Item E1

Memorandum

TO: **PLANNING COMMISSION MEMBERS**

FROM: **WINSTON RHODES, AICP, PLANNING MANAGER**

SUBJECT: **Gateway Shopping Center**

DATE: **April 6, 2015**

File: Design Review (DR 14-11), Conditional Use Permits (CUP14-05, 14-06, 14-07, and 14-08), a Parcel Map (MS 651-14), and a Development Agreement (DA14-01)	
Applicant: Thomas Gateway LLC 3100 Oak Road, Suite 140 Walnut Creek, CA 94597	**Property Owner:** City of Pinole
LOCATION: East and west sides of Pinole Valley Road north of Interstate Highway 80, east of Pinole Creek, and south of Henry Avenue. APNs: 401-211-032 and 034, and 401-410-017	
GENERAL PLAN: Service Sub-Area (SSA) Specific Plan* SPECIFIC PLAN: Pinole Valley Rd. Service Sub-Area (SSA) / Office Professional Mixed Use (OPMU) Zoning*: Office Professional Mixed Use (OPMU)	
Note:*The approximately 0.16-acre portion of the project site comprised of Pinole Creek property has a General Plan designation of Open Space (OS) and a Zoning of Open Space(OS) and is not within the Three Corridors Specific Plan boundaries.	

REQUEST

Consideration of a design review request; use permits for a sign program, one drive through, grocery store alcohol sales, outdoor dining and outdoor merchandise display; a tentative parcel map; and a Development Agreement to construct a commercial development with three retail buildings totaling approximately 40,558 square feet; one approximately 4,000 square foot medical service building; an approximately 75-foot pylon sign; and related improvements. The project site is an approximately 5.7-acre site, consisting of three existing parcels totaling 5.5 acres and an approximately 0.16 –acre portion of the Pinole Creek property.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission take the following actions after holding a public hearing.

Adopt Resolution 15-02 recommending approval to the City Council of a Mitigated Negative Declaration and accompanying Mitigation Monitoring Reporting Program for the Gateway Shopping Center Project;

Adopt Resolution 15-03 recommending conditional approval to the City Council of the design review request (DR 14-11) for development of the Gateway Shopping Center including four new commercial building and an approximately 75' pylon sign and accompanying improvements;

Adopt Resolution 15-04 recommending approval to the City Council of a conditional use permit (CUP 14-08) for the Gateway Shopping Center Sign Program;

Adopt Resolution 15-05 recommending approval to the City Council of a conditional use permit (CUP 14-05) for alcohol sales, outdoor merchandise sales, and outdoor dining at the proposed market;

Adopt Resolution 15-06 recommending approval to the City Council of a conditional use permit (CUP 14-07) allowing a drive through and outdoor dining at the proposed coffee shop building (Suite E1-A);

Adopt Resolution 15-07 recommending approval to the City Council of a conditional use permit (CUP 14-06) allowing outdoor dining at the proposed retail shop space building;

Adopt Resolution 15-08 recommending approval to the City Council of a Parcel Map (MS 651-14) to divide the single parcel (APN 401-410-017) of approximately 4.53 acres west of Pinole Valley Road within the Gateway Shopping Center into two parcels; and

Adopt Resolution 15-09 recommending approval of a draft Development Agreement for the Gateway Shopping Center project (DA 14-01)

SITE LOCATION

The proposed Gateway Shopping Center is located on the east and west sides of Pinole Valley Road north of Interstate Highway 80 and south of Henry Avenue(APN: 401-211-032 and 034, and 401-410-017).

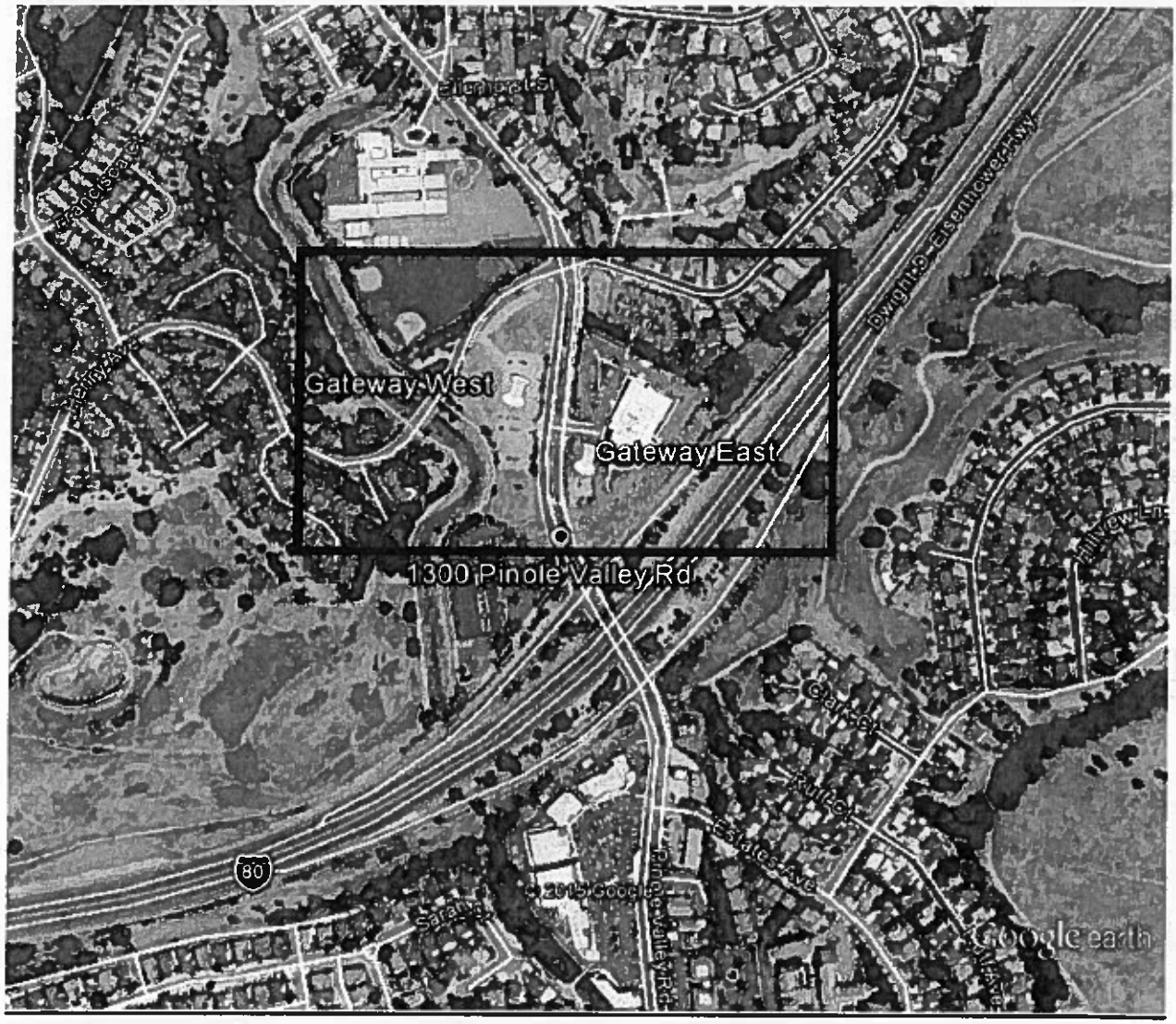

Figure 1. Site Location

Direction from Project Site	Land Use
North	Henry Avenue, Financial Services Office, and Collins Elementary School
West	Pinole Creek
South	Pinole Lanes and Interstate 80
East	Kaiser Medical Clinic and Interstate 80

PROJECT DESCRIPTION

The project involves the proposed construction of four new commercial buildings totaling approximately 44,558 square feet. The two buildings proposed west of Pinole Valley Road include an approximately 27,014 square foot market and an approximately 11,328 square foot retail shop space building. The market includes the proposed sale of alcohol for off-site consumption as well as an outdoor sales display area and outdoor dining area. The retail shop space includes two potential outdoor dining areas south of the building totaling up to 1,000 square feet. A parcel map is proposed to divide the single approximately 4.53-acre parcel west of Pinole Valley Road into two parcels of over 2 acres each, see sheet __C-7_of Attachment A.

The two buildings proposed east of Pinole Valley Road include an approximately 2,216 square foot coffee shop (Suite E1-A) with a drive through and outdoor dining area totaling approximately 420 square feet and one approximately 4,000 square foot medical services building (Suite E2-A).

The applicant is also proposing an approximately 75-foot high pylon sign east of Pinole Valley Road adjacent to the existing I-80 westbound off-ramp in conjunction with a Master Sign Program use permit request. The four buildings and pylon sign are proposed on three existing parcels totaling 5.5 acres. The proposed project also includes enhancements to an approximately 0.16–acre portion of the Contra Costa County Flood Control District Pinole Creek property immediately west of the proposed shopping center.

Required Land Use Approvals

The project will require the following land use approvals after consideration of the Mitigated Negative Declaration (MND) document prepared to evaluate the project's impact on the environment

- A design review request to construct the shopping center and accompanying improvements;
- A use permit for a sign program for the shopping center including a 75' high pylon sign;
- A use permit for alcohol sales, outdoor dining and outdoor merchandise display at the market;
- A use permit for a drive through and outdoor dining area at the coffee shop;
- A tentative parcel map to subdivide parcel number 401-410-017 which is approximately 4.53 acres west of Pinole Valley Road into two separate parcels and
- A Development Agreement

The City's Municipal Code normally authorizes the Planning Commission to take final action on all the land use approvals except the Development Agreement. This project triggers a provision of the Municipal Code that necessitates full review by the City Council since it involves multiple permits where the Planning Commission would normally have decision-making authority on some and the City Council on others. In cases such as this, the Municipal Code requires all discretionary approvals including any referred by staff to the Planning Commission to be heard by the City Council. Consequently, the Planning Commission will be recommending action to the City Council for all currently proposed development requests forthis project.

Below is summary of the development review itemsassociated with the project.

Project Development Review Summary

Development Review Item	Project Relationship
Environmental Review	Applies to the entire project site.
Design Review	Applies to the entire project site.
Development Agreement	Applies to the entire project site.
Use Permit Sign Program	Applies to the entire project site.
Use Permit Alcohol Sales	Applies to Proposed Market
Use Permit Outdoor Merchandise Sales	Applies to Proposed Market
Use Permit Drive –Through	Applies to the Proposed Coffee Shop (Suite E1-A)
Use Permit Outdoor Seating & Dining	Applies to Proposed Market Applies to Proposed Retail Shops Building Applies to the Proposed Coffee Shop (Suite E1-A)
Tentative Parcel Map	Applies to the area west of Pinole Valley Road excluding the Pinole Creek Property

Below is a summary of the proposed building sizes and accompanying outdoor dining areas.

Proposed Buildings Summary

Building	Building Size (sq. ft.)	Dining / Outdoor Seating Area Size (sq. ft.)	Location
Market	27,014	420	Southwest of Henry Avenue at Pinole Valley Road
Retail Shops	11,328	4,200	West of Pinole Valley and north of the existing AMF Pinole Valley Lanes site.
Coffee Shop (Suite E1-A)	2,216	420	East of Pinole Valley Road and southwest of Kaiser Medical Clinic
Medical Services (Suite E2-A)	4,000	N/A	Northeast of the intersection of I-80 & Pinole Valley Road
	44,558	5,040	

BACKGROUND

The applicant desires to develop the proposed shopping center on property currently owned by the City of Pinole and enter into a ground lease with the City until such time that the property can be sold to the applicant. The sale of the property requires State approval since the property was originally purchased by the City's Redevelopment Agency.

A portion of the current project site now proposed for the coffee house (Suite E1-A) was previously reviewed for development in 2005 in conjunction with the Kaiser Medical Center project and was planned for a proposed bank building. In 2009, the City's Redevelopment Agency purchased the portion of the project site now proposed for a medical service building (Suite E2-A). A use permit was approved by the Planning Commission to reconfigure the previously approved site plan and add a future pylon sign subject to further future design review. The approved use permit from 2009 has expired. In 2010, the City updated the General Plan, adopted the Three Corridor Specific Plan and updated the Zoning Code. The project site is within the Pinole Valley Road corridor included within the Three Corridors Specific Plan. The General Plan land use designation is Service Sub-area (SSA) and the Zoning for the project site (excluding the Pinole Creek property) is Office Professional Mixed Use (OPMU).

In July 2014, the applicant submitted a development application for the Gateway Shopping Center to the City. The Planning Commission Development Review Subcommittee has met six times including August 13, September 22, October 1 and October 27, 2014, January 26, 2015, and most recently

March 23, 2015 to discuss the project site plan and landscape plan, the project architecture, the project signage, and the draft Development Agreement. The issues and recommendations that have been identified by the Subcommittee and incorporated into the project are summarized below.

Site Plan

- Outdoor dining area for proposed market building added along Pinole Valley Road at southeast building corner.
- Drive thru Pharmacy removed and replaced with a smaller retail shop space building that allows for more efficient through access between bowling alley property and western portion of the project site.
- Alternate pylon sign location shown west of Pinole Valley Road eliminatedfrom site plan.
- Two outdoor plazas added on south side of retail shop space building (at northeast and southeast corners) to accommodate outdoor seating and/or dining.
- Main Pinole Valley Road driveway location for west side of the project site has been widened to accommodate two dedicated exit lanes.
- Parking lot serving the market modified to improve ingress to the site by providing one way circulation for the parking drive aisle north of the main Pinole Valley Road driveway entrance.
- Drive-through entrance for coffee shop modified to allow for improved turning radius for large vehicles entering the drive-through from the Pinole Valley Road signalized main driveway.
- Coffee house parking lot and trash enclosure location reconfigured to improve access.
- Requiring applicant to provide amenities for pedestrians and bicyclists along Pinole Creek.

Architecture

The Subcommittee suggested that the applicant:

- Focus on compatibility with Kaiser's design for the two proposed buildings east of Pinole Valley Road; and
- Utilize more traditional architecture for the two buildings on the west of Pinole Valley Road.

Signage

- Project monument sign on Henry Avenuewas changed to a directional sign.

- Two of five proposed monument signs located at northeast corner of I-80 and Pinole Valley Road and southwest corner of Henry Avenue and Pinole Valley Road changed to proposed shopping center identification signs.

Development Agreement

- Text should be added to clarify that any potential alternate location for a pylon sign on Gateway West requires subsequent Planning Commission and/or City Council approval.

- Prohibited land use definitions to be added within the Development Agreement to provide clarification to guide future tenant use decisions.

It should be noted that the applicant has included three recent project changes since the February 23, 2015 project workshop. First, the proposed medical service building has been reduced from 9,886 square feet to 4,000 square feet. The retail shop space building architecture was enhanced by including additional stone veneer on the north, south, and west elevations as noted in the attached Project Design Book. The Pylon Sign's proposed sign area has been increased to over 750'. These three changes were discussed with the Planning Commission Development Review Subcommittee on March 23 and no concerns were raised about the first two changes. The third change did raise a concern and the subcommittee thought a project condition needed to be added to ensure the proposed sign area remain under the 750 square foot limit.

ENVIRONMENTAL REVIEW

The proposed project was subject to detailed review under the California Environmental Quality Act (CEQA) to evaluate potential project impacts on the environmental and determine potential significance.

An Initial Environmental Study was prepared for the project to satisfy CEQA requirements. Ten environmental factors were determined to be potentially impacted by the proposed project. These factors included aesthetics, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, transportation and circulation, and utilities and service systems. All of these factors were determined to be less than significant after mitigation measures were applied.

The Initial Study/Mitigated Negative Declaration was made available for public review and comment pursuant to CEQA requirements. The City received seven written comment letters during the comment period. The comment letters did not result in changes to the conclusions of the environmental analysis. The Initial Study/Mitigated Negative Declaration comments received and responses to the comments are attached to this staff report and hereby incorporated by reference (see Attachment B). A mitigation monitoring and reporting program (MMRP) has been prepared to help ensure that all mitigation measures are performed during implementation of the project, if approved. The MMRP is included as part of the proposed draft Resolution 15-02 (Attachment E). Additionally, a draft condition of approval has been added to the project's draft design review conditions of approval requiring the MMRP and all proposed conditions of project approval to appear on the construction plans.

Several minor project changes have been addressed with an erratum including the decrease in the proposed medical service building size to 4,000 square feet and clarification about the proposed repaving of the existing Pinole Creek trail as part of the project. The erratum includes additional information about rainbow trout / steelhead within Pinole Creek based on further information provided by Bert Mulchaey, Supervising Fisheries and Wildlife Biologist with East Bay Municipal Utility District (EBMUD) as well as clarification information regarding project drainage proposed to prevent stormwater runoff from entering Pinole Creek.

ANALYSIS

The project site straddles Pinole Valley Road and lies north of I-80. It is a prominent site adjacent to one of three I-80 interchanges and is one of the largest properties along Pinole Valley Road. The project site is located at a key entry point into the City that leads to the historic Old Town area. The property is oddly shaped due to the location of Pinole Creek west of the site. The context for development of the site is provided by the creek to the west, I-80 and the pre-existing Pinole Lanes Development to the south, I-80 and the Kaiser development to the east, and Collins Elementary School and small commercial buildings and single family residential development to the north. There is a need to accommodate traffic and transit flow based on the proximity to I-80, to complement the bowling alley west of Pinole Valley Road, to complement the Kaiser medical facility use east of Pinole Valley Road, to complement the recreation field and elementary school operational needs north of the site. Additionally, there are established commercial and residential properties nearby that are concerned about the new consequences associated with adding commercial space near where they live and work.

General Plan Consistency

The Service Sub-Area (SSA) General Plan designation for Pinole Valley Road is intended to maintain and enhance existing land uses while providing land use flexibility to encourage new private investment and additional development. For the Pinole Valley Road corridor a major objective is to increase employment opportunities while accommodating commercial uses that serve residents through a mix of uses. The designation recognizes that this is a transitional area immediately adjacent to I-80 and that serves residential neighborhoods on Pinole Valley Road and serves as a community gateway south of the Old Town.

The project helps to implement numerous policies within different elements of the General Plan including the Community Character Element, Land Use and Economic Development Element, Circulation Element, Health and Safety Element, the Natural Resources and Open Space Element, and the Sustainability Element Applicable policies are provided below.

Community Character Element

POLICY CC.1.1 All new development and redevelopment shall adhere to the basic principles of high-quality urban design and architecture including, but not limited to, human-scaled design, pedestrian orientation, and interconnectivity of street layout, siting buildings to highlight important intersections, entryways, focal points and landmarks.

POLICY CC.1.3 To enhance a sense of arrival and create a strong appealing image that promotes community identity, the City shall develop community entry features at key gateways or city entries along Interstate 80. Entryways shall incorporate landscaping, trees, structural architectural elements, signage and public art.

POLICY CC.1.5 Encourage project compatibility, interdependence and support with neighboring uses, especially between commercial and mixed-use centers and the surrounding residential neighborhoods. Uses should relate to one another with pedestrian connections, transit options, shared parking, landscaping, public spaces, and the orientation and design of buildings.

POLICY CC.5.3 Encourage the provision of art in public places as a way to increase the quality of life in Pinole.

Land Use and Economic Development Element

POLICY LU.3.3 Require design review of commercial and industrial projects to ensure compatibility with adjacent or nearby land uses, including intensity, access, internal circulation, visual characteristics, noise, odors, fire hazards, vibrations, smoke, discharge of wastes and nighttime lighting.

POLICY LU.4.1 Ensure all new development, renovation or remodeling preserves and strengthens Pinole's residential neighborhoods by requiring projects to be harmoniously designed and integrated with the existing neighborhood.

POLICY LU.4.3 Cluster development at higher densities to protect natural resources and address site development constraint issues, including archaeological sites, access, traffic, emergency services, water and sewer availability, creek and tree protection, steep slopes, potential geologic hazards, grading impacts, view protection and protection of open space resources. (See also Goal LU.8 below.)

POLICY LU.7.1 Provide sufficient land for commercial and industrial uses to allow for development that provides basic goods and services to Pinole residents.

POLICY LU.7.2 Provide for economic development which (1) maintains the City's ability to finance services and the construction and maintenance of public improvements; (2) offers local employment opportunities for Pinole residents to reduce inter-city commuting; and (3) assures the availability and diversity of resident-serving goods and services.

Circulation Element

- POLICY CE.1.1 Encourage strategic growth that concentrates future development along Pinole's three primary transit corridors (San Pablo Avenue, Appian Way and Pinole Valley Road).
- POLICY CE.1.4 Encourage maximum utilization of the existing public transit system and alternate modes of transportation in Pinole.

GOAL CE.7 Support bicycle use as a mode of transportation by enhancing infrastructure to accommodate bicycles and riders.

GOAL CE.8 Provide a safe network of well-maintained pedestrian walkways throughout Pinole that encourages walking as a form of non-motorized transportation.

- POLICY CE.8.1 Require development to provide pedestrian walkways that are safe, interconnected and accessible by all members of the community.

POLICY CE.8.2 Encourage the community to take advantage of Pinole's pedestrian facilities and recreational opportunities and increase non-motorized modes of transportation.

- POLICY CE.8.4 Encourage the location of basic shopping and services within walkable distances to residential areas.

Health and Safety Element

- POLICY HS.5.2 Encourage mixed-use developments that put residences in close proximity to services, employment, transit, schools and civic facilities/services.
- POLICY HS.6.1 Promote and encourage walking and bicycling as viable forms of transportation to services, shopping and employment.
- POLICY HS.7.3 Reduce the transport of runoff and surface pollutants off site.
- POLICY HS.10.2 Ensure that adequate access to healthy foods and access to recreation and open space are available to help prevent obesity.
- POLICY OS.2.1 Protection of Native Vegetation. Protect, preserve and create the conditions that will promote the preservation of significant trees and other vegetation, particularly native to California and the region
- POLICY OS.3.6 Minimize Environmental Impacts. Encourage development patterns which minimize impacts on the City's biological, visual, and cultural resources, and integrate development with open space areas.

ACTION OS.8.8.6 Require new development projects to incorporate facilities and measures to treat stormwater before discharge from the site. The facilities shall be included in

required Stormwater Control Plans and sized to meet NPDES permit requirements. Projects shall protect water quality by incorporating Low Impact Development (LID) design to detain, treat, and infiltrate runoff by minimizing impervious area; such as use of pervious pavements and green roofs, disperse runoff to landscaped areas; and/or route runoff to rain gardens, cisterns, swales, and other small-scale facilities distributed throughout the project area

Sustainability Element

POLICY SE.8.7 Work to improve Pinole's pedestrian and bicycle infrastructure and to meet the needs of all pedestrians and bicyclists.

Specific Plan and Zoning Consistency

The project site, with the exception of the Pinole Creek property, is located within the Office Professional Mixed Use (OPMU) Zone within Service Sub-Area of Three Corridors Specific Plan. The Specific Plan's vision for Pinole Valley Road is that it will be a pedestrian-friendly corridor where each use has its own distinct character, and walking from one use to another will be an interesting experience. Pinole Valley Road is intended to serve as a 'gateway' into Pinole and accommodate various entertainment and outdoor activities. The Plan envisions widened sidewalks with landscaping that will have the 'look and feel' of a well-landscaped neighborhood. Pinole Valley Road side streets were envisioned to be lined with trees and streetlights that relate to the quality of landscaping and paving.

The proposed project includes features to improve pedestrian access to the project from Pinole Valley Road and Pinole Creek trail. Landscape upgrades are proposed at prominent project site corners and new tree and shrub plantings are proposed along Pinole Creek. New landscaping is proposed along all existing street frontages as well. The project has been conditioned to protect healthy mature trees and will replace existing trees that are in poor condition. The project includes some decorative paving on the portion of the project site west of Pinole Valley Road and has been conditioned to provide additional decorative paving areas. The Planning Commission may wish to add further decorative paving areas to make the project even more distinctive. Staff has also conditioned the project to add street lighting along Henry Avenue near the project site which is currently without street- lighting from Pinole Creek to Pinole Valley Road

The Pinole Valley Road Service sub-area designation was envisioned in the Specific Plan to help provide for employment opportunities. The scale and massing of new buildings is intended to be compatible with Pinole's suburban character. This district is planned to serve as a transition area between the urban core and the existing single-family residential areas in Old Town and outside the Specific Plan boundaries. It is also envisioned to embrace the area's historic character and be respectful of the existing single-family residences in this neighborhood

The project does provide prominent gateway features through signage and landscaping features as well as through small outdoor seating areas to welcome visitors and residents to the community. The four proposed buildings have all been located closer to Pinole Valley Road than the previously developed Pinole Lanes property and the Kaiser facility. Prior development in the project vicinity has lined this portion of Pinole Valley Road with established landscaping but also with parking lots that

are often largely empty. The proposed project includes approximately 45,000 square feet of commercial space distributed among four buildings. For context, the Kaiser facility is more than 60,000 square feet and had replaced the historic rural Faria property. The applicant has come to recognize that reducing the massing of buildings east of Pinole Valley Road makes the project more compatible with the existing Kaiser facility. The largest two new buildings are proposed west of Pinole Valley Road closest to Pinole Creek which is a travel corridor for people and wildlife. The proposed amenities along the Pinole Creek Trail include additional native landscaping, new seating areas, interpretative signage, upgraded fencing and lighting which enhances public enjoyment of the Creek and makes the area more attractive and inviting to individuals walking and bicycling through the neighborhood or seeking an outdoor dining experience.

The project will also provide employment opportunities within the community close to existing residences and will help to activate an area that currently serves as a parking area for Collins Elementary School recreation activities and occasional community events and seasonal Christmas tree sales. The applicant estimates that approximately 250 new employment opportunities may be provided with the majority of future employees working during various shifts associatedwith retail service employment.

The Specific Plan includes policies to help fulfill the plan's objectives. The proposed project helps to implement the Specific Plan policies provided below.

LAND USE POLICY 4	Ensure development of "Opportunity Sites" with high quality mixed use or high density housing.
LAND USE POLICY 5	Support existing viable uses while encouraging a new mix of uses.
LAND USE POLICY 6	Actively promote the "revitalization" of underutilized land
LAND USE POLICY 7	Promote a variety of retail uses that are compatible with a pedestrian environment.
LAND USE POLICY 8	Encourage the development of mixed-use office buildings in proximity to existing transit stops.
LAND USE POLICY 9	Promote a variety of smaller retail and office space opportunities for small business.

The property's Office Professional Mixed Use allows for a wide range of uses but is mainly envisioned to provide professional services with complementary integrated retail development. The proposed project would add 4,000 square feet for future medical services to the nearly 62,000 existing square feet provided by Kaiser and would add approximately 40,000 square feet of retail development. The added retail development is anticipated to include a new market and coffee shop that would help neighborhood residents and visitors to shop closer to home or their jobs. Tenants for the retail shop space have not been identified. According to the applicant's project description information up to six retail or food establishments ranging in size from 1, 235 to 3,150 square feet could occupy the 11,328 square foot building. This building would provide the opportunity for additional retail services in the neighborhood.

The proposed medical services building would complement the Kaiser facility and could help residents and visitors meet multiple healthcare needs without having to drive to multiple locations. The proposed are allowed under the Specific Plan and current Zoning.

Site Circulation

The site plan has evolved over several months of discussions between the applicant, staff, the Development Review Subcommittee of the Planning Commission, and as a result of two Planning Commission workshops in February. The most recent version is included within the project plans date-stamped March 19, 2016 (Attachment A). The configuration of the project site especially the area west of Pinole Valley Road and the existing site conditions such as the Creek has influenced the currently proposed design. The available parking supply has also resulted in the reduction in proposed square footage east of Pinole Valley Road.

The project site is accessible from a signalized intersection on Pinole Valley Road. The site plan includes secondary driveways serving both the western and eastern portion of the project site south of the signalized intersection. The project includes another auto access point on Henry Avenue for the western portion of the site. Pedestrian access is available via the Pinole Creek Trail west of the site, by two proposed new access points north and south of the retail shops building and two proposed access points north and south of the market building. Pedestrian access to the eastern portion of the project site would be from the bus stop on Pinole Valley Road and require use of a shared path of travel with the Kaiser facility northeast of the coffee shop. Transit access for the western portion of the project site would be from a proposed bus stop that would replace the bus stop in front of Pinole Lanes and the bus stop in front of Collins Elementary School. The proposed bus stop would include a turnout to improve traffic flow and has been conditioned to accommodate two buses rather than one as was originally proposed. The applicant has also agreed to provide a source of power to enable the bus stop to display upcoming bus arrival time information.

The project also includes cross-access auto routes for the western portion of the site to travel between Henry Avenue and the Pinole Lanes property. A dedicated pedestrian path of travel between the market and shop space building is proposed and could be reached from Pinole Valley Road as well as the Pinole Creek Trail. East of Pinole Valley Road internal access between Suite E1-A building (the coffee shop) and Suite E2-A building (the medical service building) would be provided by means of a striped crosswalk across the Pinole Valley Road driveway near the southeast portion of the site.

Parking

The project's four commercial buildings include outdoor seating areas at three of the buildings. The table below shows the required parking for each building including the outdoor seating areas as required by Chapter 17.48 of the Pinole Municipal Code. Fractions of parking spaces are rounded up as required. Kaiser parking displaced by the project has been accounted for and would need to be replaced on the eastern portion of the project site and this is also reflected in the table below. The parking standard utilized for the retail shop space building is the most stringent and assumes based on the anticipated attraction of food establishment uses including restaurants rather than other forms of retail development with a lower demand for parking. A draft condition has been

included to have reciprocal parking between the proposed market building parcel and the proposed retail shop space building as part of the tentative parcel map request. A draft condition has been added requiring a parking demand management plan with features to help ensure that the most convenient parking spaces for any given building are available for multiple customers throughout the day rather than a single employee.

Auto Parking Requirements for Proposed Gateway Shopping Center

Project Building	Parking Standard	Parking Required	Parking Provided
Market Building	1 space /250 sq. ft. and 1 space / 100 sq. ft. for outdoor dining	113 spaces	136 spaces
Retail Shop Building	1 space /250 sq. ft.	66 spaces	113 spaces
	Gateway West Subtotal	**179 spaces**	**249 spaces**
Coffee Shop Building (Suite E1-A)	1 space / 100 sq. ft. excluding kitchen and non-public areas	16 spaces	16 spaces
Medical Service Building (Suite E2-A)	1 space /250 sq. ft	16 spaces	34 spaces
	Gateway East Subtotal	**32 spaces**	**50 spaces**
	Project Parking Total	**211 spaces**	**299 spaces**

Building Architecture

The architecture for the project includes a mix of materials and colors. The western portion of the site includes Eldorado stone veneer, stucco, hardi-plank lap siding, and metal framed storefronts. The eastern portion of the site includes stucco, wood siding, square shaped- stone tile and rock veneer, solid metal awnings and metal framed storefronts are proposed. Warm earth tone colors including shades of white, cream, tan, brown, rust and green echoing the materials and colors utilized on the nearby Kaiser Medical Building are proposed. The Design Book for the project is included as Attached D. Color and material boards for the four buildings and the pylon sign will be provided at the meeting.

Sprouts Farmers Market Building

The building is approximately 45 feet at its highest point. The building includes a parapet roof and two pitched roof tower elements with standing seam grey metal roofing and storefront awnings, Hardiplank lap siding and Eldorado stone veneer to match the existing adjacent Henry Avenue Bridge over Pinole Creek are proposed. All elevations include wall plane changes, projecting anchored black metal awnings with matching wall mounted sconce lighting, as well as extensive color and material changes to break up building massing. Clear anodized silver aluminum is proposed for the storefront window system and loading dock screening is proposed. The applicant has included a roof plan to best describe the architectural elements above the parapet roof line. The south elevation of the building appears to include a flat standing seam metal panel attached above the potential set of three murals. A draft condition has been included to change the metal panel and replace it with an awning that projects from the façade to match and complement the two grey standing seam metal awnings proposed above the market's store entrance doors.

Retail Shops Building

This building includes similar colors and materials as the proposed Sprouts Market building. It is approximately 34 feet at its highest point and includes three corner tower elements with two decorative grill vents included on the north and south towers to demarcate the corner storefront entrances as well as provide for future on-building signage locations. This building also includes color and material changes on all four sides to break up the building massing.

The applicant has added more stone veneer to the north, west, and south elevations to further enhance the building's appearance. However, the stone veneer / stucco material change transition locations on the northeast corner of the building appear abrupt. The Commission may wish to either recommend a draft condition to add a color band to define the transition or require that the stone veneer treatment be raised to the cornice at the roof line. A draft condition of approval has been added to enhance the current appearance through one of these approaches.

This proposed building's roof will be quite visible to drivers along I-80 due to an elevation difference of more than 30 feet (see sheet EX-A within Attachment A). Staff has added a draft condition that all roof-mounted equipment be screened from view. This could be accomplished with a mechanical equipment screen or mechanical equipment penthouse. Due to the large number of potential food establishments in this building, the roof may include numerous roof-mounted equipment structures.

Starbucks Coffee Shop Building

This building is approximately 20 feet at its highest point and has a sleek appearance and includes design elements similar to Kaiser Medical Building including parapet roof and a steel channel canopy on all four elevations. The elevations include stucco, horizontal wood siding, and natural stone veneer on all building elevations. Storefront doors and windows include an anodized aluminum finish. The west elevation includes exposed roof drainage downspouts as well.

The roof of this building will also be visible from I-80 travel lanes and the westbound off-ramp adjacent to the southern end of the project site due to an elevation difference of approximately 45 feet. Staff has included a draft design review condition to require the roof-mounted equipment to be fully screened from view.

Medical Service Building

The proposed medical office has decreased in size and no longer has an underground parking level proposed. The building is now setback further from the off ramp to allow for more extensive landscaping within a planting strip of approximately five feet proposed. The proposed building is located in a prominent location and is in close proximity to the Kaiser facility and includes similar colors and materials. Staff recommends several changes to the building to enhance its proposed appearance.

The proposed metal awnings on the north, west, and south elevationare solid and lack the metal supports from below that are provided in conjunction with the Kaiser facility's awnings. The proposed awnings lack the same visual interest as the Kaiser Facility's awnings. Specifically, the Kaiser awnings include separate metal bars that protrude and include awning breaks between windows along the building walls. A draft condition of approval has been added that the awnings shall be modified to have metal supports from below and have articulated metal pieces to match the Kaiser metal awnings shown on Sheet A202 of Attachment A. A draft condition has also been added stating the the applicant shall modify the project plans to include multiple separate metal awnings on the north, west, and south elevations and calling for the number of metal awnings to be based on the length of the building wall and window placement.

This proposed building also appears to have windows that are flush against the building façade along the north, west, and south elevations. In order to add grater visual interest to these proposed elevations, staff recommends that the proposed windows be recessed behind the wall plane and include reveals to provide more wall plane changes and a shadow lines.

The proposed building would be approximately 21 feet at its highest point. The building includes stucco, wood veneer and stone veneer tiles similar to those found at the nearby Kaiser Medical Building entrance on all four elevations. As discussed above, the roof equipment will be very prominent due to the elevation difference between I-80 and the roof deck so a draft condition is recommended to arrange for an appropriate screening option.

Signage

Due to the number of potential new business spaces and the inclusion of a 75-foot pylon sign, a sign program is required for the proposed development. The sign program provides site-specific signage requirements intended to provide for integrated signage design throughout the site and clarify sign expectations for future tenants as well as provide design flexibility.

The proposed pylon sign will be heavily viewed by I-80 travelers and will provide a new landmark visible from the highway. The project plans now include a cross-section diagram (see sheet EX-A of Attachment A) comparing the proposed pylon sign to the existing Pinole Valley Shopping Center pylon sign and to relate the proposed pylon sign area height to the elevation of the traffic lanes on I-80. The project plans now include a cross-section diagram (see sheet EX-A of Attachment A) comparing the proposed pylon sign to the existing Pinole Valley Shopping Center pylon sign and to relate the proposed pylon sign area height to the elevation of the traffic lanes on I-80. The size of the proposed sign spaces needs to be carefully considered to prevent a cluttered appearance and to functionally identify the mix of potential shopping center tenants. The latest master sign program and design book include an enlarged sign area on the pylon sign that exceeds the required 750 square foot maximum sign area. A draft condition of approval has been added to ensure compliance with

this requirement. Additional changes are recommended to ensure other tenants on the pylon sign besides Sprouts have sufficient space on the sign for identification from I-80.

The draft conditions of approval for the sign program use permit include recommended modifications to ensure compliance with the Municipal Code and balance high quality design with the functional needs of future businesses. Recommended changes are included to reduce signage sizes to better reflect the size of the coffee shop building and the dimensions provided for the retail shop space building and manage the number and amount of signage to prevent clutter or excessive temporary signage.

The proposed master sign book includes site-specific standards allowing for sign display areas greater than what the City normally would allow for buildings less than 12,000 square feet. A condition of approval has been added that includes numerous edits to the latest sign program to provide adequate rather than excessive signage.

Landscape Plan

The landscape plan includes the removal and replacement of most of the existing trees on the project site. A conceptual landscape plan is provided with potential tree, shrub and ground cover choices that are drought tolerant and well-suited to Pinole's climate. Much of the proposed new landscape material is proposed along edges of existing public right-of-ways (e.g. Pinole Valley Road and Henry Avenue. Native plant material is proposed along the Pinole Creek Trail to provide for a canopy along the existing Pinole Creek Trail.

The applicant is proposing decorative stamped concrete paving at Henry Avenue near thePinole Creek Trail and at the Pinole Valley Road driveway access point between the retail shop space building and the market along the path of travel connecting the Pinole Creek Trail to the entrance to the proposed market entrance.

Two pergolas are proposed near the main Pinole Valley Road access point west of Pinole Valley Road. The pergolas and trellis structures at the market outdoor eating area and at Pinole Creek trail entrance to the project site include a stone veneer and wood beams to help define these walkways and add character to project site.

Pinole Creek Treatment

The project site includes one of the largest parcels in the City abutting Pinole Creek. It should be noted that the proposed shopping center property has been previously graded and developed. Prior commercial development historically occurred at the shopping center and the ornamental landscaping that does exist was planted in conjunction with the existing parking lot. Never-the-less the applicant is required to integrate the shopping center with the abutting Pinole Creek open space corridor. The applicant has included a 30-foot building line buffer along the eastern edge of the Pinole Creek Contra Costa County Flood Control shared property line. A pedestrian connection point to the existing Pinole Creek Trail is included in the site plan. The applicant has included proposed creek area trail enhancements to encourage walking and bicycling along the creek west of the project site as well additional native landscaping. The applicant has agreed to repave the portion of the trail adjacent to the project site and pay for ongoing maintenance of offsite creek property improvements. The project has been conditioned to include more details about the creek

enhancements and annex into an existing landscaping and lighting district to provide for maintenance of improvements over time.

Creek enhancements currently identified are summarized below.

- Improve asphalt the full length of the existing trail along the shared property line;
- New native landscaping and irrigation between the trail and shared property line;
- Two seating areas east of the trail at Henry Avenue and at the project's trail access point with trash receptacles;
- Interpretative signage east of the trail
- New decorative fencing at the Henry Avenue Pinole Creek crossing
- New decorative fencing along the shared property line between the trail and the shopping center property; and
- Illuminating the trail from light fixtures placed on the shopping center property.

The applicant is also proposing black steel seat benches along the Pinole Creek Trail with black trash receptacles. Tubular steel fencing proposed along the creek would also be black. Silver-colored bicycle racks and black light pole fixture designs are proposed as well.

Alcohol Sales

The applicant has filed an application for a use permit for authorization to sell beer and wine for consumption off the premises. The State Department of Alcoholic Beverage Control (ABC) enforces the licensing of alcoholic retailers regulated by State Law under Section 23958 of the Business and Professions Code. Off sale Type 20 alcohol sales licenses allow for the retail sales of beer and wine. In order to sell beer and wine for off sale consumption, the applicant must apply to ABC for a Type 20 license and obtain a conditional use permit from the City.

When a business establishment applies for a new or different off sales license, ABC determines if there is an "undue concentration" of licenses in a particular Census Tract. The State relies on a ratio of off-sale retail licenses to population in the census tract to determine if an area is over concentrated. In this case, ABC considers an "undue concentration" or overconcentration is present if there are more than four (3) off-sale licenses within this census tract. The proposed market would be the fourth establishment with on–site consumption of alcohol sales and would therefore trigger an overconcentration according to ABC.

According to ABC, there are currently three existing off-sale alcohol licenses in Census Tract 3591.03. This census tract includes the portion of Pinole north of Interstate 80 and east of Appian Way and includes portions of the City of Hercules. The table below includes a complete list of existing businesses with off premises consumption alcohol licenses within Census Tract 3591.03 as of March 2015.

Census Tract 3591.03 Off-Sale Retail Alcohol Sales Establishments

Business Establishment	Location	License Type
Bills Liquor	2350 San Pablo Avenue	Off Sale, full alcohol
Pump House	700 Tennent Avenue	Off Sale, full alcohol
Appian Liquors	1677 San Pablo Avenue	Off Sale, full alcohol

Source: State Department of Alcohdic Beverage Control, March 19, 2015.

Once an "undue concentration" is identified by ABC, the local governing body may make a determination of "public convenience or necessity." Jurisdictions may choose to allow additional alcohol sales establishments in an area where there is an overconcentration by making a determination of "public convenience or necessity" (PCN).

Chapter 17.59 of the Municipal Code designates the City Council as the approving authority for a PCN request and normally requires a PCN determination as a prerequisite for Planning Commission consideration of a use permit for alcohol sales. Should the City Council decide not to approve a determination of PCN, the proposed market will not be eligible to obtain a Type 20 alcohol sales license through ABC. This matter is being brought forward to the Planning Commission for a use permit recommendation to the City Council since this project will require City Council review of both the PCN determination and a conditional use permit.

Section 17.59030 (B) of the Pinole Municipal Code includes five required findings that must be satisfied in order to make a PCN determination. Staff has prepared findings based on a proposed project description as well as proposed floor plans and related security measures at MOD Super Fast Pizza which are discussed below and included within the draft resolution (see Attachment A).

1. *The proposed establishment will promote the City's economic health consistent with the General Plan and any applicable Specific Plan policies to further zoning district purposes.*

The market is proposed to occupy approximately 27,000 square feet within the northwest portion of the Gateway Shopping Center project. Enabling the market to sell beer and wine is consistent with the General Plan Service Sub-area (SSA) Land Use designation and Office Profession Mixed Use (OPMU) zoning within the Three Corridors Specific Plan for this property.

The Service Sub-Area General Plan designation is intended to maintain and enhance existing land uses while providing land use flexibility and incentives to encourage new private investment and additional development. The Pinole Valley Road Service Sub-Area serves as a gateway through the Specific Plan area linking the Old Town Core to existing single-family residences. Due to its proximity to Interstate 80 the Pinole Valley Road Service Sub-area provides land to meet commercial needs for local residents as well as visitors.

The proposed market is an allowable use to be located along Pinole Valley Road. Pinole Valley Road businesses provide a wide array of services and dining options for City residents and visitors.

The market would provide a wide variety of goods and services within Pinole and help attract visitors to the area.

