



## Department of Conservation and Development

### County Zoning Administrator

**Monday, November 21, 2022 – 1:30 P.M.**

#### **STAFF REPORT**

**Agenda Item # \_\_\_\_\_**

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<b>Project Title:</b>	Schlenker Temporary Automobile Storage Site Development Plan
<b>County File(s):</b>	#CDDP18-03005
<b>Applicant:</b>	Rod Schlenker c/o Insurance Auto Auctions, Inc.
<b>Owner:</b>	NGL SF Bay Storage & Transfer, LLC
<b>Zoning/General Plan:</b>	Planned Unit Development (P-1) District / Heavy Industry (HI), Single-Family Residential-Low (SL)
<b>Site Address/Location:</b>	2770 Willow Pass Road, Bay Point / APN: 098-240-031
<b>California Environmental Quality Act (CEQA) Status:</b>	A Mitigated Negative Declaration (MND) was prepared indicating that no significant environmental impacts will be created by the proposed project.
<b>Project Planner:</b>	Grant Farrington, Planner II (925) 655-2868

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### **CONTINUED PUBLIC HEARING ITEM**

#### **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. BACKGROUND**

At the July 6, 2022 hearing, the Zoning Administrator continued the item to the August 1, 2022 Zoning Administrator's hearing without opening the item for public comment at the request of the applicant. Prior to the August 1, 2022 Zoning Administrator's hearing, the applicant requested another continuation to the September 7, 2022 hearing date in order to allow for additional time to address concerns related to the proposed project raised by the adjacent neighbors. The item was continued without opening the item for public comment to the September 7, 2022 hearing date. Prior to the October 3, 2022 hearing the applicant submitted additional materials to staff as a response to the concerns raised by neighboring residential property owners. The Zoning Administrator proceeded to continue the item to the November 21, 2022 hearing date in order to allow staff time to review the supplemental materials and prepare additional conditions of approval.

## **III. STAFF ANALYSIS AND DISCUSSION OF SUPPLEMENTAL MATERIALS**

On September 23, 2022, the applicant submitted additional materials and a recommendation for a modification to the proposed condition of approval #20 and #21 regarding the collection of vehicle fluids. Subsequently, staff performed a site visit on September 27, 2022 to observe the existing site conditions and assess the concerns raised by the adjacent neighbors regarding dust, fluid release, traffic and lithium battery storage.

### **Dust**

Concerns regarding dust control were raised by adjacent neighbors in advance of the public comment period for the hearing. The project site is adjacent to the Suisun Bay and as a result, there are persistent windy conditions in the vicinity that move from the west to the east. During a site visit on September 27, 2022 staff observed the conditions of the existing site as well as the parcel for the proposed expansion. Staff also subsequently reviewed the materials submitted by the applicant regarding binding products applied to the ground to reduce the presence of loose materials that have the potential to be moved off site due to the presence of the wind. Staff has included condition of approval #13, #14, #15 and

#16 as well as a modification to condition of approval #25 as a recommendation to mitigate the possibility of dust pollution as a result of existing and proposed land uses on site.

### **Traffic**

Concerns have been raised regarding the possibility of additional traffic with the proposed expansion of the existing auto storage facility. Staff observed the ingress and egress of delivery trucks to the facility during a site visit on September 27, 2022 and the proposed project will not include an expansion of the existing private road that serves the site or any additional entrances or exits to the facility. Traffic was previously addressed in the prepared mitigated negative declaration was found to be a less than significant impact.

In addition, as a result of the Covid-19 pandemic, the facility has transitioned from live auctions to virtual auctions which has eliminated customer traffic to and from the facility on the designated weekly auction days, further mitigating traffic concerns.

### **Fluid Release**

Staff received comments regarding the possibility of fluid release from the theft recovered and damaged vehicles intended for storage. In addition, the applicant provided supplemental materials regarding best management practices for fluid capture from vehicles as well as a recommendation for alternative conditions of approval. During a site visit on September 27, 2022, the applicant provided information regarding the possible presence of fluids from the vehicles intended for storage. Staff observed only trace amounts of vehicle fluid in limited, isolated areas. The presence of stored vehicles impacting surface or ground water quality was previously addressed in the prepared mitigated negative declaration and staff is satisfied that the recommended mitigation measures as well as the proposed modified condition of approval #24 from the applicant bring the potential impact of fluid release to less than significant levels.

### **Lithium Battery Storage**

Staff received concerns regarding the potential for lithium battery storage on site which could potentially create a fire hazard. The applicant affirmed that no such storage exists or is proposed on site. All vehicles arriving on site are left intact and

Contra Costa Fire Protection District staff reviewed the project with no comments regarding a possibility of on-site fire hazards created by the presence of vehicles with lithium batteries.

**IV. RECOMMENDATION**

Staff recommends that the Zoning Administrator approve County File #CDDP18-03005 and take the actions listed in Section II of the July 6, 2022 Zoning Administrator Staff Report with the additional conditions of approval to address dust and fluid release concerns.