



Department of Conservation and Development

County Zoning Administrator

Wednesday, July 6, 2022 – 1:30 P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	Automobile Storage Facility Expansion, Bay Point
County File(s):	#CDDP18-03005
Applicant:	Rod Schlenker c/o Insurance Auto Auctions, Inc.
Owner:	NGL SF Bay Storage & Transfer, LLC
Zoning/General Plan:	Planned Unit Development (P-1) District / Heavy Industry (HI), Single-Family Residential - Low (SL)
Site Address/Location:	2770 Willow Pass Road, Bay Point / (APN: 098-240-031)
California Environmental Quality Act (CEQA) Status:	A Mitigated Negative Declaration (MND) was prepared indicating that no significant environmental impacts will be created by the proposed project.
Project Planner:	Grant Farrington, Planner II (925) 674-7797
Staff Recommendation:	Approve (See Section II for Full Recommendation)

I. PROJECT SUMMARY

A request for approval of a development plan for the expansion of an existing Insurance Auto Auctions storage facility onto an adjacent vacant 10.35-acre property. The proposed expansion would allow the storage of an additional 1,136 vehicles bringing the total number of vehicles permitted to be stored at the facility to approximately 4,436. The applicant is also requesting approval of a deviation to the Bay Point P-1 for 7.5% of the subject lot to be landscaped (where 10% of the lot is required to be landscaped) and approval of a tree permit for the removal of 41 code-protected trees ranging in size from 7" to 60" in diameter. The applicant is also requesting approval of an exception to the collect and convey requirements of Division 914 of the County Code.

II. RECOMMENDATION

Staff recommends that the Zoning Administrator approve County File #CDDP18-3005, by taking the following actions:

- A. ADOPT the Initial Study and Mitigated Negative Declaration finding that there is no substantial evidence that the project will have a significant effect on the environment and this reflects the County's independent judgement analysis;
- B. ADOPT the Mitigation Monitoring and Reporting Program;
- C. APPROVE the proposed Development Plan by ADOPTING the attached findings and conditions of approval;
- D. APPROVE the proposed Tree Permit, by ADOPTING the attached findings and conditions of approval;
- E. DIRECT staff to file a Notice of Determination with the County Clerk.

III. GENERAL INFORMATION

- A. Environs – The subject property is a 10.35-acre vacant lot located in the Bay Point area of the county. The subject property will be used to expand the existing auto storage facility located to the north on an adjacent 31.53-acre property (APN: 098-240-024). The subject property is surrounded by industrial to the north and west and residential uses, including a trailer park, to the east and south. Most of the surrounding lots have been developed according to their respective land uses. Highway 4 is located approximately 0.53 miles south of the property, the Pittsburg city limit is approximately 0.49 miles east of the property, and the Suisan Bay waterfront is approximately 1.13 miles north of the site.
- B. General Plan – The subject property is located within the Heavy Industry (HI) and Single-Family Residential-Low (SL) General Plan Land Use designations.
- C. Zoning District – The subject property is located within the Bay Point Planned Unit Development (P-1) zoning district.

- D. California Environmental Quality Act (CEQA) – A mitigated negative declaration (MND) was posted on October 21, 2021, for a 30-day public comment period. Impacts to aesthetics, biological resources and hydrology/water quality were identified as potentially significant unless mitigated. The applicant has agreed to mitigations that reduce such impacts to less than significant levels.
- E. Lot Creation: The subject property was originally part of a portion of Section 11 T2N R1W. The applicant has provided a chain of title for the subject property going back to 1946 Based on the chain of title, the lot was created by conveyance in 1973. Approval of the current development plan application, along with the attached conditions of approval result in the creation of a “real property” that has been approved for development in accordance with Section 66499.34 of the Subdivision Map Act.
- F. Previous Applications:
- a. CDLP02-02009: A land use permit to expand the existing vehicle storage yard located on the 31.53-acre parcel (APN:098-240-024) to the north of the subject property, from 15 acres to 25.5 acres which includes an area for auto auctions. This application was approved by the Zoning Administrator on January 27, 2003.
 - b. CDLP98-02056: A land use permit to establish a vehicle storage facility on APN: 098-240-024 that included an office building and covered parking structure. This application was approved by the Zoning Administrator on October 12, 1998.
 - c. ZI97-7759: A zoning investigation file for which no information is available.