Goal LU.7 of the Land Use and Economic Development Element calls for encouraging commercial development which provides services for residents and broadens the tax base of the community to provide needed revenue for public services. The sales of beer and wine expand the available services in the Pinole Valley Road Service Sub-Area and will broaden the City's tax base by generating sales tax revenue at this retail business location.

The purpose of the OPMU Zoning District is to designate property for vibrant commercial and mixed-use development and to provide for the integration of office and retail commercial uses and/or residential uses. The proposed market will anchor the proposed Gateway Shopping Center and offer a wide range of products and services in close proximity to Interstate 80. The market is intended to serve Pinole and Hercules residents as well as visitors from outside the area and can complement businesses in the immediate vicinity by expanding the existing range of products and services along the northern portion of Pinole Valley Road.

2. *The economic benefits associated with the establishment could not reasonably be achieved without the proposed alcohol sales.*

Major grocery stores frequently offer beer and wine sales to their target customers. Existing markets such as Trader Joe's, Safeway, and Lucky's currently provide beer and wine to customers. Alcohol sales that are provided consistent with local and State requirements can provide a safe and pleasurable accompaniment to a variety of meals prepared at home. The inclusion of beer and wine sales would enable this proposed market to compete more effectively with other large markets that currently offer beer and wine for sale. The applicant expects the market to employee approximately 90-100 employees and approximately 40 per shift and believes the addition of beer and wine to its range of beverage options for sale is important for long-term business success.

3. *The applicant has not operated a licensed establishment, which has been the subject of verified complaints or violations regarding alcohol, public safety or nuisance statutes or regulations.*

The anticipated tenant, Sprouts Farmers Market has more than 50 stores currently operating in California. None of its stores have been the subject of verified complaints or violations involving public safety concerns or nuisance statutes.

4. *The Police Department has reported that the proposed establishment would not be expected to add to crime in the area.*

The Police Department has reported that the sales of beer and wine would not be expected to add crime in the area and has not raised any objections to applicant's request

5. Alcoholic beverages sold by the applicant are incidental to the other products available for sale at the establishment.

The contemplated Sprouts Market is proposing to offer beer and wine as part of an approximately 852 square foot portion of the approximately 27,014 square foot market to complement the wide

array of grocery items stocked. It is not envisioned to be a dominant component of the food and beverage service offered for sale.

An additional application consideration when reviewing conditional use permit requests is the proximity of the alcohol sales to a school, park, playground, recreational center, day care, or similar use. Collins Elementary School is within 1,000 feet of the site. The market has a commercial General Plan Designation and is located in the OPMU Zoning District that conditionally allows alcohol sales. The market is proposed to offer beer and wine sales as a very small component of the overall range of products available for purchase. Staff has included draft conditions of approval within Draft Resolution 15-05 (see Attachment H) to prevent under-age drinking and other potential nuisance issues.

Permanent Outdoor Merchandise Display

Outdoor merchandise display is common in conjunction with markets. The Zoning Code requires a use permit for permanent outdoor merchandise sales. This is typically an administrative use permit but is being brought to the Planning Commission for consideration because it is one of three use permit requests made by the applicant in conjunction with this large and prominent proposed market. A draft resolution has been prepared (see Attachment H) which includes conditions to ensure the contemplated outdoor sales do not result in safety concerns. The primary concern typically associated with the merchandise sales is sales area size and location so the merchandise does not hinder pedestrian travel, access for disabled customers, or impede first responders involved with emergencies. An addition concern is crime prevention.

The height of display merchandise, other than plant materials is required to be no higher than six feet above finished grade. Merchandise, other than plant materials, over six (6) feet in height requires a use permit. The applicant wants to have the flexibility to display merchandise other than plants over 6 feet in height (e.g. outdoor storage sheds). Daft condition of approval has been included within Resolution 15-05 limiting the square footage of outdoor merchandise display to 200 square feet and display merchandise height other than plants to 5.5 feet. As conditioned, the proposed outdoor display area request satisfies applicable Zoning Code requirements.

The draft Resolution also includes several conditions of approval to address stolen or abandoned shopping carts. One concern is that outdoor merchandise displays could block or hinder access to proposed shopping cart vestibule area. The proposed conditions would prevent the potential removal of shopping carts from the shopping center property and also address retrieval by store personnel if this does occur since this has been an issue in the past within the City.

Drive Through

The project includes a single drive-through located north and west of the proposed coffee shop. A new drive-through requires a conditional use permit to evaluate safety, security, stormwater runoff, and noise. Use permit conditions have been drafted to address applicable development and design standards with respect to drive aisle width for interior turning radius on curves and width. The proposed drive through will need to have a minimum of 12 foot width and 10 feet turning radius for the curve near the northwest corner of the proposed coffee shop building. Another applicable development standard is drive through length. The City requires a minimum of 180-foot stacking distance for each drive through measured from the service window tothe drive through entrance.

The proposed design satisfies the drive through length standard and the project has been conditioned to meet both of these applicable standards. Other applicable development standards with respect to distance from intersections and separation from parking ingress and egress from parking spaces have been satisfied.

A concern that has been raised is the potential for very long cueing of cars so as to disrupt the flow of traffic in the main driveway entrance shared by the proposed coffee shop and Kaiser. According to the City's Traffic Engineering consultant, drivers usually choose to park and walk into food establishments if drive-through lines get very long. The drive though is designed to accommodate nine cars with room for one additional car without disrupting the proposed path of pedestrian travel entrance into a proposed parking area, or access to the solid waste collection area for the coffee shop. A proposed condition of approval has been added that would require submittalof a striping plan to help address this concern. The Commission may want to consider an additional condtion requiring the operator to assign staff to direct cars to parking spaces if the drive through line is longer than nine cars.

The coffee shop includes a drive through with amplified sound from a speaker system. Drive-through facilities with amplified sound are required to be a minimum of 300 feet from the closest residential property line to address noise concerns. The nearest residential property line is more than 450 feet from the proposed order station. Therefore, the proposed drive through satisfies this requirement.

Outdoor Dining

The City regulates permanent outdoor seating to ensure that it is compatible with nearby uses, does not obstruct pedestrian pathways or vehicle circulation. Outdoor dining use permits are normally processed administratively by staff. The three outdoor dining area use permit requests are being brought forward for Planning Commission review and consideration to provide a comprehensive review of all project use permits concurrently since the Gateway Shopping Center is such a large and prominent new development project.

The project includes three outdoor dining areas: 1) a 420 square foot area located at the southeast corner of the market; 2) a 1,000 square foot area south of the shop space building; and a third area 420 square foot area east of the coffee shop. These outdoor dining areas provide additional square footage of useable space for customers. They areas have been factored into the overall square footage used to estimate parking demand. Draft conditions have been included to assure that pedestrian paths of travel are not blocked by tables and chairs and the precise seating plans will require further staff review. The project plans included information about the design of the areas. Accompanying features include low fences and trellises, and decorative landscaped planters. The outdoor seating areas south of the shop space building and east of the coffee shop are perpendicular to proposed parking spaces. Consequently, the decorative planters and fencing will also serve as a protective barrier if drivers should mistake the gas pedal for the brake. Additionally, a draft condition of approval is included to require wheel stops to help protect individuals seated in the outdoor dining areas from potential conflicts with cars. Draft conditions have also been added to require the areas to be monitored by operating staff members to ensure the areas remain clean and tables and chairs that are stored outside remain secured and vandal resistant.

Development Agreement

The Development Agreement serves to memorialize current land use regulations, contains negotiated project development terms and includes more restrictive land use requirements than the current zoning. It is intended to provide enhanced certainty about potential future development of the project site which requires a leasing agreement until a property sale may occur. Planning Commission review of the Development Agreement is required to assess consistency with the General Plan and to evaluate consistency with proposed project development plans.

The Draft Development Agreement is consistent with the General Plan by allowing land uses envisioned in the General Plan and supporting General Plan goals and objectives relating to economic development, public improvements, and public art. The Development Agreement is consistent with the Three Corridors Specific Plan by providing for private investment; providing for mixed use development, revitalizing the underutilized portions of the project site; promoting a variety of retail uses compatible with a pedestrian environment; encouraging mixed use development near transit stops; and providing for a variety of small retail and office space opportunities for small business.

ATTACHMENTS

Attachment A Project Plans and Project Description (date stamped received March 19, 2015)
Attachment B Project Mitigated Negative Declaration (MND) Response to Comments
Attachment C Project Master Sign Program (date stamped received March 19, 2015)
Attachment D Project Design Book (date stamped received March 19, 2015)
Attachment E Draft Resolution 15-02 - Recommended MND Approval
Attachment F Draft Resolution 15-03 – Recommended Design Review Approval
Attachment G Draft Resolution 15-04 – Recommended Sign Program Approval
Attachment H Draft Resolution 15-05 – Recommended Market Use Permits Approval
Attachment I Draft Resolution 15-06 - Recommended Coffee Shop Use Permits Approval
Attachment J Draft Resolution 15-07 – Recommended Retail Shop Space Use Permit Approval
Attachment K Draft Resolution 15-08 – Recommended Parcel Map Approval
Attachment L Draft Resolution 15-09 – Recommended Development Agreement Approval
Attachment M Project Color and Material Boards (to be provided at the meeting)
Attachment N Project Correspondence Received since February 23, 2015

PLANNING COMMISSION RESOLUTION 15-02
WITH EXHIBIT A: MITIGATED NEGATIVE DECLARATION; EXHIBIT B: ERRATA; AND EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PINOLE RECOMMENDING CITY COUNCIL ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND ASSOCIATED ERRATA, AND A MITGATION MONITORING AND REPORTING PROGRAM FOR THE GATEWAY SHOPPING CENTER, INCLUDING A 27,014-SQUARE FOOT MARKET AND 11,328-SQUARE FOOT RETAIL SHOP BUILDING ON THE GATEWAY WEST PORTION OF THE SITE; AND A 2,216-SQUARE FOOT COFFEE SHOP WITH DRIVE-THROUGH, 4,000-SQUARE FOOT MEDICAL BUILDING, AND A 75-FOOT PYLON SIGN ON THE GATEWAY EAST PORTION OF THE SITE

WHEREAS, Thomas Gateway LLC, (hereinafter referred to as applicant) filed an application with the City of Pinole (hereinafter referred to as City) for design review (DR 14-11), conditional use permits (CUP 14-05, 14-06, 14-07, and 14-08), a tentative parcel map (MS 651-14), and a development agreement (DA 14-01) in order to operate a new shopping center located on the east and west sides of Pinole Valley Road, north of Interstate 80, and south of Henry Avenue (APNs:401-211-032 and-034, and 401-410-017); and

WHEREAS, an Initial Study was prepared and identified potentially significant adverse environmental effects in the areas of aesthetics, air quality, biological services, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, transportation and circulation; and

WHEREAS, mitigation measures have been identified that avoid the effects or mitigate the effects to a point where no significant effects would occur, and the applicant has agreed to implement the proposed mitigation measures; and

WHEREAS, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared in accordance with City regulations and is designed to ensure compliance during project implementation; and

WHEREAS, the City determined that the mitigation measures proposed in the MMRP would reduce project impacts to a less than significant level and a Mitigated Negative Declaration should be prepared; and

WHEREAS, the City distributed the Notice of Intent (NOI) to adopt the Mitigated Negative Declaration on January 9, 2015 and the NOI was posted at the Contra Costa County Clerk's Office and made available at the City offices and the Pinole Library, pursuant to the California Environmental Quality Act (CEQA) Guidelines 15072; and

WHEREAS, a 30-day review and comment period was opened on January 9, 2015 and closed on February, 9, 2015, and the City received six written comments during the public review period, and one late comment letter, and responded to the comments; and

WHEREAS, the City made revisions to the Initial Study/Mitigated Negative Declaration based upon public comments, and prepared an Errata listing the revisions to the Initial Study/Mitigated Negative Declaration; and

WHEREAS, the comments received, and revisions made to the Initial Study/Mitigated Negative Declaration, do not alter the conclusions of the Initial Study/Mitigated Negative Declaration; and

WHEREAS, a notice of public hearing was distributed to all property owners of record within 1,000 feet of the project site and a notice was published in the March 27, 2015 edition of the West County Times as required by local and State law; and

WHEREAS, the Planning Commission has conducted a duly noticed public hearing to consider recommending DR 14-11; CUPs 14-05, 14-06, 14-07, and 14-08; MS 651-14; and DA 14-01 on April 6, 2015, and

WHEREAS, after the close of a duly noticed public hearing, the Planning Commission considered all public comments received both before and during the public hearing, the presentation by City staff, the staff report, and all other pertinent documents regarding the project Mitigated Negative Declaration and the proposed development prior to taking action.

NOW, THEREFORE, the Planning Commission of the City of Pinole hereby finds, determines, and resolves as follows:

1. The Planning Commission has considered the full record before it, which may include but is not limited to such information as the staff report, testimony by staff and the public, Initial Study, Mitigation Monitoring and Reporting Program, and other materials and evidence submitted or provided to it. Furthermore the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. In accordance with the provisions of CEQA, an Initial Study/Mitigated Negative Declaration (Exhibit A) was prepared and properly circulated for public review wherein it was determined that project environmental impacts could be reduced to a less than significant level through implementation of project requirements

3. The Initial Study/Mitigated Negative Declaration reflects the City's independent judgment and analysis.

4. Although the proposed project could have significant effects on the environment, mitigation measures described in the Initial Study/Mitigated Negative Declaration have been incorporated into the Project that avoid the potential significant effects or mitigate the effects to a point where clearly no significant effects would occur

5. The Initial Study/Mitigated Negative Declaration was revised in response to public comments as reflected in an Errata prepared by the City which is incorporated by reference and attached as Exhibit B, and none of the conclusions of the environmental analysis change.

6. There is no substantial evidence, in light of the whole record before the City, that the Project, as revised with the incorporation of mitigation measures, may have a significant effect on the environment

7. Hereby recommends City Council adoption of the Initial Study/Mitigated Negative Declaration and associated Errata attached as Exhibit A and Exhibit B, respectively, and

the Mitigation Monitoring and Reporting Program attached as Exhibit C to this Resolution.

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 6th day of April 2015, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Thomas M. Brooks, Chair, 2015-2016

ATTEST:

_____
Winston Rhodes, AICP, Planning Manager

EXHIBIT A

CITY OF PINOLE
DEVELOPMENT SERVICES DEPARTMENT

Pinole Gateway Shopping Center

Initial Study

January 2015

RANEY
1501 SPORTS DRIVE • SUITE A • SACRAMENTO • CA • 95834
OFFICE 916.372.6100 • FAX 916.419.6108

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A. ACRONYMS AND ABBREVIATIONS

#

$\mu g/m^3$	micrograms per cubic meter
°F	degrees Fahrenheit

A

AAQS	Ambient Air Quality Standards
ABAG	Association of Bay Area Governments
ADA	Americans with Disabilities Act
ADWF	average dry weather flow
APCO	Air Pollution Control Officer

B

BAAQMD	Bay Area Air Quality Management District
BMP	best management practice

C

CalEEMod	California Emissions Estimator Model
Caltrans	California Department of Transportation
CAP	Clean Air Plan
CARB	California Air Resources Board
CBSC	California Building Standards Code
CCR	California Code of Regulations
CCTA	Contra Costa Transportation Authority
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CH_4	methane
CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level[1]
CO	carbon monoxide
CO_2	carbon dioxide
Con Fire	Contra Costa County Consolidated Fire Protection District
CRLF	California red-legged frog

D

dB	decibel
dBA	A-weighted decibel
DMA	Drainage Management Areas
DPM	diesel particulate matter

[1] Defined as the 24-hour average noise level with noise occurring during evening hours (7-10 p.m.) weighted by a factor of three and nighttime hours weighted by a factor of 10 prior to averaging.

E

EB	Eastbound
EBMUD	East Bay Municipal Utility District
EIR	Environmental Impact Report
EOP	Emergency Operations Plan

F

FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zone
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map

G

GHG	greenhouse gas

H

HCM	Highway Capacity Manual
HI	hazard index
HOV	high occupancy vehicle
HVAC	heating, ventilation, and air conditioning

I

I-80	Interstate 80
IMP	integrated management practices
in/sec	inches per second
IS/MND	Initial Study/Mitigated Negative Declaration
ITE	Institute of Transportation Engineers

K

kVA	kilovoltamperes

L

lbs/day	pounds per day
L_{dn}	Day/Night Average Sound Level[2]
L_{eq}	Equivalent or energy-averaged sound level
LOS	Level of Service

M

MBTA	Migratory Bird Treaty Act
MERV	minimum efficiency reporting value
mgd	million gallons per day

[2] Similar to CNEL but with no evening weighting.

MMRP	Mitigation Monitoring Reporting Program
MTC	Metropolitan Transportation Commission
$MTCO_2e$/yr	annual metric tons of CO_2 equivalents

N

N_2O	nitrous oxide
NAHC	Native American Heritage Commission
NHMP	Natural Hazards Mitigation Plan
NOI	Notice of Intent
NOx	nitrogen oxide
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service

O

OEHHA	California Office of Environmental Health Hazard Assessment
OPMU	Office Professional Mixed Use
OSHA	Federal Occupational Safety and Health Administration

P

PG&E	Pacific Gas & Electric
$PM_{2.5}$	particulate matter, 2.5 microns in diameter
PM_{10}	particulate matter, 10 microns in diameter
ppv	peak-particle velocity
PWWF	peak wet weather flow

R

ROG	reactive organic gas
RRS	Routes of Regional Significance
RSD	Rodeo Sanitary District

S

sec/veh	seconds per vehicle
SFBAAB	San Francisco Bay Area Air Basin
SIP	State Implementation Plan
SSA	Service Sub-Area
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board

T

TAC	toxic air contaminants
TCM	transportation control measure
tons/year	tons per year

U

USA	Underground Service Alert
USACE	U.S. Army Corps of Engineers
USDA	U.S. Department of Agriculture
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geologic Survey
UWMP	Urban Water Management Plan

V

V/C	volume to capacity ratio
VMT	vehicle miles traveled
VOC	volatile organic compound

W

WB	Westbound
WestCAT	West Contra Costa Transit Authority
WPCP	Water Pollution Control Plant

INITIAL STUDY

January 2015

B. BACKGROUND

1. Project Title: Pinole Gateway Shopping Center

2. Lead Agency Name and Address: City of Pinole
Development Services Department
2131 Pear Street
Pinole, CA 94564

3. Contact Person and Phone Number: Winston Rhodes
Planning Manager
(510) 724-8912

4. Project Location: Pinole Valley Road, just north of Interstate 80
Pinole, CA 94564
APNs 401-211-032 and -034, and 401-410-017

5. Project Sponsor's Name and Address: Thomas Properties
3100 Oak Rd, Suite #140
Walnut Creek, CA 94597

6. Existing General Plan Designation: Service Sub-Area (SSA)

7. Existing Three Corridors Specific Plan Designation: Office Professional Mixed Use (OPMU)

8. Existing Zoning Designation: Office Professional Mixed Use (OPMU)

9. Project Description Summary: The proposed project site is located on both the east and west sides of Pinole Valley Road just north of Interstate 80. The proposed project consists of a commercial development with three retail buildings totaling approximately 40,352 square feet; one 9,886 square foot office building with an associated 10,418 square foot underground parking garage, and a 75-foot-high pylon sign on an approximately 5.7-acre site, consisting of three parcels totaling approximately 5.5 acres and an approximately 0.16-acre portion of the Pinole Creek property.

C. SOURCES

It should be noted that all of the submitted technical reports and modeling results used for the purposes of this analysis are available upon request at the City of Pinole Development Services Department located at 2131 Pear Street, Pinole, California. The following documents are referenced information sources utilized by this analysis:

1. Abrams Associates Traffic Engineering, Inc. *Transportation Impact Analysis, Pinole Gateway, City of Pinole.* December 8, 2014.
2. Abrams Associates Traffic Engineering, Inc. *Review of trip generation data, VMT, and average trip lengths for the air quality impact analysis*. December 5, 2014.
3. AEI Consultants. *Phase I Environmental Site Assessment, APNs: 401-211-032, 401-211-034 and 401-410-017*. January 29, 2014.
4. Applied Imagination. *Photo Simulations for Gateway SC, Pinole, CA.* August 25, 2014.
5. AMS Associates, Inc. *C.3 Report Gateway Shopping Center*. July 10, 2014.
6. Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines*. May 2011.
7. Bay Area Air Quality Management District. *Bay Area 2010 Clean Air Plan*. Adopted September 15, 2010.
8. Bay Area Air Quality Management District. *Highway Screening Analysis*. April 29, 2011. Available at: http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Tools-and-Methodology.aspx. Accessed December 2014.
9. Bay Area Air Quality Management District. *Recommended Methods for Screening and Modeling Local Risks and Hazards*. May 2012.
10. Bollard Acoustical Consultants, Inc. *Environmental Noise Analysis, Gateway East & West Shopping Center*. December 2014.
11. California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective*. April 2005.
12. California Department of Conservation, Division of Land Resource Protection. *Contra Costa County Important Farmland 2012*. April 2014.
13. California Department of Transportation. *Outdoor Advertising Act and Regulations, 2014 Edition*. Available at: http://www.dot.ca.gov/oda/download/ODA_Act_&_Regulations.pdf.
14. California Environmental Protection Agency, Cortese List, http://www.envirostor.dtsc.ca.gov, accessed November, 2012.
15. City and County of San Francisco Department of Public Health. *San Francisco Health Code Article 38 Guidance for Project Sponsors*. March 2014.
16. City of Pinole. *City of Pinole General Plan Update*. November 2010.
17. City of Pinole. *City of Pinole General Plan Update Draft Environmental Impact Report*. July 2010.
18. City of Pinole. *City of Pinole General Plan Update Final Environmental Impact Report*. September 2010.
19. City of Pinole. *Pinole Gateway East Project Draft Environmental Impact Report*. September 2004.
20. City of Pinole. *Pinole Gateway East Project Final Environmental Impact Report*. December 2004.

21. City of Pinole. *Pinole, CA Municipal Code*. December 4, 2012.
22. City of Pinole. *Three Corridors Specific Plan*. May 2010.
23. East Bay Municipal Utility District. *2010 Urban Water Management Plan*. June 2011.
24. ENVIRON International Corporation and the California Air Districts. *California Emissions Estimator Model User's Guide Version 2013.2*. July 2013.
25. Gray-Bowen & Company. *Pinole Gateway Pylon Sign Findings and Conclusions*. September 2, 2014.
26. Federal Emergency Management Agency. *Contra Costa County, California, Flood Insurance Rate Map Panel 06013C0231F*. June 16, 2009.
27. Olberding Environmental, Inc. *Biological Resources Analysis Report for the Gateway East and West Property*. October 2014.
28. TERRASEARCH, Inc. *Phase I Environmental Site Assessment at 1400 Pinole Valley Road*. June 14, 2002.
29. Tetra Tech EM, Inc. *Phase I Environmental Site Assessment of the Former Shober Restaurant, 1300 Pinole Valley Road*. August 27, 2002.
30. Tetra Tech EM, Inc. *Phase I Environmental Site Assessment of the Faria Property, 1255 and 1301 Pinole Valley Road*. January 2, 2003.
31. Tom Origer & Associates. *A Cultural Resources Study for Gateway East and West Project, Pinole, Contra Costa County, California*. November 12, 2014.
32. Traverso Tree Service. *Tree Inventory & Assessment for Gateway Shopping Center, Pinole*. August 25, 2014.
33. U.S. Department of Agriculture. *Clear Lake Series*. November 2009. Available at: https://soilseries.sc.egov.usda.gov/OSD_Docs/C/CLEAR_LAKE.html. Accessed December 2014.
34. U.S. Department of Agriculture, Natural Resources Conservation Service. *Web Soil Survey*. Available at: http://websoilsurvey.nrcs.usda.gov/app/. Accessed November 2014.
35. U.S. Fish and Wildlife Service. *Revised Guidance on Site Assessments and Field Surveys for the California Red-Legged Frog*. August 2005. Available at: https://www.fws.gov/sacramento/es/Survey-Protocols-Guidelines/Documents/crf_survey_guidance_aug2005.pdf

D. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is "Less Than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

☒ **Aesthetics**	☐ **Agriculture and Forest Resources**	☒ **Air Quality**
☒ **Biological Resources**	☒ **Cultural Resources**	☒ **Geology and Soils**
☒ **Greenhouse Gas Emissions**	☒ **Hazards and Hazardous Materials**	☒ **Hydrology and Water Quality**
☐ **Land Use and Planning**	☐ **Mineral Resources**	☒ **Noise**
☐ **Population and Housing**	☐ **Public Services**	☐ **Recreation**
☒ **Transportation and Circulation**	☐ **Utilities and Service Systems**	☐ **Mandatory Findings of Significance**

E. DETERMINATION

On the basis of this initial study:

☐ I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

✖ I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the applicant. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature	Date
Winston Rhodes, Planning Manager	City of Pinole
Printed Name	For

F. BACKGROUND AND INTRODUCTION

This Initial Study/Mitigated Negative Declaration (IS/MND) identifies and analyzes the potential environmental impacts of the Pinole Gateway Project (proposed project). The information and analysis presented in this document is organized in accordance with the order of the California Environmental Quality Act (CEQA) checklist in Appendix G of the CEQA Guidelines. If the analysis provided in this document identifies potentially significant environmental effects of the project, mitigation measures that should be applied to the project are prescribed.

The City of Pinole's current General Plan and associated General Plan Environmental Impact Report (EIR) was adopted in 2010. The City of Pinole General Plan EIR was prepared as a program-level EIR, pursuant to Section 15168 of the CEQA Guidelines (Title 14, California Code of Regulations, Sections 15000 *et seq.*). The City of Pinole General Plan EIR analyzed full implementation of the City of Pinole General Plan and identified measures to mitigate the significant adverse project and cumulative impacts associated with the General Plan. The environmental setting and impact discussion for each section of this IS/MND have been largely based on information in the City of Pinole General Plan and General Plan EIR due to the project's consistency with the current General Plan designation for the site.

In addition, the project site is located within the Pinole Valley Road Corridor Project Area of the City of Pinole's Three Corridors Specific Plan, dated November 2010. While the General Plan is the primary guide for growth and development within the City of Pinole, the Three Corridors Specific Plan is intended to establish a direct connection between the General Plan and economic and revitalization opportunities within the three Specific Plan corridors, which include the Sand Pablo Avenue, Pinole Valley Road, and Appian Way project areas. The Three Corridors Specific Plan was prepared pursuant to Article 8, Section 65450 to 65457 of the California Government Code, and implements the General Plan by further refining the objectives for the three corridor project areas. It should be noted that the City's General Plan and associated EIR includes the Three Corridors Specific Plan.

In December 2004, a Final EIR was completed for the Pinole Gateway East Project located at 1301 Pinole Valley Road. The EIR analyzed the potential impacts resulting from construction of approximately 70,285 square feet of medical office and commercial uses, to be contained in three buildings of varying sizes on a 6.25-acre site bounded on the southeast by Interstate 80 (I-80), Henry Avenue on the north, and Pinole Valley Road on the west. The Pinole Gateway East Project has since been mass graded and predominantly developed with the Kaiser Permanente Medical Office and parking areas. It should be noted that the buildings proposed for the southwestern and northwestern portions of the Gateway East project site have not yet been constructed, but the majority of the parking areas associated with such have been constructed. The southwestern portion of the site, which was intended to include a bank building, is the same area included in the proposed project that is proposed to be a coffee shop. Thus, development of this area of the proposed project has been analyzed within the Pinole Gateway East EIR.

The mitigation measures prescribed for environmental effects described in this IS/MND will be implemented in conjunction with the project, as required by CEQA. The mitigation measures will be incorporated into the project through project conditions of approval. The City will adopt

findings and a Mitigation Monitoring and Reporting Program (MMRP) for the project in conjunction with approval of the project.

G. PROJECT DESCRIPTION

The project description, including project location, project components, existing site conditions, and surrounding land uses, is presented below.

Project Location

The proposed project site is located on both the east and west sides of Pinole Valley Road, just north of I-80, within the City of Pinole, Contra Costa County, California (see Figure 1, Regional Project Location). The 5.7-acre project site is made up of three parcels, totaling approximately 5.5 acres, and an approximately 0.16-acre portion of the Pinole Creek Contra Costa County Flood Control Property, which is the area of the Pinole Creek Trail that is located along western border of the site. Two parcels are located on the east side of Pinole Valley Road – one parcel is at the northeast corner of Pinole Valley Road and the I-80 off-ramp, and the other parcel is immediately west of the Kaiser Permanente Medical property. The third parcel is located on the west side of Pinole Valley Road at the southwest corner of Pinole Valley Road and Henry Avenue (see Figure 2, Project Vicinity Map).

Existing Site Conditions and Surrounding Land Uses

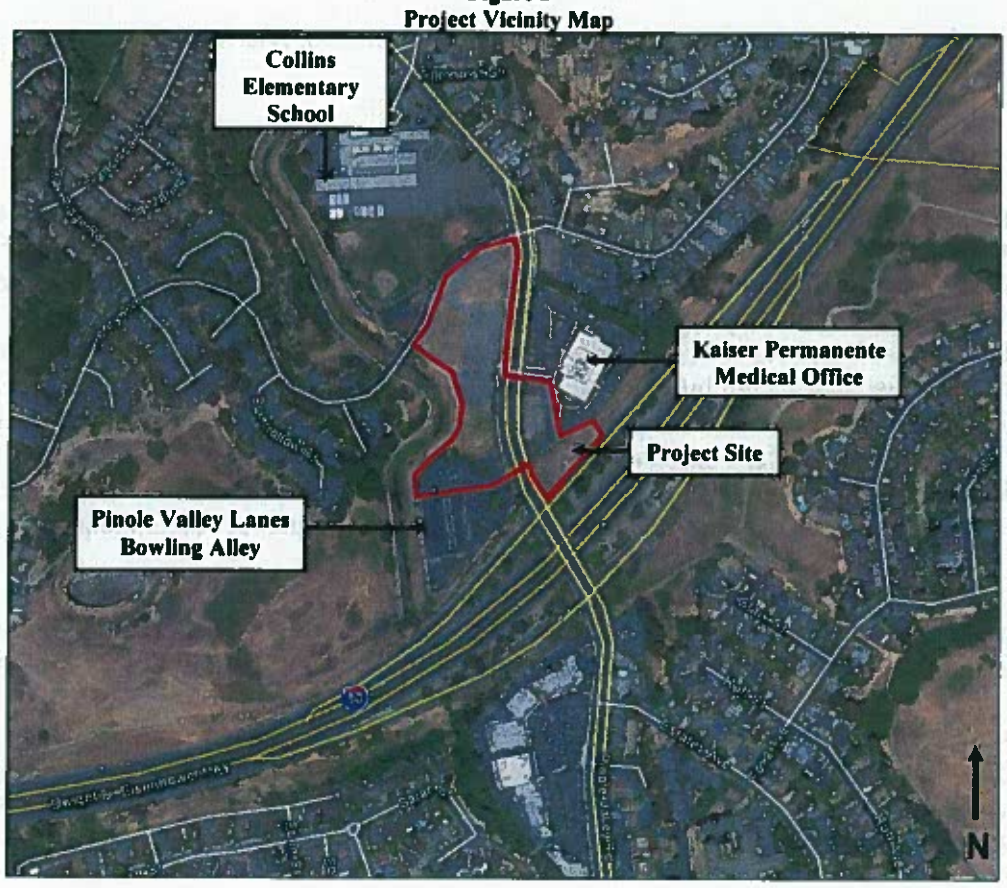
The eastern portion of the project site (Gateway East) is bordered to the south by I-80, to the west by Pinole Valley Road, and to the north and east by the existing Kaiser Permanente Medical Office. Further to the northeast and across I-80 to the south of Gateway East are residential areas. The Gateway East site has been graded and currently includes two vacant building pad locations and a third property that was purchased from the California Department of Transportation (Caltrans) immediately adjacent to the I-80 westbound off-ramp.

The western portion of the project site (Gateway West) is bordered to the south by the existing Pinole Valley Lanes Bowling Alley, to the east by Pinole Valley Road, to the west by the Pinole Creek Trail (a paved multi-use path) and Pinole Creek, and to the north by Henry Avenue. Further to the north from Gateway West, across Henry Avenue, is Collins Elementary School. Further to the west from Gateway West, across Pinole Creek, is an up-slope residential area. Across from I-80 to the south of Gateway West is the Pinole Valley Shopping Center, Pinole Valley High School, and residential development. Gateway West has been partially graded, and a large portion of the site consists of a previously developed parking lot. A portion of the existing parking areas associated with the Pinole Valley Lanes Bowling Alley is included in the Gateway West site.

Water features are not located on the Gateway East or West sites and the existing vegetation on-site consists of ruderal vegetation or ornamental landscaping associated with existing development on the site. Of the approximately 109 trees located on-site, many of the ornamental trees on-site that are not getting irrigated are declining in health due to drought stress.

Figure 1
Regional Project Location

Figure 2
Project Vicinity Map



Project Components

As discussed above, the proposed project site consists of eastern and western portions identified as Gateway East and Gateway West. Gateway East would include an approximately 9,886-square-foot medical office building with an associated 10,418-square-foot subterranean parking garage, an approximately 2,216-square-foot coffee shop with a drive-through, associated parking areas, and a 75-foot pylon sign. Gateway West would include an approximately 27,014-square-foot market, an approximately 11,122-square-foot building for retail shops, and associated parking areas. Figure 3 presents the proposed project site plan.

Gateway East

Further details regarding each of the proposed uses on the Gateway East site are presented below.

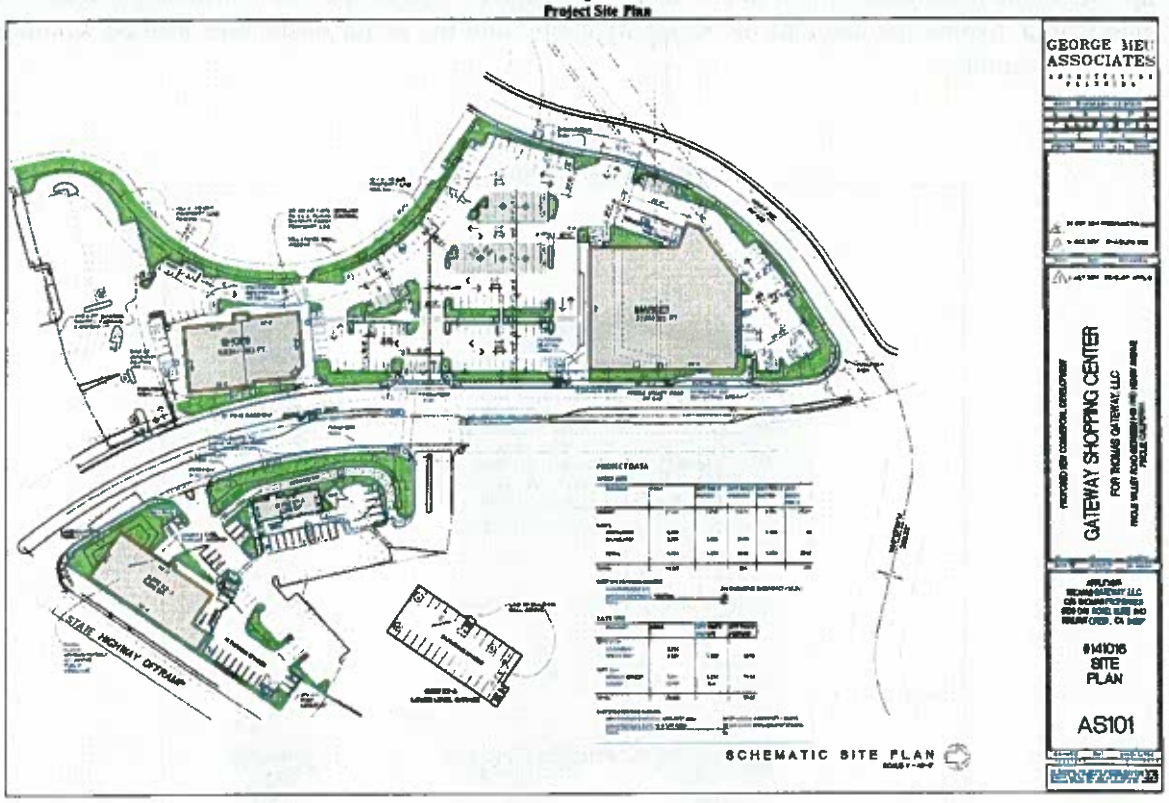
Medical Office Building

The proposed 9,886-square-foot medical office building is anticipated to be utilized as an out-patient medical facility only, without hospital beds. The maximum height of the medical office building would be approximately 21 feet and four inches from the finished ground floor. A one-story 10,418-square-foot subterranean parking garage with an elevator and 24 spaces would be provided on the lower level of the medical office building, and additional parking spaces would be provided just east of the building and near the front entrance of the building. Access to the medical office building would be provided via the existing access points from Pinole Valley Road to the existing Kaiser Permanente Medical Office parking lot located northeast of the I-80 and Pinole Valley Road intersection. The proposed hours of operation for the medical office building would be from 6:00 AM to 7:00 PM, and 13 to 15 employees are anticipated.

A proposed passenger drop-off/loading area would be located near the entrance to the building, along the northeastern side of the building, and would comply with design standards of the California Building Standards Code (CBSC) and Americans with Disabilities Act (ADA).

Blood and bodily fluids are considered hazardous and are covered under a Federal Occupational Safety and Health Administration (OSHA) standard known as Bloodborne Pathogens (Standard 1910.1030). The proposed medical office building may involve regulated medical waste treatment, storage, containment, transport, and disposal.

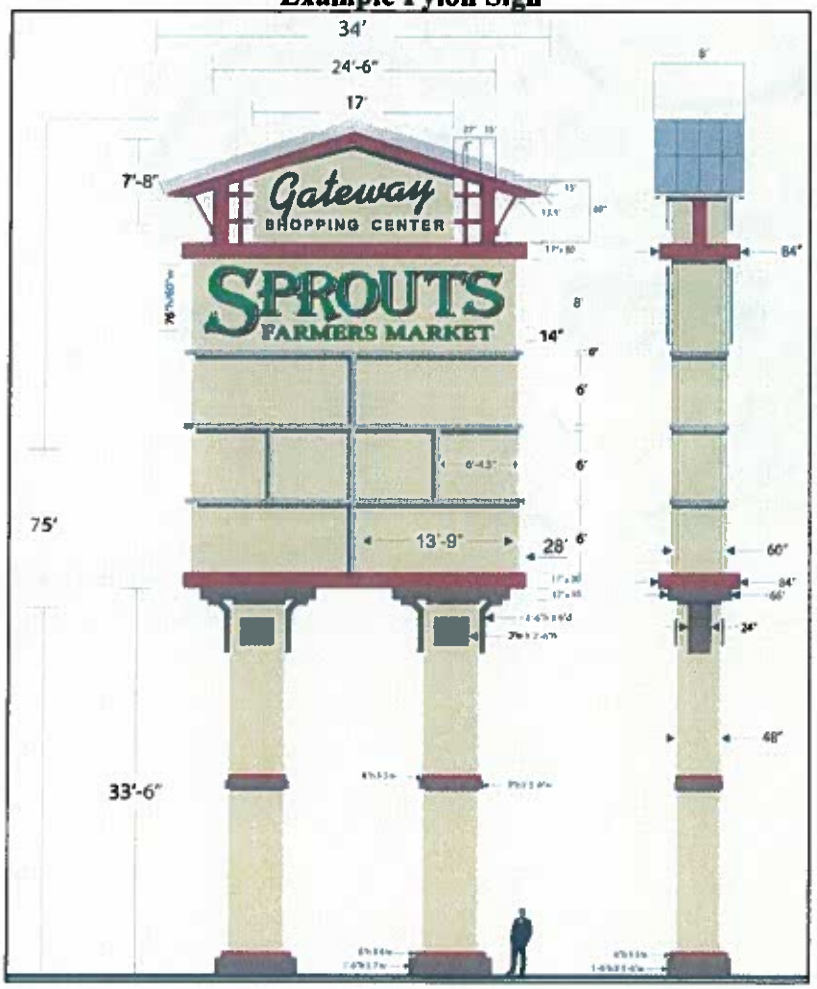
Figure 3
Project Site Plan



Operations would be required to comply with all requirements of OSHA Standard 1910.1030, including, but not limited to, establishing an Exposure Control Plan, implementing engineering and work practice controls, use of personal protective equipment, and proper storage, labeling, containment, and disposal of potential hazardous substances and materials. Full "red-bag" containment and disposal operations would be required for all hazardous material and fluid disposal, including needles, gowns, and fluid clean-up. It should be noted that all hazardous materials protocol would be provided under tenant controlled procedures.

A large highway pylon sign is proposed along the north side of I-80 and at the northeasternmost portion of the medical office building site, adjacent to the parking area, which is intended to be seen from the I-80 off-ramp (see Figure 4 for example). The proposed pylon sign would be illuminated and would be approximately 75 feet tall; and the total signage area would be under the allowable maximum of 750 square feet, per Chapter 17.52 of the Pinole Municipal Code. The sign would display the name of the shopping center and the major businesses located within the shopping center.

Figure 4
Example Pylon Sign



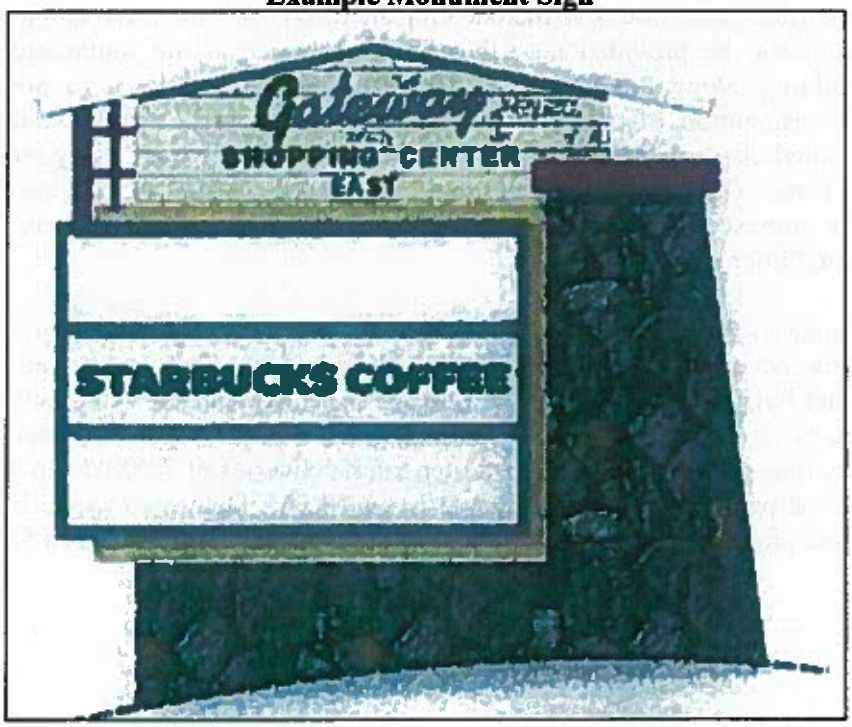
Coffee Shop with Drive-Through

The proposed 2,216-square-foot coffee shop with a drive-through is anticipated to be a Starbucks Coffee. The proposed hours of operation for the coffee shop would be from 4:30 AM to 10:30 PM on Sundays through Thursdays, and from 4:30 AM to 11:00 PM on Fridays and Saturdays. The peak hours of operation are anticipated to be from 7:30 AM to 9:30 AM on Mondays through Thursdays, from 7:00 AM to 9:00 AM on Fridays, and from 9:30 AM to 11:30 AM on weekends. The daily drive-through window transactions are estimated to be approximately 230 to 240 vehicles. A standard drive-through speaker system would be utilized for drive-through ordering. Exterior speakers would be utilized for ambient music for the outdoor seating area, but are not proposed to be audible beyond the outdoor seating area.

