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Community and Economic Development Department – Planning Division

## Memorandum

Date: November 1, 2024

To: Mayor and City Council Members

From: John Funderburg, Assistant Director of Community and Economic Development

RE: Item No. 3 – Pittsburg Technology Park and Specific Plan

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Staff is proposing minor edits to the proposed Specific Plan regarding language related to the processing of future development applications. Staff considers the proposed edits non-substantive and would like to clarify that future development applications within the Plan Area will require Zoning Administrator approval, which includes a duly noticed public hearing. This will ensure consistency with the existing provisions provided for in Pittsburg Municipal Code Section 18.10.050, "Duties of zoning administrator."

Please see attachments for proposed non-substantive edits and clarifications.

**Enc:** Attachment 1 – Corrections to Proposed Ordinance (Attachment 2 - Exhibit B)

Attachment 2 – Strikethrough to Language in Sections 8.2 and 8.5 of the Pittsburg Technology Park Specific Plan

## **Attachment 1 to Memorandum dated November 1, 2024**

Corrections to Proposed Ordinance (Attachment 2) – Exhibit B for Item No. 3 Adoption of a Resolution Certifying the Final Program Environmental Impact Report, Adopting CEQA Findings of Fact and a Mitigation Monitoring and Reporting Program, and Approving a Vesting Tentative Map; and Introduction and Waive First Reading of an Ordinance Assigning Zoning of Planned Development District to Properties Located Within the Pittsburg Technology Park Specific Plan Area and Adopting the Pittsburg Technology Park Specific Plan, AP-24-0028 (PD, SUBD, EIR)

### **Attachment 2 (Ordinance) – Exhibit B (Pittsburg Technology Park Specific Plan)**

1. Page 30, Section 8.2 (Conformity Determinations and Development Application):

(7) Other information as determined by the city planner.

The Zoning Administrator shall consider the development application for approval and integrate it with the land use approval process, detailed below. If the Zoning Administrator can make the following findings, they shall approve the development application and the Design Review Permit administratively (~~without public notice and without the need to hold a public hearing~~):

2. Page 32, Section 8.5 (Determinations of Similar Use)

Where a request for determination of similar use is submitted, the Zoning Administrator shall ministerially make the determination of similar use (~~without the need for the holding of a public hearing~~).

## CHAPTER 8: IMPLEMENTATION

### 8.1 IMPLEMENTATION

The purpose of this chapter is to provide an outline of the steps necessary to implement the Pittsburg Technology Park Specific Plan and applicable conditions, mitigation measures and regulations in coordination with the City of Pittsburg and other governing public agencies.

The Zoning Administrator shall be responsible for administering the provisions of the Specific Plan and shall have authority to review and approve development projects that have been determined to be consistent with the objectives and provisions of the Specific Plan.

### 8.2 CONFORMITY DETERMINATIONS AND DEVELOPMENT APPLICATION

Applicant must submit a development application to the Planning Department for review and conformity with the standards and design review guidelines as outlined in Chapter 3. The Zoning Administrator shall review the package and provide a determination for consistency with this Specific Plan. Pursuant to PMC section 18.18.050, the decision of the Zoning Administrator can be appealed to the Planning Commission.

The following project types are not required to submit a development application but are still subject to PMC Title 15: Buildings and Construction:

- (1) New development that is less than 10,000 square feet total and consistent with permitted uses
- (2) Routine maintenance, minor repair work, and replacement of existing structures

The required information that must be included in the development application, pursuant to PMC section 18.36.210 includes:

(1) Site plan showing:

- a) General location of property;
- b) Property boundaries;
- c) Existing topography and proposed grading (for property no less than 10 acres, a contour interval no greater than five feet and a horizontal map scale of one-inch equals 50 feet or larger shall be used; for property larger than 10 acres, a contour interval no greater than 10 feet and a horizontal map scale of one-inch equals 100 feet or larger shall be used);
- d) All existing and proposed structures, the height of each structure and number of dwelling units in each structure;
- e) All existing and proposed signs;
- f) Location and approximate height of all adjacent structures on abutting sites;
- g) Location, dimensions, and quantity of existing and proposed off-street parking, with a statement indicating whether it conforms to applicable regulations;
- h) Existing and proposed vehicular and pedestrian ways, and trails, with grades, widths, and types of improvements;
- i) Proposed vehicular access between site and public street;
- j) Locations, names, and widths of abutting streets;