IV. SITE/ AREA DESCRIPTION

The subject property is located in an established heavy industrial area of Bay Point. The property is 10.35 acres in total area, a rectangularly-shaped parcel, with a panhandle extension abutting Willow Pass Road. Even though the site has a frontage along Willow Pass Road, it is inaccessible and the property is accessed from the adjacent parcel, APN:098-240-024. The site is predominantly flat and the only existing structures are several abandoned storage tanks. Three rail spurs are also present on the site. Adjacent properties to the east of the subject lot are

residential in nature with single-family and multi-family residences present.

Previously, a business operated the storage of propane on the subject lot but no planning or building permit history could be obtained establishing any previous valid use on the existing site. The lot is vacant but is adjacent to a parcel that has an established land use that is identical to what is proposed on the subject lot.

V. PROJECT DESCRIPTION

The applicant requests approval of a development plan to allow the expansion of the existing auto storage facility, located on the adjacent 31.53-acre property to the north, to allow the storage of approximately 1,136 additional theft recovered and damaged vehicles. A deviation to the Bay Point P-1 development standards to landscape approximately 7.5% of the subject lot (where 10% of the lot is required to include landscaping) is also requested along with a request for approval of a tree permit for the removal of 41 code-protected trees ranging in size from 7" to 60" in diameter. No additional development is proposed with this project although security improvements would be made to the perimeter fencing. The project would be an expansion of the land use on the adjacent parcel currently approved under County File #CDLP02-02009. The project is broken up into three phases. Phase 1 includes the storage of 799 automobiles at the southern end of the lot in five parking zones. Phase 2 includes the storage of 204 automobiles in an additional five parking zones located in the central portion of the lot. Phase 3 includes 133 additional parking spaces in four parking zones at the north end of the lot.

The current business operation conducted by Insurance Auto Auctions, Inc. on the adjacent parcel was originally established by County File #CDLP98-02056. County File #LP02-2009 expanded the allowed use from 15 acres to 25.5 acres and established the auction business on the site. Tow trucks arrive daily, Monday through Friday, to deliver theft recovered and damaged vehicles for temporary storage and auctions. The vehicles delivered by tow trucks are collected and evaluated, then the titles are processed through the California Department of Motor Vehicles so they may be auctioned off to the public. Auctions are conducted every Tuesday which brings in approximately 80 cars to participate in the auctions in addition to the regular tow truck traffic.

This development plan application would expand the existing overall facility site from 25.5 acres to 35.9 acres by including the subject vacant parcel. Currently, the

adjacent parcel with the approved land use has the storage capacity for approximately 2,913 vehicles and the project would increase the overall capacity of Insurance Auto Auction's facility by an additional 1,136 vehicles. As a requirement of the Contra Costa Fire Protection District, the proposed development is required to include the removal of the existing storage tanks on the subject lot prior to Phase 2 of the project and the primary entrance and exit to the lot would be located by a private driveway from the adjacent parcels, 098-240-021, 098-240-024 and 098-240-052. Circulation of traffic to and from the site would occur between 8:00am and 5:00pm Monday through Friday. No paving of the site is proposed and length of storage duration for the theft recovered and damaged vehicles would be subject to the processing time it takes to prepare the vehicles for auction. The existing designated location for vehicle auctions would remain on the adjacent parcel with no alteration.

VI. AGENCY COMMENTS

- A. Contra Costa Mosquito & Vector Control District: In a letter dated January 30, 2018, the District staff indicated that the project should employ measures so that no vehicle, container, swale, or other on-site feature retains standing water longer than 72 hours in order to prevent mosquito breeding on the premises.
- B. Department of Conservation and Development, Conservation Section: In a letter dated January 29, 2018, Conservation staff noted that the project is exempt from the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan compliance.
- C. Department of Conservation and Development, Building Inspection Division: In a returned Agency Comment Request form dated February 16, 2018, Building Inspection staff commented that compliance with current building codes is required.
- D. Contra Costa Environmental Health (CCEH): In a letter dated February 1, 2018, CCEH staff indicated that a permit from CCEH is required for any well or soil boring prior to commencing drilling activities and any abandoned wells and septic tanks must be destroyed under permit. In addition, debris from construction or demolition activity must go to a solid waste or recycling facility that complies with requirements and lawfully accepts the materials.