The trash dumpster would be located near the northern side of the building within the parking area, as shown in Figure 3, and would be positioned in such a way to allow for a direct approach by the trash collection trucks. The typical trash collection trucks would be a tractor with a 28-foot trailer. Trash would be picked up via direct approach to the dumpster gates; and the trucks would backup along the same path to return to the drive aisle. Deliveries would occur daily prior to the store operating hours from 4:00 AM to 5:00 AM.

Two monument signs, similar to the example presented in Figure 5, are proposed on the coffee shop site within the landscape area. The proposed monument signs would be visible from Pinole Valley Road and would be approximately 12 feet in height to the top of the sign face.

Figure 5
Example Monument Sign



Gateway East Site Access

The access points to the Gateway East site would be via the existing driveways to the Kaiser Permanente Medical Office parking lot from Pinole Valley Road. The driveways are located to the south and to the north of the proposed coffee shop site. The driveway to the south provides one incoming and one outgoing lane. The driveway to the north provides one incoming lane and two outgoing lanes, including one dedicated right-turn lane at an existing signalized intersection.

Gateway West

Further details regarding each of the proposed uses on the Gateway West site are presented below.

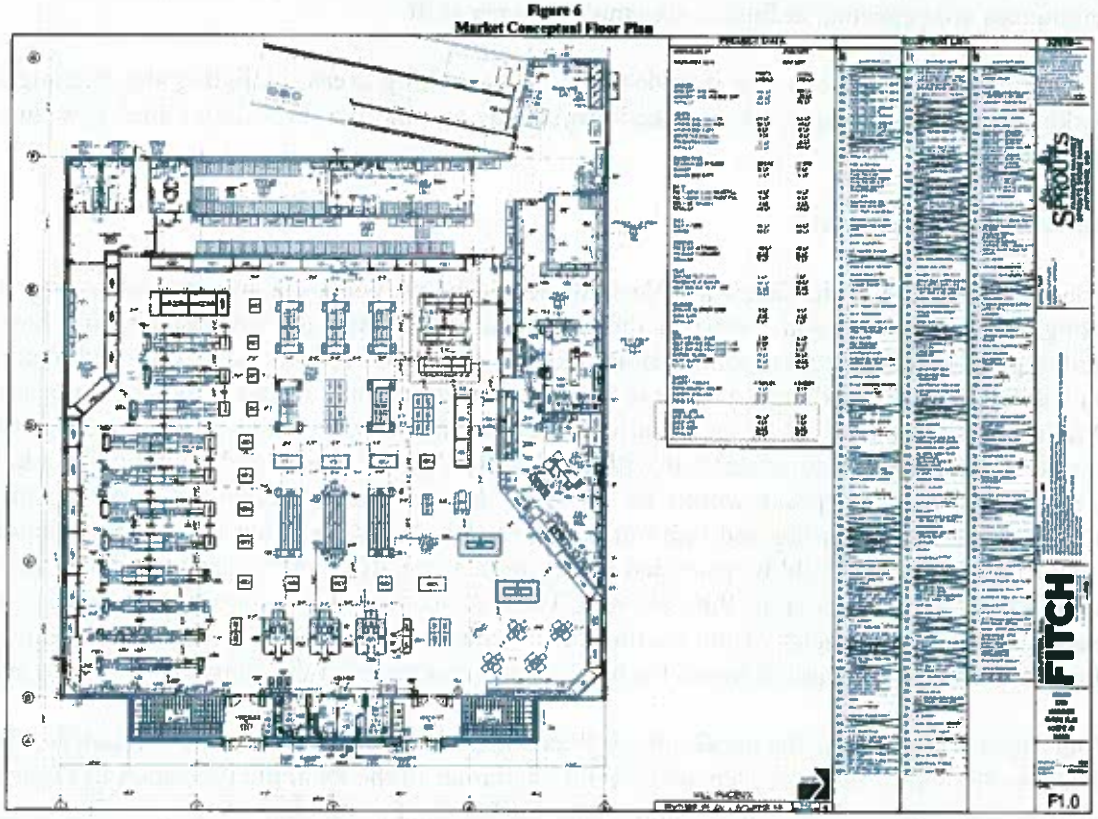
Market

The proposed approximately 27,014-square-foot market would be a Sprouts Farmer's Market, a health-oriented grocery store offering fresh, natural, and organic foods. Products and departments to be offered include the following: produce; meat; bulk foods; groceries; a deli counter; fish/seafood; dairy; bakery items; frozen foods; beer and wine; vitamins and supplements; and health and body care products. A Type 20 License from the California Department of Alcoholic Beverage Control would be required for the sale of beer and wine for consumption off the premises where sold. The market would be open seven days a week from 7:00 AM to 10:00 PM. Approximately 40 employees are anticipated per shift, for a total of 90 to 120 total employees.

Indoor restroom facilities would be included for the future customers and employees. An outdoor seating area would be provided near the market entrance at the southeastern corner of the proposed building, along Pinole Valley Road, for outdoor eating of in-store prepared food purchases. Consumption of alcoholic beverages in this outdoor area would be prohibited. Outdoor seasonal displays would be located on each side of the main entry doors, primarily for produce and floral. The conceptual floor plan for the market is shown in Figure 6. The maximum height of the proposed building at the highest point would be approximately 43 feet from the finished ground floor.

An approximately 27-foot-by-80-foot loading dock would be located along the western portion of the building. An eight-foot-tall, freestanding truck dock masonry screenwall would be located along the outer border of the loading dock area. A trash compactor would be located within the loading dock area. Approximately five to 10 deliveries would occur throughout the day with a peak delivery time for large and tractor trailer truck deliveries of 7:00 AM to 12:00 PM and for small trucks and parcel deliveries of 7:00 AM to 2:00 PM. Deliveries would be made by trucks of varying sizes, ranging from two-axle delivery vans to tractors with 28- and 53-foot trailers.

Figure 6
Market Conceptual Floor Plan



Retail Shops

The proposed approximately 11,122-square-foot building for retail shops is intended to provide space for restaurants, prepared food sales (take-out) restaurants, and retail sales. The height of the building at the highest point would be approximately 31 feet from the finished ground floor. An approximately 500-square-foot outdoor seating area would be located at the southeastern corner of the proposed retail shops building. Details regarding each retail shop use are not known at this time.

Approximately 5,017 square feet of the retail shop space building would be for general retail sales. Anticipated hours of operation would be from 9:00 AM to 12:00 AM (midnight), Monday through Saturday, and from 10:00 AM to 10:00 PM on Sundays. Approximately 20 to 26 total employees are expected, at four to six employees per shift.

The proposed retail shops site includes associated parking areas, including the existing shared parking easement between the proposed project site and the Pinole Valley Lanes Bowling Alley to the south.

Gateway West Site Access

The main entrance to the Gateway West site would be provided via an access driveway located along Pinole Valley Road, between the proposed market and the proposed retail shop space building. The main access point would include one inbound lane and two outbound lanes, including one dedicated right-turn lane. An additional entrance to the Gateway West site from Pinole Valley Road would be provided just south of the proposed retail shop space building site via the existing driveway associated with the Pinole Valley Lanes Bowling Alley. In addition, a supplementary access point would be provided along Henry Avenue, west of the proposed market, with one incoming and one outgoing lane. It should be noted that a pedestrian/bicycle connection pathway would be provided to the project site along the western border of the site in conjunction with the existing Pinole Creek Trail. A six-foot-high property line fence would be placed along the perimeter of the portion of the site that borders the Pinole Creek Trail, with a direct connection and path of travel for bicyclists to and between the Gateway West site end.

Four signs are proposed for the Gateway West site, which would all be approximately 12 feet in height to the top of the sign face, and would be similar to the example presented in Figure 5, but with the logos of the future shop tenants' uses and/or the Sprouts logo displayed. One monument sign would be located on the southern side of the main entrance. A public art display would be located within the parking area near the main entrance. Another monument sign would be located at the retail shops site within the landscaping area along Pinole Valley Road on the southern side of the retail shop space building. One monument sign would be located near the proposed market at the corner of Pinole Valley Road and Henry Avenue. In addition, a directional sign would be provided at the entrance along Henry Avenue.

Utilities

The proposed project would connect to the City's existing utility lines in the area in order to provide service to the site. The project would connect to existing Pacific Gas and Electric (PG&E) power in the area. The proposed project's stormwater, sewer, and water connections are discussed in further detail below.

Stormwater

The proposed project includes connection to the existing on-site 15-inch storm drain line located at the intersection of Henry Avenue and Pinole Valley Road, as well as to the existing 15-inch storm drain located in the proposed coffee shop drive through area. Pervious pavement is proposed within several portions of the parking lot area of the Gateway West site, which would slow surface flow and allow stormwater to percolate to the soil below, allowing natural filtration and recharge to occur. The parking areas with pervious pavement are indicated in Figure 3 with shading. The bioretention areas of the site would be located at the low points of the site, primarily along Pinole Valley Road. In addition, a bioretention area would be located at the southwestern corner of the Gateway East site. The bioretention areas would be vegetated and landscaped areas that would allow for stormwater to be absorbed by and to drain through the vegetation and soil to a perforated pipe that would be connected to the City's storm drainage system. The bioretention areas would allow for the natural treatment of stormwater, as well as reduce the amount of stormwater potentially draining to the City's system.

Sewer

For the Gateway East site, an existing sewer line would be used for the proposed coffee shop; however, a new connection would be installed for the medical office building from an existing line within Pinole Valley Road. For the Gateway West site, the existing 4-inch sewer line coming from Pinole Valley Road would be used for the shop pad and the proposed food service grease interceptor. The same 4-inch line would be utilized for the market's restroom, unless this line's capacity is deemed insufficient for the wastewater generated by the market's bathroom and the grease interceptor, in which case an additional 4-inch sewer line would need to be constructed.

Water

The existing fire service line and domestic line would be sufficient to serve the proposed coffee shop use. However, new connections to the fire service line and domestic water line located within Pinole Valley Road would be required to serve the medical office building use. A new irrigation line would be installed to serve the Gateway East site, if necessary.

New connections to the existing fire service line and domestic water line located within Henry Avenue would be required to serve the proposed market use. New connections to the existing fire service line and domestic water line located within Pinole Valley Road would be required to serve the proposed shop uses at the Gateway West site. A new irrigation meter would be installed from the line within Pinole Valley Road to serve the Gateway West site. In addition,

three new fire hydrants would be installed from the street, two from the existing line at Pinole Valley Road and one from the existing line at Henry Avenue. A hydrant loop for the Gateway West site would be installed from the Pinole Valley Road line.

Landscaping and Drainage Plans

As discussed above, the proposed project design would include on-site self-treating pervious pavement and bioretention facilities to accommodate the stormwater runoff associated with buildout of the site. In addition to the vegetated bioretention areas, the proposed project design would include a number of ornamental trees and shrubs throughout the project site, as shown in Figure 7. The most predominant landscaped areas would be along Pinole Valley Road, as well as at the project access points and sign areas. In addition, landscaping would be provided along the site borders and within parking areas. As shown in Figure 7, the project includes a number of new trees and landscaping to enhance the area along the Pinole Creek Trail as well.

Alternative Transportation Improvements

As mentioned above, the proposed project includes a new connection to the Pinole Creek Trail located just west of the Gateway West site. The new access would include a pathway with a trellis, a bench, and a number of new trees and landscaping along the Pinole Creek Trail that borders the project site. In addition, a new bench and sitting area, refuse enclosure, and interpretive sign would be included as part of the proposed project along Pinole Creek Trail where the trail meets Henry Avenue. It should be noted that the existing chain-link fence along the existing bridge on Henry Avenue over Pinole Creek would be replaced by a 42-inch-high wrought iron railing, and stone pilasters would be added to the corners of the bridge.

In addition, the project includes a new relocated bus stop area just south of the intersection of Pinole Valley Road and Henry Avenue, near the entrance to the proposed market. The bus stop would include a bus pullout area, sidewalk, and bus waiting area with a bench, including an electrical power connector.

Construction

Construction of the proposed project is anticipated to commence in the summer of 2015 and would occur over an approximately two-year period. A total of approximately 3,000 cubic yards of soil would be exported during the site preparation phase of construction. In addition, during the grading phase, approximately 8,900 cubic yards of soil would be excavated and exported from the site, which includes excavation associated with the underground parking structure for the Gateway East portion of the proposed project.

Discretionary Actions

Implementation of the proposed project would require the following discretionary actions by the City of Pinole:

- Adoption of an Initial Study and Mitigation Monitoring and Reporting Program;

- Approval of design review;
- Issuance of use permits for a sign program, drive-through, alcohol sales, outdoor dining, and outdoor merchandise sales;
- Approval of a lot line adjustment or parcel map; and
- Approval of a Development Agreement.

H. ENVIRONMENTAL CHECKLIST

The following Checklist contains the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the impacts of the proposed project. A discussion follows each environmental issue identified in the checklist. Included in each discussion are project-specific mitigation measures recommended, as appropriate, as part of the proposed project.

For this checklist, the following designations are used:

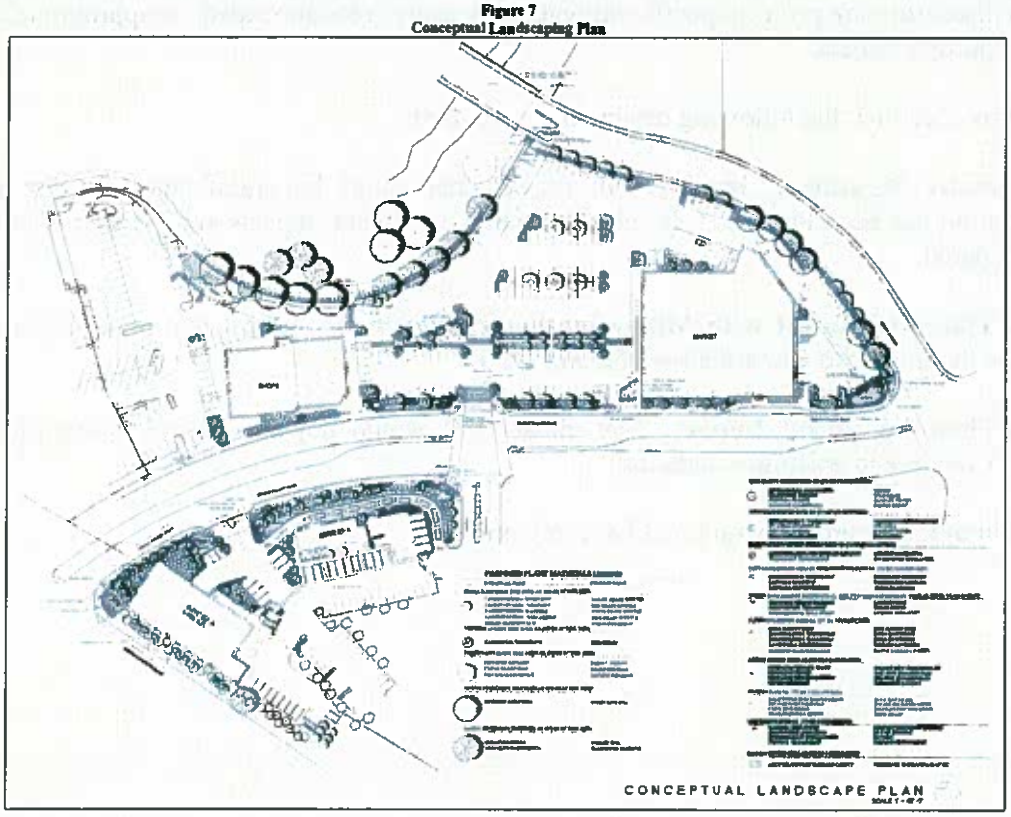
Potentially Significant Impact: An impact that could be significant, and for which no mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared.

Less Than Significant with Mitigation Incorporated: An impact that requires mitigation to reduce the impact to a less-than-significant level.

Less-Than-Significant Impact: Any impact that would not be considered significant under CEQA relative to existing standards.

No Impact: The project would not have any impact.

Figure 7
Conceptual Landscaping Plan



I. AESTHETICS. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	☐	☐	✖	☐
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	☐	☐	✖	☐
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	✖	☐
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	✖	☐

Discussion

a. According to the City of Pinole General Plan, officially designated scenic vistas do not exist within the City's planning area. The General Plan does consider scenic views of the bay and the surrounding city, which can be seen from certain points along the City's ridgelines, to be important. Figure 10.4, Pinole Visual Resources, of the City's General Plan shows the sensitive view protection corridors. Policies are included that would reduce impacts to such views through development requirements. The project site is not located in a view protection corridor or along an existing ridgeline, nor would the project block any views of the bay or surrounding city. Therefore, the proposed project's impact associated with a scenic vista would be considered ***less than significant***.

b. According to the City of Pinole General Plan, officially designated State scenic highways or highways that are eligible for such designation by the California Department of Transportation Scenic Highways Program do not exist within the City's planning area. In addition, the project site has been graded, includes existing paved areas, and is immediately adjacent to other existing development. Therefore, the proposed project's impacts associated with damage of scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within a State scenic highway would be ***less than significant***.

c. The proposed project site has been graded, includes existing parking areas associated with the off-site Kaiser Permanente Medical Office and the Pinole Valley Lanes Bowling Alley, and is immediately adjacent to other existing development. Existing development immediately adjacent to the proposed project site includes roadways (I-80, Pinole Valley Road, and Henry Avenue), a Kaiser Permanente Medical Office, the Pinole Valley Lanes Bowling Alley, Collins Elementary School, and residential development. As such, the proposed project would be consistent and compatible with the existing visual character and quality of the immediate project area.

The Gateway East portion of the project site would include an approximately 9,886-square-foot medical office building with an associated 10,418-square-foot subterranean parking garage, an approximately 2,216-square-foot coffee shop with a drive-through, associated parking areas, and a large pylon sign. The maximum height of the medical office building would be approximately 21 feet and four inches from the finished ground floor. The medical office building would be benched into the hillside in order to appear as a one-story building when viewed from the freeway and off-ramp to the southeast. The large pylon sign is proposed to be located at the northeasternmost portion of the medical office building site, near the parking area, which is intended to be seen from I-80. The pylon sign would be illuminated and would be approximately 75 feet tall, 34 feet wide, 33.5 feet from ground to bottom of the sign, and would have a total sign area that does not exceed 750 square feet, in compliance with Chapter 17.52, Signs, of the Pinole Municipal Code. The sign would display the name of the shopping center and the major businesses located within the shopping center.

The Gateway West portion of the project site would include an approximately 27,014-square-foot market, an approximately 11,122-square-foot building for retail shops and food establishments, and associated parking areas. The maximum height of the proposed market at the highest point would be approximately 43 feet from the finished ground floor. The height of the restaurant and retail building at the highest point would be approximately 31 feet from the finished ground floor.

The project site is within the Service Sub-Area of the Pinole Valley Road Specific Plan Area, which, according to the Three Corridors Specific Plan, is intended to serve as the gateway into Pinole and would be visually prominent to motorists entering and leaving the central area of Pinole. The Three Corridors Specific Plan contains development standards for the Pinole Valley Road Specific Plan Area in order to offer a gradual transition into the surrounding residential neighborhoods, including height requirements, setback requirements, frontage types, and allowed building and parking types. The City's design review process would ensure that the proposed project would be consistent with the aforementioned design standards.

The project site forms the eastern edge of a relatively level valley associated with Pinole Creek. The valley is about 1,000 feet wide and is bounded by hillsides along both sides. The project site slopes upward from Pinole Valley Road on the valley floor and rises about 40 feet in elevation to the eastern site boundary. Given the site location on the valley floor, the site is visible from residential development on nearby hillsides to the north, east, and northeast, south of I-80, and also in distant views from hillside residential development across the valley to the west. The impacts to existing views of the project site due to development of the proposed pylon sign and buildings are addressed in further detail below.

Proposed Pylon Sign

Based on the sign analysis memo completed for the proposed pylon sign by Gray-Bowen, a Caltrans Outdoor Advertising Permit would not be required for construction of the sign if the sign complies with the following conditions:

1. Advertising displays must only contain the business center name and advertise the businesses conducted on-site, services rendered, or goods produced or sold upon the property.
2. The sign cannot contain flashing, intermittent, or moving lights (other than that part necessary to give public service information, including, but not limited to, the time, date, temperature, weather, or similar information).
3. The message center display may not include any illumination or message change that is in motion or appears to be in motion or that changes in intensity or exposes the message for less than four seconds. The message center display may not be placed within 1,000 feet of another message center display on the same side of the highway.
4. The sign must conform to local planning ordinances and zoning requirements.

Furthermore, the proposed sign would be restricted by size and by lighting that could cause driving impairments for highway motorists, including the following conditions:

1. Advertising displays may not be placed that exceed 1,200 square feet in area with a maximum height of 25 feet and a maximum length of 60 feet, including border and trim, and excluding base or apron supports and other structural members.
2. Advertising displays may not be placed that are so illuminated that they interfere with the effectiveness of, or obscure any official traffic sign, device, or signal.
3. Any advertising display shall not cause glare or impair the vision of any driver, or interfere with any driver's operation of a motor vehicle.

The proposed pylon sign would comply with the aforementioned conditions as well as the requirements of Chapter 17.52 of the Pinole Municipal Code, as set forth in Mitigation Measure I-1 of this IS/MND.

Photo simulations were prepared in order to aid in evaluating the potential visual impacts of the pylon sign to the surrounding areas. Figure 8 provides an overview of the locations from which the photographs were taken for the photo simulations. Figure 9 through Figure 19 include the existing views from the locations shown in Figure 8, as well as views including the proposed pylon sign.

View Points North of I-80

As shown in Figures 9, 10, and 12, the proposed pylon sign would be visible from Henry Avenue to the northeast, north, and northwest of the project site (photo simulation locations 1, 2, and 4). As shown in Figure 9, the existing view from residences along Henry Avenue to the northeast of the project site currently consists of homes, power lines, large trees, and moderate views of the distant hillside. Views of the distant hills are already interrupted by the power lines, trees, and rooflines.

Figure 8
Photo Locations and View Directions

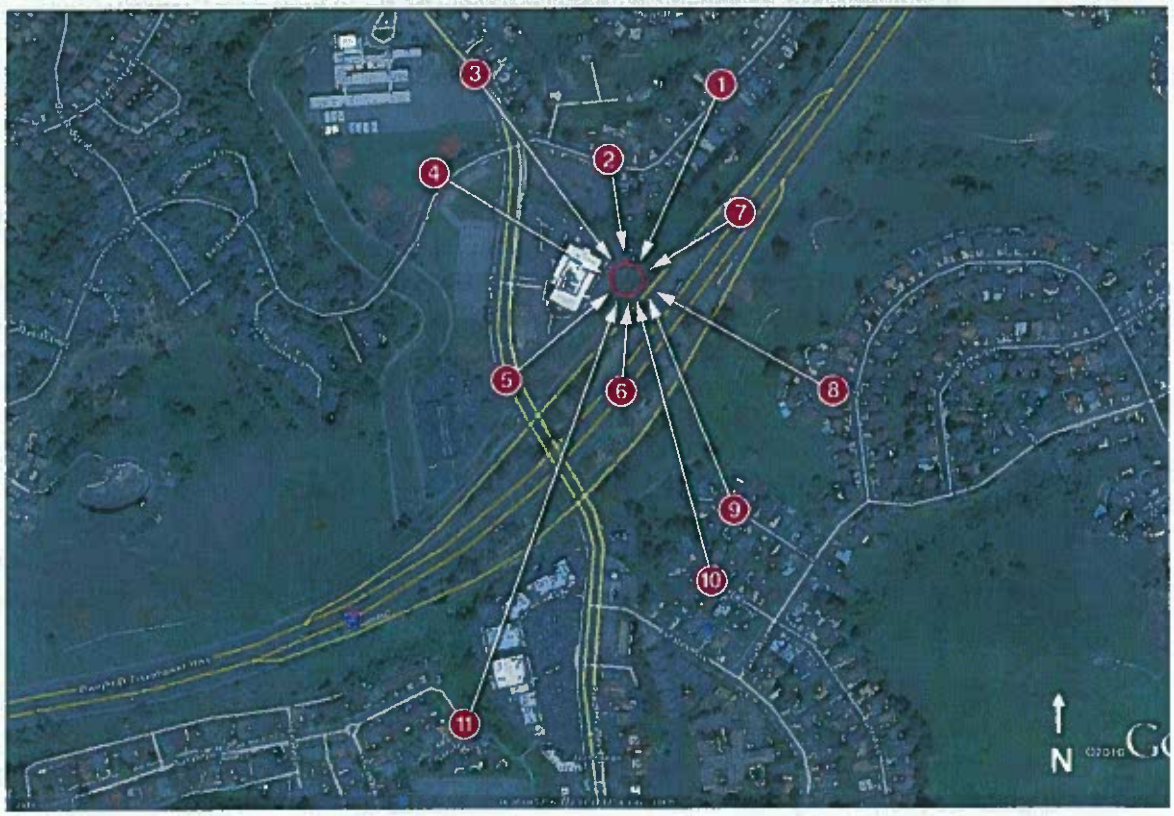


Figure 9
Existing and Proposed View from Location 1

Gateway SC Pinole, CA
8/25/14

Looking Southwest from Henry Avenue
View #1
Applied Imagination 510 914-0500

Figure 10
Existing and Proposed View from Location 2

Gateway SC Pinole, CA
8/25/14

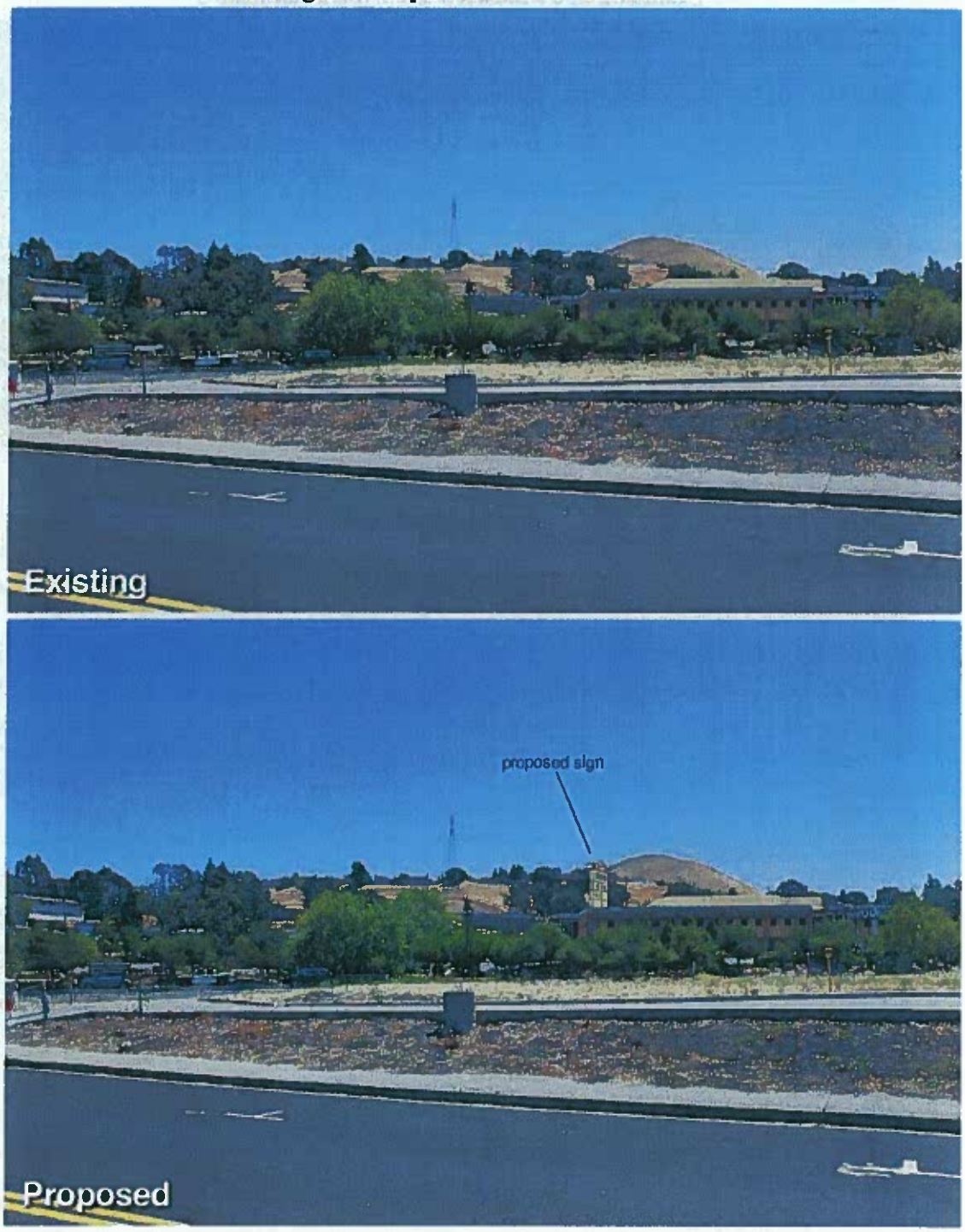
Looking South from Henry Avenue
View #2
Applied Imagination 510 914-0500

Figure 11
Existing and Proposed View from Location 3

Gateway SC Pinole, CA
8/25/14

Looking Southeast from Pinole Valley Road
View #3
Applied Imagination 510 914-0500

Figure 12
Existing and Proposed View from Location 4



Gateway SC Pinole, CA Looking Southeast from Henry Avenue
8/25/14 View #4
Applied Imagination 510 914-0500

Figure 13
Existing and Proposed View from Location 5

Gateway SC Pinole, CA
8/25/14

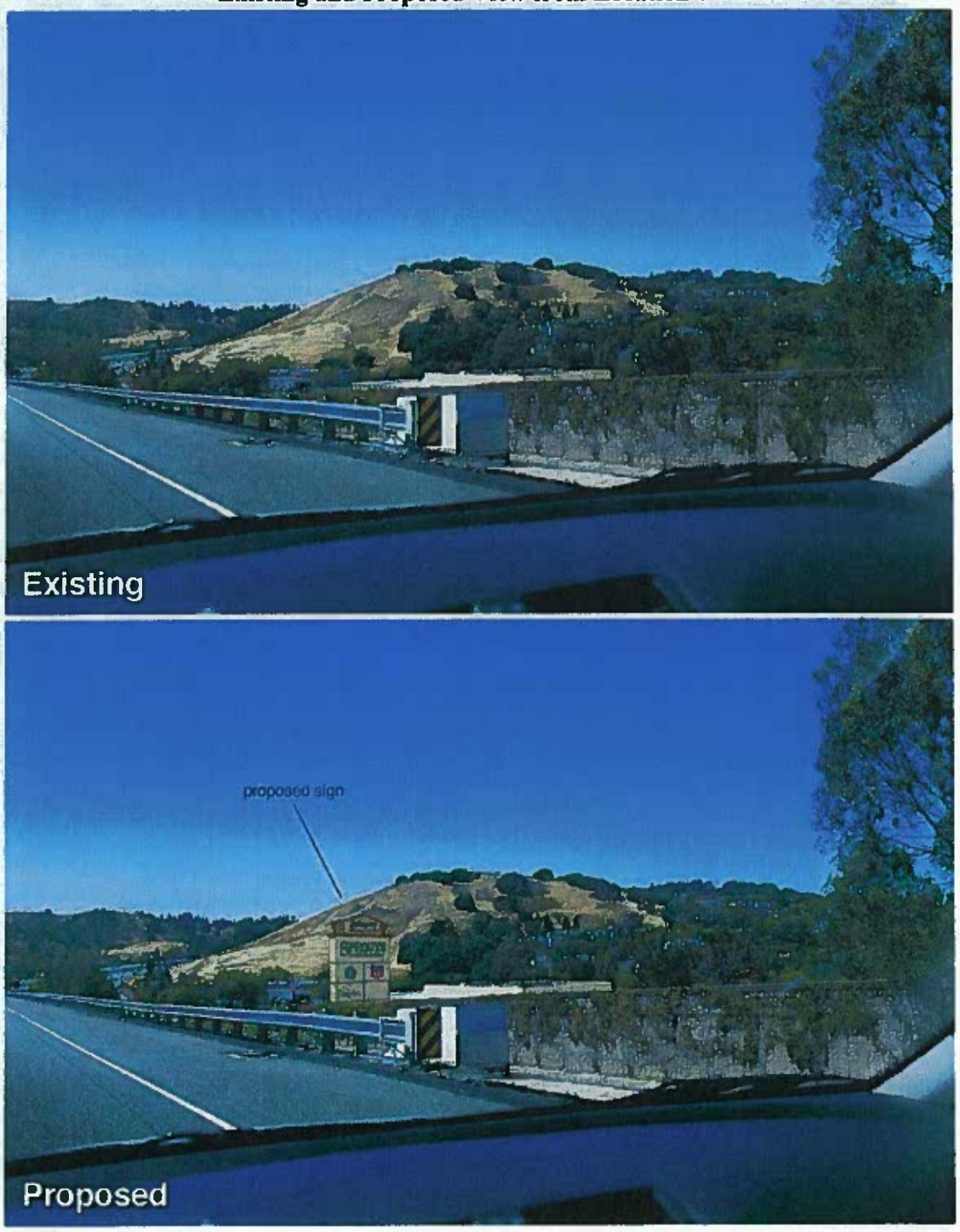
Looking Northeast from Pinole Valley Road
View #5
Applied Imagination 510-914-0500

Figure 14
Existing and Proposed View from Location 6

Gateway SC Pinole, CA
8/25/14

Looking North from Eastbound I-80
View #6
Applied Imagination 510 914-0500

Figure 15
Existing and Proposed View from Location 7



Gateway SC Pinole, CA Looking North from Eastbound I-80
8/25/14 View #7
Applied Imagination 510 814-0500

Figure 16
Existing and Proposed View from Location 8

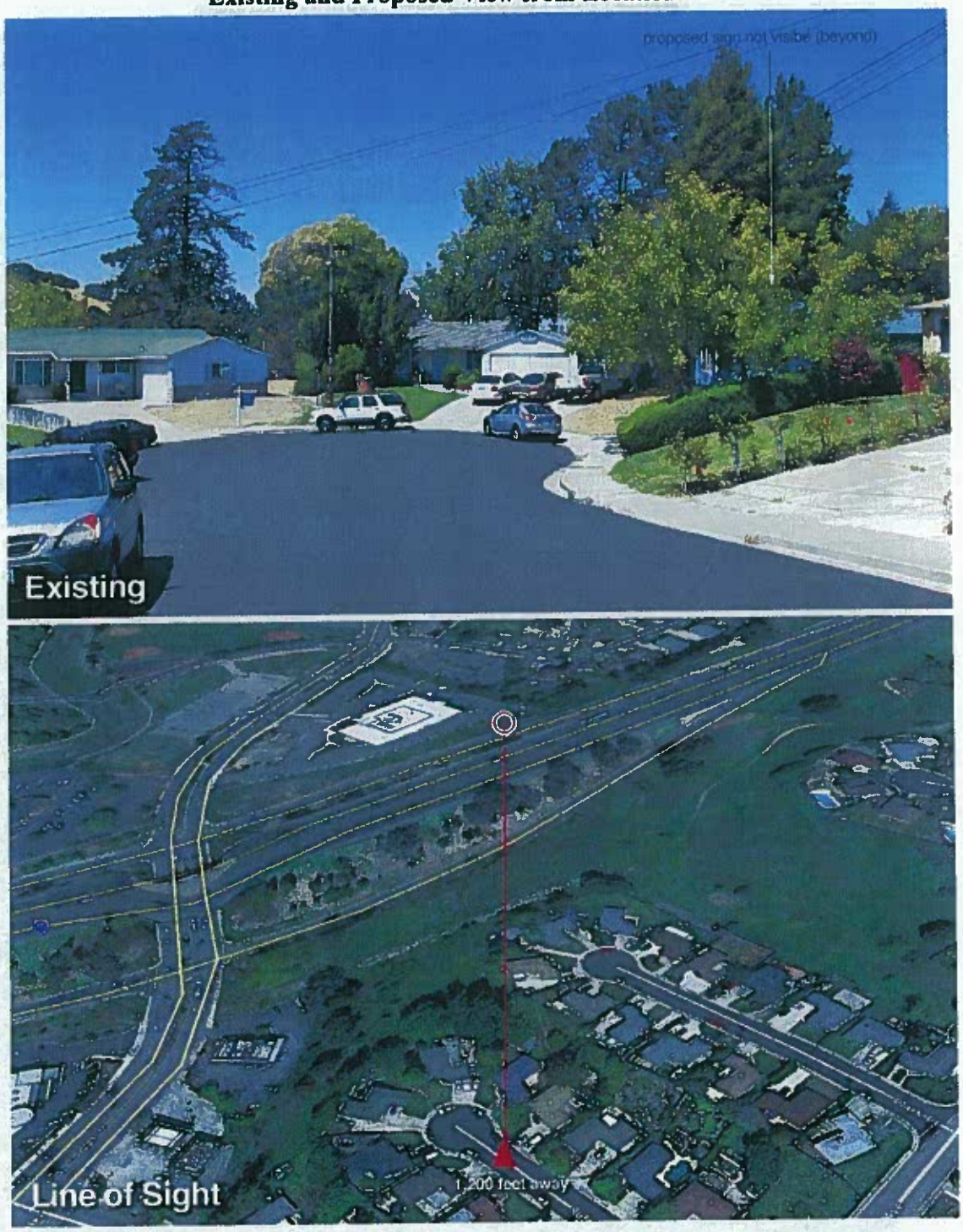
Gateway SC Pinole, CA
8/25/14

Looking Northwest from Barrett Ct.
View #8
Applied Imagination 510 914-0500

Figure 17
Existing and Proposed View from Location 9

Gateway SC Pinole, CA Looking North from Clark Ct.
8/25/14 View #9
Applied Imagination 510 914-0500

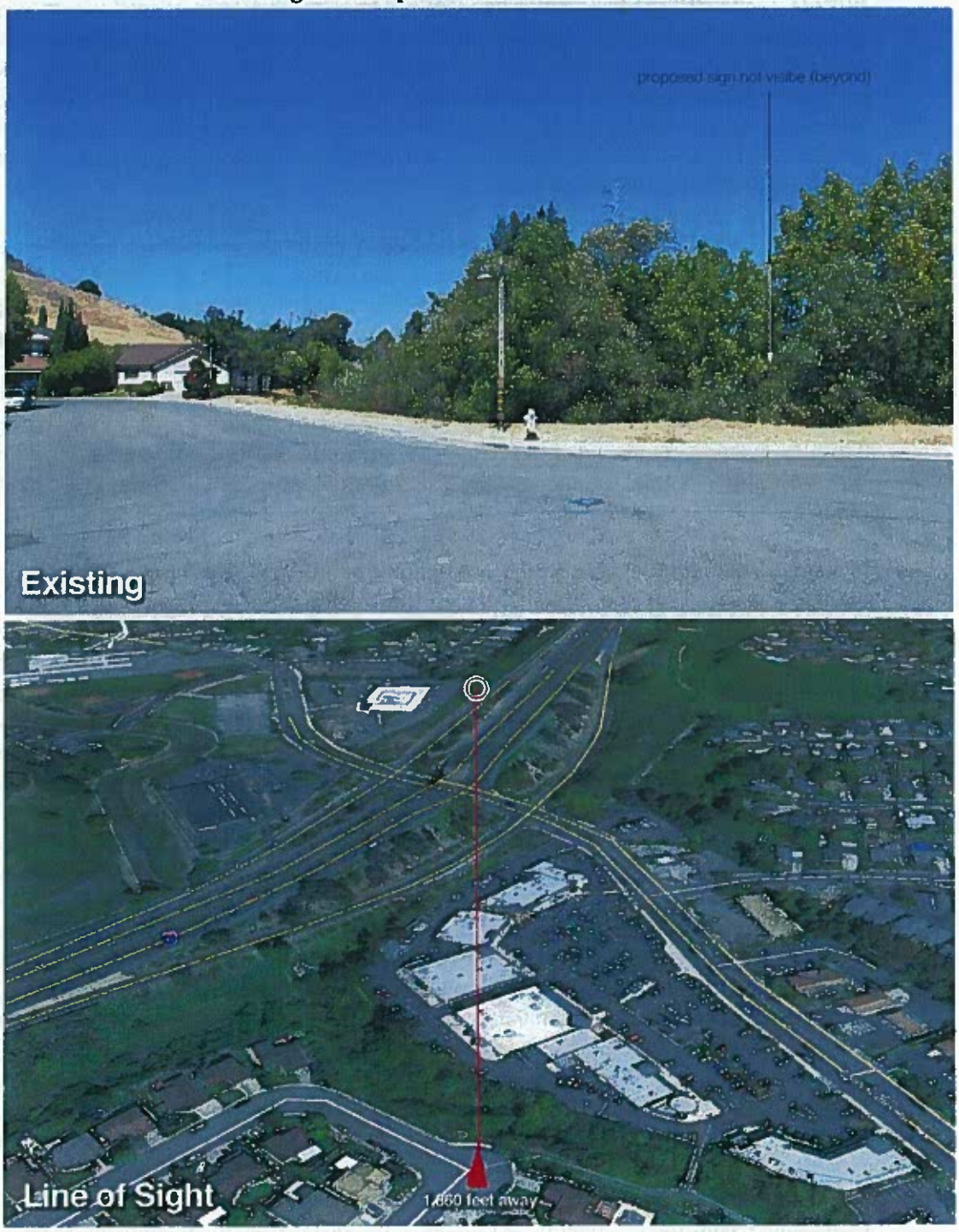
Figure 18
Existing and Proposed View from Location 10



Gateway SC Pinole, CA
8/25/14

Looking North from Ruff Ct.
View #10
Applied Imagination 510 914-0500

Figure 19
Existing and Proposed View from Location 11



Gateway SC Pinole, CA
8/25/14

Looking Northeast from Sarah Ct.
View #11
Applied Imagination 510 914-0500

Although the proposed pylon sign would be visible looking southwest from Henry Avenue, the sign would be partially blocked by existing homes and trees. The distant hillside would still predominantly be visible. Thus, the change in overall views would not be considered a substantial degradation from existing conditions. A similar case could be made for views looking south from Henry Avenue. As shown in Figure 10, although the proposed pylon sign would be visible from Henry Avenue to the north of the site and partially obscure a portion of the skyline just above the near-field trees, the sign would be partially blocked by existing vegetation and would not substantially degrade the existing view quality from this vantage point.

