmer

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

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

A. Project Site.

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

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

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

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

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

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

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

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

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

10. The CC&R's shall restrict the storage of recreational vehicles on this site or parcels unless they are the principle source of transportation for the

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

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

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

B. Architecture.

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

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

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

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

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

C. Landscaping.

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

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

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

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

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

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

D. General Requirements

1. Final inspection for occupancy permits will not be granted until all construction and landscaping is complete in accordance with approved plans.
2. The applicant shall defend, indemnify and hold harmless the City of 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, 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 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-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.