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- k) Existing and proposed utilities;
  - l) Existing and proposed recreational facilities;
  - m) Existing and proposed storm drainage facilities;
  - n) Location of existing trees on the site;
  - o) Locations and heights of existing and proposed retaining walls;
  - p) Locations and dimensions of trash disposal areas;
  - q) Roof overhangs;
  - r) Distances between buildings and from building walls to property lines;
  - s) Proposed street names;
  - t) Handicap facilities;

(2) Architectural drawings showing:

- a) Floor plans at one-eighth inch or one-quarter inch equals one foot zero inches;
- b) Four elevations (or more if necessary) to include all sides of development at no less than one-eighth inch equals one foot zero inches;

(3) Landscaping plan, including plant names and sizes, and an irrigation plan;

(4) A recent photograph of the site itself and of adjacent properties showing the current condition of the properties;

(5) Color and texture chips of actual samples of materials;

(6) Additional information which may be requested by the planning commission including but not limited to the following:

- a) Recent photographs of sight line profiles in sufficiently large scale, taken from commonly used vantage points in the city (shopping centers, road intersections, scenic lookouts, etc.) with the outline of the proposed structure in proper scale and perspective superimposed on it;
- b) Architectural drawings showing the locations, size, color, shape and type of illumination of each proposed sign;

(7) Other information as determined by the city planner.

The Zoning Administrator shall consider the development application for approval and integrate it with the land use approval process, detailed below. If the Zoning Administrator can make the following findings, they shall approve the development application and the Design Review Permit administratively ~~without public notice and without the need to hold a public hearing:~~

(a) The project complies with all applicable development standards identified in this Specific Plan, the *2040 General Plan*, and PMC.

(b) There is supporting infrastructure, existing or available, consistent with the intensity of development, to accommodate the proposed development.

(c) The proposed uses are in compliance with the Specific Plan, the *2040 General Plan* and PMC.

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The Zoning Administrator, or the Planning Commission in the case of an appeal, shall make written findings for its decision.

### 8.3 REVISIONS TO APPROVED PERMITS

Any subsequent changes to approved permits that would modify approved development permits, shall be submitted to the Zoning Administrator as specified in Section 7.2. The Zoning Administrator shall determine whether the proposed modification to a previously approved permit is in conformance with the Specific Plan. If the Zoning Administrator determines that the proposed modification to the approved permit conforms with the Specific Plan, then the Zoning Administrator shall issue a Minor Revision to the previously approved permit without notification and without the need for a public hearing or the need to complete further review under CEQA.

### 8.4 MINOR MODIFICATIONS TO THE SPECIFIC PLAN

Minor modifications to the Specific Plan shall not require a Specific Plan Amendment and shall be subject to a “substantial conformance” determination, an administrative mechanism by which minor modifications to the Specific Plan that do not result in significant impacts and are consistent with the intent of the Specific Plan shall be permitted without a formal Plan amendment process. The Zoning Administrator shall make determinations of substantial conformance ministerially without the need for a public hearing.

Minor modifications that satisfy the substantial conformance determination’s requirements may result from a final development project design and engineering that cause adjustments in roadway alignments, locations of utilities or other infrastructure, development of innovative project design, distribution of permitted uses within the Specific Plan, application of design guidelines, or other similar modifications deemed to be minor and which implement the provisions of the Plan. Minor modifications or technical adjustments may include, but are not limited to:

- (1) Modifications necessary to comply with final conditions of approval or mitigation measures.
- (2) Addition of information to the Specific Plan for purposes of clarification that does not change the intent of any standard, regulation, or design guideline under the Specific Plan, as well as correction of any clerical or grammatical errors.
- (3) Adjustments to the alignment, location and sizing of utilities or a change in utility and/or public service provider may be approved so long as the adjustments or changes are found to be in compliance with applicable plans and regulations of the agency responsible for such utilities and facilities.
- (4) Changes in roadway alignment, width, or improvements through the final engineering/improvement plan process so long as compliance with minimum rights-of-way standards outlined in the Specific Plan is maintained.
- (5) An adjustment of any land use district acreage of up to ten percent (10%) of the designated acreage.
- (6) Minor adjustment up to ten percent (10%) of any quantitative standard such as heights or setbacks that are defined in Chapter 3 of this Specific Plan.

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- (7) Minor changes to the architectural design guidelines, which are intended to be conceptual in nature and flexible in implementation.
  - (8) Relocation of office space to other areas of the same building.
  - (9) Modification of any design element that improves circulation, reduces grading, improves drainage, and/or reduces operations and maintenance costs.
  - (10) Modification of the location of auto driveways, including adding additional auto driveways.