As shown in Figure 12, the existing views from Henry Avenue looking southeast at the project site predominantly consists of the vacant Gateway West site, Pinole Valley Road, the existing Kaiser Permanente Medical Office, and the distant hillside. Although the proposed pylon sign would be visible from Henry Avenue to the northwest of the project site, the sign would not block the views of the distant hillside and would only slightly encroach into the uninterrupted skyline. It should be noted that the proposed shopping center on the Gateway West site would be expected to block views of the pylon sign. Thus, the change in views due to the pylon sign would not be considered substantial from this viewpoint. Visual effects associated with the proposed buildings are addressed below.

It should be noted that due to the topography of the area, the views from the existing hillside townhomes along Silver Oak Court, located west of the project site across Pinole Creek, would include the project site. As such, the pylon sign would likely be visible from these homes; however, the sign would not be expected to substantially modify views of the distant hillside area. In addition, the view from these townhomes already includes commercial development surrounding the project site, as well as the nearby school, roadways, and homes. Furthermore, the townhomes are located approximately 240 feet from the site and are separated by Pinole Creek, the Pinole Creek Trail, and associated dense vegetation, as well as the proposed landscaping along the western border of the project site. Thus, views from the hillside townhomes to the west would not be considered to be substantially degraded from development of the proposed pylon sign.

Views looking southeast from Pinole Valley Road (photo simulation location 3), as shown in Figure 11, currently consist of heavy landscaping vegetation, traffic light poles, existing commercial development, the existing Kaiser Permanent Medical Office, power lines, and some views of distant hillsides. The proposed pylon sign would be partially blocked from view by existing vegetation. In addition, the pylon sign would blend in with the views of existing traffic light poles and other commercial development in the area. Views looking northeast from Pinole Valley Road (photo simulation location 5) predominantly consist of ruderal vegetation, the berm along I-80, power lines, and the existing Kaiser Permanente Medical Office. As shown in Figure 13, the proposed pylon sign would be visible from this view; however, the sign would not block any hillside views and would only constitute a relatively minor encroachment into the skyline. As a result, the modification of views from Pinole Valley Road looking northeast would not be

considered a substantial degradation in the quality or character of the site or surrounding area.

View Points from I-80

Views afforded from travelers along I-80 heading eastbound (photo simulation location 6), as shown in Figure 14, would be partially interrupted by the proposed pylon sign. Although a small view of the hillside is afforded from this location, the sign would not substantially block such views and would be similar in height to the existing Caltrans carpool sign within the I-80 center divide. Travelers along I-80 heading westbound (photo simulation location 7), are currently afforded views of the open hillside area, as shown in Figure 15. The proposed pylon sign would partially interrupt views of the hillside; however, the majority of the hillside would remain visible. In addition, the anticipated color of the sign would make the sign blend in with the hillside backdrop. Therefore, views from I-80 would not be considered to be substantially degraded due to the proposed pylon sign.

View Points South of I-80

As shown in Figures 16 through 19, views from the existing residential streets located southeast and southwest of the project site on the opposite side of I-80 (photo simulation locations 8 through 11), would not be modified by development of the proposed pylon sign, as shown in Figures 16 through 19, because the sign would not be visible from these vantage points.

As discussed above, the design of the proposed pylon sign would be required to comply with the aforementioned conditions of the California Outdoor Advertising Act, as well as the requirements of Chapter 17.52 of the Pinole Municipal Code, which would further ensure that aesthetic impacts associated with the proposed sign are minimized. Therefore, for the reasons discussed above, the pylon sign would not be considered to result in a substantial degradation of the existing visual character or quality of the site or surrounding area should the sign comply with the relevant Outdoor Advertising Act conditions.

<u>Proposed Buildings</u>

All of the proposed on-site buildings would be 43 feet in height or less, which is consistent with the maximum building height limit of 50 feet for the OPMU zone district. The proposed buildings would be less visible to the surrounding area than the proposed pylon sign. For example, the proposed project site would not be visible from views looking southwest and south at the project site from Henry Avenue, as the site would be blocked from view by existing topography, trees, and homes. In addition, as the proposed pylon sign was not visible from areas south of I-80, the proposed buildings would, likewise, not be visible from such areas. It should be noted that the proposed project would be consistent in scale with the existing Pinole Valley Shopping Center located south of I-80 from the project site.

Upon buildout of the proposed project, the views from Henry Avenue looking southeast at the project site would be substantially modified from the existing view shown in Figure 12. Existing views of the distant hillside afforded from this location would likely be predominantly blocked by the proposed development of the Gateway West site. However, Figure 12 represents views from the boundary of the existing school site, which is not considered a sensitive visual receptor. Permanent sensitive visual receptors are not within this vantage point, with the exception of travelers along Henry Avenue, which would only view the site temporarily. Henry Avenue is not considered a scenic roadway. Similarly, the proposed project would be highly visible from travelers along Pinole Valley Road. Pinole Valley Road is not considered a scenic roadway either. In addition, views of the proposed project from both Henry Avenue and Pinole Valley Road would be consistent with the existing views of surrounding commercial development. The impact of the change to views is substantially diminished given that the site is surrounded by existing urbanization and heavily used transportation corridors. Furthermore, the proposed project is consistent with what is anticipated for buildout of the project site by the City General Plan. Thus, the modification to views from Henry Avenue and Pinole Valley Road would not be considered a substantial degradation of existing views of the site or surrounding area.

As discussed above, the project site would be visible from the existing hillside townhomes along Silver Oak Court, located west of the project site across Pinole Creek. However, the view already includes commercial development surrounding the project site, as well as the nearby school, roadways, and homes. In addition, the project site is currently largely paved and includes parking lots. Furthermore, the townhomes are located approximately 240 feet from the site and are separated by Pinole Creek, the Pinole Creek Trail, and associated dense vegetation, as well as the proposed landscaping along the western border of the project site. Thus, views from the hillside townhomes to the west would not be considered to be substantially degraded from development of the proposed project.

Only the rooflines of the proposed buildings would be expected to be visible from I-80. Due to the current views from I-80 of existing commercial development in the area, the slight addition of the proposed project's buildings to the views would not be considered a substantial degradation of the view quality from the I-80 vantage points.

Conclusion

As discussed above, buildout of the proposed project is not anticipated to result in a substantial degradation of the existing visual character or quality of the site or surrounding area. However, in order to ensure that aesthetic impacts associated with the proposed pylon sign are minimized, compliance with the California Outdoor Advertising Act, as well as the requirements of Chapter 17.52 of the Pinole Municipal Code, would be required. Without compliance with such, the proposed project could result in a ***potentially significant*** impact.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above impact to a *less-than-significant* level.

I-1. ***Prior to approval of the sign program, the project applicant shall include in the program that the pylon sign shall be designed in accordance with the following conditions:***

- ***Advertising displays must only contain the business center name and advertise the businesses conducted on-site, services rendered, or goods produced or sold upon the property.***
- ***The sign cannot contain flashing, intermittent, or moving lights (other than that part necessary to give public service information, including, but not limited to, the time, date, temperature, weather, or similar information).***
- ***The message center display may not include any illumination or message change that is in motion or appears to be in motion or that changes in intensity or exposes the message for less than four seconds. The message center display may not be placed within 1,000 feet of another message center display on the same side of the highway.***
- ***The sign must conform to local planning ordinances and zoning requirements.***
- ***Advertising displays may not be placed that exceed 1,200 square feet in area with a maximum height of 25 feet and a maximum length of 60 feet, including border and trim, and excluding base or apron supports and other structural members.***
- ***Advertising displays may not be placed that are so illuminated that they interfere with the effectiveness of, or obscure any official traffic sign, device, or signal.***
- ***Any advertising display shall not cause glare or impair the vision of any driver, or interfere with any driver's operation of a motor vehicle.***

The sign program shall be subject to review and approval by the Development Services Department prior to issuance of any sign permits and shall meet the requirements of Chapter 17.52 of the Pinole Municipal Code.

d. **The proposed project would introduce a number of potential sources of light and glare to the area, including building lighting and signage, security lighting, parking area lighting, and reflective materials such as glass windows and doors. The proposed project's lighting would be required to comply with Chapter 17.46 of the Pinole Municipal Code, particularly Section 17.46.050, including, but not limited to, the following lighting requirements:**

- Be designed, located, installed, directed downward or toward structures, fully shielded, and maintained in order to prevent glare, light trespass, and light pollution;
- Illuminate at the minimum level necessary for safety and security and to avoid the harsh contrasts in lighting levels between the project site and adjacent properties. Illumination requirements applicable to the proposed project are as follows:
    - Public, civic, and religious buildings are permitted to be fully illuminated during hours of operation. After hours of operation, lighting may be dimmed or turned off such that only lighting essential of security or safety shall be maintained.
    - In general, parking lots, driveways, trash enclosures/areas, public phones, and group mailboxes shall be illuminated with a minimum maintained one footcandle of light and an average not to exceed four foot-candles of light. Parking lots for banks, convenience stores, card rooms, check cashing businesses, and emergency shelters shall provide a minimum level of illumination of 1.5 footcandles across the parking lot during operating hours.
    - Pedestrian walkways intended for use after dark shall be illuminated with a minimum maintained one-half foot-candle of light and an average not to exceed two foot-candles of light.
    - Entryways and exterior doors of non-residential structures shall be illuminated during the hours of darkness, with a minimum maintained one foot-candle of light, measured within a five-foot radius on each side of the door at ground level.
    - To minimize light trespass on abutting residential property, illumination measured at the nearest residential structure or rear yard setback line shall not exceed the moon's potential ambient illumination of one-tenth foot-candle.
- The maximum height of freestanding outdoor light fixtures abutting residential development shall be 18 feet. Otherwise, the maximum height for freestanding outdoor light structures shall be 24 feet. Height shall be measured from the finish grade, inclusive of the pedestal, to the top of the fixture.
- Outdoor lighting shall utilize energy-efficient fixtures and lamps. All new outdoor lighting fixtures shall be energy efficient with a rated average bulb life of not less than 10,000 hours.

In addition, the proposed project includes the entitlement to obtain a use permit from the City for a sign program per Section 17.12.110 of the Pinole Municipal Code. Furthermore, as noted above, the design and construction of the proposed pylon sign would adhere to the seven conditions required by the California Outdoor Advertising Act in order to ensure that light and glare impacts associated with the pylon sign are minimized.

In addition to the daytime photo simulations of the proposed pylon sign presented above, nighttime photos were also taken in order to capture existing nighttime views from the nearby sensitive visual receptors. Photo simulations of the proposed pylon sign were

prepared in order to provide illustrations of the potential nighttime views from the locations identified in Figure 8 after installation of the pylon sign. The nighttime photos and photo simulations with the proposed sign were prepared in order to demonstrate impacts from nighttime lighting. Existing nighttime views of the project site and the surrounding areas are depicted in Figures 20 through 26. A photo simulation was not prepared for locations 8, 9, 10, or 11, because, as discussed above, the pylon sign would not be visible from the aforementioned residential locations.

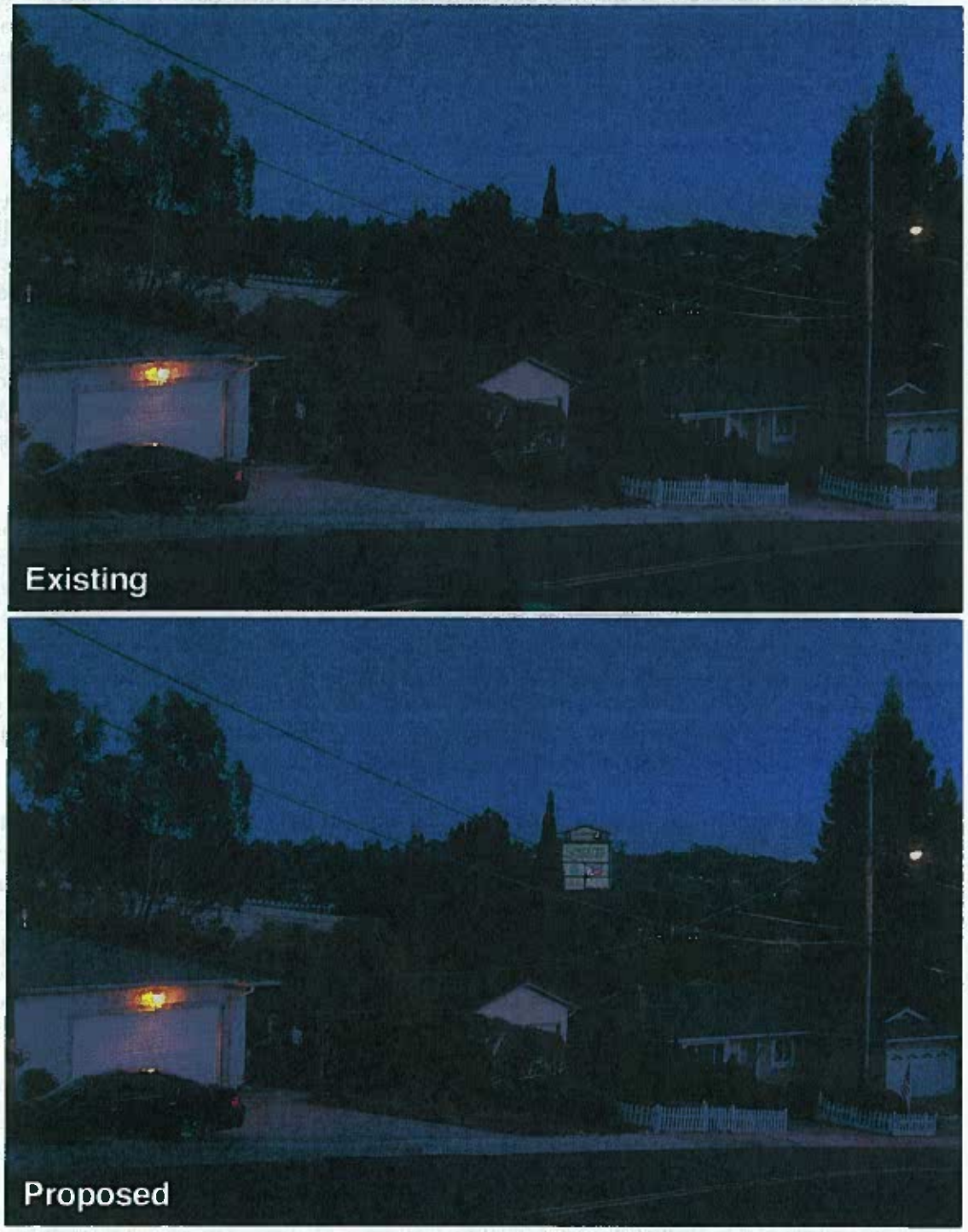
As shown in Figures 20 through 26, the proposed pylon sign would be clearly visible from Henry Avenue, Pinole Valley Road, and I-80 during the nighttime. Although the pylon sign would be visible looking south and southwest from Henry Avenue, views of the pylon sign would be partially blocked by existing trees and rooflines. In addition, views already include existing street and home lighting. As such, the increase in light visible from Henry Avenue looking southwest at the site would not be considered substantial and would not adversely affect views in the area. The remainder of the proposed project site would not be visible looking south and southwest from Henry Avenue; thus, nighttime views from such locations would not be affected by development of the proposed buildings.

Similarly, views looking southeast from Pinole Valley Road already include considerable night lighting, including street lights, traffic lights, views of headlights on vehicles traveling the roadway, and lighting associated with existing commercial development. As shown in Figure 22, the proposed pylon sign is barely visible from this location and would not cause substantial light or glare. Looking northeast from Pinole Valley Road, the pylon sign would be clearly visible. However, the only sensitive visual receptors that would be subject to this view would be travelers along Pinole Valley Road. The lighting for the sign would be required to comply with the Outdoor Advertising Act conditions, which would ensure that the sign lighting would not adversely affect motorists.

Existing nighttime views looking southeast from Henry Avenue include considerable nighttime lighting associated with the existing Kaiser Permanente Medical Office and associated parking areas, as well as from distant homes. The impact of the change to nighttime views is substantially diminished given that the site is surrounded by existing urbanization and heavily used transportation corridors. Furthermore, the proposed project is consistent with what is anticipated for buildout of the project site by the City General Plan. Thus, the increase in night lighting to views looking southeast from Henry Avenue would not be considered substantial.

Although only the rooflines of the proposed buildings would be expected to be visible from travelers along I-80, the proposed pylon sign would be clearly visible from I-80. Existing views from I-80 already include some lighting associated urban development, as well as reflectors along the roadway. Although the pylon sign would result in a modification to existing views, the nighttime lighting associated with the sign would not be substantial such that drivers would be distracted or their views momentarily screened or disrupted as they pass the site causing safety hazards.

Figure 20
Existing and Proposed Nighttime View from Location 1

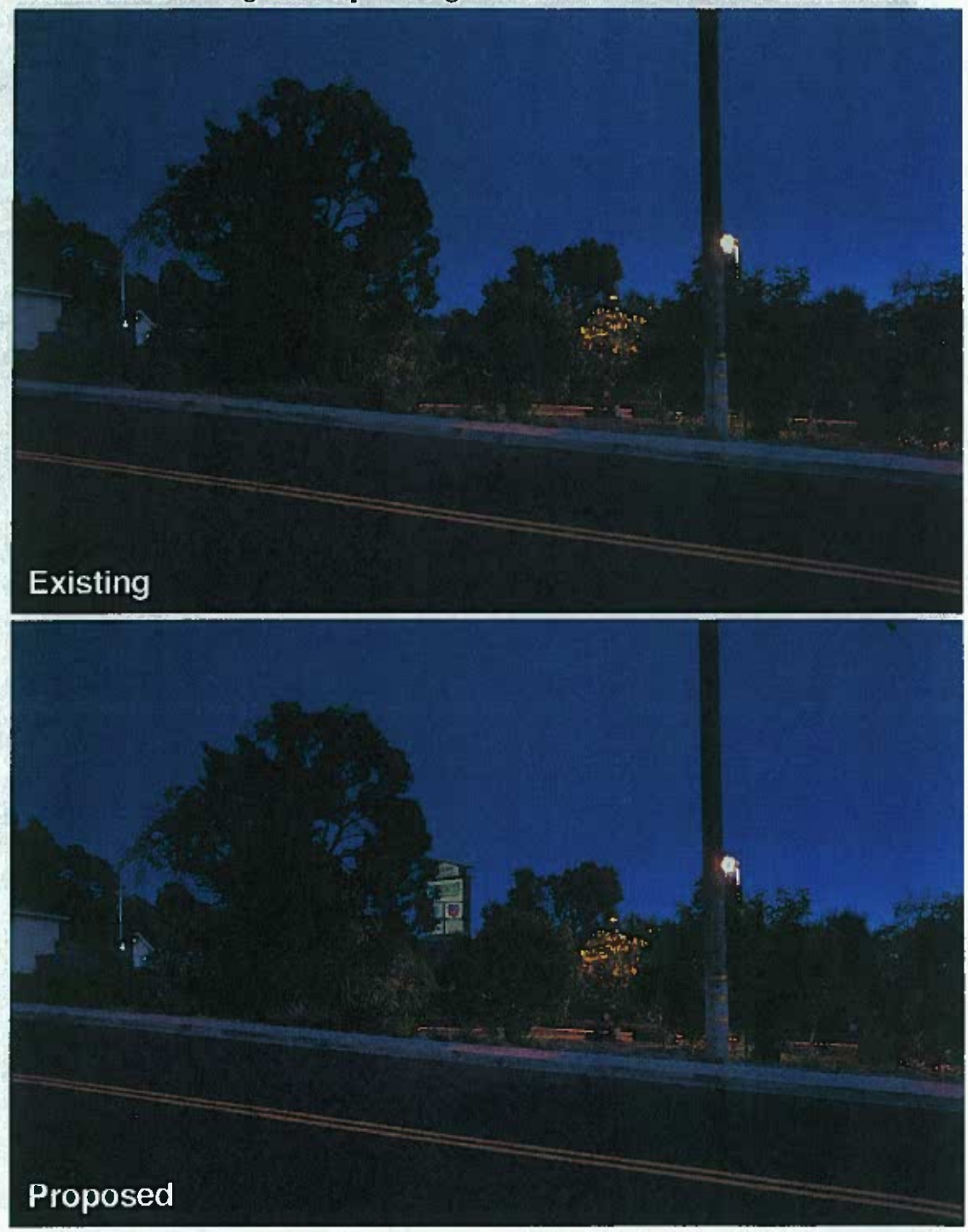


Gateway SC Pinole, CA Looking Southwest from Henry Avenue

8/25/14 View #1

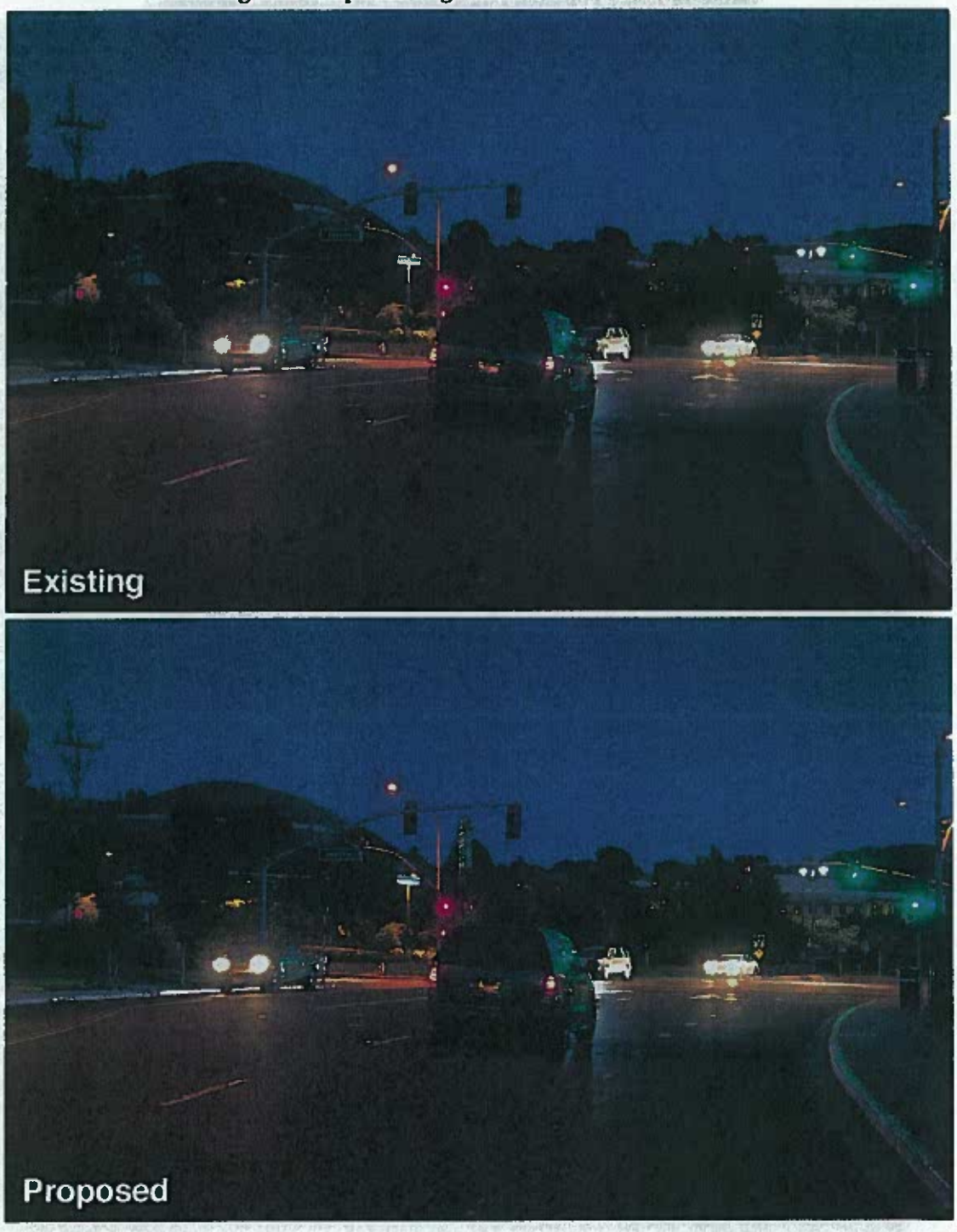
Applied Imagination 510 914-0500

Figure 21
Existing and Proposed Nighttime View from Location 2



Gateway SC Pinole, CA Looking South from Henry Avenue
8/25/14 View #2
Applied Imagination 510 914-0500

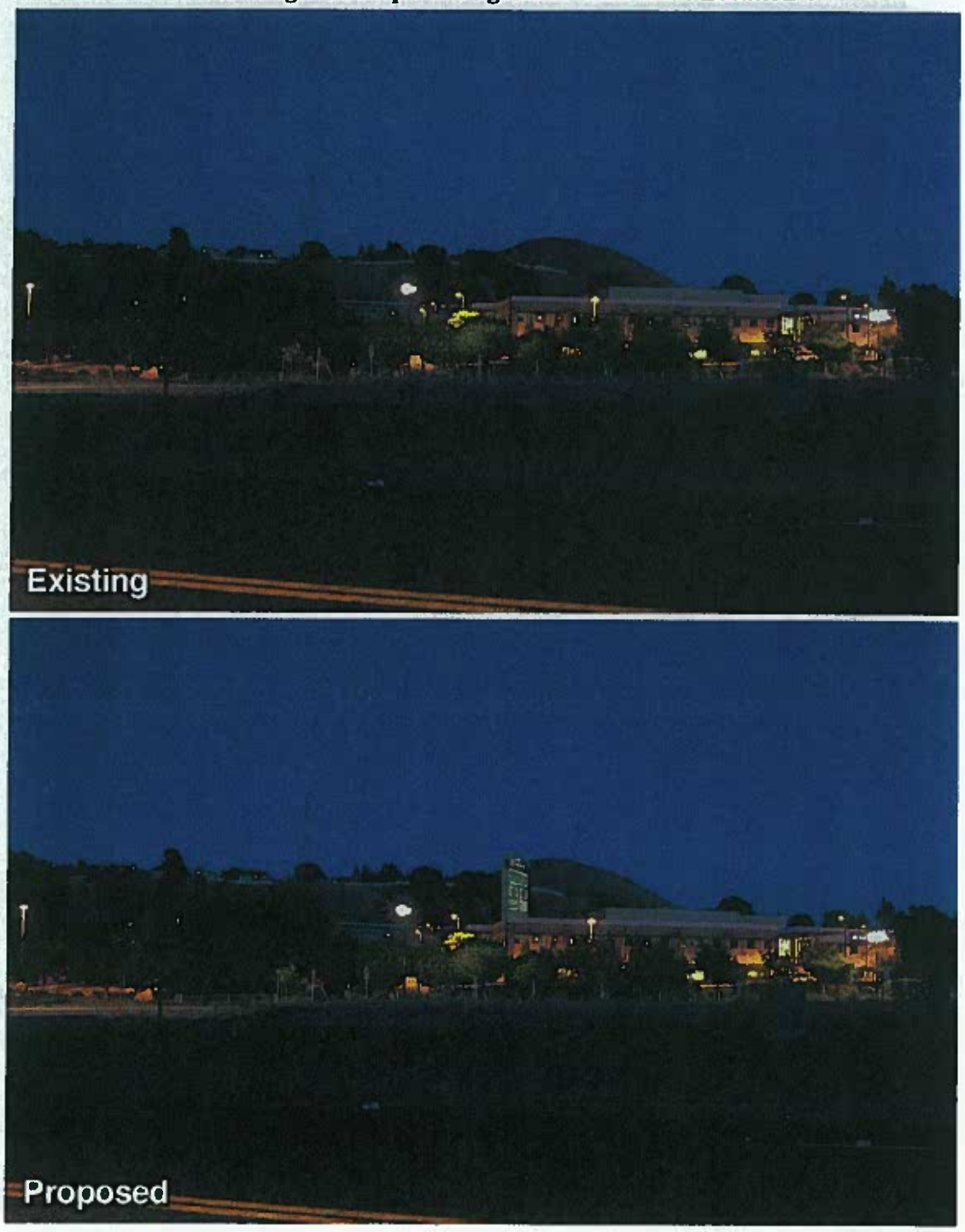
Figure 22
Existing and Proposed Nighttime View from Location 3



Gateway SC Pinole, CA
8/25/14

Looking Southeast from Pinole Valley Road
View #3
Applied Imagination 510 914-0500

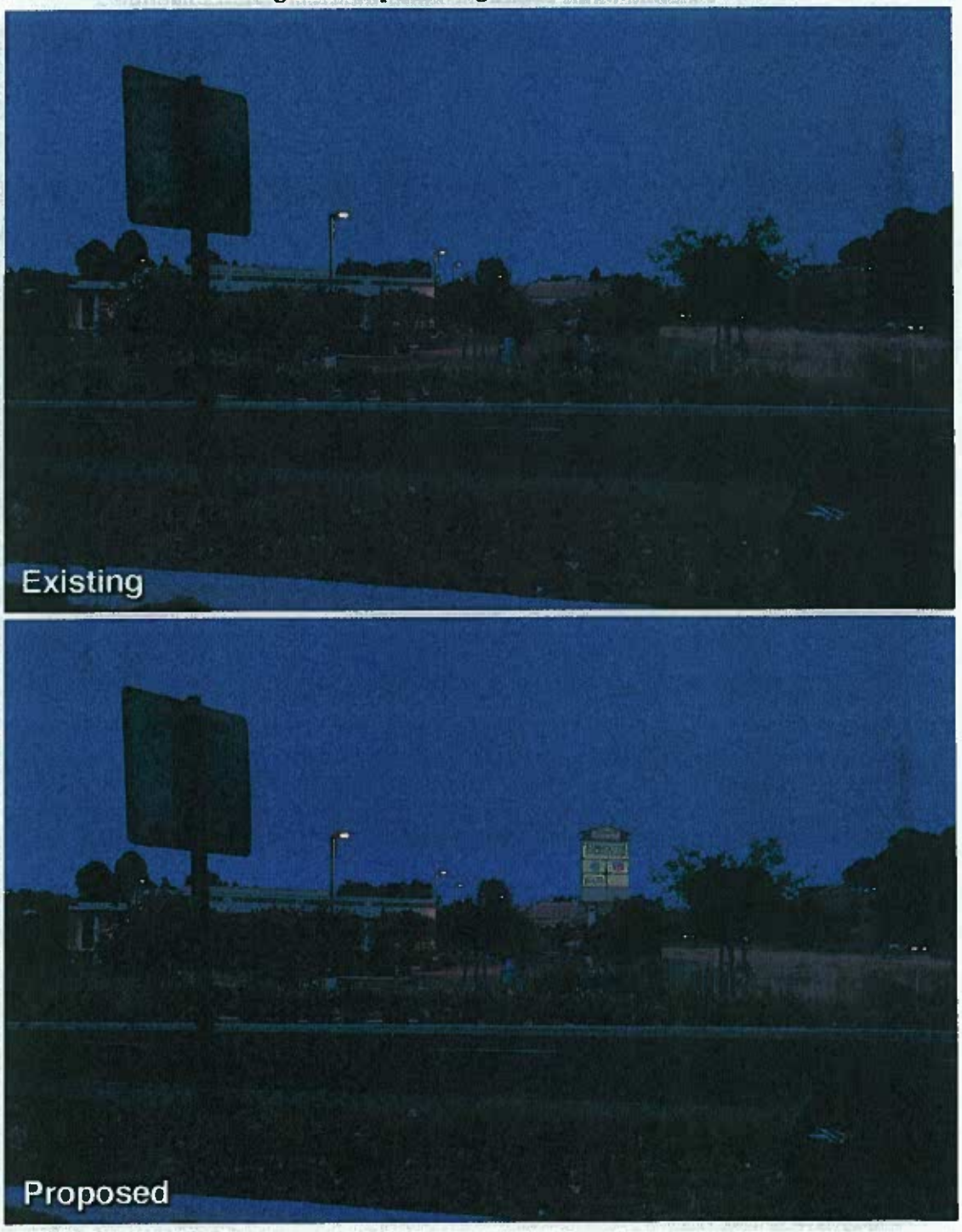
Figure 23
Existing and Proposed Nighttime View from Location 4



Gateway SC Pinole, CA
8/25/14

Looking Southeast from Henry Avenue
View #4
Applied Imagination 510 914-0500

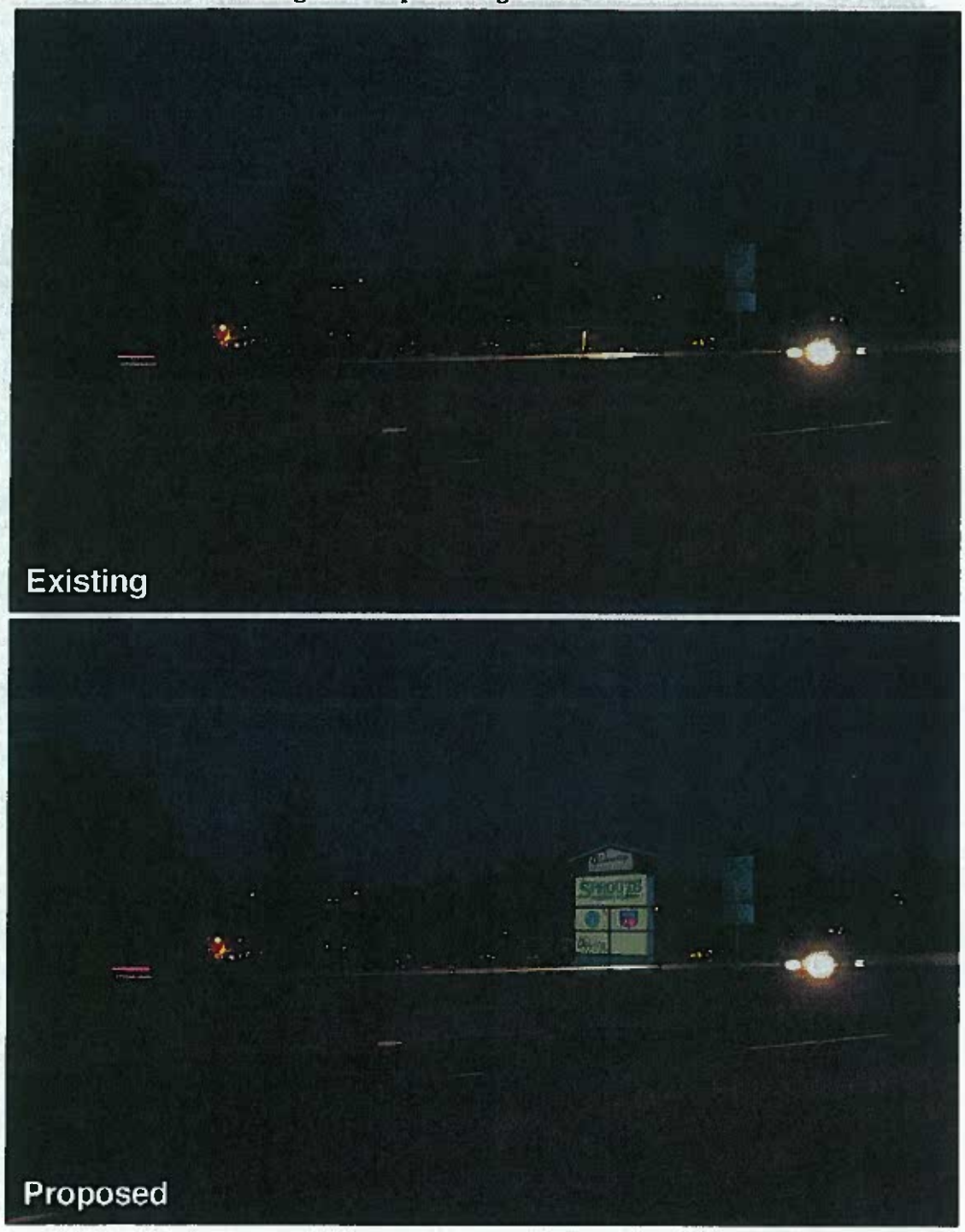
Figure 24
Existing and Proposed Nighttime View from Location 5



Gateway SC Pinole, CA
8/25/14

Looking Northeast from Pinole Valley Road
View #5
Applied Imagination 510 914-0500

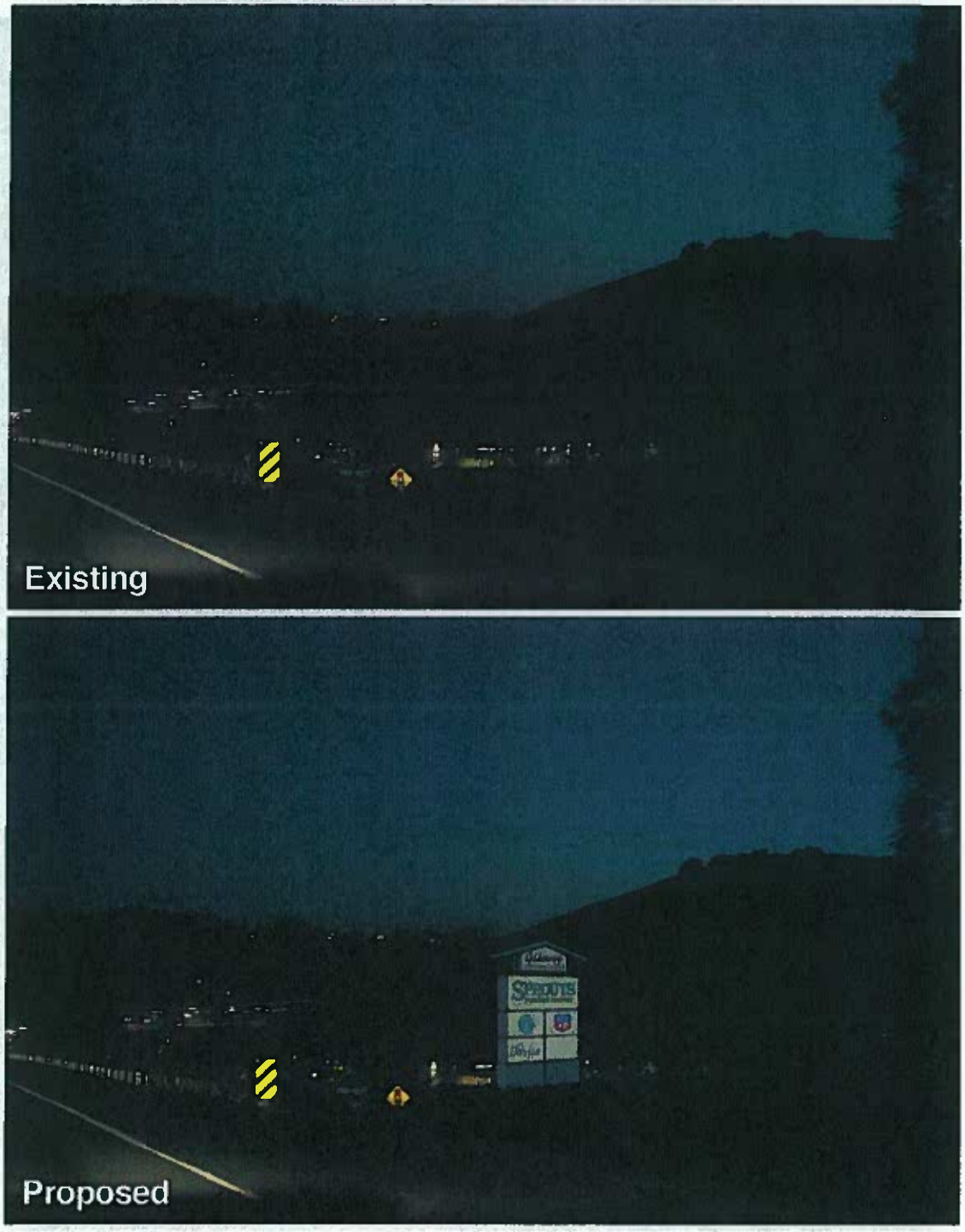
Figure 25
Existing and Proposed Nighttime View from Location 6



Gateway SC Pinole, CA
8/25/14

Looking North from Eastbound I-80
View #6
Applied Imagination 510 914-0500

Figure 26
Existing and Proposed Nighttime View from Location 7



Gateway SC Pinole, CA Looking North from Eastbound I-80
8/25/14 View #7
Applied Imagination 510 914-0500

In addition, as noted above, the sign would be constructed in accordance with the Outdoor Advertising Act, which would help to minimize effects of nighttime lighting.

Upon buildout of the proposed project, lighting associated with vehicles parking and circulating through the site would be minimized through the extensive landscaping to be installed along the perimeter of the site and throughout the parking areas. Along roadway frontages, berms and shrubbery would provide continuous screening of headlight glare from vehicles parked adjacent to off-site roadways. By adhering to the City's Municipal Code, Three Corridors Specific Plan design standards, and the Outdoor Advertising Act conditions, the design features proposed for the project would effectively minimize illumination of adjacent properties and reduce glare. However, without compliance with such, the proposed project could create a new source of substantial light or glare that could adversely affect day or nighttime views in the area, and impacts would be considered ***potentially significant***.

Mitigation Measure(s)
Implementation of the following mitigation measure would reduce the above impact to a *less-than-significant* level.