- E. Contra Costa Fire Protection District (CCCFPD): In a letter dated February 2, 2018 CCCFPD staff stated that removal of all above ground tanks, adequate and reliable water supply and a minimum 20-foot wide access would be required prior to any approval of the project by the district.
- F. Contra Costa Public Works Department: In a letter dated May 10, 2022, the Public Works staff issued a staff report and conditions of approval with findings for an exception to the County's collect and convey requirements for the project.
- G. Bay Point Municipal Advisory Council (MAC): At the Bay Point MAC meeting held on Tuesday March 5, 2019, the committee unanimously decided that they could not support the project. The committee had concerns about the removal of trees as well as additional automobiles being stored in the area. At the time of this recommendation, the MAC reviewed an earlier iteration of the proposed project that included 100 additional parking spaces and no landscaping buffer adjacent to the residential neighborhoods to the south and to the east. In addition, the project has since been revised to include tree plantings to replace the existing trees intended for removal.
- H. City of Pittsburg: No comments were received from the City of Pittsburg prior to the preparation of this report.

VII. PUBLIC COMMENTS

A mitigated negative declaration (MND) was posted for a 30-day comment period on October 21, 2021. Three letters were received after the comment period related to the project. Although the letters were received outside of the comment period and do not explicitly challenge the CEQA findings for the project, below is a summary of the objections to the project along with staff responses.

Letter from Larry Estes of 1 Sycamore Court, Bay Point:

Objection Point #1: Mr. Estes is opposed to the development plan project because it will negatively impact surrounding property values and the additional vehicles stored on site will cause environmental issues including ground contamination and increased local emissions.

Staff Response: Staff has not been provided any evidence that the project or the existing approved land use on the adjacent parcel has or will negatively impact property values in the future. The proposed expansion of the previously approved land use is not inconsistent with the Heavy Industrial General Plan designation on the subject lot. The project also includes a vegetation and fencing buffer of approximately 30 feet between the parcels located on Sycamore Court and the subject property.

The proposed development plan does not include increased truck traffic entering and exiting the access point to the site located on Willow Pass Road. All vehicles intended for storage are to be drained of all fluids prior to the transportation to and storage on the site, thus mitigating the possibility of ground contamination.

Objection Point #2: Mr. Estes wishes for the applicant to propose an alternative site for the project.

Staff Response: The applicant has only submitted project plans pertaining to the subject parcel for review and approval for the Department of Conservation and Development (DCD). Should the applicant propose an alteration to this project or submit for a new project, DCD staff will review it at that time.

Letter from Edward and Christina Swan, 5 Sycamore Court, Bay Point:

Objection Point #1: Mr. and Mrs. Swan object to the project because the removal of the code-protected trees will generate additional traffic.

Staff Response: The trees intended for removal will be replaced with new trees to be located along property lines for visual screening purposes. The project will not change the existing ingress or egress at Willow Pass Road nor will result in additional vehicles to the previously approved facility. Access to the subject parcel will be located at the north property line where no trees are presently located.

Objection Point #2: Mr. and Mrs. Swan assert that the storage of automobiles on the subject property will contribute pollutants of waterways.

Staff Response: As stated above, all vehicles are drained of fluids prior to the transportation and storage at the subject lot. As conditioned the applicant will be required to submit a Storm Water Pollution Prevention Plan for the project that is

subject to review by the Contra Costa Public works department prior to the storage of any vehicles on the site.

Letter from Anton Shelton of 8 Sycamore Court, Bay Point:

Objection Point #1: Mr. Shelton opposes the project because it will generate environmental and noise pollution.

Staff Response: The mitigated negative declaration prepared as part of this project addresses potential environmental and noise impacts of the proposed development. As stated above the project will not increase truck traffic for the existing approved land use facility and all vehicles intended for storage are drained of fluids prior to entering the facility. Noise as a result of truck traffic is not expected to increase significantly over what is existing and the project includes a 30-foot screening and landscaping buffer between the subject parcel and the residential lots on Sycamore Court.

Objection Point #2: Mr. Shelton states the project will negatively impact property values in the area.

Staff Response: As stated above, staff has not been provided any evidence that the project will negatively impact property values if approved.