The minor modifications listed above are not intended to be comprehensive. Any modification that is deemed by the Zoning Administrator to be in substantial conformance with the purpose and intent of the Specific Plan shall be permitted.

The application for and documentation of substantial conformance shall include text and/or maps that describe the nature of the proposed modifications to the Specific Plan. Applications for modifications and their documentation shall undergo any necessary technical review by the Zoning Administrator necessary to determine if updated conditions of project approval are necessary.

## 8.5 DETERMINATIONS OF SIMILAR USE

When a property owner or applicant proposes or contemplates a use within the Plan Area not expressly authorized as a permitted use under Chapter 3, Section 3.3, *Permitted Uses*, he/she may request a determination of similar use in accordance with the procedures set out in this section.

A request for determination of similar use shall be in writing and shall include the following:

- (1) Name of requesting entity;
- (2) Description of the proposed or contemplated use;
- (3) Explanation of why the property owner/applicant believes the proposed or contemplated use is consistent with the intent of the Specific Plan and the operational characteristics and potential impacts of the allowable uses listed in Section 3.3, *Permitted Uses*.

Where a request for determination of similar use is submitted, the Zoning Administrator shall ministerially make the determination of similar use ~~without the need for the holding of a public hearing~~. In making this determination, the Zoning Administrator shall first make all of the following findings:

- (1) The characteristics of, and activities associated with, the use are similar in nature to those of one or more of the uses listed in Section 3.3, and will not involve a greater level of activity, population density, intensity, traffic generation, parking, dust, odor, noise, emissions, or similar impacts than the uses listed as permitted in Section 3.3; and
- (2) The use will meet the purpose/intent of the Specific Plan.

The determination of similar use by the Zoning Administrator shall be subject to appeal to the Planning Commission as follows:

- (1) The requesting entity for the determination may appeal the decision of the Zoning Administrator on the request for determination of similar use by filing a written notice of appeal with the Zoning Administrator within ten days of their written determination.

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- (2) The Planning Commission may affirm or modify the determination of similar use by the Zoning Administrator.

When the Zoning Administrator determines that an unlisted land use is similar to a listed use in Section 3.3, the unlisted use will be treated in the same manner as the listed use in determining where the use is allowed, and what other standards and requirements of the Specific Plan apply.

## 8.6 AMENDMENTS TO THE SPECIFIC PLAN

Specific Plan amendments are governed by California Government Code Section 65450 et seq. Applications shall state the reasons for the proposed amendment.

An amendment to the Specific Plan is required in the event of any of the following:

- (1) Changes to the overall Specific Plan boundaries, including an expansion of the Specific Plan Area.
- (2) A change in any other provision, purpose, or standard of the Specific Plan that would significantly alter the basic intent, spirit, identity, objective of the Specific Plan.
- (3) An increase in maximum building square footage.
- (4) An increase in the overall development intensity thresholds within the Specific Plan.

## 8.7 CEQA FINDINGS AND SUBSEQUENT REVIEW

All subsequent developments consistent with the Specific Plan shall not require additional environmental review, as established under CEQA Guidelines Sections 15168 and 15183 - except as might be necessary to examine whether there are project-specific significant effects, which are peculiar to the project or its site.

Furthermore, pursuant to Section 15162, when an EIR has been certified, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence that there have been substantial changes in the project; potentially new significant effects not previously disclosed, or new information, including changes in the setting or new mitigation not previously contemplated.

The City shall conduct an analysis under Section 15162 for all subsequent development applications within the Specific Plan area prior to requiring subsequent CEQA analysis.

## 8.8 PERFORMANCE STANDARDS AND MITIGATION

CEQA requires the adoption of mitigation measures to reduce the severity and magnitude of significant environmental impacts associated with project implementation. The Program Environmental Impact Report (PEIR) for the proposed Pittsburg Technology Park Specific Plan includes mitigation measures to reduce the potential environmental effects of implementation of the Specific Plan. Below is a summary of the mitigation measures identified in the PEIR, which are incorporated by reference into the Specific Plan as performance standards in this section. The Mitigation, Monitoring and Reporting Program (MMRP), adopted in conjunction with the PEIR, should be referenced for complete mitigation measures, timing, and triggers for compliance. Additional mitigation measures may be applicable to the Phase I, through