I-2. *Prior to approval of building plans, the project applicant shall show on the plans that the project lighting would be designed and constructed in accordance with Section 17.46.050 of the Pinole Municipal Code, subject to review and approval by the Development Services Department. The lighting requirements include, but are not limited to, the following:*

- *Be designed, located, installed, directed downward or toward structures, fully shielded, and maintained in order to prevent glare, light trespass, and light pollution;*
- *Illuminate at the minimum level necessary for safety and security and to avoid the harsh contrasts in lighting levels between the project site and adjacent properties. Illumination requirements applicable to the proposed project are as follows:*
    - *Public, civic, and religious buildings are permitted to be fully illuminated during hours of operation. After hours of operation, lighting may be dimmed or turned off such that only lighting essential of security or safety shall be maintained.*
    - *In general, parking lots, driveways, trash enclosures/areas, public phones, and group mailboxes shall be illuminated with a minimum maintained one footcandle of light and an average not to exceed four foot-candles of light. Parking lots for banks, convenience stores, card rooms, check cashing businesses, and emergency shelters shall provide a minimum level of illumination of 1.5 footcandles across the parking lot during operating hours.*

- *Pedestrian walkways intended for use after dark shall be illuminated with a minimum maintained one-half foot-candle of light and an average not to exceed two foot-candles of light.*
- *Entryways and exterior doors of non-residential structures shall be illuminated during the hours of darkness, with a minimum maintained one foot-candle of light, measured within a five-foot radius on each side of the door at ground level.*
- *To minimize light trespass on abutting residential property, illumination measured at the nearest residential structure or rear yard setback line shall not exceed the moon's potential ambient illumination of one-tenth foot-candle.*

- *The maximum height of freestanding outdoor light fixtures abutting residential development shall be 18 feet. Otherwise, the maximum height for freestanding outdoor light structures shall be 24 feet. Height shall be measured from the finish grade, inclusive of the pedestal, to the top of the fixture.*
- *Outdoor lighting shall utilize energy-efficient fixtures and lamps. All new outdoor lighting fixtures shall be energy efficient with a rated average bulb life of not less than 10,000 hours.*

II. AGRICULTURE AND FOREST RESOURCES. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	✖
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	✖
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	✖
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	✖
e. Involve other changes in the existing environment which, due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use?	☐	☐	☐	✖

Discussion

a,e. The project site is designated Urban and Built-Up Land on the Contra Costa County Important Farmland 2012 map.[3] Because the site is Urban and Built-Up Land, the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, and ***no impact*** would occur.

b. The project area is not under any Williamson Act contract and the area is zoned for a mix of uses including office and commercial. The site is not zoned for agricultural uses. Therefore, because buildout of the proposed project would not conflict with a Williamson Act contract or existing zoning for agriculture, the project would result in ***no impact***.

c,d. The project site is not considered forest land (as defined in Public Resources Code section 12220[g]), timberland (as defined by Public Resources Code section 4526), and is not zoned Timberland Production (as defined by Government Code section 51104[g]). Therefore, the proposed project would have ***no impact*** with regard to conversion of forest land or any potential conflict with forest land, timberland, or Timberland Production zoning.

[3] California Department of Conservation, Division of Land Resource Protection. *Contra Costa County Important Farmland 2012*. April 2014.

III. AIR QUALITY. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	✖	☐
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	✖	☐	☐
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	✖	☐	☐
d. Expose sensitive receptors to substantial pollutant concentrations?	☐	✖	☐	☐
e. Create objectionable odors affecting a substantial number of people?	☐	☐	✖	☐

Discussion

a. The City of Pinole is located in the San Francisco Bay Area Air Basin (SFBAAB) and is within the jurisdictional area of the Bay Area Air Quality Management District (BAAQMD), which regulates air quality in the San Francisco Bay Area. The SFBAAB is currently designated as a nonattainment area for State and federal ozone, State and federal particulate matter 2.5 microns in diameter ($PM_{2.5}$), and State particulate matter 10 microns in diameter (PM_{10}) standards. In compliance with regulations, the BAAQMD periodically prepares and updates air quality plans that provide emission reduction strategies to achieve attainment of the air quality standards, including control strategies to reduce air pollutant emissions via regulations, incentive programs, public education, and partnerships with other agencies. The current air quality plans are prepared in cooperation with the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG).

The most recent federal ozone plan is the 2001 Ozone Attainment Plan, which is a proposed revision to the Bay Area part of the State Implementation Plan (SIP) to achieve the federal ozone standard. The plan was adopted on October 24, 2001 and approved by the California Air Resources Board (CARB) on November 1, 2001. The plan was submitted to the U.S. Environmental Protection Agency (USEPA) on November 30, 2001 for review and approval as a revision to the SIP. In addition, in order to fulfill federal air quality planning requirements, the BAAQMD adopted a $PM_{2.5}$ emissions inventory for the year 2010, which was submitted to the USEPA on January 14, 2013 for inclusion in the SIP.

The most recent State ozone plan is the 2010 Clean Air Plan (CAP), adopted on September 15, 2010. The 2010 CAP was developed as a multi-pollutant plan that provides an integrated control strategy to reduce ozone, PM, toxic air contaminants (TACs), and greenhouse gases (GHGs). Although the California Clean Air Act does not

require the region to submit a plan for achieving the State PM_{10} standard, the BAAQMD has prioritized measures to reduce PM in developing the control strategy for the 2010 CAP. The control strategy serves as the backbone of the BAAQMD's current PM control program. The 2010 Plan defined a comprehensive control strategy including 55 control measures to reduce emissions of PM and other air pollutants from a wide variety of emission sources. As these measures are implemented, emissions of primary PM and precursors to the formation of secondary PM would be reduced throughout the Bay Area. It should be noted that on January 9, 2013, the USEPA issued a final rule to determine that the San Francisco Bay Area has attained the 24-hour $PM_{2.5}$ federal standard, which suspends federal SIP planning requirements for the Bay Area.

The aforementioned air quality plans contain mobile source controls, stationary source controls, and transportation control measures (TCMs) to be implemented within the region to attain the State and federal ozone standards within the SFBAAB. The plans are generally based on population and employment projections provided by local governments, usually developed as part of the General Plan update process. The proposed project would be considered to conflict with, or obstruct implementation of, an applicable air quality plan if the project would be inconsistent with the growth assumptions in the plans, in terms of population, employment, or regional growth in Vehicle Miles Traveled (VMT), which are based on ABAG projections that are, in turn, based on the City's General Plan. A General Plan amendment or zone change is not proposed for the project, and the project would be consistent with the planned uses of the site. As such, the growth associated with the site would be considered consistent with the growth assumptions of the applicable air quality plans.

In addition, according to the BAAQMD CEQA Guidelines, if a project would not result in significant and unavoidable air quality impacts, after the application of all feasible mitigation, the project may be considered consistent with the air quality plans. In addition, BAAQMD recommends that projects incorporate all feasible air quality plan control measures, which include traditional stationary, area, mobile source and transportation control measures, as well as control measures that promote mixed use, compact development, and reduce vehicle emissions and exposure to pollutants from stationary and mobile sources. If approval of a project would not cause the disruption, delay, or otherwise hinder the implementation of any air quality plan control measure, the project may be considered consistent with the air quality plans. As presented in the sections below, with implementation of mitigation measures, the project would not exceed the applicable thresholds of significance for any pollutant and would not result in emissions that substantially contribute to the nonattainment designations of PM or ozone for the region. Therefore, the proposed project would not conflict with or obstruct implementation of the applicable air quality plans, and a ***less-than-significant*** impact would result.

b-c. In order to evaluate ozone and other criteria air pollutant emissions and support attainment goals for those pollutants designated as nonattainment in the area, the BAAQMD has established significance thresholds associated with development projects for emissions of reactive organic gases (ROG), nitrogen oxide (NO_x), and PM_{10} and $PM_{2.5}$. The BAAQMD's significance thresholds, expressed in pounds per day (lbs/day)

for project-level and tons per year (tons/yr) for cumulative, listed in Table 1, are recommended for use in the evaluation of air quality impacts associated with proposed development projects.

Table 1
BAAQMD Thresholds of Significance

Pollutant	Construction (lbs/day)	Operational (lbs/day)	Cumulative (tons/year)
ROG	54	54	10
NO_x	54	54	10
PM_{10}	82	82	15
$PM_{2.5}$	54	54	10

Source: BAAQMD, CEQA Guidelines, May 2010.

It should be noted that the BAAQMD was challenged in Alameda County Superior Court, on the basis that the BAAQMD failed to comply with CEQA when it adopted its CEQA guidelines, including thresholds of significance. The BAAQMD was ordered to set aside the thresholds and conduct CEQA review of the proposed thresholds. On August 13, 2013, the First District Court of Appeal reversed the trial court's decision striking down BAAQMD's CEQA thresholds of significance for GHG emissions. The Court of Appeal's held that CEQA does not require BAAQMD to prepare an EIR before adopting thresholds of significance to assist in the determination of whether air emissions of proposed projects might be deemed "significant." The Court of Appeal's decision provides the means by which BAAQMD may ultimately reinstate the GHG emissions thresholds, though the court's decision does not become immediately effective. It should be further noted that a petition for review has been filed; however, the court has limited review to the following issue: Under what circumstances, if any, does CEQA require an analysis of how existing environmental conditions will impact future residents or users (receptors) of a proposed project? Ultimately, the thresholds of significance used to evaluate proposed developments are determined by the CEQA lead agency, which would be the City of Pinole for the proposed project. Per CEQA Guidelines Section 15064.7, the City has elected to use the BAAQMD's thresholds and methodology for this project, as they are based on substantial evidence and remain the most up-to-date, scientifically-based method available to evaluate air quality impacts. Thus, the BAAQMD's thresholds of significance presented in Table 1 are utilized for this analysis.

The proposed project's construction and operational emissions were quantified using the California Emissions Estimator Model (CalEEMod) software version 2013.2.2.[4] Results of the CalEEMod modeling are expressed in lbs/day for construction and operational emissions, and in tons/yr for cumulative emissions, which allows for comparison between the model results and the BAAQMD significance thresholds. All modeling results and

[4] CalEEMod is a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify air quality emissions, including GHG emissions, from land use projects. The model applies inherent default values for various land uses, including construction data, trip generation rates based on the Institute of Transportation Engineers (ITE) Manual, vehicle mix, trip length, average speed, etc. However, where project- or site-specific data was available, such data was input into the model (e.g., construction phases and timing, project-specific trip generation rates, and project-specific trip lengths).

assumptions are available upon request at the City of Pinole Development Services Department located at 2131 Pear Street, Pinole, California.

Construction Emissions

Based on information provided by the project applicant, construction of the proposed project is anticipated to commence in May 2015 and would be fully operational by approximately August 2016. During construction of the project, various types of equipment and vehicles would temporarily operate on the project site. Construction exhaust emissions would be generated from construction equipment, earth movement activities, construction workers' commute, and construction material hauling during the construction period. The aforementioned activities would involve the use of diesel- and gasoline-powered equipment that would generate emissions of criteria pollutants. Project construction activities also represent sources of fugitive dust, which includes PM emissions. It should be noted that construction of the proposed project is anticipated to require a total of approximately 100 cubic yards of soil to be imported and a total of approximately 11,900 cubic yards of soil to be exported throughout the construction period, which was included in the project modeling.

The proposed project is required to comply with all BAAQMD rules and regulations including Regulation 8, Rule 3 related to architectural coatings. In addition, all projects under the jurisdiction of the BAAQMD are required to implement all of the Basic Construction Mitigation Measures provided in the BAAQMD CEQA Guidelines, which include the following:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take

corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Utilizing CalEEMod, the proposed project's construction-related criteria air pollutant emissions were estimated and are presented in Table 2 below.

Table 2
Maximum Unmitigated Project Construction Emissions (lbs/day)

	ROG	NO_X	PM_{10}	$PM_{2.5}$
Proposed Project	7.20	63.64	21.77	13.0
BAAQMD Thresholds	54	54	82	54
Exceed Thresholds?	**NO**	**YES**	**NO**	**NO**

Source: CalEEMod, December 2014.

As presented in the above table, the proposed project would result in construction-related emissions of ROG, PM_{10}, and $PM_{2.5}$ below the applicable thresholds of significance. It should be noted that implementation of the BAAQMD Basic Construction Mitigation Measures presented above would further reduce the project's PM emissions from what is shown in Table 2. However, emissions of NO_X would exceed the applicable threshold of significance. Therefore, the proposed project could contribute to the region's nonattainment status of ozone and violate an air quality standard, and a potentially significant impact associated with construction-related emissions of NO_X would result.

Operational Emissions

Operational emissions of ROG, NO_X, CO, and PM_{10} would be generated by the proposed project from both mobile and stationary sources. Day-to-day activities such as future patron vehicle trips to and from the project site would make up the majority of the mobile emissions. Emissions would occur from area sources such as natural gas combustion from heating mechanisms, landscape maintenance equipment exhaust, and consumer products (e.g., deodorants, cleaning products, spray paint, etc.).

As stated above, the project is required to comply with all BAAQMD rules and regulations including Regulations 6, Rule 3, associated with wood-burning devices, which restricts wood-burning devices in new building construction, and Regulation 8, Rule 3 related to architectural coatings, which requires use of low volatile organic compound (VOC) paints. It should be noted that the applicable BAAQMD rules and regulations associated with project operations are applied inherently in CalEEMod.

The proposed project's daily unmitigated operational emissions have been estimated using CalEEMod and are presented in Table 3. It should be noted that the proposed project's inherent site and design features have been applied to the modeling, including the project's increased diversity of land uses, transit-access enhancement, and pedestrian connection improvements.

Table 3 Unmitigated Project Operational Emissions (lbs/day)				
	ROG	**NO_X**	**PM_{10}**	**$PM_{2.5}$**
Proposed Project	10.93	7.64	3.32	0.97
BAAQMD Thresholds	54	54	82	54
Exceed Thresholds?	**NO**	**NO**	**NO**	**NO**
Source: CalEEMod, December 2014.				

As shown in the table, the proposed project would result in operational emissions of ROG, NO_X, PM_{10}, and $PM_{2.5}$ below the applicable thresholds of significance. Therefore, the proposed project would not violate operational air quality standards or contribute to the area's nonattainment status of ozone or PM, and impacts associated with operational emissions would be considered less than significant.

Cumulative Emissions

The long-term emissions associated with operation of the proposed project, in conjunction with other existing or planned development in the area, would incrementally contribute to the region's air quality pollutant emissions. In order to determine the proposed project's cumulative contribution to regional air quality pollutant emissions, the City, as lead agency, has chosen to utilize the BAAQMD's cumulative thresholds as presented in Table 1. The proposed project's contribution to cumulative emissions of criteria air pollutants were calculated using CalEEMod and are presented in Table 4 below. As shown in the table, the proposed project's unmitigated cumulative emissions would be below the applicable cumulative thresholds of significance. Therefore, the proposed project's incremental contribution to cumulative air quality impacts would be considered less than significant.

Table 4 Unmitigated Project Cumulative Emissions (tons/yr)				
	ROG	**NO_X**	**PM_{10}**	**$PM_{2.5}$**
Proposed Project	1.86	1.40	0.55	0.16
BAAQMD Thresholds	10	10	15	10
Exceed Thresholds?	**NO**	**NO**	**NO**	**NO**
Source: CalEEMod, December 2014.				

Conclusion

As presented and discussed above, the proposed project would result in operational and cumulative emissions well below the applicable thresholds of significance. However, construction-related emissions of NO_X would exceed the applicable threshold of significance. Therefore, the project could violate air quality standards and contribute to the region's nonattainment status of ozone, and impacts would be considered ***potentially significant***.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the construction-related emissions of NO_X from 63.64 lbs/day (see Table 2) to 50.91 lbs/day, which is below the applicable threshold of significance. Thus, implementation of the following mitigation measure would reduce the above impact to a *less-than-significant* level.

III-1. *The project applicant/engineer shall show on the grading plans via notation that the contractor shall ensure that all off-road earth-moving equipment (more than 50 horsepower) to be used for construction of the project (i.e., owned, leased, and subcontractor vehicles) would achieve a project-wide fleet-average 20 percent NO_X reduction compared to the most recent California Air Resources Board fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available. The contractor shall provide the documentation necessary to verify that the equipment used include emission reduction technology. The documentation shall be submitted for review and approval by the City Development Services Department prior to the issuance of any grading or building permits.*

d. The major pollutant concentrations of concern are localized carbon monoxide (CO) emissions and TAC emissions, which are addressed in further detail below.

Localized CO Emissions

Localized concentrations of CO are related to the levels of traffic and congestion along streets and at intersections. Implementation of the proposed project would increase traffic volumes on streets near the project site; therefore, the project would be expected to increase local CO concentrations. High levels of localized CO concentrations are only expected where background levels are high, and traffic volumes and congestion levels are high. The statewide CO Protocol document[5] identifies signalized intersections operating at Level of Service (LOS) E or F, or projects that would result in the worsening of signalized intersections to LOS E or F, as having the potential to result in localized CO concentrations in excess of the State or federal Ambient Air Quality Standards (AAQS), as a result of large numbers of cars idling at stop lights.

In accordance with the State CO Protocol, the BAAQMD has established preliminary screening criteria for determining whether the effect that a project would have on any given intersection would cause a potential CO hotspot. If the proposed project would comply with the following criteria at all affected intersections, the proposed project would not be expected to result in a CO hotspot:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or

[5] University of California, Davis. *Transportation Project-Level Carbon Monoxide Protocol*. December 1997.

highways, regional transportation plan, and local congestion management agency plans;

- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; and
- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, underpass, etc.).

According to the Transportation Impact Analysis prepared for the proposed project, the project has already been planned to be developed in the General Plans of the City of Pinole and Contra Costa County and has already been assumed in all cumulative build-out traffic forecasts that have been used in the design of freeway facilities in the area. In addition, the project site has been designed in conformance with City design standards and would not cause any site access or circulation issues. As such, the proposed project would generally be consistent with any applicable congestion management program, including the West County Action Plan for Routes of Regional Significance, Contra Costa Countywide Comprehensive Transportation Plan Update, and the Contra Costa Transportation Authority's Congestion Management Plan.

In addition, according to the Transportation Impact Analysis prepared for the proposed project, all study intersections currently operate and would continue to operate, with the proposed project, at acceptable levels (i.e., level of service D or better) under existing, baseline, and cumulative conditions. The project would not increase traffic volumes at any intersection to more than 44,000 vehicles per hour or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited. Because the proposed project would comply with all of the screening criteria established by the BAAQMD, the proposed project would not result in substantial levels of localized CO at any intersection or generate localized concentrations of CO that would exceed standards.

TAC Emissions

Another category of environmental concern is TACs. The CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* (Handbook) provides recommendations for siting new sensitive land uses near sources typically associated with significant levels of TAC emissions, including, but not limited to, freeways and high traffic roads, distribution centers, and rail yards. The CARB has identified diesel particulate matter (DPM) from diesel-fueled engines as a TAC; thus, high volume freeways, stationary diesel engines, and facilities attracting heavy and constant diesel vehicle traffic are identified as having the highest associated health risks from DPM. Health risks from TACs are a function of both the concentration of emissions and the duration of exposure. Health-related risks associated with DPM in particular are primarily associated with long-term exposure and associated risk of contracting cancer.

Some land uses are considered more sensitive to air pollution than others, due to the types of population groups or activities involved. Heightened sensitivity may be caused by health problems, proximity to the emissions source, and/or duration of exposure to air

pollutants. Children, pregnant women, the elderly, and those with existing health problems are especially vulnerable to the effects of air pollution. The BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (i.e., children, the elderly, the acutely ill, and the chronically ill) are likely to be located. Accordingly, land uses that are typically considered to be sensitive receptors include residences, schools, playgrounds, childcare centers, retirement homes, convalescent homes, hospitals, and medical clinics.

Due to the commercial nature of the project, the majority of the proposed uses are not considered sensitive receptors. However, the medical office building may be used to treat people with existing health problems and could be considered especially vulnerable to effects of air pollution; as a result, the medical office building would be considered a sensitive receptor. Existing sensitive receptors in the vicinity of the project area include Collins Elementary School and the residences located to the west and northeast of the project. Collins Elementary School is located opposite Henry Avenue from the proposed market site, with the nearest classroom building on the school site located approximately 350 feet from the boundary of the market site. The nearest residence to the Gateway West portion of the proposed project is located approximately 240 feet away, and the nearest residence to the Gateway East portion of the proposed project is located approximately 430 feet away.

The proposed project site is not located near any rail yards, stationary diesel engines, or facilities attracting heavy and constant diesel vehicle traffic such as warehouse distribution centers; however, the proposed medical office building would be located approximately 160 feet north of the nearest travel lane heading westbound along I-80 and approximately 60 feet north of the I-80 westbound off-ramp. The CARB, per its Handbook, recommends the evaluation of emissions when freeways are within 500 feet of sensitive receptors. Any project placing sensitive receptors within 500 feet of a major roadway or freeway may have the potential to expose those receptors to DPM. According to the BAAQMD's Highway Screening Analysis, receptors located 100 feet north of the link of I-80 nearest the project site would be subjected to DPM concentrations of 0.714 micrograms per cubic meter ($\mu g/m^3$), an associated increase in cancer risks of 86.472 in one million people, a chronic hazard index (HI) of 0.080, and an acute HI of 0.031.[6] Although the expected HI would be less than the BAAQMD threshold of significance of 1.0, the concentration and increase in cancer risk would exceed the BAAQMD thresholds of significance of 0.3 $\mu g/m^3$ and 10 in one million people, respectively.

Health risks associated with exposure to DPM or any TAC are calculated based on worst-case assumptions, including the highest anticipated pollutant concentrations, the longest potential period of exposure (e.g., 24 hours per day every day over a 70-year lifetime), and other worst-case adjustment factors, in accordance with standard procedures developed by the California Office of Environmental Health Hazard Assessment

[6] Bay Area Air Quality Management District. *Highway Screening Analysis*. April 29, 2011. Available at: http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Tools-and-Methodology.aspx. Accessed December 2014.

(OEHHA).[7] The sensitive users at the proposed medical office building would only be on-site for short durations during their treatment period. Thus, it is reasonable to assume that the actual risk related to DPM emissions from traffic along I-80 would be less than anticipated per the BAAQMD's Highway Screening Analysis, as the screening is based on exposure to concentrations 24 hours per day every day for 70 years in an outside activity area. Building ventilation and engineering systems are available to provide mechanisms to protect indoor air quality from the infiltration of ambient air pollutants, including DPM. For example, San Francisco adopted Article 38 of the San Francisco Health Code in 2008, which requires an enhanced ventilation system for projects within potential exposure zones to roadway DPM. Without an adequate ventilation system in the proposed medical office building, the proposed project could result in exposure to sensitive receptors to substantial pollutant concentrations associated with DPM from the nearby freeway.

Operational-related emissions of TACs are typically associated with stationary diesel engines or land uses that involve heavy truck traffic or idling. The project does not involve long-term operation of any stationary diesel engine or other major on-site stationary source of TACs. The CARB's Handbook includes facilities (distribution centers) with associated diesel truck trips of more than 100 trucks per day as a source of substantial TAC emissions. The project is not a distribution center and is not anticipated to receive 100 deliveries per day or more. The majority of deliveries associated with the proposed project would occur at the proposed Gateway West market, which is anticipated to receive up to 10 deliveries per day. It should be noted that heavy-duty diesel vehicles are prohibited from idling for more than five minutes per CARB regulations. In addition, relatively few vehicle trips associated with the proposed uses, which would be comprised of future employee and patron trips, would be expected to be composed of diesel-fueled vehicles. Accordingly, the proposed project would not involve diesel truck trips in excess of 100 per day. Therefore, overall, the proposed project would not expose any existing sensitive receptors (i.e., Collins Elementary School or nearby residences) to any new permanent or substantial TAC emissions.

However, construction activities have the potential to generate DPM emissions related to the number and types of equipment typically associated with construction. Off-road heavy-duty diesel equipment used for site grading, paving, and other construction activities result in the generation of DPM. The existing nearby school and residences could become exposed to DPM emissions from the site during construction activities. However, construction is temporary and occurs over a relatively short duration in comparison to the operational lifetime of the proposed project. In addition, only portions of the site would be disturbed at a time during buildout of the proposed project, with operation of construction equipment regulated by BAAQMD rules and regulations, restricted to certain hours per the City's Municipal Code Section 15.02.070, and occurring intermittently throughout the course of a day. Thus, the likelihood that any one sensitive receptor would be exposed to high concentrations of DPM for any extended period of time would be very low. Because health risks associated with exposure to DPM

[7] Bay Area Air Quality Management District. *Recommended Methods for Screening and Modeling Local Risks and Hazards*. May 2012.

or any TAC are correlated with high concentrations over a long period of exposure (e.g., over a 70-year lifetime), the temporary, intermittent construction-related DPM emissions would not be expected to cause any health risks to nearby sensitive receptors. Thus, construction of the proposed project would not expose any nearby existing sensitive receptors to any substantial adverse concentrations of TACs.

Although the proposed project would not expose any existing sensitive receptors to substantial pollutant concentrations during construction or operation, the proposed medical office building, which would be considered a sensitive receptor due to the pre-existing health conditions of the future patients, could be exposed to substantial pollutant concentrations associated with DPM emissions from the nearby freeway. Therefore, impacts related to exposing sensitive receptors to substantial pollutant concentrations would be considered ***potentially significant***.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above impact to a *less-than-significant* level.

III-2. *Prior to approval of building plans, the project applicant shall prepare and submit a ventilation plan to the City Development Services Department for review and approval. The ventilation plan shall include a detailed description of the heating, ventilation, and air conditioning (HVAC) system for the medical office building, which shall be designed sufficient to meet the Environmental Protection Agency's Energy Star Specification that the HVAC system shall include HEPA filters with a minimum efficiency reporting value (MERV) rating of 8 or higher (MERV 13 recommended by BAAQMD)[8] at 295 feet per minute according to ASHRAE 52.2. The ventilation plan shall include a statement signed by the licensed design professional who prepares the plan, certifying that in his or her judgment, the proposed ventilation system will be capable of removing at least 80 percent of ambient DPM from the indoor area of the building.*

e. Odors are generally regarded as an annoyance rather than a health hazard. Due to the subjective nature of odor impacts, the number of variables that can influence the potential for an odor impact, and the variety of odor sources, quantitative methodologies to determine the presence of a significant odor impact do not exist. Certain land uses such as wastewater treatment facilities, landfills, confined animal facilities, composting operations, food manufacturing plants, refineries, and chemical plants have the potential to generate considerable odors. The proposed project would not introduce any such land uses.

Commercial uses are not typically associated with the creation of objectionable odors. However, restaurants, especially fast food restaurants, can generate substantial sources of

[8] Based on personal communication with BAAQMD in December 2014. The MERV 13 recommended by BAAQMD is based on Article 38 of the San Francisco Health Code.

odors as a result of cooking processes and waste disposal. Char broilers, deep-fryers, and ovens tend to produce food odors that can be considered offensive to some people. The food waste produced by restaurants can putrefy if not properly managed, which can also produce objectionable odors. The proposed project is anticipated to include restaurant uses that would involve food preparation, including charbroiling that could result in cooking exhaust and smoke, and would produce food waste. As odors are highly subjective, one receptor may consider cooking exhaust and related smoke an acceptable odor, while another receptor may find such odors objectionable. Nonetheless, the restaurant uses would be required to comply with all State and local regulations associated with cooking equipment and controls such as grease filtration and removal systems, exhaust hood systems, and blowers to move air into the hood systems, through air cleaning equipment, and then outdoors. Such equipment would ensure that pollutants associated with smoke and exhaust from cooking surfaces would be captured and filtered, allowing only filtered air to be released into the atmosphere. Furthermore, the nearest existing sensitive receptors (i.e., Collins Elementary School and nearby residences) are located a minimum of 240 feet from the proposed project site, and odors dissipate with distance. As a result, odors associated with cooking exhaust would be minimized and would not be considered a major source of objectionable odors that would affect a substantial number of people.

Decomposition of biological materials, such as food waste and other trash, could create objectionable odors if not properly contained and handled. The proposed project would provide waste receptacles throughout the facilities and would utilize outdoor trash dumpsters with lids, which would be picked up regularly during normal solid waste collection operating hours within the City. The dumpster lids are intended to contain odors emanating from the dumpsters. The dumpsters would be stored in screened areas for further protection from potential objectionable odors. The garbage collected on-site and stored in the outdoor dumpsters would not be on-site long enough to cause substantial odors. Thus, the outdoor, enclosed, and covered trash dumpsters that would be picked up regularly would provide proper containment and handling of the trash generated on-site.

It should be noted that BAAQMD regulates objectionable odors through Regulation 7, Odorous Substances, which does not become applicable until the Air Pollution Control Officer (APCO) receives odor complaints from ten or more complainants within a 90-day period. Once effective, Regulation 7 places general limitation on odorous substances and specific emission limitations on certain odorous compounds, which remain effective until such time that citizen complaints have been received by the APCO for one year. The limits of Regulation 7 become applicable again when the APCO receives odor complaints from five or more complainants within a 90-day period. Thus, although not anticipated, if odor complaints are made after the proposed project is developed, the BAAQMD would ensure that such odors are addressed and any potential odor effects reduced to less than significant.

For the aforementioned reasons, construction and operation of the proposed project would not create objectionable odors, and potential impacts related to objectionable odors would be *less than significant*.

IV. BIOLOGICAL RESOURCES. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	✖	☐	☐
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	✖	☐
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	✖	☐
d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	☐	☐	✖	☐
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	✖	☐	☐
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	✖

Discussion

The following discussion is based on the Biological Resources Analysis Report and the Tree Inventory and Assessment prepared for the proposed project by Olberding Environmental, Inc. and Traverso Tree Service, respectively.[9,10]

a. The 5.7-acre project site is made up of three parcels, totaling approximately 5.5 acres, and an approximately 0.16-acre portion of the Pinole Creek Contra Costa County Flood Control Property, which is the area of the Pinole Creek Trail that is located along western border of the site. The 5.7-acre site is made up of non-native grasses, scattered trees, and paved and/or graveled lots. The patches of grasslands are highly disturbed by mowing or

[9] Olberding Environmental, Inc. *Biological Resources Analysis Report for the Gateway East and West Property.* December 2014.
[10] Traverso Tree Service. *Tree Inventory & Assessment.* August 25, 2014.

disking and are characterized by ruderal vegetation. Dominant plant species consist of wild oat (*Avena fatua*), bristly ox-tongue (*Picris echioides*), prickly lettuce (*Lactuca serriola*), black mustard (*Brassica nigra*), and cheeseweed (*Malva parviflora*). A few scattered trees and bushes, including coast live oak (*Quercus agrifolia*), northern California walnut (*Junglans hindsii*), western red bud (*Cercis occidentalis*), toyon (*Heteromeles arbutifolia*), coyote brush (*Baccaris pilularis)* and coast redwood (*Sequoia sempervirens*), exist along the southern and western boundaries of the property. In addition, ornamental trees and bushes exist within the developed parking lot areas.

The California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDB) was utilized to determine the special-status or sensitive plant and wildlife species known to occur within or in the immediate vicinity of the project site, based on a review of the U.S. Geologic Survey (USGS) 7.5-minute quadrangles for Petaluma Point, Mare Island, Benicia, San Quentin, Richmond, Briones Valley, San Francisco, Oakland West, and Oakland East. The results of the CNDDB query indicate that 17 special-status or sensitive plant species and 25 special-status or sensitive wildlife species have been recorded within five miles of the project site. A field survey of the entire project site was completed in September 2014 to determine habitat types, the presence of raptors on-site, and the potential for special-status plants and wildlife to occur on site.

Special-Status Plants

Of the 17 special-status plants recorded within the region, only eight were identified by Olberding Environmental, Inc. as having a potential to occur on the property based on historic occurrence records from within a five mile radius. Of the eight special-status plant species reviewed, only Carquinez goldenbush (*Isocoma arguta*) was identified as having a potential to occur on the property. None of the other plant species are expected to occur due to ongoing disturbance on the site, lack of on-site suitable habitat, and consequent lack of suitable native substrates (e.g., sandy and serpentine soils, vernal pools).

The Carquinez goldenbush is a shrub found exclusively in Contra Costa and Solano Counties in valley and foothill grasslands in alkaline soils. The small dark green leaves of the Carquinez goldenbush are deeply lobed and the small yellow flower clusters bloom between August and December. The most recent occurrence of the Carquinez goldenbush in the vicinity of the project site took place three miles northeast of the site. The grassland and alkaline soils within the proposed project site provide marginally suitable habitat to support the species. However, the lack of recent occurrences and history of disturbance on the site would preclude the presence of the species on the project site.

A biologist from Olberding Environmental, Inc. conducted a reconnaissance-level survey in September 2014 to determine habitat types and the potential for special-status plants based on the observed habitat types. All vascular plant species that were identifiable at the time of the survey were recorded and identified. The habitat types occurring on the project site were characterized according to pre-established categories. The final

classification and characterization of the habitat types of the study area were based on field observations.

The Carquinez goldenbush was not observed during the survey conducted of the project site in September 2014, which is in the middle of the identified blooming season for the species, and is presumed absent from the project site. In addition, based on the reconnaissance field survey, Olberding Environmental, Inc. determined that none of the CNDDB listed plants are expected to occur due to the lack of suitable habitats, ongoing disturbance of the site, and lack of suitable soils within the survey area. Results of the September 2014 survey resulted in a negative finding for those plants whose identification period occurred at the time of the survey, including the Carquinez goldenbush. Therefore, special-status plant species do not exist on the property and additional surveys are not required.

Special-Status Wildlife

Of the 25 special-status wildlife species recorded within the region, only eight raptor/birds and the California red-legged frog were identified by Olberding Environmental, Inc. as having a potential to occur on the property. The Alameda whipsnake was also included, as the property occurs within the U.S. Fish and Wildlife Service (USFWS) designated critical habitat for the whipsnake species. None of the other wildlife species are expected to occur due to on-going disturbance on the site and lack of on-site suitable habitat.[11]

An Olberding Environmental, Inc. biologist conducted a general survey of wildlife species habitat within the entire study area, including visible portions of the adjacent properties, in September 2014. The purpose of the habitat survey was to evaluate wildlife habitats and the potential for any protected species to occur on or adjacent to the project site. In addition, a reconnaissance-level raptor survey was conducted on the project site in September 2014. Observation points were established on the periphery of the site to view raptor activity over a fifteen- to thirty-minute time period. The survey was conducted with the use of binoculars and notes were taken for each species occurrence. Additionally, utility poles and perch sites in the vicinity of the project site were observed. All raptor activity within and adjacent to the site was recorded during the reconnaissance-level observation period. Furthermore, a reconnaissance-level burrowing owl (*Athene cunicularia*) survey was conducted on the project site in September 2014 to identify potential burrow sites or burrowing owl use of on-site habitat. The general presence and density of suitable burrow sites (e.g., rodent burrows) was evaluated for the site. Fence posts and any potential perching sites were investigated for signs of castings at the base of the posts.

[11] Olberding Environmental, Inc. *Biological Resources Analysis Report for the Gateway East and West Property* [page 14]. December 2014.

Special-Status Birds/Raptors

The following eight special-status bird and raptor species have the potential to occur within the project site: Cooper's hawk (Accipiter cooperii), red-shouldered hawk (Buteo lineatus), red-tailed hawk (Buteo jamaicensis), white-tailed kite (Elanus leaucurus), loggerhead shrike (Lanius ludovicianus), burrowing owl (Athene cunicularia), short-eared owl (Asio flammeus), ferruginous hawk (Buteo regalis), and northern harrier (Circus cyaneus).

According to Olberding Environmental, Inc., large trees within the mixed oak woodland and mixed riparian habitats adjacent to the property may provide nesting opportunities for Cooper's hawk, red-shouldered hawk, red-tailed hawk, and white-tailed kite species. In addition, the project site also offers a potential for foraging opportunities throughout the site. Therefore, the aforementioned hawks and white-tailed kite have a moderate potential to forage on-site. While nesting habitat is not available on-site for these species, if any hawks or the white-tailed kite are found nesting off-site on the large trees along Pinole Creek during project construction, nesting behavior could be disrupted by construction activities.

Loggerhead shrike, a black and white perching bird with a black face mask that extends over the bill, is often found on lands grazed by cattle that are fenced with barb wire. Loggerhead shrike use shrubs, dense trees, and thickets of vegetation for nesting sites. According to the CNDDB results, loggerhead shrike has not occurred within the vicinity of the property in the last 10 years. Large trees within the mixed oak woodland and mixed riparian habitats adjacent to the property, and to a lesser extent, on-site shrubs and trees, may provide nesting opportunities for the loggerhead shrike species. In addition, the property offers a potential for foraging opportunities throughout the site. As such, loggerhead shrike species has a moderate potential to occur on-site.

Burrowing owls are ground dwelling members of the owl family and are small brown to tan colored birds with bold spots and barring. Burrowing owls generally require open annual grassland habitats in which to nest, but can be found on abandoned lots, roads, airports, and other urban areas. Burrowing owls generally use abandoned California ground squirrel holes for their nesting burrow, but are also known to use pipes or other debris for nesting purposes. Burrowing owls prefer annual grassland habitats with low vegetative cover. The breeding season for burrowing owls occurs from March through August. According to the CNDDB results, burrowing owl has not occurred within five miles of the property in the last 10 years. Rodent burrows on-site were identified as Botta's pocket gopher burrows, which are not suitable for burrowing owl nesting. Some old California ground squirrel burrows were present during the field survey but were covered with mowed vegetation and spider webs, indicating a lack of inhabitance. Given the routine maintenance of the site and the lack of ground squirrels on the property, burrowing owl species has a low potential of occurring on the site; and Olberding Environmental, Inc. has presumed them to be absent.

Other raptor species could use the site for foraging, such as short-eared owl and northern harrier, but the ongoing on-site disturbance precludes these ground-nesting species from potentially nesting on-site.

California Red-legged Frog

The California red-legged frog (CRLF) (*Rana draytonii*) was listed as a Federal threatened species on May 31, 1996 (61 FR 25813) and is considered threatened throughout its range. On April 13, 2006, USFWS designated critical habitat for the CRLF under the ESA. In total, approximately 450,288 acres fell within the boundaries of critical habitat designation. A new ruling by the USFWS on March 17, 2010 revised the designation of critical habitat for CRLF (75 FR 12815 12959). In total, approximately 1,636,609 acres of critical habitat in 27 California counties fall within the boundaries of the final revised critical habitat designation. The rule became effective on April 16, 2010. The Pinole Gateway East and West project site is not within designated critical habitat for CRLF.[12]

CRLF is a large frog, measuring one and a half to five inches in length. CRLF are reddish-brown to gray in color with many poorly defined dark specks and blotches. Dorsolateral folds are present and the underside of the CRLF is washed with red on the lower abdomen and hind legs. The CRLF has a dark mask bordered by a light stripe on the jaw, smooth eardrums, and not fully webbed toes. Breeding occurs from December to March with egg masses laid in permanent bodies of water.

CRLF is found in lowlands, foothill woodland, and grasslands, as well as near marshes, lakes, ponds, or other water sources. The amphibians require dense shrubby or emergent vegetation closely associated with deep still or slow moving water. Generally, CRLF favor intermittent streams with water at least two and a half feet deep where the shoreline has relatively intact emergent or shoreline vegetation. CRLF is known from streams with relatively low gradients and waters where introduced fish and bullfrogs are absent. CRLF are known to take refuge upland in small mammal burrows during periods of high water flow. CRLF occurs west of the Sierra Nevada-Cascade and in the Coast Ranges along the entire length of the state. Historically, CRLF occurred throughout the Central Valley and Sierra Nevada foothills south to northern Baja California. Currently, CRLF are found from Sonoma and Butte Counties south to Riverside, but mainly in Monterey, San Luis Obispo, and Santa Barbara Counties.

According to the CNDDB results, four occurrences of the CRLF occur within a five-mile radius of the property and have occurred within the last 10 years. Three occurrences (#754, #755 and #1113) are reported roughly 4.3 miles south of the property at San Pablo Reservoir. The first two occurrences took place in 2004 and both sightings listed two adults present. The third of the three occurrences took place in 2008 and one adult was present. The last of the four occurrences occurred approximately 2.2 miles east of the property in Rodeo Creek. Previous survey years had multiple observations of CRLF in Rodeo Creek; however, the most recent sightings in 2004 only located one adult CRLF.

[12] http://ecos.fws.gov/crithab/flex/crithabMapper.jsp?; accessed December 10, 2014.

The property is adjacent to Pinole Creek, which is located to the west of the property, and water was observed at the time of the field survey. The property has marginally suitable habitat to support upland refuge and dispersal habitat for the CRLF species but is unlikely to support CRLF due to the lack of suitable on-site breeding habitat, degradation and disturbance of the site, and a barrier of residential development between the property and other adjacent nearby suitable habitat. As such, the presence of CRLF on-site is unlikely. Nevertheless, because the site contains marginally suitable habitat for CRLF, pre-construction surveys shall be completed in order to ensure CRLF are absent from the property.

Alameda Whipsnake

The Alameda whipsnake (*Masticophis lateralis euryxanthus*) is one of two subspecies of the California whipsnake, distinguished from the chaparral whipsnake (*M. l. lateralis*) by the broad orange striping on the sides. Adults reach approximately three to five feet in length and show a sooty black to dark brown back, cream-colored undersides, and pinkish tail. The Alameda whipsnake is typically found in chaparral, northern coastal sage scrub, and coastal sage habitats; however, annual grasslands, oak woodlands, and oak savannah serve as habitat during the breeding season. Egg-laying occurs near scrub habitat on ungrazed grasslands with scattered shrub cover. The known distribution for Alameda whipsnake includes Sobrante Ridge, Oakland Hills, Mount Diablo, the Black Hills, and Wauhab Ridge.

According to the CNDDB results, nine occurrences (#14, #16, #28, #69, #70, #72, #92, #150 and #156) of the Alameda whipsnake within a five mile radius of the property have been documented within the last 10 years. The exact location of the collections was not recorded in the CNDDB. The property has grassland habitat but is not suitable for the Alameda whipsnake due to the low vegetation height found on-site. In addition, scrub or rock outcrop habitats are not present, which the Alameda whipsnake characteristically prefers. Furthermore, the property is surrounded by commercial businesses and residential housing, which makes the potential for dispersal to the property unlikely. Based upon the aforementioned factors, Olberding Environmental, Inc. has presumed Alameda whipsnake to be absent from the property.

Migratory Birds

Raptors and other migratory bird species protected by international treaty under the Migratory Bird Treaty Act (MBTA) of 1918. Under the MBTA, to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 Code of Federal Regulations (CFR) is unlawful. Sections 3503, 3503.5, and 3800 of the California Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs. Some trees on-site, and within immediate vicinity of the site along Pinole Valley Creek, provide potential nesting habitat for raptors and other migratory birds. In addition, the on-site ruderal grassland areas could support ground-nesting migratory birds. If migratory birds were to nest on-site in the future prior to construction, such activities could result in the abandonment of active nests or direct mortality to these birds, which would be in

violation of both State (Fish and Game Code 3503.5) and federal law (Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act [16 U.S.C., scc. 668-668c]).

Conclusion

As stated above, the proposed project site is primarily made up of ruderal vegetation, grassland, and scattered trees. The site has been previously disturbed, graded, and contains paved parking areas. Due to the on-going disturbance on the site and lack of on-site suitable habitat, the likelihood for the majority of plant and animal species to be present on the site or in the immediate vicinity is low. However, development of the proposed project does have the potential to impact special-status birds/raptors, including the Cooper's hawk, red-shouldered hawk, red-tailed hawk, white-tailed kite, loggerhead shrike, and other raptors and/or migratory birds. In addition, although not anticipated, development of the project site could result in impacts to CRLF. Accordingly, the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS, and a ***potentially significant*** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the potential impacts to a *less-than-significant* level.