VIII. STAFF ANALYSIS AND DISCUSSION

A. **General Plan:** The subject property is located in an area of the County with the Heavy Industrial (HI) and Single-Family Residential (SL) Land Use designations. The project would be located entirely on the portion of the property that is designated as Heavy Industrial. Generally speaking, the intent of the HI designation is to allow activities requiring large areas of land with convenient, truck, ship and/or rail access. The existing previously approved land use that is to be expanded as part of this project is the storage of automobiles which is considered a light industrial use per the General Plan. Light industrial uses can be allowed on lots designated as HI and can be developed to the standards outlined in the LI designation of the County General Plan however there is no development proposed with this project nor are there any employees to be permanently located on the subject parcel during normal business hours. Lands that are designated as HI require spatial separation from adjacent residential areas. The proposed auto storage yard expansion will include a 30-

foot buffer along the southern property line and a 12-foot buffer along the eastern property line that includes fencing and landscaped screening in order to maintain the required special separation. The presence of the landscaping buffer is a modification to previous project plans which will result in 100 fewer cars being stored on site and 37 trees to be planted as well as additional shrubs and climbing vines along the proposed security fence.

General Plan Policies for the Bay Point Area

The County General Plan has adopted policies for specific geographic areas of the County in addition to the countywide policies. Pursuant to the General Plan's Map of Unincorporated Communities with Adopted Area Policies, the subject property is located within the Bay Point specific geographical area. Policy 3-78 of this Land Use section outlines several policies to guide development in the area including:

- a) upgrading community appearances by encouraging new development to replace antiquated developments;
- b) Provide for well-designed projects that limit vehicular access to traffic arterials;
- c) Discourage new areas of expansion or strip development in the community;
- d) Achieve and maintain a healthy environment for people and wildlife that minimizes health hazards.

The proposed expansion of the automobile storage facility will replace a vacant lot that was previously developed for a propane storage business. The existing conditions of the lot include vacated propane storage tanks, rail spurs and several trees. The project will not include any heavy industrial development that would otherwise conflict with these policies. The project also includes the erection of security and privacy screening measures that include new fencing and landscaping to provide screening of the proposed storage of automobiles. The project will utilize the existing vehicular access to the adjacent parcel that is currently approved for the use of automobile storage and will not require any additional access points from Willow Pass Road that would otherwise increase traffic to the arterial road. The MND that

was prepared as part of this review has included a Mitigation Monitoring and Reporting Program to reduce any potential adverse health hazards for people and wildlife within the Bay Point area.

- B. Zoning: The subject property is located within the Bay Point Planned Unit (P-1) Zoning District. The Bay Point P-1 district ensures that future growth and development occurs in accordance with the adopted elements of the County General Plan, Bay Point Redevelopment Plan, encourages innovations in land development and renewal, encourages development of vacant and marginal properties within established areas and protects existing residential neighborhoods from harmful encroachment by intrusive or disruptive development and uses. The project would be an expansion of an existing land use that was approved prior to the adoption of the Final Development Plan for the Bay Point P-1 Zoning District. The project will develop a vacant property within an established industrial area and maintain a necessary buffer with the adjacent residential land uses.
- C. Bay Point Planned Unit District (P-1) Redevelopment Area: The proposed project is located within the designated Bay Point P-1 Redevelopment Area and is subject to the development standards, design guidelines and conditions of approval of the approved final development plan. The Development Policies of the Conditions for Development and Use of Property in the Bay Point Area (Conditions #37-47) provide specific criteria for all land use projects in the Bay Point area. The proposed expansion of the theft-recovered automobile storage facility will maintain the continued compliance of these conditions including the consideration of design compatibility with existing adjacent development, no alteration to the existing vehicular circulation system for the subject and adjacent lots and by providing an adequate buffer zone with adjacent unlike land uses.

The project will require a deviation from the development standards for the Bay Point area for required landscaping of Heavy Industrial parcels. The subject parcel is a 10.35-acre lot which would require approximately 45,000-square-feet of landscaping to comply with the minimum 10% landscaped area requirement. The proposed project will include approximately 34,000-square-feet of landscaping as a buffer along the property line areas that border adjacent residential land uses including the existing vegetation located on the 10-foot-wide panhandle extension fronting Willow Pass Road. Thus, the requested deviation meets the intent and purpose of the Bay Point Planned

Unit District.