IV-1. *If project construction-related activities would take place during the nesting season (February 1 through August 31), preconstruction surveys for nesting passerine birds and raptors (birds of prey) within the project site and the surrounding large trees within the adjacent riparian area shall be conducted by a qualified biologist 14 days prior to the commencement of the tree removal or site grading activities. If any bird listed under the Migratory Bird Treaty Act is found to be nesting within the project site or within the area of influence, an adequate protective buffer zone shall be established by a qualified biologist to protect the nesting site. The buffer shall be a minimum of 75 feet from the project activities for passerine birds, and a minimum of 200 feet for raptors. The distance shall be determined by a qualified biologist based on the site conditions (topography, if the nest is in a line of sight of construction activities, and the sensitivity of the birds nesting). The nest site(s) shall be monitored by a qualified biologist periodically to see if the birds are stressed by the construction activities and if the protective buffer needs to be increased. Once the young have fledged and are flying well enough to avoid project construction zones (typically by August), the project can proceed without further regard to the nest site(s).*

IV-2. *A qualified biologist shall be retained to oversee construction and ensure that no inadvertent take of California red-legged frog occurs as a result of*

short-term disturbance near Pinole Creek. This shall include the following provisions:

a) Due to the limited potential for CRLF to occur along Pinole Creek, a pre-construction survey shall be performed within 48 hours of any grading or grubbing of the site, the qualified biologist shall conduct a preconstruction survey to confirm absence of any California red-legged frog on the site. A report summarizing the survey results shall be submitted to the Development Services Department prior to commencement of grading or grubbing of the site.

b) If determined necessary by the biologist, silt fencing shall be installed at the west edge of the construction zone, buried a minimum of six inches and extending a minimum of two feet above grade, to serve as a barrier to keep ground mobile wildlife dispersing along the creek corridor from entering the construction zone. The fencing shall remain in place during the entire construction period.

c) Construction workers shall be trained by the qualified biologist regarding the potential presence of California red-legged frog, that these species are to be avoided, that the foreman must be notified if they are seen, and that construction shall be halted until appropriate measures have been taken. For California red-legged frog, work shall be halted until authorization to proceed is obtained from the USFWS. Harassment of California red-legged frog is a violation of federal law.

d) During the construction phase of the project, a qualified biologist or an on-site monitor (such as the construction foreman trained by the qualified biologist) shall check the site in the morning and in the evening of construction activities for the presence of California red-legged frog. This includes checking holes, under vehicles and under boards left on the ground. If any California red-legged frog are found, construction shall be halted, and the monitor shall immediately notify the qualified biologist in charge and the USFWS. Construction shall not proceed until adequate measures are taken to prevent dispersal of any individuals into the construction zone, as directed by the USFWS. Subsequent recommendations made by the USFWS shall be followed.

e) No one shall handle or otherwise harass any individual California red-legged frogs encountered during construction, with the exception of a Service-approved biologist. The qualified biologist in charge shall train the on-site monitor prior to issuance of any construction permit in how to identify California red-legged frog.

b. Riparian vegetation is considered sensitive. Riparian vegetation functions to control water temperature, regulate nutrient supply, bank stabilization, rate of runoff, wildlife

habitat, the release of organic material into streams from surrounding land, release of woody debris which functions as habitat and slow nutrient release, and protection for aquatic organisms. Riparian habitat does not exist on the proposed project site. The nearest riparian habitat is located to the west along Pinole Creek; however, the riparian habitat is limited. For example, the banks of the channel consist of grasses, and hydrophytic vegetation is restricted to the channel bottom. While the project includes enhancements to the Pinole Creek Trail, an existing multi-use paved trail between the Gateway West site and Pinole Creek, the disturbance activities associated with such enhancements would not result in an impact to riparian vegetation. Rather, the enhancements to the trail would only disturb the area surrounding the existing paved trail, which consists of mowed ruderal grasses. Consequently, the proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS, and impacts would be ***less than significant***.

c. Wetlands or seasonal wetlands generally denote areas where the soil is seasonally saturated and/or inundated by fresh water for a significant portion of the wet season, and then seasonally dry during the dry season. To be classified as "wetland," the duration of saturation and/or inundation must be long enough to cause the soils and vegetation to become altered and adapted to the wetland conditions. Varying degrees of pooling or ponding, and saturation produce different soil and vegetative responses. Such soil and vegetative clues, as well as hydrological features, are used to define the wetland type. Seasonal wetlands typically take the form of shallow depressions and swales that may be intermixed with a variety of upland habitat types. Seasonal wetlands fall under the jurisdiction of the U.S. Army Corps of Engineers (USACE).

The project site is relatively flat with a gradual grade towards the west, allowing natural drainage to the nearby Pinole Creek. Wetlands, seasonal wetlands, or vernal pools do not exist on the proposed project site and development of the proposed project would not modify the nearby creek. Further discussion regarding erosion control and water quality is included in Section IX, Hydrology and Water Quality, of this IS/MND. Therefore, the proposed project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means, and impacts would be ***less than significant***.

d. Migratory corridors are natural areas interspersed with developed areas and are important for animal movement, increasing genetic variation in plant and animal populations, reduction of population fluctuations, and retention of predators of agricultural pests, and for movement of wildlife and plant populations. Wildlife corridors have been demonstrated to not only increase the range of vertebrates including avifauna between patches of habitat but also facilitate two key plant-animal interactions: pollination and seed dispersal. Corridors also preserve watershed connectivity. Corridor users could be grouped into two types: passage species and corridor dwellers.

Pinole Creek and associated riparian vegetation would be considered a migratory corridor. However, development of the proposed project site would not modify the creek and riparian vegetation in any way. As such, the nearby Pinole Creek corridor would provide ample opportunity for migratory species to avoid the project site. Native habitat, plant, or animal populations would not be significantly reduced with implementation of the project. Therefore, the project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, and impacts would be ***less than significant***.

e. A Tree Inventory and Assessment was completed for the proposed project by Traverso Tree Service on August 25, 2014. According to the assessment, 80 trees with a diameter four inches or larger and 29 trees with a diameter smaller than four inches were inventoried on-site. Many of the non-native, on-site trees in the abandoned parking lots were declining due to lack of irrigation and drought stress. Each of the 80 trees with a diameter four inches or larger were tagged and assessed for various qualities and classified with one of the following ratings:

- Dead – dead or declining beyond chance of recovery;
- Poor – stunted or declining canopy, poor foliar color, possible disease or insect issues, severe structural defects, and usually not a reliable specimen for preservation if being encroached;
- Fair – fair to moderate vigor, minor structural defects, more susceptible to construction impacts than a tree in good condition;
- Good – good vigor and color with no obvious problems or defects, generally more resilient to impacts; and
- Very Good – exceptional specimen with excellent vigor and structure.

Many native and non-native tree species are located on-site. With the exception of the native oaks that have been irrigated, mostly along the canal side of the project and at the entrance to the Kaiser facility, the remaining abandoned parking lot trees and freeway off ramp trees are very drought stressed and would have little to no resiliency to construction impacts. Of all the abandoned trees, the European Hornbeams are in the best condition and are potentially best suited for retention as parking lot trees.

According to the City Municipal Code Ordinance 2014-01, Tree Protection 17.96.070, protected trees are defined as select trees with a single perennial stem of 12 inches or larger in circumference measured four and a half feet above the natural grade. The list of protected trees includes: Coastal Live Oak, Madrone, Buckeye, Black Walnut, Redwood, Big Leafed Maple, Redbud, California Bay, and Toyon. Many protected trees with a single perennial stem of 12 inches or larger exist on-site, some of which would need to be removed in order to accommodate the development footprint. Other protected trees, however, would be able to be retained on-site through incorporation into the design of the project. Accordingly, the proposed project could conflict with the City's Tree Protection Ordinance through protected tree removal and/or damage of protected trees during construction, which would be considered a ***potentially significant*** impact.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the potential impacts to a *less-than-significant* level.

IV-3. ***In conjunction with submittal of a grading plan, a detailed arborist report shall be completed for review and approval by the Development Services Department. The arborist report shall identify protected trees within the development area which require removal upon development. In addition, the report shall identify protected trees which shall be retained by the project. Should protected trees be removed, the removal shall comply with the tree removal permit requirements outlined in Section 17.96.060 of the Pinole Municipal Code, as follows:***

Protected Trees Proposed for Removal

1. ***If any protected trees within the development area require removal, the applicant shall file an application for a tree removal permit with the Development Services Department. The applicant shall file the application concurrently with submittal of construction drawings. The applicant is strongly encouraged to review the proposed development with the Planning Manager to determine which protected trees could be preserved before design drawings are begun.***
2. ***The application shall contain the precise number, species, size and location of the protected tree(s) to be cut down, destroyed, or removed and a statement of the reason for removal, the signature of the property owner authorizing such removal, the signature of the person actually performing the work if different than the property owner and if known at the time of the application, as well as any other pertinent information the Development Services Department may require. The applicant shall submit five copies of drawing and a fee prescribed by City Council resolution to cover the cost of investigation and processing.***
3. ***Any tree removed shall be replaced in accordance with Section 17.44.070 of the City's Zoning Ordinance.***
4. ***The applicant shall provide a tree survey plan specifying the precise location and dripline of all existing trees (protected trees and non-protected trees) on the property.***
5. ***Unless the reason for the proposed removal of the protected tree(s) is evident, (i.e. the protected tree is clearly dying) the applicant shall also submit a certified or consulting arborist's report, which shall include an evaluation of the protected tree(s) to be removed as well as any appropriate recommendations concerning the preservation of any surviving protected tree(s) on the property. The arborist's report shall be done at the applicant's sole expense, and the arborist's report shall***

be subject to the City's approval, which approval it shall not unreasonably withhold.

Protected Trees Proposed for Retention

For protected trees to be retained, the maintenance shall comply with the tree preservation requirements outlined in Section 17.96.070 of the Pinole Municipal Code, as follows:

Tree Protection Measures

1. *Prior to and during any demolition, grading or construction, all protected trees within a development area shall be protected by a six (6) foot high chain link (or other material approved by the Development Services Department) fence installed around the outside of the dripline of each tree.*
2. *No oils, gas, chemicals, liquid waste, solid waste, heavy construction machinery or other construction materials shall be stored or allowed to stand within the dripline of any tree.*
3. *No equipment washout will be allowed to occur within the dripline of any tree.*
4. *No signs or wires, except those needed for support of the tree, shall be attached to any tree.*

Should protected trees be damaged, the developer, contractor, or any agent thereof shall comply with the requirements outlined in Section 17.96.090 of the Pinole Municipal Code, as follows:

Damage to a Protected Tree

1. *If any damage occurs to a protected tree during construction, the developer, contractor, or any agent thereof shall immediately notify the Development Services Department so that professional methods of treatment accepted by the Development Services Department may be administered. The repair of the damage shall be at the expense of the responsible party and shall be by professional standards, approved by the Development Services Department. Failure to comply will result in a stop work order.*

IV-4. *In accordance with Section 17.96.030 of the Pinole Municipal Code, the pruning of any protected tree shall be performed only when it enhances its structural strength, health, general appearance or for safety reasons. Any pruning must be completed by a certified/consulting arborist.*

IV-5. *Prior to the issuance of any grading or building permits, all arborist tree protection measures shall be included on the project construction plans for review and approval by the Development Services Department.*

f. According to the City's General Plan EIR, the City is within the boundaries of the Recovery Plan for Serpentine Soil Species of the San Francisco Bay Area (USFWS, 1998). However, the City does not contain habitat for species listed in the recovery plan. The City, including the proposed project site, is not within the boundaries of any Habitat Conservation Plan/Natural Community Conservation Plan. Therefore, implementation of the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan, and ***no impact*** would occur.

V. CULTURAL RESOURCES. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	✖	☐	☐
b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?	☐	✖	☐	☐
c. Directly or indirectly destroy a unique paleontological resource on site or unique geologic features?	☐	✖	☐	☐
d. Disturb any human remains, including those interred outside of formal cemeteries.	☐	✖	☐	☐

Discussion

a-d. A Cultural Resources Study was performed for the proposed project by Tom Origer & Associates.[13] According to the Cultural Resources Study, at the time of European settlement, the project study area was situated in the territory of the Ohlone, also referred to as the Costanoan. The Ohlone in the project area were of the *xučyun* triblet. The Ohlone were hunter-gatherers who lived in rich environments that allowed for dense populations with complex social structures. They settled in large, permanent villages about which were distributed seasonal camps and task-specific sites. Primary village sites were occupied throughout the year and other sites were visited in order to procure particular resources that were especially abundant or available only during certain seasons. Sites often were situated near fresh water sources and in ecotones where plant life and animal life were diverse and abundant.

As part of the Cultural Resources Study, the State of California's Native American Heritage Commission (NAHC) was contacted. The NAHC subsequently provided a list of Native American groups and individuals to contact. The groups and individuals, including the Ohlone Tribe, were contacted in writing by Tom Origer & Associates. To date, responses have not been received from the tribes that were contacted.

Archival research was also completed, including review of archaeological site base maps and records, survey reports, and other materials on file at the Northwest Information Center. Historical maps were also examined to gain insight into the nature and extent of historical development in the project vicinity. In addition, ethnographic literature describing appropriate Native American groups and county histories was reviewed. According to the archival research, more than half of the project study area has been previously surveyed in 1979, 1982, 1985, 2003, 2004, and 2011. Cultural resources were not identified within the study area as a result of previous work. Two archaeological sites

[13] Tom Origer & Associates. *A Cultural Resources Study for Gateway East and West Project, Pinole, Contra Costa County, California*. November 12, 2014.

have been identified within a half-mile of the study area; however, both are more than 500 feet away from the current study area, and would not extend onto the study parcels.

Historical maps show five buildings between 1947 and 1957, two buildings between 1959 and 1969, three buildings by 1973, and four by 1993. I-80 first appears on the 1959 USGS map. The City of Pinole Historic Walking Tour listed the Faria house, which once stood on the knoll east of Pinole Valley Road, as one of the notable buildings within the City. The house was relocated from the Gateway East area in 2005 to 2100 San Pablo Avenue at Heritage Park. A plaque commemorating the location and the contributions of the Faria family has been erected at Pinole Valley Road and Henry Avenue.

As part of the Cultural Resources Study, a field survey was completed on November 12, 2014. The approximately 6.1-acre study area was examined intensively by walking in a zigzag pattern within 10 to 15 meter wide corridors. Archaeological sites or built environment resources were not found within the study area.

Based on the distribution of known cultural resources, the environmental setting, and knowledge that the area once was marshland and consists partially of fill, a small chance exists that previously undiscovered prehistoric archaeological sites could be found within the study area during construction activities. Prehistoric archaeological site indicators expected to be found in the region include but are not limited to: obsidian and chert flakes; chipped stone tools; grinding and mashing implements such as slabs and handstones; mortars and pestles; bedrock outcrops and boulders with mortar cups; and locally darkened midden soils containing some of the previously listed items plus fragments of bone, shellfish, and fire-affected stones. Historic period site indicators generally include: fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits (e.g., wells, privy pits, dumps).

Without implementation of the recommendations identified in the Cultural Resources Study, a ***potentially significant*** impact could occur.

<u>Mitigation Measure(s)</u>
Implementation of the following mitigation measures would reduce the potential impacts to a *less-than-significant* level.

V-1. *Prior to the issuance of a grading permit for any construction activities, construction plans shall include a requirement (via notation) indicating that if buried archaeological or historical site indicators are encountered during site grading or other site work, all such work shall be halted immediately within the area of discovery and the contractor shall immediately notify the City of the discovery. Prehistoric archaeological site indicators expected within the general area include the following: chipped chert and obsidian tools and tool manufacture waste flakes; grinding and hammering implements; and for some sites, locally darkened soil that generally contains abundant archaeological specimens. Historic*

remains expected in the general area commonly include items of ceramic, glass, and metal. Features that might be present include structure remains (e.g., cabins or their foundations) and pits containing historic artifacts. If any of the aforementioned site indicators are encountered, the applicant shall halt work and retain the services of a qualified archaeologist for the purpose of evaluating the find(s) pursuant to Section 106 of the National Historic Preservation Act, as well as for recording, protecting, or curating the discovery as appropriate. The archaeologist shall be required to submit to the City for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the vicinity of the discovery, as identified by the qualified archaeologist, shall not be allowed until the preceding steps have been taken.

V-2. *Pursuant to State Health and Safety Code §7050.5 (c) State Public Resources Code §5097.98, if human bone or bone of unknown origin is found during construction activities within the project area, all work shall stop in the vicinity of the find and the Contra Costa County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission who shall notify the person believed to be the most likely descendant. The most likely descendant shall work with the contractor to develop a program for re-internment of the human remains and any associated artifacts. Additional work is not to take place in the immediate vicinity of the find, which shall be identified, at a cost to the applicant, by the qualified archaeologist, until the identified appropriate actions have been implemented.*

VI. GEOLOGY AND SOILS. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault?	☐	☐	✖	☐
ii. Strong seismic ground shaking?	☐	☐	✖	☐
iii. Seismic-related ground failure, including liquefaction?	☐	☐	✖	☐
iv. Landslides?	☐	☐	✖	☐
b. Result in substantial soil erosion or the loss of topsoil?		✖	☐	☐
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	✖	☐
d. Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code?	☐	✖	☐	☐
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	✖

Discussion

ai-aiv,

c. The proposed project site is located within a region of California characterized by active faulting; however, active faults are not known to cross the project site area and the site is not within a current Earthquake Fault Zone (formerly known as an Alquist-Priolo Special Studies Zone). The closest active fault mapped by the California Geological Survey is the Hayward Fault, located approximately four miles to the southwest of the site. According to the City's General Plan Update EIR, the maximum level of ground motion potentially experienced in the City's planning area would occur as a result of a 7.25 magnitude earthquake on the Hayward Fault zone.[14]

Losses from groundshaking can occur where tall structures are built on thick, soft sediments. The amount of damage from shaking is also influenced by the structural integrity of buildings before an earthquake. According to the City's General Plan Update

[14] City of Pinole. *City of Pinole General Plan Update Draft Environmental Impact Report* [page 4.8-8]. July 2010.

EIR, areas within the City's planning area that are highly susceptible to damages resulting from ground shaking are located between San Pablo Avenue and the San Pablo Bay shoreline, in the western portions of the City.[15] The proposed project is not located in the aforementioned area. In addition, the City utilizes the CBSC for all development within the City limits. The CBSC standards address foundation design, shear wall strength, and other structural-related conditions. All development projects are subject to the CBSC, which requires a seismic evaluation and particular seismic design criteria to reduce ground shaking effects.

Liquefaction is the loss of soil strength due to seismic forces generating various types of ground failure. The potential for liquefaction must account for soil types and density, the groundwater table, and the duration and intensity of ground shaking. Based upon known soil, groundwater, and ground shaking conditions within the City's planning area, the potential for liquefaction beneath the area is considered low.[16] Areas potentially susceptible to liquefaction are located along the San Pablo Bay shoreline, the locations in the western portions of the City's planning area, and in areas located underneath deposits of active/recently active stream channels. Additionally, the potential for ground lurching, differential settlement or lateral spreading occurring during or after seismic events is also considered to be low except for the locations discussed above. The proposed project is not located in any such areas described above. Therefore, the proposed project would not be expected to be affected by liquefaction.

Seismically induced landslides are likely to occur along steep to intermediate hillside areas, as well as areas where previous land sliding or soil creeping has occurred, areas where non-engineered grading and uncontrolled drainage on slopes has occurred, or areas with deep colluvial deposits. Slope stability hazards could result in loose debris flows and landslides. The proposed project site is relatively flat and has been previously graded and developed. Therefore, typical conditions for landslides do not occur on the project site and the potential for landslides on the project site would be considered low.

Additionally, the State regulates development in California through a variety of tools that reduce hazards from earthquakes and other geologic hazards. The CBSC contains provisions to safeguard against major structural failures or loss of life caused by earthquakes or other geologic hazards. The proposed project would be required to adhere to the provisions of the CBSC, which would reduce hazards from strong seismic ground shaking and other seismic-related effects. The proposed project's design in conformance with the CBSC would be verified during the design review process. Accordingly, the likelihood for the project to expose people to risks, including loss, injury, or death involving earthquakes and related effects would be very low.

Therefore, implementation of the proposed project would not expose people or structures to substantial adverse seismic-related effects, including landslides, or be placed on a geologic unit or soil that is unstable or would become unstable as a result of the proposed project, and impacts would be ***less than significant***.

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[15] City of Pinole. *City of Pinole General Plan Update Draft Environmental Impact Report* [page 4.8-12]. July 2010.
[16] *Ibid.*

b. During construction within the proposed project area, topsoil would be moved and graded, leading to disturbed soils that do not have as much connectivity to the ground as undisturbed soils. Such disturbed soils are likely to suffer from erosion from a variety of sources, such as wind, rainfall, and construction equipment. The City's Erosion and Sediment Control Plan Ordinance (Title 15, Chapter 15.36.190 of the City Code) requires that an erosion and sediment control plan, prepared by a registered civil engineer, be submitted to the City for review for any building or construction activities over 0.25-acre. Accordingly, the 6.1-acre project site would be subject to the City's Erosion and Sediment Control Plan Ordinance, including preparation and submittal of an erosion and sediment control plan for review and approval by the City. Without compliance with the City's Erosion and Sediment Control Plan Ordinance requirements, the project could result in substantial soil erosion or loss of topsoil, and impacts could be ***potentially significant***.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above impact to a *less-than-significant* level.

VI-1. *Prior to the issuance of a grading permit, the project applicant shall hire a registered civil engineer to prepare an Erosion and Sediment Control Plan for submittal to the City Engineer for review and approval. The Erosion and Sediment Control Plan shall include provisions to effectively minimize soil erosion and sedimentation from the completed project site and provide for the control of runoff from the site in accordance with Title 15, Chapter 15.36.190, of the City Municipal Code. Provisions should include, but are not limited to, the following:*

- *Hydro-seeding;*
- *Placement of erosion control measures within drainage ways and ahead of drop inlets;*
- *The temporary lining (during construction activities) of drop inlets with "filter fabric";*
- *The placement of straw wattles along slope contours;*
- *Use of a designated equipment and vehicle "wash-out" location;*
- *Use of siltation fences;*
- *Use of on-site rock/gravel road at construction access points; and*
- *Use of sediment basins and dust palliatives.*

d. Expansive soils are soils that have a potential for shrinking and swelling under changing moisture conditions. Expansive soils could cause lifting of a building or other structure during periods of high moisture. Conversely, during periods of low moisture, expansive soil will collapse and could result in building settlement. Accordingly, damage due to expansive soils occurs when the amount of moisture contained in the foundation soils fluctuates.

According to the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS)'s Web Soil Survey, soils within the study area are Clear Lake clay, zero to 15 percent slopes and cut and fill land-Millsholm complex, 30 to 50 percent slopes. Clear Lake clay, zero to 15 percent slopes are poorly drained, formed in fine-textured alluvium, found in basins in the coastal valleys and have high shrink-swell potential.[17] Cut and fill land-Millsholm complex, 30 to 50 percent slopes are well-drained, formed from earth material, result from mechanical manipulation of steep soils on uplands for urban uses, and have a shrink-swell potential that depends upon compaction during construction.

The proposed project would include a subterranean parking garage for the medical office building, which would require excavation, removal of soil, and export of soil from the site. Due to the potential expansive soils on the project site, measures should be taken to reduce the effects of such on the proposed subterranean parking garage, as well as the proposed buildings. Proper treatment and preparation of the site in accordance with recommendations from a qualified geotechnical professional would be necessary to ensure stability of the proposed on-site structures.

According to Cultural Resources Study prepared for the proposed project, the project area partially consists of fill. Typically, fill is sourced from local deposits of nearby geologic units, which would, in such case, be similar in lithology to soils on-site. However, wide variability in material type can occur in man-made fills due to differences in the source materials and variations in the way fills are placed. Important factors associated with potential issues with on-site fill include how the area beneath the fill was prepared prior to placement of fill and how the fill material was compacted. Fill is considered engineered fill if records of compaction tests and remedial removal procedures during fill placement are available. Because such records are not available for the project site, the fill would be considered non-engineered fill. Depending upon the specific conditions of the on-site soil, removal or proper treatment of the non-engineered fill may be required during grading of the site to ensure stability of the proposed buildings.

As discussed above, the proposed project would be required to comply with the CBSC, as well as all other applicable federal, State, and local building codes, regulations, and practices including standards related to expansive soils. It should be noted that the previously prepared EIR for the 6.25-acre Pinole Gateway East Project (e.g., the existing Kaiser Permanente Medical Office site) identified the potential for expansive soils and included mitigation to reduce any associated impacts due to development of the site. As mentioned previously, the southwestern portion of the previously analyzed site is the same area proposed to be a coffee shop in the proposed project. Because a portion of the proposed project site is within the previously analyzed site and due to the presence of soils with high shrink-swell potential on-site, mitigation regarding expansive soils would be necessary to ensure impacts related to such from buildout of the proposed project are minimized. Therefore, without mitigation, the proposed project may be located on or be affected by expansive soils, and impacts would be considered ***potentially significant***.

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[17] U.S. Department of Agriculture. *Clear Lake Series*. November 2009. Available at: https://soilseries.sc.egov.usda.gov/OSD_Docs/C/CLEAR_LAKE.html. Accessed December 2014.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the potential impacts to a *less-than-significant* level.

VI-2. ***Prior to the approval of building plans, the project applicant shall hire a California Registered Geotechnical Engineer to prepare a design-level geotechnical engineering report. The report shall address, at a minimum, and make recommendations on the following:***

- ***Compaction specifications for on-site soils;***
- ***Road, pavement, and parking area design;***
- ***Structural foundations, including retaining wall designs (if applicable);***
- ***Grading practices;***
- ***Erosion/winterization;***
- ***Potential problems distinctive to the site (i.e., expansive/unstable soils, subterranean parking garage design, etc.); and***
- ***Slope stability (if applicable to any required trenching activities).***

All building plans shall be reviewed and approved by the City Engineer within the Development Services Department prior to issuance of building permits to ensure that all geotechnical recommendations specified in the geotechnical report are properly incorporated and utilized in the design.

e. **The project includes infrastructure connections to the City of Pinole's sewer system. Because the project would not involve use of a septic system or any type of wastewater treatment, *no impact* would occur.**

VII. GREENHOUSE GAS EMISSIONS. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	✖	☐	☐
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?	☐	✖	☐	☐

Discussion

a,b. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on earth. An individual project's GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change; however, an individual project could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. As such, impacts related to emissions of GHG are inherently considered cumulative impacts.

Implementation of the proposed project would cumulatively contribute to increases of GHG emissions. Estimated GHG emissions attributable to future development would be primarily associated with increases of carbon dioxide (CO_2) and, to a lesser extent, other GHG pollutants, such as methane (CH_4) and nitrous oxide (N_2O) associated with area sources, mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste. The primary source of GHG emissions for the project would be mobile source emissions. The common unit of measurement for GHG is expressed in terms of annual metric tons of CO_2 equivalents ($MTCO_2e$/yr).

Construction GHG emissions are a one-time release and are, therefore, not typically expected to generate a significant contribution to global climate change. Neither the City nor BAAQMD has an adopted threshold of significance for construction-related GHG requiring quantification. Nonetheless, to provide a conservative estimate of the project's total GHG emissions, the proposed project's construction GHG emissions have been amortized over the anticipated operational lifetime of the project, which was assumed to be 25 years, and included in the annual operational GHG emissions for disclosure purposes.[18] Utilizing the CalEEMod modeling software, the total annual construction-

[18] The BAAQMD does not recommend any specific operational lifetimes for use in amortizating construction-related GHG emissions; however, the SMAQMD, per its *Guide to Air Quality Assessment in Sacramento County*, suggests an operational lifetime for a new conventional commercial building of 25 years. The estimates are derived from the State of California Executive Order D-16-00 and US Green Building Council's October 2003 report on *The Costs and Financial Benefits of Green Buildings*.

related GHG emissions were estimated to be 699.17 $MTCO_2e$, or 27.97 $MTCO_2e$ per year over the operational lifetime of the proposed project.

The BAAQMD threshold of significance for project-level operational GHG emissions is 1,100 $MTCO_2e$/yr or 4.6 $MTCO_2e$/yr per service populations (population + employees). It should be noted that the BAAQMD was challenged in the Alameda County Superior Court, and was ordered to set aside the proposed thresholds of significance and screening criteria.[19] However, the City of Pinole has determined that the BAAQMD thresholds of significance are the best available option for evaluation of GHG impacts for the project and, thus, are used in this analysis.

Utilizing CalEEMod and taking into account construction-related emissions, the proposed project's total GHG emissions were estimated and are presented in Table 5. It should be noted that the proposed project's inherent site and design features have been applied to the modeling, including the project's increased diversity of land uses and pedestrian connection improvements. In addition, the project-specific trip generation data, VMT, and average trip lengths were applied to the project modeling in accordance with the technical data provided by Abrams Associates Traffic Engineering, Inc.[20] Based on information provided by the applicant, the proposed project would generate a total of approximately 281 employees, which would be the service population for the area.[21]

Table 5
Unmitigated Project GHG Emissions

	Annual GHG Emissions
Operational GHG Emissions	1,416.50 $MTCO_2e$/yr
Construction-Related GHG Emissions[1]	27.97 $MTCO_2e$/yr
Total Annual GHG Emissions	1,444.47 $MTCO_2e$/yr
Total Annual Project GHG Emissions Per Service Population[2]	**5.14 $MTCO_2e$/SP/yr**
BAAQMD Threshold	4.6 $MTCO_2e$/SP/yr
Exceeds Threshold?	**YES**

[1] Total annual construction-related GHG emissions of 699.17 $MTCO_2e$/yr amortized over the anticipated 25-year operational lifetime of the proposed project.
[2] Service population for project would be 281 employees.

Source: CalEEMod, December 2014.

[19] As explained previously, the BAAQMD was challenged in Superior Court, on the basis that the BAAQMD failed to comply with CEQA when it adopted its CEQA guidelines. The BAAQMD was ordered to set aside the proposed thresholds and conduct CEQA review of the thresholds. On August 13, 2013, the First District Court of Appeal reversed the trial court's decision. The Court of Appeal's held that CEQA does not require BAAQMD to prepare an EIR before adopting thresholds of significance to assist in determining whether air emissions of proposed projects might be deemed "significant." The Court of Appeal's decision provides the means by which BAAQMD may ultimately reinstate the GHG emissions thresholds, though the court's decision does not become immediately effective. It should be further noted that a petition for review has been filed; however, the court has limited review to the following issue: Under what circumstances, if any, does CEQA require an analysis of how existing environmental conditions will impact future residents or users (receptors) of a proposed project?

[20] Abrams Associates. *Review of trip generation data, VMT, and average trip lengths for the air quality impact analysis*. December 5, 2014.

[21] Thomas Properties. *Gateway Shopping Center Project Development Application*. October 23, 2014.

As shown in the above table, the project's total unmitigated annual GHG emissions, including construction-related emissions, would exceed the BAAQMD threshold of significance for GHG emissions. It should be noted that the actual annual GHG emissions of the proposed project would be less than presented in Table 5 due to the one-time release of construction-related GHG emissions. Because the project's unmitigated annual GHG emissions would exceed the 4.6 $MTCO_2e$ per service population per year threshold utilized by the City, the proposed project would be considered to result in a ***potentially significant*** cumulative impact related to GHG emissions and global climate change.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the proposed project's operational GHG emissions to below the 4.6 $MTCO_2e$ per service population per year threshold utilized by the City, as shown in Table 6. Thus, implementation of the following mitigation measure would reduce the above impact to a *less-than-significant* level.

Table 6
Mitigated Project GHG Emissions

	Annual GHG Emissions
Operational GHG Emissions	1,265.92 $MTCO_2e$/yr
Construction-Related GHG Emissions[1]	27.97 $MTCO_2e$/yr
Total Annual GHG Emissions	1,293.84 $MTCO_2e$/yr
Total Annual Project GHG Emissions Per Service Population[2]	**4.60 $MTCO_2e$/SP/yr**
BAAQMD Threshold	4.6 $MTCO_2e$/SP/yr
Exceeds Threshold?	**NO**

[1] Total annual construction-related GHG emissions of 699.17 $MTCO_2e$/yr amortized over the anticipated 25-year operational lifetime of the proposed project.
[2] Service population for project would be 281 employees.

Source: CalEEMod, December 2014.

VII-1. *In order to reduce the project's GHG emission to a level at or below the BAAQMD GHG threshold of 4.6 $MTCO_2e$ per service population per year, the project would need to reduce GHG emissions by another 150.63 $MTCO_2e$ per year. Using energy-conserving measures as a means to achieve this reduction, the maximum energy demand associated with the annual operation of the project shall not exceed 1,090.69 MWh/yr, as calculated using CalEEMod. Therefore, in conjunction with the submittal of building plans, the applicant shall submit calculations to the Development Services Department showing that operation of the proposed project design would not exceed an overall energy usage of 1,090.69 MWh/yr. This reduction in energy usage would be sufficient to reduce the annual operational GHG emissions from 1,416.50 $MTCO_2e$ to 1,265.92 $MTCO_2e$. Energy reduction measures that could be incorporated into the project design include, but are not limited to, the following:*

- *Provide on-site renewable energy (e.g., solar power);*
- *Install high efficiency lighting (e.g., LED lights);*
- *Exceed minimum mandated requirements of the California Building Energy Efficiency Standards (Title 24, Part 6 of the California Code of Regulations); and*
- *Utilize energy efficient appliances.*

VIII. HAZARDS AND HAZARDOUS MATERIALS. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	✖	☐	☐
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	☐	✖	☐	☐
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	✖	☐
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	✖
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	✖
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	✖
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	✖	☐
h. Expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	✖	☐

Discussion

a,b. Proposed Uses

The proposed project consists of the construction of a medical office building and associated subterranean parking garage, coffee shop, food market, retail shops, a large pylon sign, and associated parking. The proposed market, retail, and restaurant uses would not involve the routine transport, use, or disposal of hazardous materials. Only small quantities of cleaning agents would be used and stored on-site. However, the transport of hazardous materials is regulated by the California Highway Patrol and Caltrans, and use of hazardous materials is regulated by the Department of Toxic

Substances Control (Title 22 of the CCR). The project applicant, builders, contractors, business owners, and others would be required to use, store, and transport hazardous materials in compliance with local, State, and federal regulations during project construction and operation. The proposed 9,886-square-foot medical office building is anticipated to be used for out-patient medical treatment. As such, blood and other bodily fluids could be handled at the medical office. The remaining uses would not involve the transport, use, or disposal of hazardous materials.

Blood and bodily fluids are considered hazardous and are covered under a Federal Occupational Safety and Health Administration (OSHA) standard known as Bloodborne Pathogens (Standard 1910.1030). As dialysis operations involve blood, the proposed medical office building would involve regulated medical waste treatment, storage, containment, transport, and disposal. Operations would be required to comply with all requirements of OSHA Standard 1910.1030, including, but not limited to, establishing an Exposure Control Plan, implementing engineering and work practice controls, use of personal protective equipment, and proper storage, labeling, containment, and disposal of potential hazardous substances and materials. Full "red-bag" containment and disposal operations would be required for all hazardous material and fluid disposal, including needles, gowns, and fluid clean-up. It should be noted that all hazardous materials protocol would be provided under tenant controlled procedures.

Previous Uses

Phase I Environmental Site Assessments have been completed for 1300 Pinole Valley Road (the former Schober Restaurant site on the Gateway West site), 1400 Pinole Valley Road (the site immediately south of the former restaurant on the Gateway West site), and 1255 Pinole Valley Road (the Gateway East site) in August 2002, January 2003, and June 2002, respectively. According to the Phase I Environmental Site Assessments, previous uses of the project site include agricultural operations, a PG&E maintenance yard, and a lumberyard during the early 1970s. In 1979, the Schober Restaurant building was constructed in the northern portion of the Gateway West site at 1300 Pinole Valley Road. The restaurant structure was demolished in 2003 and the contractors complied with all Phase I recommendations as verified by the City of Pinole. The central portion of the Gateway West site previously contained a residence, garage, and three sheds, which were constructed prior to 1950. This residence and associated structures were demolished in 2003.

Two petroleum pipelines run through the northern corner of the Gateway West site. The pipelines are operated by Kinder Morgan Energy Partners, L.P., SFPP L.P., and TOSCO Refining. Caution should be used when excavating, drilling, or grading around the pipelines, and the proposed project development must comply with all applicable standards and regulations associated with development near petroleum pipelines. Accurate depths and alignment of the pipelines should be determined in order to avoid conflicts between the proposed development and the existing pipelines. Thus, as a precautionary measure, the exact location and any necessary safety procedures during construction shall be determined in conjunction with the pipeline operators.

For Gateway East, one house, two garages, a barn, and three sheds were previously located on this portion of the site. The structures, excluding the relocated Faria House, have since been demolished. Currently, both the Gateway East and West portions of the project site do not contain visual evidence of underground storage tanks (UST), septic tanks, or wells. While no documentation or visual evidence of on-site septic systems or water wells were encountered during the assessment of the overall project site, these subsurface features may be present due to the time period when the original residential structures were developed (i.e., pre-1950s). If septic systems or wells are discovered during construction, it is recommended that they be properly decommissioned in accordance with state and local guidelines.

Conclusion

In summary, operation of the proposed project would not create a significant hazard. Operation of the proposed medical building would be subject to the requirements of OSHA Standard 1910.1030. Due to the presence of oil pipelines on-site, and the possible presence of septic tanks and/or wells, the proposed project's impacts associated with the creation of a significant hazard to the public or the environment associated with hazardous materials would be ***potentially significant***.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the potential impacts to a *less-than-significant* level.

VIII-1. *Prior to approval of Grading and Improvement Plans, the project applicant shall coordinate with Kinder Morgan Energy Partners, L.P., SFPP L.P., TOSCO Refining, and the City Engineer to determine the accurate depths and alignments of the pipelines by field checking and potholing the pipeline. Arrangements to pothole the pipelines shall be made at least 48 hours in advance. The project applicant shall be responsible for providing a backhoe and operator, as well as a surveyor if needed. All construction plans for activities within pipeline easements shall be submitted to Kinder Morgan Energy Partners, L.P., SFPP L.P., and TOSCO Refining to allow for review prior to commencing work within the easement.*

After determining the accurate depths and alignments of the pipelines, the project applicant shall further coordinate with Kinder Morgan Energy Partners, L.P., SFPP L.P., TOSCO Refining, and the City Engineer regarding all work that could affect the pipelines in order to ensure compliance with the agreed-upon development restrictions and regulations, which could include, but would not necessarily be limited to, the following:

- *Prohibit deep-rooted trees and structures within pipeline easements;*

- *All excavations within 24-inches of the pipelines shall be accomplished using hand tools only;*
- *Restrict use of heavy vibratory equipment over pipelines; and*
- *Notify Underground Service Alert (USA) at 800-227-2600 at least 48 hours prior to any excavation work.*

The agreed-upon development restrictions shall be written up and submitted to the City Engineer and the pipeline operators for approval prior to initiation of any on-site construction activities. Once approved, the restrictions shall be noted on the applicable construction plans prior to issuance of any building permit.

VIII-2. *If any septic tanks or wells are encountered during project construction, these features shall be abandoned by a licensed contractor in accordance with the procedures set forth by the Contra Costa County Environmental Health Department (CCCEHD), as verified by CCCEHD prior to continuation of project construction. The applicant shall provide proof of proper abandonment to the City of Pinole Development Services Department.*

c. The nearest school is Collins Elementary School located to the north of the project site, with the closest classroom building located approximately 350 feet from the boundary of the proposed market site. As discussed above, the proposed market, retail, and restaurant uses would not involve the routine transport, use, or disposal of hazardous materials. However, the proposed medical office building could involve the handling of blood and bodily fluids. Operations would be required to comply with all requirements of OSHA Standard 1910.1030, including, but not limited to, establishing an Exposure Control Plan, implementing engineering and work practice controls, use of personal protective equipment, and proper storage, labeling, containment, and disposal of potential hazardous substances and materials. The contained fluids would be collected by a licensed third-party vendor who would dispose of the appropriately packaged waste at a certified disposal facility. Therefore, the project would have a ***less-than-significant*** impact related to hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

d. The proposed project site is not included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.[22] As a result, the proposed project would not create a significant hazard to the public or the environment. Therefore, ***no impact*** would occur.

e,f. The project site is not located within an airport land use plan, two miles of a public airport, or the vicinity of a private airstrip. The nearest airport is the Buchanan Field Airport located approximately 12.5 miles east of the project site. In addition, the project does not involve any proposed uses that would directly result in an increase in

[22] California Department of Toxic Substances Control. EnviroStor. Available at: http://www.envirostor.dtsc.ca.gov. Accessed November 2014.

populations in the area. Therefore, the project would not result in a safety hazard for people residing or working in the project area related to air traffic, and ***no impact*** would occur.

g. The proposed project would not physically interfere with any existing emergency plans, because the project would not alter the existing street system, which may be utilized by emergency vehicles in the event of an emergency. In 2006, the City of Pinole updated and adopted an Emergency Operations Plan (EOP). The goal of the EOP is to effectively and efficiently organize and coordinate the City's response to major emergencies. The EOP is designed to be implemented and exercised prior to an emergency. The plan identifies four phases of emergency management: preparedness, mitigation, response, and recovery. The City's EOP is consistent with the Emergency Operation Plans of Contra Costa County and the State of California's Disaster and Civil Defense Master Mutual Aid Agreement. In addition to the EOP, the City of Pinole participated with Contra Costa County, neighboring cities and special districts to prepare and adopt a Natural Hazards Mitigation Plan (NHMP) to address regional emergency preparedness. Therefore, the project's impact would be ***less than significant***.

h. The project site is located in an urban area surrounded by existing development. The Gateway East site has been graded and is currently vacant, with the exception of the existing parking areas associated with the Kaiser Permanente Medical Office. The Gateway West site has been graded, and a large portion of the site consists of a previously developed parking lot. According to the City's General Plan, the project site is not located within a Fire Hazard Severity Zone (FHSZ), which means that the site is not in an area that is prone to wildfire. It should be noted that the proposed project would remove some drought-stressed trees and other dry ruderal vegetation, which would be replaced with impervious surfaces and green landscaping; thus, the amount of flammable vegetation on the site would be reduced from existing levels with implementation of the proposed project. Compliance with the applicable building codes and any applicable Fire Department requirements would help to ensure the project would not be subject to wildland fires. In addition, the proposed project would be required to implement any precautionary fire safety standards such as providing on-site fire hydrants, fire sprinklers, and fire extinguishers.

Accordingly, the likelihood for the project to expose people to risks, including loss, injury, or death involving wildland fires would be very low. Therefore, the project's impact would be ***less than significant***.

IX. HYDROLOGY AND WATER QUALITY. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?	☐	✖	☐	☐
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (i.e., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	✖	☐
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	✖	☐	☐
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	✖	☐	☐
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	✖	☐	☐
f. Otherwise substantially degrade water quality?	☐	✖	☐	☐
g. Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	✖	☐
h. Place within a 100-year floodplain structures which would impede or redirect flood flows?	☐	☐	✖	☐
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.	☐	☐	✖	☐
j. Inundation by seiche, tsunami, or mudflow?	☐	☐	✖	☐

Discussion

a,f. During the early stages of construction activities, topsoil would be exposed due to grading and partial leveling of the site. After grading and leveling and prior to overlaying the ground surface with impervious surfaces and structures, the potential exists for wind and water erosion to discharge sediment and/or urban pollutants into stormwater runoff, which would adversely affect water quality. In addition, during construction, runoff from

the property could adversely affect aquatic life within adjacent water features. Surface water runoff could remove particles of fill or excavated soil from site, or could erode soil down-gradient, if the flow were not controlled. Deposition of eroded material in adjacent water features could increase turbidity, thereby adversely affecting any aquatic life, and reducing wildlife habitat.

The State Water Resources Control Board (SWRCB) regulates stormwater discharges associated with construction activities where clearing, grading, or excavation results in a land disturbance of one or more acres. The proposed project site consists of approximately 5.5 acres of land plus an approximately 0.16-acre area along Pinole Creek west of the Gateway West area. Performance Standard NDCC-13 of the City's National Pollutant Discharge Elimination System (NPDES) permit requires applicants to show proof of coverage under the State's General Construction Permit prior to receipt of any construction permits. The State's General Construction Permit requires a Storm Water Pollution Prevention Plan (SWPPP) to be prepared for the site. A SWPPP describes best management practices (BMPs) to control or minimize pollutants from entering stormwater and must address both grading/erosion impacts and non-point source pollution impacts of the development project, including post-construction impacts. The City of Pinole requires all development projects to use BMPs to treat runoff.

In summary, disturbance of the on-site soils during construction activities could result in a ***potentially significant*** impact to water quality should adequate BMPs not be incorporated during construction in accordance with SWRCB regulations.

Mitigation Measure(s)
Implementation of the following mitigation measure would reduce the above impact to a *less-than-significant* level.

IX-1. *Prior to issuance of a grading permit, the project contractor shall prepare a SWPPP. The project applicant shall file the Notice of Intent (NOI) and associated fee to the SWRCB. The SWPPP shall serve as the framework for identification, assignment, and implementation of BMPs. The contractor shall implement BMPs to reduce pollutants in stormwater discharges to the maximum extent practicable. The SWPPP shall be submitted to the City Engineer for review and approval and shall remain on the project site during all phases of construction. Following implementation of the SWPPP, the contractor shall subsequently demonstrate the SWPPP's effectiveness and provide for necessary and appropriate revisions, modifications, and monitoring of improvements to reduce pollutants in stormwater discharges to the maximum extent practicable.*

b. The Pinole Gateway East EIR, prepared in 2004, identified groundwater for the project site at depths ranging from 7 to 19 feet below ground surface. The Pinole Gateway East EIR concluded the groundwater does not sustain flows in the on-site drainage channel, and the clay soils that cover most of the site are relatively impermeable, indicating that

little groundwater recharge occurs on the project site.[23] The amount of impervious surfaces proposed for the project is relatively minimal and much of the site is already covered with impervious parking lot surfaces. In addition, the site is located adjacent to Pinole Creek to the west and a large recreational/park area associated with Collins Elementary School to the north, which would allow adequate groundwater recharge in the project area. As such, the minimal addition of impervious surfaces would not substantially interfere with groundwater recharge. Because the project would not deplete groundwater supplies or interfere with groundwater recharge, a ***less-than-significant*** impact would occur.

c-e. The project site is located within the Pinole Creek watershed, which encompasses approximately 12 square miles of urbanized and undeveloped land, most of which lies upstream of the project site. Pinole Creek discharges to San Pablo Bay about one mile northwest of the project site. The proposed project consists of approximately 5.5 acres of land, plus an approximately 0.16-acre area along Pinole Creek west of the Gateway West area, and would increase the amount of impervious surfaces to the site. As such, the project would modify the existing drainage pattern of the site.

All municipalities within Contra Costa County (and the County itself) are required to develop more restrictive surface water control standards for new development projects as part of the renewal of the Countywide NPDES permit. Known as the "C.3 Standards," new development and redevelopment projects that create or replace 10,000 or more square feet of impervious surface area must contain and treat stormwater runoff from the site. The proposed project is a C.3 regulated project and is required to include appropriate site design measures, source controls, and hydraulically-sized stormwater treatment measures.

A C.3 Report (dated July 10, 2014) has been specifically prepared for the Gateway West site by AMS Associates, Inc. The C.3 Report stated that implementation of the proposed project would disturb approximately 83 percent of the Gateway West site, which is approximately 163,561 square feet. The proposed project design would include on-site self-treating pervious pavement and bioretention facilities to accommodate the stormwater runoff associated with buildout of the site. The Gateway West site currently drains towards the existing on-site catch basin and the project would include bioretention treatment areas at the low point of the site, which is where the existing storm drain catch basin is located, primarily along Pinole Valley Road. Runoff from impervious areas within the Gateway West site has been divided into Drainage Management Areas (DMAs). The proposed DMAs would each be treated by a bioretention feature. Runoff from each of these areas would be managed by a treatment integrated management practices (IMP). Each IMP proposed for the Gateway West site would exceed the minimum sizing requirement with respect to treatment area volume.

As shown on the SWCP, pervious pavement would be placed within several areas of the parking lots of the Gateway West site, which would slow surface flow and allow stormwater to percolate to the soil below, allowing natural filtration and recharge to

[23] City of Pinole. *Pinole Gateway East Project Draft Environmental Impact Report [pg. 36]*. September 2004.

occur. An additional bioretention area would be located at the southwestern corner of the Gateway East site. The bioretention areas would be vegetated and landscaped areas that would allow for stormwater to be absorbed by and to drain through the vegetation and soil to a perforated pipe that would be connected to the City's storm drainage system. The bioretention areas would allow for the natural treatment of stormwater, as well as reduce the amount of stormwater potentially draining to the City's downstream system, which is an existing 15-inch storm drain line located at the intersection of Henry Avenue and Pinole Valley Road. The selection, sizing, and preliminary design of stormwater treatment and other control measures included on the Gateway West site meet the requirements of the RWQCB.[24]

The Gateway East site includes connection to the existing 15-inch storm drain located on the proposed coffee shop drive-through area; however a SWCP has not been prepared for the Gateway East site, showing the engineering means by which the C.3 standards would be satisfied. In addition, the on-site bioretention areas would need to be maintained properly so that the on-site treatment system on the East and West portions of the site functions properly. A long-term maintenance plan is needed to ensure that all proposed stormwater treatment BMPs function properly. Therefore, a ***potentially significant*** impact could occur with respect to creating or contributing runoff water which would exceed the capacity of existing or planned stormwater drainage systems or providing substantial additional sources of polluted runoff.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above impact to a *less-than-significant* level.

IX-2. *Prior to the approval of construction drawings for the Gateway Shopping Center project, the applicant shall submit a Stormwater Control Plan to the City Engineer for review and approval. The Stormwater Control Plan shall identify the water quality treatment and source control measures needed to ensure that stormwater runoff from the Gateway East and West sites are adequately treated and peak flows do not exceed the capacity of the receiving storm drainage system.*

IX-3. *Prior to the completion of construction the applicant shall prepare and submit, for the City's review, an acceptable Stormwater Control Operation and Maintenance Plan. In addition, prior to the sale, transfer, or permanent occupancy of the site the applicant shall be responsible for paying for the long-term maintenance of treatment facilities, and executing a Stormwater Management Facilities Operation and Maintenance Agreement and Right of Entry in the form provided by the City of Pinole. The applicant shall accept the responsibility for maintenance of stormwater management facilities until such responsibility is transferred to another entity.*

[24] AMS Associates, Inc. *C.3 Report Gateway Shopping Center for Thomas Gateway LLC [pg. 10]*. July 10, 2014.

The applicant shall submit, with the application of building permits, a draft Stormwater Facilities and Maintenance Plan, including detailed maintenance requirements and a maintenance schedule for the review and approval by the City Engineer. Typical routine maintenance consists of the following:

- *Limit the use of fertilizers and/or pesticides. Mosquito larvicides shall be applied only when absolutely necessary.*
- *Replace and amend plants and soils as necessary to insure the planters are effective and attractive. Plants must remain healthy and trimmed if overgrown. Soils must be maintained to efficiently filter the storm water.*
- *Visually inspect for ponding water to ensure that filtration is occurring.*
- *After all major storm events remove trash, inspect drain pipes and bubble-up risers for obstructions and remove if necessary.*
- *Continue general landscape maintenance, including pruning and cleanup throughout the year.*
- *Irrigate throughout the dry season. Irrigation shall be provided with sufficient quantity and frequency to allow plants to thrive.*
- *Excavate, clean and or replace filter media (sand, gravel, topsoil) to insure adequate infiltration rate (annually or as needed).*

g-i. According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), Panel Number 06013C0231F, the project site is located in Flood Zone X,[25] which is defined as an area of minimal flood hazard from the principal source of flood in the area and determined to be outside of the 0.2 percent annual chance floodplain. Therefore, the project site is not located within the 100-year floodplain. It should be noted that the project site is adjacent to Pinole Creek, which is located within Flood Zone AE; however, the proposed project would not encroach or disturb the creek in any way. In addition, the project does not involve the placement of housing nor would the project increase population in the area. Because buildout of the proposed project would not place within the 100-year floodplain structures that would impede or redirect flood flows, and would not expose people or structures to a significant risk of loss, injury, or death involving flooding, the project would result in a ***less-than-significant*** impact related to development within the 100-year floodplain.

j. Tsunamis are defined as sea waves created by undersea fault movement. A tsunami poses little danger away from shorelines; however, when tsunamis reach the shoreline, high swells of water break and wash inland with great force. According to the City's General Plan EIR, the potential for a significant tsunami event to occur within the City's planning area and cause any significant damage is considered low, as the San Francisco Bay would significantly attenuate the effect of tsunamis that might reach Pinole. Possible effects of a

[25] Federal Emergency Management Agency. *Contra Costa County, California, Flood Insurance Rate Map Panel 06013C0231F.* June 16, 2009.

tsunami would likely occur in areas near the shores of the San Pablo Bay, which is located approximately one mile north of the project site. Due to the site's elevated topography (at least 34 feet above mean sea level), the project site would not be at risk of inundation by waters from a tsunami.

A seiche is a long-wavelength, large-scale wave action set up in a closed body of water such as a lake or reservoir, with destructive capacity that is not as great as that of a tsunami. The project is not located near a closed body of water large enough for a seiche to occur; therefore, the proposed project is not anticipated to be impacted by seiches. Mudflows typically occur at the base of mountainous or hilly terrain. Because the project site is not located at the base of any significant slopes, the project site would not be expected to be susceptible to mudflow inundation. Overall, the project area would not be threatened by a seiche, tsunami, or mudflow, and a ***less-than-significant*** impact would occur.

X. LAND USE AND PLANNING. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Physically divide an established community?	☐	☐	☐	✖
b. Conflict with any applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating on environmental effect?	☐	☐	✖	☐
c. Conflict with any applicable habitat conservation plan or natural communities conservation plan?	☐	☐	☐	✖

Discussion

a. The proposed project site is located in a developed area near residential land uses, commercial development, and associated parking lots. Development of the proposed project would consist of the construction of a medical office building and subterranean parking garage, a coffee shop, food market, retail shops, pylon sign, and associated parking. The project is consistent with the planned uses for the project site and would serve as an infill project. Therefore, implementation of the proposed project would not physically divide an established community, and ***no impact*** would occur.

b. The proposed project site is located within an area that is designated in the General Plan as Service Sub-Area and zoned as Office Professional Mixed Use. In addition, the project site is designated as Office Professional Mixed Use (OPMU) in the Three Corridors Specific Plan. The project is consistent with the land use and zoning designations for the site. A modification to land uses in the area would not occur. Development of the project would not interfere with the existing uses and would not involve any identifiable potential for conflict with surrounding land uses.

A sign analysis was conducted for the proposed pylon sign by Gray-Bowen, which determined that a Caltrans Outdoor Advertising Permit would not be required for construction of the proposed sign as long as the sign is designed and constructed in compliance with a number of conditions, including size and lighting restrictions. In addition, the proposed pylon sign would be required to comply with the requirements of Chapter 17.52 of the Pinole Municipal Code. Compliance with the aforementioned conditions would be ensured with implementation of Mitigation Measure I-1 of this IS/MND.

Based on the above, the proposed project would not conflict with any applicable land use plans, policies, or regulations and would result in a ***less-than-significant*** impact.

c. According to the City's General Plan EIR, the City is within the boundaries of the Recovery Plan for Serpentine Soil Species of the San Francisco Bay Area (USFWS,

1998). However, the City does not contain habitat for species listed in the recovery plan. The City, including the proposed project site, is not within the boundaries of any Habitat Conservation Plan/Natural Community Conservation Plan. Therefore, implementation of the proposed project would not conflict with any applicable Habitat Conservation Plan, Natural Community Conservation Plan, and ***no impact*** would occur.

XI. MINERAL RESOURCES. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	✖
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	✖

Discussion

a,b. The City of Pinole General Plan does not identify any regionally or locally important mineral resources within the City. In addition, known mineral resources of value to the region, residents of the State, or locally have not been identified on-site or during development of any adjacent uses. Therefore, the proposed project would not have an adverse effect on known mineral resources or recovery sites and ***no impact*** would occur.

XII. NOISE. *Would the project result in:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	✖	☐
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	✖	☐
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	✖	☐
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	✖	☐
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	✖
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	✖

Discussion

The following discussion is based on the environmental noise analysis prepared for the proposed project by Bollard Acoustical Consultants, Inc.

a,c. For most people, the usual consequences of noise are associated with speech interference, distractions at home and at work, disturbance with rest and sleep, and disruption of recreational pursuits. The ambient noise of a community is all environmental noise, which is usually a composite of sound from many sources near and far. The noise of individual events, such as a passing car or train, an aircraft flying overhead or a lawn mower in the neighborhood, are superimposed on this composite of sound. The CEQA Guidelines define a project-level impact as being significant if it "[...] increases substantially the ambient noise levels for adjoining areas." The following discussion summarizes common noise terminology, the existing ambient noise levels in the project vicinity, the predicted traffic noise levels resulting from the project, and the predicted noise levels resulting from operation of the proposed commercial uses.

Community noise is commonly described in terms of the ambient noise level, which is defined as the all-encompassing noise level associated with a given environment. A common statistical tool to measure the ambient noise level is the average, or equivalent,

sound level (L_{eq}), which corresponds to a steady-state A-weighted sound level containing the same total energy as a time varying signal over a given time period (usually one hour). The L_{eq} is the foundation of the composite noise descriptor, the day/night average level (L_{dn} or CNEL), and shows very good correlation with community response to noise. The L_{dn} is based upon the average noise level over a 24-hour day, with a +10 decibel (dB) weighing applied to noise occurring during nighttime (10:00 PM to 7:00 AM) hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were twice as loud as daytime exposures. Because L_{dn} represents a 24-hour average, short-term variations in the noise environment tend to get disguised.

The City of Pinole Noise Element establishes land use compatibility criteria for a variety of land uses in terms of the L_{dn} (or CNEL). The uses with the highest degree of sensitivity have the lowest corresponding land use compatibility criteria with respect to noise. Specifically, residential uses are considered acceptable in exterior noise environments up to 60 dB L_{dn} without noise mitigation, and as high as 75 dB L_{dn} with mitigation. Office uses are considered acceptable in exterior noise environments up to 60 dB L_{dn} without any special noise insulation requirements, and as high as 80 dB L_{dn} with mitigation. Outdoor noise standards for retail uses do not exist in the Pinole General Plan. Additionally, the Noise Element states that noise mitigation should be considered if the project would increase the L_{dn} at a noise-sensitive location by 3 dB or more, or cause the overall level to exceed that considered normally acceptable for the land use category. For stationary noise sources, the City's Noise Element offers the criteria presented in Table 7.

Table 7
City of Pinole Maximum Allowable Noise Exposure from Stationary Sources[1]

	Daytime[5] (7 AM to 10 PM)	Nighttime[2,5] (10 PM to 7 AM)
Hourly Leq, dB[3]	55	45
Maximum Level, dB[3]	70	65
Maximum Level, dB – Impulsive Noise[4]	65	60

[1] As determined at the property line of the receiving land use. When determining effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers or other property line noise mitigation measures.
[2] Applies only where the receiving land use operates or is occupied during nighttime hours.
[3] Sound level measurements shall be made with "slow" meter response.
[4] Sound level measurement shall be made with "fast" meter response.
[5] Allowable levels shall be raised to the ambient noise levels where the ambient levels exceed the allowable levels. Allowable levels shall be reduced 5 dB if the ambient hourly Leq is at least 10 dB lower than the allowable level.

Source: City of Pinole General Plan Update Draft EIR, July 2010.

Existing Ambient Noise Levels

For the purposes of the following impact assessment, noise sensitive uses are considered to be interior and exterior spaces of existing residences, interior spaces of the nearby Collins Elementary School (school playgrounds are noise-generating rather than noise-

sensitive), and the interior areas of the Kaiser Permanente Medical Building. The nearest sensitive receptor would be the townhomes along Silver Oak Court located approximately 240 feet to the west of the project site. It should be noted that the townhomes would be separated from the site by Pinole Creek, the Pinole Creek Trail, the associated dense vegetation, as well as the proposed landscaping along the western border of the project site.

The existing ambient noise environment in the immediate project vicinity is defined almost exclusively by traffic on I-80 and Pinole Valley Road, and to a much lesser extent by traffic on Henry Avenue and nearby school playground activities. Therefore, the discussion of ambient noise levels in the project vicinity focuses primarily on traffic noise.

To quantify the existing overall ambient noise environment in the project vicinity, continuous ambient noise monitoring was conducted at the nearest residential location to the project site from November 15 to November 17, 2014. In addition, short-term (daytime) ambient noise level measurement surveys were conducted at three locations on the project site on November 14, 2014. The noise measurement locations are shown on Figure 27. A summary of the short-term ambient noise surveys is provided in Table 8. The ambient noise measurement surveys revealed that existing noise levels in the immediate project vicinity varied depending on proximity to major noise sources and shielding by intervening topography and structures.

Table 8
Short-Term Ambient Noise Level Measurement Results

Site	Location	Time	L_{eq}	L_{max}	Sources
1	Near school playground	10:00 AM	48	70	Playground, I-80
2	North side of Henry Ave.	10:25 AM	58	72	Pinole Valley Rd.
3	Residence north of Kaiser	10:45 AM	55	61	I-80

Source: Bollard Acoustical Consultants, Inc., December 2014.

To predict existing and projected noise levels due to traffic, the Federal Highway Administration Highway Traffic Noise Prediction Model (FHWA RD-77-108) was used. The FHWA Model is based on the Calveno reference noise factors for automobiles, medium trucks, and heavy trucks, with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and the acoustical characteristics of the project site. The FHWA Model was developed to predict hourly L_{eq} values for free-flowing traffic conditions.

Traffic volumes for existing conditions were obtained from the Traffic Impact Study prepared for the project by Abrams Associates Traffic Engineering, Inc. The data within that report is in the form of AM/PM peak-hour intersection turning movements, which were converted to average daily trips using a multiplier of ten. Table 9 shows the existing traffic noise levels in terms of L_{dn} at a reference distance of 50 feet from the centerlines of existing project-area roadways. Table 9 also shows the distances to the existing 60, 65 and 70 dB L_{dn} traffic noise contours for the local roadway network.

Figure 27
Noise Measurement Locations

Table 9
Existing Traffic Noise Levels and Contour Distances

Roadway	Segment	L_{dn} @ 75 feet	Distance to Contours (feet)		
			70 dB	65 dB	60 dB
Henry Ave.	East of Pinole Valley Rd.	58	8	18	38
Henry Ave.	West of Pinole Valley Rd.	58	9	18	40
Pinole Valley Rd.	North of San Pablo Ave.	52	3	7	14
Pinole Valley Rd.	South of San Pablo Ave.	61	12	27	57
Pinole Valley Rd.	South of Ellerhorst St.	66	27	59	127
Pinole Valley Rd.	East of Tennent Ave.	62	15	31	68
Pinole Valley Rd.	North of Henry Ave.	66	27	57	124
Pinole Valley Rd.	Henry Ave. to I-80.	67	32	70	150
San Pablo Ave.	East of Tennent Ave.	68	36	78	168
San Pablo Ave.	West of Tennent Ave.	68	39	84	181
San Pablo Ave.	East of Pinole Valley Rd.	69	45	96	208
San Pablo Ave.	West of Pinole Valley Rd.	69	41	88	190
Tennent Ave.	North of San Pablo Ave.	60	11	23	49
Tennent Ave.	South of San Pablo Ave.	64	19	41	89
Tennent Ave.	North of Pinole Valley Rd.	65	23	49	106

Source: FHWA RD-77-108 with inputs from Abrams Associates Traffic Engineering, Inc and Bollard Acoustical Consultants, Inc.

The results of the ambient noise survey indicate that existing noise levels at the nearest noise-sensitive areas to the project site were generally at or above the City's noise level standards shown in Table 7. As a result, in accordance with note number 5 in Table 8, the City's noise standards could be increased to meet the measured ambient levels. Therefore, the noise consultant recommends that the nighttime hourly L_{eq} standard of 45 dB be increased to 50 dB to account for existing ambient noise conditions. Otherwise, the City's stationary noise standards, as presented in Table 8, are considered to be appropriate for the proposed project.

Existing and Future Noise Levels Associated with Project-Related Traffic

To assess noise impacts due to project-related traffic increases on the local roadway network, traffic noise levels were predicted at a representative distance for both the project and no-project scenario under existing (baseline) and future (cumulative) conditions. Noise impacts are identified at existing noise-sensitive areas if the noise level increases, which result from the project, exceed the three dB significance criteria of the City of Pinole. As noted previously, the FHWA Model was used to predict the existing noise levels due to traffic. To predict traffic noise levels in terms of L_{dn}, the input volume must be adjusted to account for the day/night distribution of traffic.

Table 10 and Table 11 show the predicted increases in traffic noise levels on the local roadway network for existing and future (cumulative) conditions, respectively, which would result from the project. The tables are provided in terms of L_{dn} at a standard distance of 50 feet from the centerlines of the project-area roadways. The 50 foot distance

was selected because the distance represents the approximate distances from the roadway centerlines to the nearest existing residences to those roadways.

Table 10
Predicted Baseline and Baseline Plus Project Traffic Noise Levels

Roadway	Segment	Baseline	Baseline Plus Project	Increase
Henry Ave.	East of Pinole Valley Rd.	59.0	59.4	0.4
Henry Ave.	West of Pinole Valley Rd.	58.6	59.2	0.6
Pinole Valley Rd.	North of San Pablo Ave.	51.8	51.8	0.0
Pinole Valley Rd.	South of San Pablo Ave.	61.0	61.2	0.2
Pinole Valley Rd.	South of Ellerhorst St.	66.2	66.3	0.1
Pinole Valley Rd.	East of Tennent Ave.	62.0	62.2	0.2
Pinole Valley Rd.	North of Henry Ave.	66.0	66.1	0.2
Pinole Valley Rd.	Henry Ave. to I-80.	67.3	67.5	0.2
San Pablo Ave.	East of Tennent Ave.	67.9	68.0	0.0
San Pablo Ave.	West of Tennent Ave.	68.4	68.5	0.0
San Pablo Ave.	East of Pinole Valley Rd.	69.3	69.4	0.0
San Pablo Ave.	West of Pinole Valley Rd.	68.8	68.8	0.0
Tennent Ave.	North of San Pablo Ave.	59.9	60.1	0.2
Tennent Ave.	South of San Pablo Ave.	63.8	64.0	0.1
Tennent Ave.	North of Pinole Valley Rd.	65.0	65.1	0.1

Source: FHWA RD-77-108 with inputs from Abrams Associates Traffic Engineering, Inc and Bollard Acoustical Consultants, Inc.

Table 11
Predicted Future (Cumulative) and Future Plus Project Traffic Noise Levels

Roadway	Segment	Noise Levels (L_{dn}, dBA)		
		Future	Future Plus Project	Increase
Henry Ave.	East of Pinole Valley Rd.	59.5	59.9	0.4
Henry Ave.	West of Pinole Valley Rd.	59.1	59.6	0.6
Pinole Valley Rd.	North of San Pablo Ave.	52.4	52.4	0.0
Pinole Valley Rd.	South of San Pablo Ave.	61.5	61.7	0.2
Pinole Valley Rd.	South of Ellerhorst St.	66.7	66.8	0.1
Pinole Valley Rd.	East of Tennent Ave.	62.5	62.7	0.2
Pinole Valley Rd.	North of Henry Ave.	66.5	66.6	0.1
Pinole Valley Rd.	Henry Ave. to I-80.	67.8	68.0	0.2
San Pablo Ave.	East of Tennent Ave.	68.4	68.4	0.0
San Pablo Ave.	West of Tennent Ave.	68.9	69.0	0.0
San Pablo Ave.	East of Pinole Valley Rd.	69.8	69.9	0.0
San Pablo Ave.	West of Pinole Valley Rd.	69.3	69.3	0.0
Tennent Ave.	North of San Pablo Ave.	60.4	60.5	0.1
Tennent Ave.	South of San Pablo Ave.	64.3	64.4	0.1
Tennent Ave.	North of Pinole Valley Rd.	65.5	65.6	0.1

Note: Noise measurements were measured 50 feet from roadway centerlines.

Source: FHWA RD-77-108 with inputs from Abrams Associates Traffic Engineering, Inc and Bollard Acoustical Consultants, Inc.

The intent of Table 10 and Table 11 is to determine project-related noise level increases along surrounding roadways. Many factors could cause actual traffic noise levels to differ from those provided in Table 10 and Table 11, including shielding by existing noise barriers, buildings, or topography, variations in vehicle speeds, truck percentages, day/night distribution of traffic, etc. Accounting for every such variation is neither feasible nor necessary to satisfy the intent of the analysis. By holding such variables constant, and only varying the traffic volumes to reflect the additional traffic generated by the proposed project, the project-related increase in noise levels can be isolated.

Inspection of the Table 10 and Table 11 data indicate that the project-related increase in both existing (baseline) and future (cumulative) traffic noise levels would be 0.6 dB L_{dn} or less on all project area roadways. The range of traffic noise level increases is below the City's three dB threshold. Consequently, the proposed project would not result in exposure of persons to transportation noise levels in excess of standards established in the City's General Plan.

Noise Levels Associated with Project Operation

Operation of the proposed food market would require truck deliveries and commercial loading at the Gateway West portion of the project site. In addition, the proposed coffee shop includes a drive-through lane at the Gateway East portion of the project site. Furthermore, HVAC requirements for the commercial buildings within the project area will likely be met using packaged roof-top systems. The following discussion outlines the project-generated operational noise levels associated with truck deliveries, truck loading, the drive-through lanes, and the HVAC equipment.

Truck Deliveries

At the Gateway West site, truck deliveries would mainly be associated with the proposed 27,014-square-foot food market use. Approximately five to 10 truck deliveries of varying sizes would occur at the market daily, typically between the hours of 7:00 AM and 2:00 PM. Because the City of Pinole noise standards are based on hourly noise generation, the approximate number of truck deliveries anticipated during a typical hour must be known to assess compliance with the City's standards. A typical hour of busy truck delivery activity at the market was assumed to consist of one heavy truck passby and approximately four smaller truck deliveries in the area near the proposed truck loading dock.

Maximum Noise (L_{max}) Assessment

Based on data for similar sized commercial centers collected by Bollard Acoustical Consultants, Inc., the single event maximum sound level for slow-moving, heavy-duty trucks and medium-duty trucks was assumed to be 75 dB and 70 dB L_{max}, respectively, at a reference distance of 50 feet from the passby area. The nearest residences to the on-site circulation area are located in excess of 300 feet away. At a distance of 300 feet, heavy and medium-duty truck passby levels

would be approximately 55 to 60 dB L_{max}. The distance of the nearest residences to the retail shops buildings to the south of the proposed food market is similarly 300 feet. As a result, truck circulation noise levels at the retail location would be similar, or below the predicted noise levels for the market. The predicted maximum truck passby levels of 55 to 60 dB at the nearest residences would easily satisfy the City's 70 dB L_{max} daytime noise standard and 65 dB L_{max} nighttime standard.

Average Hourly (L_{eq}) Noise Assessment

To convert the SEL for an individual truck passby into an hourly average noise level (L_{eq}), the number of hourly truck passbys must be known. As noted previously, one (1) heavy truck passby and four (4) medium duty truck passbys were assumed to occur on the Market project site in a typical busy hour of store restocking.

Using the SEL data per heavy and medium truck passbys with the operational assumptions cited above, the reference average noise level associated with on-site truck circulation during a typical busy hour near the proposed Market is predicted to be 51 dB L_{eq} at a reference distance of 50 feet. At the passby distance of 300+ feet to the nearest residential property lines, the predicted hourly average noise level would be approximately 35 dB L_{eq}. The predicted average truck passby level of 35 dB L_{eq} at the nearest residential property line and school classrooms would easily satisfy the City's 55 dB L_{eq} daytime noise standard and 50 dB L_{eq} nighttime standard.

Loading Dock

The primary noise source associated with loading dock areas are the heavy trucks stopping (air brakes), backing into the loading docks (back-up alarms), and pulling out of the loading docks (revving engines). Once the trucks have backed into the loading dock, the trucks are unloaded from the inside of the store using a fork lift or hand cart, and most of the unloading noise is contained within the building and truck trailer. In addition to truck arrivals, unloading and departures, the loading dock area would include a trash compactor, which also generates noise.

Existing noise data collected at a similar commercial loading dock facility by Bollard Acoustical Consultants, Inc. indicate that maximum and average loading dock noise generation at a reference distance of 100 feet were 50 dB L_{eq} and 80 dB L_{max}. The proposed trash compaction system would reportedly operate on 32 second cycles, generating noise levels below 70 dB during that time.

The nearest noise-sensitive land uses to the proposed loading dock are the hillside townhomes along Silver Oak Court to the southwest, the school classrooms to the northwest, and the single family residences to the north (on Pinole Valley Road). The school classrooms and single-family residences to the north would be shielded from view

of the truck unloading dock area by the proposed market structure and by a proposed eight-foot-tall sound wall along the western edge of the truck loading dock area. The townhomes to the southwest would not be shielded by such features. Table 12 shows the predicted loading dock area noise levels at the property lines of the nearest residences and building façade of the nearest classrooms.

Table 12
Maximum Noise Exposure from Stationary Noise Sources

Receptor	Distance	Shielding	L_{eq}	L_{max}
Townhomes to the Southwest	400	0	38	68
Residences to the North	450	-10	27	57
School Classrooms to the Northwest	440	-5	32	62

Notes:
1. Distances to townhomes to the southwest and residences to the north are measured from the approximate center of the proposed loading dock to the property lines of the residences.
2. For the school classrooms, the distance is measured between the nearest classroom building façade and approximate center of the loading dock area.
3. Shielding provided by the building to the north is estimated to be 10 dB.
4. Shielding provided by the proposed eight-foot tall masonry barrier at the edge of the loading dock is estimated to be 5 dB.

Source: Bollard Acoustical Consultants, Inc., December 2014.

The Table 12 data indicates that predicted average and maximum noise levels associated with truck unloading activities at the proposed market would be satisfactory relative to the adjusted City of Pinole exterior noise standards at the nearest noise-sensitive land uses.

Noise levels associated with truck unloading activities at the other proposed commercial buildings would be even lower due to the less intensive volume of truck unloading, separation between the buildings, and the nearest sensitive receptors. Because the noise generation of the proposed trash compaction system associated with the market would be below that of the loading dock activities, trash compaction noise levels at the nearest residential areas would be even lower.

Drive-Through Lane

The project includes a drive-through lane at the coffee shop which will be constructed within the Gateway East portion of the development (Suite E1-A). The distance from the drive-through lane speakers to the nearest residential property lines is in excess of 350 feet.

To quantify the noise emissions of proposed drive-through vehicle passages and speaker usage, Bollard Acoustical Consultants, Inc. used measurement results from various drive-through operations in the Sacramento area in recent years were utilized. The data indicate that drive-through speaker and vehicle idling noise levels are approximately 50 dB L_{eq} and 55 dB L_{max} at a reference distance of 50 feet from the drive-through speaker. At the 350-foot distance to the nearest residences, average and maximum noise levels associated

with continuous hourly drive-through lane usage would be approximately 33 dB L_{eq} and 38 dB L_{max}. The predicted average and maximum drive-through noise levels would satisfy the City's daytime and nighttime noise level standards at the nearest residences.

Rooftop Mechanical Equipment

As mentioned previously, HVAC requirements for the commercial buildings within the project area will likely be met using packaged roof-top systems. Rooftop mechanical equipment would be completely shielded from view of the neighboring school classrooms and residences by rooftop parapets.

Reference noise level data for packaged rooftop HVAC units indicate that a 12.5-ton packaged unit can be expected to generate an A-weighted sound power level of approximately 85 dB. The nearest residence or school classroom to any of the proposed rooftop areas where such equipment may be installed is in excess of 300 feet. When projected to the 300-foot distance, the resulting HVAC levels compute to approximately 35 dB L_{eq}, including shielding provided by the parapets.

Because the predicted HVAC equipment noise level of 35 dB L_{eq} would satisfy both the daytime and nighttime noise level standards of the City of Pinole, and would generate noise levels below measured existing ambient noise levels in the project vicinity, noise impacts are not identified for the HVAC aspect of the project.

It should be noted that mechanical equipment associated with food cold storage at the market would also generate noise. If the food cold storage equipment is located within a dedicated mechanical room, the noise would be expected to be contained within that room and not adversely affect the existing residences to the north. However, if the food cold storage equipment is to be located on the roof of the building, noise levels would be higher. Based on a sound power level of 95 dB for the type of rooftop condensers typically utilized for food cold storage, the predicted sound pressure level at the nearest residences computes to approximately 40 dB L_{eq}, including shielding provided by the rooftop parapet. As such, the estimated level of 40 dB at the nearest residences is well below the recommended 50 dB L_{eq} nighttime noise standard.

Conclusion

As stated previously, the traffic noise level increases resulting from the proposed project would be below the City's three dB threshold. Noise generated by truck deliveries, drive-through activity, onsite-circulation, project construction, and off-site traffic noise level increases are all predicted to comply with City of Pinole noise standards. The conclusions are primarily due to the substantial distance between the project site and nearby noise-sensitive receptors, and the elevated ambient conditions caused by the proximity of the project site to I-80. Therefore, impacts would be considered ***less than significant***.

b. Federal, state, or local regulatory standards for vibration do not exist; however, various criteria have been established to assist in the evaluation of vibration impacts, including

vibration criteria based on human perception and structural damage risks developed by Caltrans. For most structures, Caltrans considers a peak-particle velocity (ppv) threshold of 0.2 inches per second (in/sec) at a distance of approximately 50 feet to be the level at which architectural damage (i.e., minor cracking of plaster walls and ceilings) to normal structures may occur. In terms of human annoyance, continuous vibrations in excess of 0.1 in/sec ppv are identified by Caltrans as the minimum level perceptible for ground vibration.

Field inspections of both the project site and neighboring uses did not reveal a discernible source of vibration which would adversely affect existing sensitive land uses located within the project area. In addition, the project does not propose any appreciable sources of vibration, and any localized vibration generated in the immediate vicinity of project equipment would dissipate to imperceptible levels between the project site and nearest existing sensitive land uses. As a result, vibration generated during project operations is predicted to be imperceptible at the nearest residences and school classrooms.

Construction activities could result in short-term groundborne vibration levels that could affect nearby sensitive land uses. According to the City's General Plan Update EIR, the maximum level of vibration associated with construction is typically due to a pavement breaker, which was measured to produce a ppv of 2.88 in/sec at 10 feet. Groundborne vibration levels of pile drivers can range from approximately 0.17 to 1.5 in/sec ppv. Pile driving could result in a high potential for human annoyance from vibrations if activities are performed within 200 feet of occupied structures. As stated above, the nearest sensitive receptor would be located over 200 feet from any construction areas on the project site and separated by Pinole Creek. Consequently, groundborne vibration associated with the proposed project's construction activities would not be anticipated to be substantial at the nearest sensitive receptor. Because the proposed project would not result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels, impacts would be ***less than significant***.

d. During the construction phases of the project, noise from construction activities would add to the noise environment in the immediate project vicinity. Activities involved in typical construction would generate maximum noise levels, as indicated in Table 13, ranging from 70 to 90 dB at a distance of 50 feet. Construction activities are proposed to occur during normal daytime working hours.

At the nearest residences, located at least 200 feet from the nearest proposed construction area, maximum noise levels would be approximately 12 dB lower than the reference levels cited in Table 13 for the 50 foot measurement distance. The resulting maximum noise levels at the nearest residences would range from below 60 dB to 80 dB L_{max}. Noise levels at the nearest classroom building, located approximately 350 feet from the project site, would be approximately 10 dB lower. Inspection of the continuous ambient noise monitoring results indicates that the range of predicted construction noise levels is similar to measured existing maximum noise levels. As a result, project construction is not anticipated to result in a substantial short-term increase in ambient noise levels at the nearest noise-sensitive land uses in the project vicinity.

Table 13
Typical Construction Equipment Noise

Equipment Description	Maximum Noise Level at 50 feet (dBA)
Auger drill rig	85
Backhoe	80
Bar bender	80
Boring jack power unit	80
Chain saw	80
Compactor (ground)	85
Compressor (air)	80
Concrete batch plant	80
Concrete mixer truck	83
Concrete pump truck	85
Concrete saw	82
Crane (mobile or stationary)	90
Dozer	85
Dump truck	85
Excavator	84
Flat bed truck	85
Front end loader	80
Generator (25 kilovoltamperes [kVA] or less)	70
Generator (more than 25 kVA)	82
Grader	85
Hydra break ram	90
Jackhammer	85
Mounted impact hammer (hoe ram)	90
Paver	85
Pneumatic toolds	85
Pumps	77
Rock drill	85
Scraper	85
Soil mix drill rig	80
Tractor	84
Vacuum street sweeper	80
Vibratory concrete mixer	80

Source: Federal Highway Administration, 2006.

The City's Municipal Code Section 15.02.070, General Regulations of Construction, establishes hourly restrictions that pertain to construction-related activities. Specifically, construction work is allowed from 7:00 AM to 5:00 PM during weekdays and, in commercial zones only, from 9:00 AM to 6:00 PM on Saturdays, as long as the work is interior and does not generate significant noise. In addition, due to the temporary nature of construction noise (approximately 18 months), the intermittent frequency of construction noise, and the required compliance with the construction noise standards established as part of the City's existing Municipal Code, construction noise level increases would not result in a substantial temporary or periodic increase in ambient noise

levels that would result in exposure of persons to or generation of noise levels in excess of applicable standards. Therefore, impacts would be considered ***less than significant***.

e,f. The project site is not located within an airport land use plan, two miles of a public airport, or the vicinity of a private airstrip. The nearest airport is the Buchanan Field Airport located approximately 12.5 miles east of the project site. Therefore, the project would not expose people to excessive noise levels associated with air traffic, and ***no impact*** would occur.

XIII. POPULATION AND HOUSING. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	☐	☐	✖	☐
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	✖	☐
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	✖	☐

Discussion

a-c. The proposed project does not involve the creation of housing and would not introduce any new residents to the area. Housing does not currently exist on the project site and existing housing would not be demolished as part of the proposed project. Accordingly, displacement of housing or people would not occur as a result of the proposed project. The proposed project would, however, provide employment opportunities within the City. The proposed project is intended to serve the existing residential areas located in the vicinity of the project site by providing supportive uses such as restaurants, a grocery store, retail, and a medical clinic.

While Contra Costa County has historically maintained a jobs-to-housing ratio over one job per household, the City of Pinole has historically had an excess of housing units compared to available jobs. For example, Contra Costa County had a jobs-to-housing ratio of 1.03 in 2005. In contrast, the 2005 jobs-to-housing ratio in the City of Pinole was 0.84. See Table 14 below for the City of Pinole jobs projections.

Table 14
City of Pinole Jobs Projections

Year	Jobs	Jobs-to-Housing Ratio
2015	6,500	0.88
2020	6,850	0.91
2025	7,210	0.93
2030	7,560	0.94

Source: City of Pinole. City of Pinole General Plan Update Draft Environmental Impact Report. July 2010

The proposed project would contribute an anticipated 281 jobs to an area which currently has an excess of housing. With implementation of the proposed project, the City's jobs-to-housing ratio would increase. Therefore, although the proposed project would induce population growth in the area by introducing new businesses and employment

opportunities, the increase in employees to the area would help balance the City's current jobs to housing ratio.

Overall, implementation of the project would not induce substantial population growth in the area nor displace housing or people, and a ***less-than-significant*** impact would occur related to population and housing.

XIV. PUBLIC SERVICES.

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Fire protection?	☐	☐	✖	☐
b. Police protection?	☐	☐	✖	☐
c. Schools?	☐	☐	✖	☐
d. Parks?	☐	☐	✖	☐
e. Other Public Facilities?	☐	☐	✖	☐

Discussion

a. The City shares responsibility for fire and emergency medical services with Contra Costa County Consolidated Fire Protection District (Con Fire) and Rodeo/Hercules as part of a regional group called Battalion 7. In response to a 9-1-1 call, the Battalion 7 fire engine closest to the emergency is dispatched, regardless of jurisdictional boundaries. The program has reduced response times and assures that adequate numbers of engines automatically respond to each emergency without additional requests for aid.

The City of Pinole Fire Department provides full fire and rescue services, fire suppression, medical advanced life support, rescue and hazardous materials response. The Fire Department promotes disaster preparedness, fire prevention and safety in the City by providing free services and safety devices, public outreach (schools, businesses) and public education and/or training courses (safety demonstrations including child car seat safety and earthquake preparedness), maintenance (station upgrades, etc.) and biannual commercial inspections. According to Figure 8.1 of the City's General Plan, the project site is located within the Pinole Fire Department Service Area.

The City of Pinole Fire Department maintains Station 73, a station located in the Public Safety Building adjacent to City Hall in Old Town. The closest fire station to the project site, Station 73, is located approximately 0.34 miles to the north. The proposed project is consistent with what has been anticipated for the site per the City's General Plan and Three Corridors Specific Plan land use designations, as well as the City's zoning designation. Accordingly, the increase in demand for fire protection services due to buildout of the site has already been anticipated in the General Plan. The General Plan EIR concluded that impacts related to the increased demand for fire protection and emergency medical services due to buildout of the General Plan, as well as the Three Corridors Specific Plan, would be less than significant.[26] Therefore, consistent with the conclusion of the City's General Plan EIR, the proposed project would result in a ***less-than-significant*** impact associated with fire protection services.

[26] City of Pinole. *City of Pinole General Plan Update Draft Environmental Impact Report [pg. 4.12-6]*. July 2010.

b. The Pinole Police Department shares the Public Safety Building with the Pinole Fire Department. From the base of operations, the Police Department patrols all areas within the city limits of Pinole, responds to and investigates crime, responds to all calls on school property and assists with animal control problems. Pinole Police regularly provide emergency "first in" response to East Bay Regional Parks areas and are also responsible for responding to criminal activity on I-80 along with the California Highway Patrol.