The project is also subject to the Bay Point Redevelopment Area Design Guidelines. The purpose of the Design Guidelines is to minimize visual and noise impacts of commercial and industrial uses on adjacent residential areas which includes comprehensive screening and landscaping for industrial areas. There is no development proposed with this project that would otherwise conflict with the guidelines and the project includes specific provisions to comply with the guideline requirements including dense climbing vines on chain link fences that are six feet in height, a landscaping plan that serves to provide a buffer at shared property lines and a main vehicular entry to the site away from nearby residential development. The Universal Guidelines section of the Bay Point Redevelopment Area Design Guidelines requires an exterior lighting plan however lighting is not proposed as part of this project as a security measure and to mitigate any potential light pollution that would otherwise be captured on adjacent residential lots. Therefore, the project meets the intent and purpose of the Design Guidelines.

- D. Trees: The County Tree Protection and Preservation ordinance aims for to preserve certain trees in the unincorporated area of the county in the interest of public health, safety, and in welfare in addition to environmental stability, beauty and privacy screening concerns. Any removal of trees or work within the drip line would require factors to be made for the approval of granting the tree permit. The proposed storage of theft-recovered automobiles would require the removal of 41 trees that are code-protected due to the availability to develop the lot. As a result, the applicant has included a landscaping plan that includes the planting of 37 trees. The existing trees are located sporadically throughout the 10.35-acre parcel and the replacement trees will be located along the perimeter of the subject property to serve as a screening buffer. Due to the location of the existing trees as well as the information on the type and health of the trees provided in the accompanying arborist report prepared by licensed arborist Timothy Ghiradelli, the project satisfactorily meets the required factors for granting a tree permit as conditioned.
- E. Exception to Title 9 Requirements: Chapter 914-2 of the Contra Costa Code requires collect and convey standards for storm water drainage in order to protect a subdivision from flood hazard, inundation, sheet overflow and ponding as a result of storm waters. Since the project does not include any new development and will utilize all existing infrastructure to and from the

site, the project will not concentrate any storm water as a result that would otherwise conflict with Chapter 914-2. Public Works has reviewed this project and determined that there are no existing drainage problems in the area and with no development proposed, concentrated runoff is not anticipated to be directed at any adjacent parcels and the existing drainage patterns will be maintained. Thus, the project satisfies the findings and requirements for granting an exception to Title 9 of the County Code.

- F. Appropriateness of the Use: The project site is within an established heavy industrial area of Bay Point that is adjacent to single and multi-family residential housing. The proposed expansion of a theft-recovered automobile storage facility on a vacant lot is compatibility with the Heavy Industrial General Plan land use designation as well as a permitted use within the Bay Point Planned Unit District. No portion of the project is to be located on the area of the parcel that is designated as single-family residential. The proposed landscaping and screening elements will provide a buffer between the lot and the adjacent residential land uses. There is no development proposed and the project will not require any additional vehicular access from Willow Pass Road. The requested deviation to the minimum landscaped area meets the intent and purpose of the development standards and as conditioned the project meets the required factors for granting a tree permit. Thus, the project as proposed is appropriate for the area.

IX. CONCLUSION

As proposed, the applicant requests approval of a development plan to allow for the storage of approximately 1,136 theft-recovered and damaged vehicles on a vacant lot as an expansion of an existing Insurance Auto Auction vehicle storage facility approved through County File #CDLP98-02056. The request for approval also includes a tree permit for the removal of 41 code-protected trees ranging in size from 7" to 60" in diameter. The project would include the expansion of an approved land use to a vacant industrial lot that includes no development or permanent employees on the subject parcel nor additional traffic to and from existing access point located to the west of the lot on Willow Pass Road. A landscaping and tree planting plan has been included with this project which has reduced the overall storage capacity by 100 vehicles over previous plans and has provided necessary screening and landscaping required by the Bay Point Planned Unit District design guidelines. The request for a deviation from the minimum landscaped area meets the intent of the P-1 development standards. As

conditioned the project meets the required factors of Chapter 816-6 for granting a tree permit. Staff has made the requisite findings for the exception requests to Title 9 of the Contra Costa Code. Therefore, staff recommends that the Zoning Administrator approve County File #CDDP18-03005 based on the attached findings.