The Pinole Police Department is located approximately 0.34 miles north of the project site. According to the City's General Plan Update Draft EIR, the population of the City is projected to increase from a population of about 20,100 in 2010 to an ultimate General Plan buildout population of 23,875 in 2030. Although the population increase would result in a slight increase in demand for law enforcement services, such an increase would not result in any significant impacts to the department, and new or expanded facilities, equipment, or staff would not be needed to maintain current service levels. Furthermore, department funding would be increased as development occurs through the generation of additional sales, property, and other local taxes. The proposed project is consistent with what has been anticipated for the site per the City's General Plan and Three Corridors Specific Plan land use designations, as well as the City's zoning designation. Accordingly, the increase in demand for police protection services due to buildout of the site has already been anticipated in the General Plan. Therefore, the proposed project would have a ***less-than-significant*** impact regarding police protection.

c-e. The proposed project does not involve housing and would not introduce new residents to the area. As such, the project would neither directly nor indirectly result in an increased demand for schools, parks, or other public facilities such as library services. Therefore, overall the proposed project would have a ***less-than-significant*** impact regarding the provision of new or physically altered schools, park, or other services and facilities.

XV.RECREATION. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	✖	☐
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	✖	☐

Discussion

a,b. The proposed project does not involve housing and would not directly induce population growth in the area. Thus, an increase in the use of existing neighborhood and regional parks would not be expected to occur as a result of the proposed project. Construction of new or expansion of existing recreational facilities would not be necessary due to the proposed project. It should be noted that the proposed project includes connection to the adjacent Pinole Creek Trail (a paved multi-use path), which would provide an alternative mode of transportation to and from the project site. Accordingly, an increase in the use of the Pinole Creek Trail could occur with implementation of the proposed project. However, the increase in use would not be expected to be substantial enough to cause physical deterioration of the facility. Therefore, impacts related to recreation would be considered ***less than significant***.

XVI. TRANSPORTATION AND CIRCULATION. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	✖	☐
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	✖	☐
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	✖
d. Substantially increase hazards due to a design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	✖	☐	☐
e. Result in inadequate emergency access?	☐	✖	☐	☐
f. Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	✖	☐

Discussion

a,b. A Transportation Impact Analysis was prepared for the proposed project by Abrams Associates Traffic Engineering, Inc. The Traffic Analysis evaluated the following ten study intersections in November 2014:

1. San Pablo Avenue and Tennent Avenue
2. San Pablo Avenue and Pinole Valley Road
3. Pinole Valley Road and Tennent Avenue
4. Henry Avenue and the Northern Project Entrance
5. Pinole Valley Road and Henry Avenue
6. Pinole Valley Road and the Main Project Entrance/Kaiser
7. Pinole Valley Road and the Southern Project Entrance
8. Pinole Valley Road and the I-80 Westbound (WB) Ramps
9. Pinole Valley Road and the I-80 Eastbound (EB) Ramps
10. Pinole Valley Road and Estates Avenue/Pinole Valley Shopping Center

Please note the above list includes all intersections for which over 50 peak hour trips could be added as a result of the project, in accordance with the Contra Costa

Transportation Authority (CCTA) technical procedures.[27] The study intersections were evaluated for the following six scenarios:

1. Existing Conditions – The Existing scenario Level of Service (LOS) is based on the existing peak hour volumes and existing intersection configurations.
2. Existing Plus Project – The Existing Plus Project scenario is based on the Existing Conditions traffic volumes plus trips from the proposed project.
3. Baseline (No Project) Conditions – The Baseline scenario is based on the existing volumes plus growth in background traffic (for three years) plus the traffic from all reasonably foreseeable developments that could substantially affect the volumes at the project study intersections. The developments include a proposed 10,000 square foot medical office building at the corner of Henry Avenue and Pinole Valley Road, a proposed 15,000 square foot CVS Drugstore at Appian Way and Tara Hills Drive, and also 3,500 square feet of vacant space at the Pinole Valley Shopping Center that is assumed to be occupied before the proposed project is implemented.
4. Baseline Plus Project Conditions – The Baseline Plus Project scenario is based on the Baseline traffic volumes plus the trips from the proposed project.
5. Cumulative Conditions – The Year 2040 cumulative volumes are based on planned and approved projects and the most recent (March 2013) release of the Countywide Travel Demand Model.
6. Cumulative Plus Project Conditions – The Year 2040 cumulative volumes are based on the most recent release of the Countywide Travel Demand Model plus the trips from the proposed project.

See Figure 28 for the location of the study intersections.

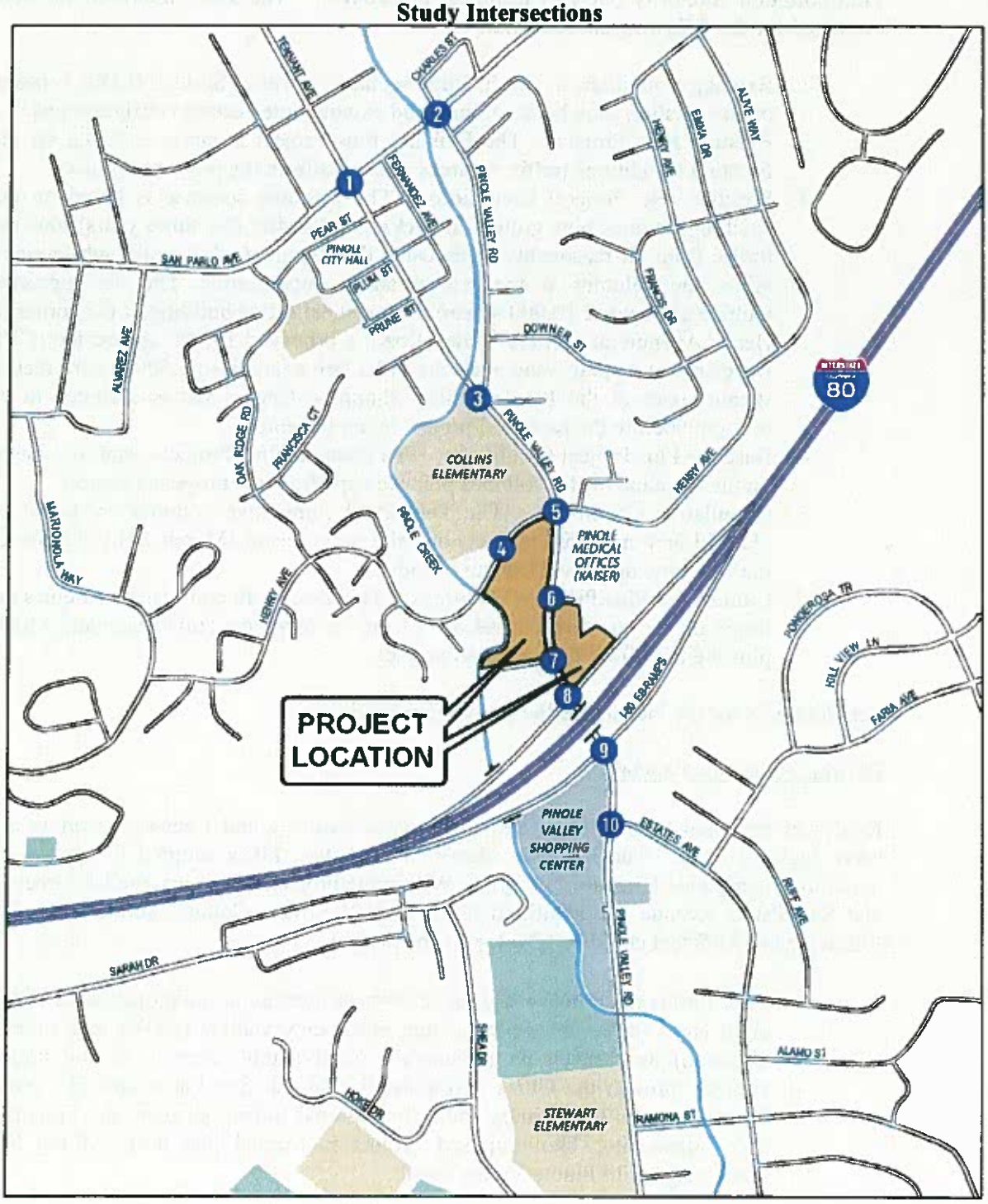
Existing Roadway Network

Routes of Regional Significance (RRS) are major roadway and freeway corridors that serve regional traffic. The RRS are identified in Action Plans adopted by the CCTA under the countywide Measure J program. Within the project study area, the I-80 freeway and San Pablo Avenue are identified as RRS in the West County Action Plan. The following are RRS that could be affected by the project:

- I-80: I-80 is the primary regional east-west freeway in the project area. I-80 is eight lanes (three lanes plus a high occupancy vehicle [HOV] lane in each direction) and travels in a generally north/south direction in the project vicinity through the Cities of Pinole, Richmond, San Pablo and El Cerrito. The freeway is the primary route for regional traffic between San Francisco and Sacramento. The proposed project is located just north of the I-80 interchange with Pinole Valley Road.

[27] *Final Technical Procedures*, Contra Costa Transportation Authority, Walnut Creek, CA, January 16, 2013.

Figure 28
Study Intersections



- San Pablo Avenue: San Pablo Avenue is an arterial RRS in the City of Pinole General Plan and is designated as a part of the Congestion Management Plan network by the CCTA. San Pablo Avenue serves both local and regional traffic and within the study area and is a four-lane roadway with a raised median.

The following local roadways were included in the analysis:

- Pinole Valley Road: In the project study area, Pinole Valley Road provides the primary access to I-80 as well as downtown Pinole and San Pablo Avenue. Pinole Valley Road is designated as an arterial except between Tennent Avenue and San Pablo Avenue where the road is designated as a collector street. Pinole Valley Road is a four-lane roadway with a raised median.
- Henry Avenue: Henry Avenue is an east-west local roadway that extends east from Ridgecrest Drive to terminate just east of Alice Way. The proposed project would have an unsignalized driveway on Henry Avenue just west of Pinole Valley Road.
- Tennent Avenue: Tennent Avenue is a two-lane roadway serving both residential and commercial uses. Tennent Avenue extends north from Pinole Valley Road and terminates at Bayfront Park to the north. Tennent Avenue is designated as an arterial between Pinole Valley Road and San Pablo Avenue and as a collector to the north of San Pablo Avenue.
- Estates Avenue: Estates Avenue is a two-lane roadway serving primarily residential areas to the east of Pinole Valley Road. Estates Avenue extends east from Pinole Valley Road and terminates at Simas Avenue to the south. Estates Avenue is designated as a collector in the City of Pinole General Plan.

Intersection Analysis Methodology

Existing operational conditions at the ten study intersections were evaluated according to the requirements set forth by the CCTA using the methodology in the Final Technical Procedures Update (dated July 19, 2006). Analysis of traffic operations was conducted using the 2010 Highway Capacity Manual (HCM) LOS methodology with Synchro software.[28] LOS is an expression, in the form of a scale, of the relationship between the capacity of an intersection (or roadway segment) to accommodate the volume of traffic moving through it at any given time. The LOS scale describes traffic flow with six ratings ranging from A to F, with "A" indicating relatively free flow of traffic and "F" indicating stop-and-go traffic and traffic jams.

Table 15 summarizes the relationship between LOS, average control delay, and the volume to capacity ratio at signalized intersections.

[28] *2010 Highway Capacity Manual*, Transportation Research Board, Washington D.C., 2011

Table 15
Intersection LOS Criteria

Level of Service	Description	Average Delay (sec/veh)	Volume to Capacity Ratio
A	Represents free flow. Individual users are virtually unaffected by others in the traffic stream.	≤ 10	< 0.60
B	Stable flow, but the presence of other users in the traffic stream begins to be noticeable.	> 10 to 20	> 0.61 to 0.70
C	Stable flow, but the operation of individual users becomes significantly affected by interactions with others in the traffic stream.	> 20 to 35	> 0.71 to 0.80
D	Represents high-density, but stable flow.	> 35 to 55	> 0.81 to 0.90
E	Represents operating conditions at or near the capacity level.	> 55 to 80	> 0.91 to 1.00
F	Represents forced or breakdown flow.	> 80	> 1.00

Source: 2010 Highway Capacity Manual, Transportation Research Board, 2011. Technical Procedures Update, Contra Costa Transportation Authority, January 16, 2013.

For unsignalized (all-way stop controlled and two-way stop controlled) intersections, the average control delay and LOS operating conditions are calculated by approach (e.g., northbound) and movement (e.g., northbound left-turn) for those movements that are subject to delay. In general, the operating conditions for unsignalized intersections are presented for the worst approach. Table 16 summarizes the relationship between LOS and average control delay at unsignalized intersections.

Table 16
Intersection LOS Criteria

Level of Service	Description	Average Delay (sec/veh)
A	Represents free flow. Individual users are virtually unaffected by others in the traffic stream.	0 to 10
B	Stable flow, but the presence of other users in the traffic stream begins to be noticeable.	> 10 to 15
C	Stable flow, but the operation of individual users becomes significantly affected by interactions with others in the traffic stream.	> 15 to 25
D	Represents high-density, but stable flow.	> 25 to 35
E	Represents operating conditions at or near the capacity level.	> 35 to 50
F	Represents forced or breakdown flow.	> 50

Source: 2010 Highway Capacity Manual, Transportation Research Board, 2011.

The significance criteria for the proposed project are based on City of Pinole goals, as well as Contra Costa County and Caltrans standards. Project-related operational impacts on the signalized study intersections in the City of Pinole are considered significant if project-related traffic causes the LOS rating to deteriorate beyond LOS E+ during the peak commute hours (i.e. beyond a volume to capacity [V/C] of 0.94). It should be noted that at the intersection of Henry Avenue and the north project entrance, impacts would be considered significant if the project-related traffic causes the intersection LOS to

deteriorate beyond LOS D+ during the peak commute hours (i.e. beyond a V/C of 0.85). For the I-80 freeway operations, impacts would be considered significant if the delay index exceeds 3.0.

Existing Conditions

Traffic counts at the study intersections were conducted in September and October of 2014 at times when local schools were in session. Table 17 summarizes the associated LOS computation results for the existing weekday AM and PM peak hour conditions. As shown in Table 17, all of the signalized study intersections currently have acceptable conditions (LOS D or better) during the weekday AM and PM peak hours.

Table 17
Intersection Level of Service – Existing Conditions

Intersection	Control	Peak Hour	Existing	
			Delay	LOS
1. San Pablo Ave./Tennent Ave.	Traffic Signal	AM	9.3	A
		PM	8.4	A
2. San Pablo Ave./Pinole Valley Rd.	Traffic Signal	AM	4.2	A
		PM	9.6	A
3. Pinole Valley Rd./Tennent Ave.	Traffic Signal	AM	13.5	B
		PM	10.5	B
4. Henry Ave./Project North Entrance	Side Street Stop	AM	N/A	N/A
		PM	N/A	N/A
5. Henry Ave./Pinole Valley Rd.	Traffic Signal	AM	8.4	A
		PM	7.3	A
6. Pinole Valley Rd./Project Main Entrance	Traffic Signal	AM	4.5	A
		PM	6.7	A
7. Pinole Valley Rd./Project South Entrance	Side Street Stop	AM	11.4	B
		PM	11.0	B
8. Pinole Valley Rd./I-80 WB Ramps	Traffic Signal	AM	32.4	C
		PM	15.7	B
9. Pinole Valley Rd./I-80 EB Ramps	Traffic Signal	AM	35.2	D
		PM	24.1	C
10. Pinole Valley Rd./Estates Ave.	Traffic Signal	AM	26.3	C
		PM	37.5	D

Notes:
HCM LOS results are presented in terms of average intersection delay in seconds per vehicle. For stopped controlled intersections, the results for the worst side street approach are presented.

Source: Abrams Associates, 2014.

Trip Generation

The trip generation calculations are based on rates from the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 9th Edition. The total trip generation reflects all vehicle trips that would be counted at the project driveways, both inbound and outbound. Based on the potential for transit and bicycle use, a five percent reduction has

been applied to the project trip generation. The reduction is based on information provided by ITE on trip reductions for developments located adjacent to bicycle lanes and/or bus transit corridors.[29] The reductions assume that direct, safe connections will be made between the project and nearby transit stops.

Please note the reductions assume the project will provide a bus turnout along the Pinole Valley Road frontage of the project. In addition, the reduction assumes that the proposed project would include a connection to the existing multi-use path along the western perimeter of the project along Pinole Creek. As shown in Table 18, the project is forecast to generate approximately 282 vehicle trips during the AM peak hour and 311 trips during the PM peak hour.

For purposes of determining the reasonable worst-case impacts of traffic on the surrounding street network from a proposed project, the trips generated by the proposed project are estimated for the peak commute hours of 7:30 AM and 8:30 AM and 4:30 PM and 5:30 PM, which represent the peak of "adjacent street traffic". During the peak commute time periods, the project traffic would generally contribute to the greatest amount of congestion.

Existing Plus Project Conditions

For the Existing Plus Project scenario, project traffic was added to the existing volumes at the study intersections. The capacity calculations for the Existing Plus Project scenario are shown in Table 19. As shown in Table 19, all of the project study intersections would have acceptable conditions (LOS D or better) during the weekday AM and PM peak hours.

Baseline Conditions

The Baseline scenario evaluates the existing conditions with the addition of traffic from reasonably foreseeable projects in the area. Projects in the area include a planned 10,000 square foot medical office building at the southeast corner of Henry Avenue and Pinole Valley Road, a proposed 15,000 square foot CVS Drugstore at Appian Way and Tara Hills Drive, and 3,500 square feet of vacant space at the Pinole Valley Shopping Center that is assumed to be occupied before the proposed project is implemented. In addition, the general baseline growth in traffic was developed based on the assumption that the project completion date would be 2016. The baseline scenario was prepared in coordination with the City of Pinole and includes all reasonably foreseeable projects that would significantly affect the traffic volumes in the area.

Table 20 summarizes the associated LOS computation results for the Baseline weekday AM and PM peak hour conditions. As shown in Table 20, all study intersections would continue to have acceptable conditions (LOS D or better) during the weekday AM and PM peak hours in the Baseline No-Project scenario.

[29] *ITE Trip Generation Handbook, 2nd Edition, Appendix B*, Institute of Transportation Engineers, Washington D.C., 2012.

Table 18
Project Trip Generation Calculations

Land Use/Category	ITE Code	Size	ADT	AM Peak Hour In	AM Peak Hour Out	AM Peak Hour Total	PM Peak Hour In	PM Peak Hour Out	PM Peak Hour Total
Supermarket Trip Rates	850		102.24	2.11	1.29	3.40	4.83	4.65	9.48
Supermarket Trip Generation		27,014 sq. ft.	2,762	57	35	92	131	125	256
Reduction for Pass-By/Shared Trips (36%)			994	21	13	33	47	45	92
Net New Supermarket Trips			*1,768*	*36*	*22*	*59*	*84*	*80*	*164*
Quality Restaurant Trip Rates	931		89.95	0.42	0.39	0.81	5.02	2.47	7.49
Quality Restaurant Trip Generation		2,400 sq. ft.	216	1	1	2	12	6	18
Reduction for Pass-By/Shared Trips (44%)			95	0	0	1	5	3	8
Net New Quality Restaurant Trips			*121*	*1*	*1*	*1*	*7*	*3*	*10*
High Turnover Sit Down Restaurant	932		127.15	5.95	4.86	10.81	5.91	3.94	9.85
High Turnover Restaurant Trip Generation		3,150 sq. ft.	401	19	15	34	19	12	31
Reduction for Pass-By/Shared Trips (43%)			172	9	6	15	8	5	13
Net New High Turnover Restaurant Trips			*229*	*10*	*9*	*19*	*11*	*7*	*18*
Fast Food Trip Rates	933		496.10	26.32	17.55	43.87	13.34	12.81	26.15
Fast Food Trip Generation		3,705 sq. ft.	1,838	98	65	163	49	47	97
Reduction for Pass-By/Shared Trips (50%)			919	49	33	82	25	24	49
Net New Fast Food Trips			*919*	*49*	*32*	*81*	*24*	*23*	*48*
Retail Trip Rates	820		42.70	0.60	0.36	0.96	1.78	1.93	3.71
Retail Trip Generation		1,867 sq. ft.	80	1	1	2	3	4	7
Reduction for Pass-By/Shared Trips (34%)			27	0	0	0	1	1	2
Net New Retail Trips			*53*	*1*	*1*	*2*	*2*	*3*	*5*
Subtotals for the West Side			3,090	97	65	162	128	116	245
Transit Use Reduction		5 percent	-155	-5	-3	-8	-6	-6	-12
Net New Trips from the West Side			*2,935*	*92*	*62*	*154*	*122*	*110*	*233*
Coffee Shop w/ Drive Through Trip Rates	937		818.58	51.30	49.28	100.58	21.40	21.40	42.80
Starbucks Trip Generation		2,216 sq. ft.	1,814	114	109	223	48	47	95
Reduction for Pass-By/Shared Trips (50%)			907	57	55	112	24	24	48
Net New Starbucks Trips			*907*	*57*	*54*	*111*	*24*	*23*	*47*
Medical Office Trip Rates	720		36.13	1.89	0.50	2.39	1.00	2.57	3.57
Net New Medical Office Trips		*9,886 sq. ft.*	*357*	*19*	*5*	*24*	*10*	*25*	*35*

(Continued on next page)

Subtotals for the East Side			1,264	76	59	135	34	48	82
Transit Use Reduction		5 percent	-63	-4	-3	-7	-2	-2	-4
Net New Trips from the East Side			*1,201*	*72*	*56*	*128*	*32*	*46*	*78*
Total Net New Project Trip Generation			**4,136**	**164**	**118**	**282**	**154**	**156**	**311**

Source: Abrams Associates, 2014.

Table 19
Intersection Level of Service – Existing Plus Project Conditions

Intersection	Control	Peak Hour	Existing		Existing Plus Project	
			Delay	LOS	Delay	LOS
1. San Pablo Ave./Tennent Ave.	Traffic Signal	AM	9.3	A	9.5	A
		PM	8.4	A	8.6	A
2. San Pablo Ave./Pinole Valley Rd.	Traffic Signal	AM	4.2	A	4.7	A
		PM	9.6	A	10.7	B
3. Pinole Valley Rd./Tennent Ave.	Traffic Signal	AM	13.5	B	14.1	B
		PM	10.5	B	11.0	B
4. Henry Ave./Project North Entrance	Side Street Stop	AM	N/A	N/A	9.1	A
		PM	N/A	N/A	8.9	A
5. Henry Ave./Pinole Valley Rd.	Traffic Signal	AM	8.4	A	9.2	A
		PM	7.3	A	8.2	A
6. Pinole Valley Rd./Project Main Entrance	Traffic Signal	AM	4.5	A	13.0	B
		PM	6.7	A	15.4	B
7. Pinole Valley Rd./Project South Entrance	Side Street Stop	AM	11.4	B	12.6	B
		PM	11.0	B	12.4	B
8. Pinole Valley Rd./I-80 WB Ramps	Traffic Signal	AM	32.4	C	37.6	D
		PM	15.7	B	17.0	B
9. Pinole Valley Rd./I-80 EB Ramps	Traffic Signal	AM	35.2	D	39.2	D
		PM	24.1	C	38.9	D
10. Pinole Valley Rd./Estates Ave.	Traffic Signal	AM	26.3	C	26.6	C
		PM	37.5	D	38.2	D

Notes:
HCM LOS results are presented in terms of average intersection delay in seconds per vehicle. For stopped controlled intersections, the results for the worst side street approach are presented.

Source: Abrams Associates, 2014.

Table 20
Intersection Level of Service – Baseline Plus Project Conditions

Intersection	Control	Peak Hour	Baseline		Baseline Plus Project	
			Delay	LOS	Delay	LOS
1. San Pablo Ave./Tennent Ave.	Traffic Signal	AM	9.5	A	9.9	A
		PM	8.6	A	8.8	A
2. San Pablo Ave./Pinole Valley Rd.	Traffic Signal	AM	4.4	A	4.9	A
		PM	10.0	B	11.2	B
3. Pinole Valley Rd./Tennent Ave.	Traffic Signal	AM	13.8	B	14.4	B
		PM	10.7	B	11.1	B
4. Henry Ave./Project North Entrance	Side Street Stop	AM	N/A	N/A	9.1	A
		PM	N/A	N/A	8.9	A
5. Henry Ave./Pinole Valley Rd.	Traffic Signal	AM	8.9	A	9.3	A
		PM	7.9	A	8.8	A
6. Pinole Valley Rd./Project Main Entrance	Traffic Signal	AM	4.5	A	13.0	B
		PM	6.7	A	15.5	B
7. Pinole Valley Rd./Project South Entrance	Side Street Stop	AM	11.5	B	12.7	B
		PM	11.1	B	12.5	B
8. Pinole Valley Rd./I-80 WB Ramps	Traffic Signal	AM	34.5	C	39.7	D
		PM	16.2	B	17.5	B
9. Pinole Valley Rd./I-80 EB Ramps	Traffic Signal	AM	37.2	D	41.6	D
		PM	25.8	C	40.9	D
10. Pinole Valley Rd./Estates Ave.	Traffic Signal	AM	26.8	C	27.1	C
		PM	38.7	D	39.5	D

Notes:
HCM LOS results are presented in terms of average intersection delay in seconds per vehicle. For stopped controlled intersections, the results for the worst side street approach are presented.

Source: Abrams Associates, 2014.

Baseline Plus Project Conditions

The Baseline Plus Project traffic forecasts were developed by adding project-related traffic to the baseline traffic volumes. Table 20 summarizes the LOS results for the Baseline and Baseline Plus Project weekday AM and PM peak hour conditions. As shown in Table 20, all of the project study intersections would continue to have acceptable conditions (LOS D or better) during the weekday AM and PM peak hours in the Baseline Plus Project scenario.

Cumulative Conditions

For the cumulative conditions, the intersection traffic volumes were based on the existing turning movements with the addition of traffic from all planned and approved projects, plus potential future development on the Pinole Valley Lanes Bowling Alley site, plus the addition of incremental growth in background traffic estimated by the County's traffic model for the area, which equates to one half percent per year to the year 2040. Table 21 summarizes the LOS results for the Cumulative (Year 2040) traffic conditions at each of

the project study intersections. As shown in Table 21, all of the signalized study intersections would continue to have acceptable conditions during the weekday AM and PM peak commute hours of the Cumulative No-Project scenario.

Cumulative Plus Project Conditions

Table 21 summarizes the LOS results for the Cumulative Plus Project (Year 2040) traffic conditions at each of the project study intersections. As shown in Table 21, all of the signalized study intersections would continue to have acceptable conditions during the weekday AM and PM peak commute hours with the addition of traffic from the proposed project in the Cumulative Plus Project scenario.

Table 21
Intersection Level of Service – Cumulative Plus Project Conditions

Intersection	Control	Peak Hour	Cumulative		Cumulative Plus Project	
			Delay	LOS	Delay	LOS
1. San Pablo Ave./Tennent Ave.	Traffic Signal	AM	13.3	B	13.8	B
		PM	10.6	B	10.8	B
2. San Pablo Ave./Pinole Valley Rd.	Traffic Signal	AM	7.1	A	8.5	A
		PM	13.7	B	15.1	B
3. Pinole Valley Rd./Tennent Ave.	Traffic Signal	AM	15.9	B	16.7	B
		PM	11.6	B	12.1	B
4. Henry Ave./Project North Entrance	Side Street Stop	AM	N/A	N/A	9.2	A
		PM	N/A	N/A	9.0	A
5. Henry Ave./Pinole Valley Rd.	Traffic Signal	AM	9.2	A	10.1	B
		PM	8.4	A	9.4	A
6. Pinole Valley Rd./Project Main Entrance	Traffic Signal	AM	4.5	A	13.2	B
		PM	7.1	A	16.2	B
7. Pinole Valley Rd./Project South Entrance	Side Street Stop	AM	12.0	B	13.6	B
		PM	11.6	B	13.4	B
8. Pinole Valley Rd./I-80 WB Ramps	Traffic Signal	AM	50.1	D	53.3	D
		PM	19.6	B	21.1	C
9. Pinole Valley Rd./I-80 EB Ramps	Traffic Signal	AM	50.7	D	53.1	D
		PM	40.2	D	48.5	D
10. Pinole Valley Rd./Estates Ave.	Traffic Signal	AM	33.6	C	33.6	C
		PM	51.1	D	52.2	D

Notes:
HCM LOS results are presented in terms of average intersection delay in seconds per vehicle. For stopped controlled intersections, the results for the worst side street approach are presented.

Source: Abrams Associates, 2014.

Conclusion

The project would not cause any intersections in the study area to exceed City, County, or Caltrans standards and vehicular traffic mitigations would not be required. In addition, the proposed project is consistent with what has been anticipated for the site by the City and

the County. As such, buildout of the site has already been assumed in all cumulative build-out traffic forecasts that have been used in the design of freeway facilities in the area. Accordingly, the proposed project would not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system or that would exceed an established LOS standard, and impacts would be considered ***less than significant***.

c. The nearest airport is the Buchanan Field Airport located approximately 12.6 miles east of the project site. In addition, the project would not increase the population in the area. Therefore, the project would not result in a change in air traffic patterns, including an increase in traffic levels or change in location, and ***no impact*** would occur.

d,e. Sufficient emergency access is determined by factors such as number of access points, roadway width, and proximity to fire stations. The site plan for the proposed project would include both primary and secondary entrances. As such, adequate emergency access would be provided to the project site. Modifications to the existing roadway network would not occur with implementation of the proposed project. All lane widths within the project would meet the minimum width that can accommodate an emergency vehicle. The project would not result in any sharp curves, dangerous intersections, or incompatible uses that would substantially increase hazards on the site or immediate vicinity.

Construction activities associated with the proposed project would result in an increase in traffic to and from the site and may lead to unsafe conditions near the project site. The increase in traffic as a result of construction activities associated with the proposed project has been quantified assuming a worst-case single phase construction period of 24 months. It should be noted that construction would likely last only 18 months.

<u>Heavy Equipment</u>

Approximately eight pieces of heavy equipment are estimated to be transported on and off the site each month throughout the construction of the proposed project. Eight loads of heavy equipment being hauled to and from the site each month would be short-term and temporary. Heavy equipment transport to and from the site could cause traffic impacts in the vicinity of the project site during construction. Prior to issuance of grading and building permits, the project applicant would be required to submit a Traffic Control Plan.

<u>Employees</u>

The weekday work is expected to begin around 7:00 AM and end around 4:00 PM. The construction worker arrival peak would occur between 6:30 AM and 7:30 AM, and the departure peak would occur between 4:00 PM and 5:00 PM. The peak hours are slightly before the citywide commute peaks. It should be noted that the number of trips generated during construction would not only be temporary, but would also be substantially less than the proposed project at buildout. Based on past construction of similar projects, construction workers could require parking for up to 75 vehicles during the peak construction period. Additionally, deliveries, visits, and other activities may generate

peak non-worker parking demand of 10 to 20 trucks and automobiles per day. Therefore, up to 100 vehicle parking spaces may be required during the peak construction period just for the construction employees. The Traffic Control Plan will require construction employee parking to be provided on the project site to eliminate conflicts with nearby residential areas. The construction of the project can be staggered so that employee parking demand is met by using on-site parking in order to alleviate the impacts of construction-related employee traffic and parking.

Construction Material Import and Export

The project would require the importation of construction material, including raw materials for the building pads, the buildings, the parking areas, and landscaping. In addition, according to the project engineer, and as assumed in the air quality modeling for the project, a total of approximately 3,000 cubic yards of soil would be exported during the 4-week site preparation phase of construction, which equates to an approximate total of 375 truck trips. In addition, during the 4-week grading phase, approximately 8,900 cubic yards of soil would be excavated and exported from the site, which equates to an approximate total of 1,125 truck trips. The 8,900 cubic yards includes excavation associated with the underground parking structure for the Gateway East portion of the proposed project. The Traffic Control Plan will need to identify the haul routes for the trucks and any necessary signage, as well as whether these trips should be restricted to off-peak hours.

Conclusion

The proposed project would include both primary and secondary entrances and modifications to the existing roadway network would not occur. However, during construction, heavy equipment would be transported on- and off-site which could lead to traffic impacts on nearby roadways. In addition, up to 100 vehicle parking spaces may be required for the peak construction period, which may conflict with nearby residential parking. Therefore, without a Traffic Control Plan, impacts would be ***potentially significant***.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above impact to a *less-than-significant* level.

XVI-1. *Prior to issuance of grading and building permits, the applicant shall prepare a Traffic Control Plan, subject to review and approval by the City Engineer. The Traffic Control Plan shall include, but is not necessarily limited to, the following:*

- *identification of the truck route(s) for soil export hauling purposes;*
- *restriction of soil off-haul truck trips to off-peak traffic hours, unless otherwise approved by the City Engineer;*
- *specified locations of haul truck route directional signs and other signage, including warning signs indicating frequent truck entry and exit;*

- *specifically designated travel routes for large vehicles would be monitored and controlled by flaggers for large construction vehicle ingress and egress;*
- *all site ingress and egress would occur only at the main driveways to the project site and construction activities may require installation of temporary (or ultimate) traffic signals, as determined by the City Engineer;*
- *locations of designated construction parking and assurance that construction vehicle parking needs will not disrupt existing on-street parking in the vicinity; and*
- *any debris and mud on nearby streets caused by trucks would be monitored daily and may require instituting a street cleaning program.*

f. The proposed project would generate additional pedestrian and bicycle traffic in the area, thereby potentially increasing conflicts between vehicles, bicycles, and pedestrians. Within the project, sidewalks would be provided as well as a connection to the multi-use path along the perimeter of the site. In addition, crosswalks and pedestrian connections between buildings would also be provided within the project site. As such, the proposed project would likely result in improvement to the performance and safety of pedestrian facilities in the area. Furthermore, the proposed project would not change the design of any existing bicycle facilities or create any new safety problems for bicyclists in the area. Thus, the proposed project would not result in any significant impacts to pedestrian or bicycle travel.

The proposed project would not interfere with any existing bus routes but would relocate one existing bus stop. The existing bus stop along Pinole Valley Road, in front of Collins Elementary School and north of the intersection of Pinole Valley Road and Henry Avenue, would be relocated south of the intersection of Pinole Valley Road and Henry Avenue, in front of the proposed Sprouts market. According to West Contra Costa Transit Authority (WestCAT), this location would allow for safer bus operations (e.g., drop-off and pick-up) compared to the existing location. Another bus stop is located nearby at the southeastern corner of the Pinole Valley Lanes Bowling Alley parking lot, along southbound Pinole Valley Road. This bus stop receives low ridership and may or may not be eliminated by WestCAT.[30] The additional transit ridership that could result from implementation of the project would be adequately supported by existing and proposed bus facilities. As a result, implementation of the proposed project would not conflict with any adopted policies supporting alternative transportation, and a ***less-than-significant*** impact would occur.

[30] Personal Communication with Charles Anderson, WestCAT General Manager. December 29, 2014.

XVII. UTILITIES AND SERVICE SYSTEMS. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	✖	☐	☐
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	✖	☐	☐
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	✖	☐
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	✖	☐
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	✖	☐	☐
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	✖	☐
g. Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	✖	☐

Discussion

The proposed project would connect to the City's existing utility lines located within Pinole Valley Road, including water, sewer, and storm drainage.

a,b,e. The following discussion addresses available wastewater treatment capacity and wastewater infrastructure to serve the project site.

Water Pollution Control Plant Capacity

The City of Pinole is responsible for the collection and treatment of wastewater flows to their lift stations and treatment plant, the Pinole-Hercules Water Pollution Control Plant (WPCP). The Pinole-Hercules WPCP is jointly-owned and cooperatively operated by the cities of Pinole and Hercules. The facility treats wastewater from both cities to secondary standards prior to discharge to San Pablo Bay.

In 1985, the WPCP was upgraded to the capacity of 4.06 million gallons per day (mgd) average dry weather flow (ADWF) and peak wet weather flow (PWWF) of 10.3 mgd. Of the 4.06 mgd capacity, 1.79 mgd is allocated to Pinole and 2.27 mgd is allocated to Hercules. However, the improvements that were made in the 1980s significantly underestimated solids loading, resulting in an actual capacity of 3.2 mgd. The plant process (activated sludge) removes approximately 97 percent of the waste from the water. The water is then disinfected with hypochlorite. Secondary effluent is conveyed to the Rodeo Sanitary District (RSD) Water Pollution Control Plant where it is combined with RSD effluent and discharged from a deep water outfall in Rodeo that discharges into San Pablo Bay. When the combined flow of the WPCP and RSD exceed the capacity of the deep water outfall or when wet weather flows exceed the 10 mgd capacity of the WPCP, effluent is discharged from a shallow water outfall located at the WPCP. In August 2012, the RWQCB issued the WPCP a revised NPDES permit. That 2012 permit requires the WPCP to:

- provide full secondary treatment for influent flows up to 20 mgd;
- discharge treated effluent of up to 14.6 mgd to the Deep Water Outfall; and
- limit use of the Emergency Outfall to flows in excess of 14.6 mgd.

The compliance schedule in the 2012 NPDES permit requires upgrades to be operational by June 1, 2017. The City is in the process of completing the design work associated with upgrading the WPCP to accomplish the above requirements. In addition, the City is in the process of securing a Revolving Loan Fund from the State Water Resources Control Board for the upgrades.

According to the City of Pinole WPCP staff, average dry weather flows at the WPCP are 2.8 mgd.[31] With an average dry weather capacity of 3.2 mgd, the WPCP has an available capacity of approximately 0.4 mgd, which according to WPCP staff, would be sufficient for the proposed project.[32] In addition, the WPCP upgrade project includes improvements to increase the average dry weather capacity of the WPCP to the originally designed 4.06 mgd.

Wastewater Infrastructure

The City's wastewater collection system includes 46.5 miles of sewer pipelines and two lift stations. The City provides preventive maintenance on the system, including hydroflushing and mechanical cleaning and inspecting for root intrusion, pipe integrity, and removal of foreign objects. The wastewater generated by the retail shops located on the West property would be collected by an existing 4-inch sewer line coming from Pinole Valley Road. The existing 4-inch sewer line coming from Pinole Valley Road would be used for the proposed market's grease interceptor. The same 4-inch line would be utilized for the market's restroom, unless this line's capacity is deemed insufficient for

[31] Personal communication with Ron Tobey, Plant Manager for the Pinole-Hercules Water Pollution Control Plant, December 9, 2014.
[32] Personal communication with Ron Tobey, December 9, 2014.

the wastewater generated by the market's bathroom and the grease interceptor, in which case an additional 4-inch sewer line would need to be constructed.

The proposed medical building located on the East property would be served by a new sewer line and the proposed coffee shop located on the East property would be served by an existing sewer line.

Conclusion

As discussed above, the proposed project would result in a less-than-significant impact with respect to resulting in a determination by the wastewater treatment provider, which serves the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. However, the possibility exists that the existing wastewater infrastructure in the surrounding street network would not have sufficient conveyance capacity for the proposed market's wastewater. If sufficient conveyance/collection capacity does not exist, the project could have a ***potentially significant*** impact if the sewer pipe system is not improved to accommodate the project.

Mitigation Measure(s)
Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

XVII-1 *Prior to issuance of building permits for the 27,014 square foot market on the Gateway West site, the applicant shall submit a design-level sewer infrastructure report to the City Engineer for review and approval. The report shall determine whether the existing 4-inch sewer pipe in Pinole Valley Road has adequate capacity to convey the wastewater from the proposed market's restroom and grease interceptor. If the analysis determines that the 4-inch pipe does not have sufficient capacity, then design-level recommendations shall be included in the report, showing the sewer pipe improvements needed to accommodate the project's wastewater demand. Any pipe improvement recommendations shall be included on the construction drawings for the review and approval of the City Engineer.*

c. As discussed in Questions 'c-e' of Section IX, Hydrology and Water Quality, a SWCP for the Gateway West portion of the site has been prepared, which shows the means (bioretention areas) by which the project's drainage system would comply with the applicable C.3 stormwater infiltration requirements. While a SWCP has not been submitted for the proposed Gateway East portion of the property, Mitigation Measure IX-2 of this IS/MND requires the applicant to submit a SWCP for this portion of the project prior to the approval of construction drawings. The Stormwater Control Plan shall identify the water quality treatment and source control measures needed to ensure that stormwater runoff from the Gateway East site is adequately treated and peak flows do not exceed the capacity of the receiving storm drainage system. After on-site treatment, the stormwater runoff would be routed to the City's existing downstream stormwater infrastructure. Therefore, new stormwater drainage facilities or expansion of existing facilities would not be required for the project, the construction of which could cause a

significant environmental effect, and a ***less-than-significant*** impact associated with stormwater drainage facilities would occur.

d. The following discussion addresses the water supply system and water supply infrastructure to serve the project site.

Water Supply System

The East Bay Municipal Utility District (EBMUD) provides water service to the entire City of Pinole planning area. The EBMUD water supply system consists of a network of raw water reservoirs, aqueducts, water treatment plants, pumping plants, and distribution pipelines. Since the late 1920s, the EBMUD's primary source of water has been the Mokelumne River. The Mokelumne River serves a variety of uses, including agriculture, fisheries, hydropower, recreation, and municipal and industrial use. Approximately 90 percent of the water used by EBMUD comes from the Mokelumne River watershed. EBMUD has water rights that allow for delivery of up to a maximum of 325 mgd from the Mokelumne River, subject to the availability of Mokelumne River runoff and to the senior water rights of other users, downstream fishery flow requirements, and other Mokelumne River water uses.

In 2011, the EBMUD prepared an Urban Water Management Plan (UWMP) that predicts the water supply available to the EBMUD's service area in normal, single-dry, and multiple-dry years out to 2040. The projections in the UWMP are based upon local land use data. Because the proposed project is consistent with the existing General Plan designation for the site, the water demand associated with the proposed project would have been accounted for in the UWMP water demand projections. According to the EBMUD UWMP, EBMUD would meet customer demands through the year 2040 during normal year conditions; therefore, the available supply is considered equal to or greater than demand. However, the frequency of dry years that require customer rationing is expected to increase.[33] As a result, the EBMUD implemented the Interim Drought Management Program Guidelines, which would remain in effect until the post-drought consumption rebounds to 2040 Demand Study planning levels. Based on past consumption trends for previous droughts in the 1970s and 1980s, the suppressed demand is expected to rebound and return to anticipated planning levels as projected in the 2040 Demand Study by 2020. While the Interim Drought Management Program Guidelines are being implemented the existing water supply would be sufficient, which defers the need for any supplemental drought year water supply.[34]

Water Supply Infrastructure

The project would involve the construction of the necessary water infrastructure to serve the proposed project. The new water line to serve the market located on the Gateway West property would connect to the existing line in Henry Avenue to the north of the project site; and the new water line to serve the retail shops located on the Gateway West

[33] East Bay Municipal Utility District. *2010 Urban Water Management Plan [pg. 4-9]*. June 2011.
[34] East Bay Municipal Utility District. *2010 Urban Water Management Plan [pg. 4-11]*. June 2011.

property would connect to the existing line in Pinole Valley Road. In addition, the new water line to serve the medical building located on the Gateway East property would connect to the existing line in Pinole Valley Road. The coffee shop located on the East property would be serviced by an existing water line.

Conclusion

The proposed project's uses are consistent with the types of uses anticipated for the site in the General Plan; therefore, the proposed project's future water demand was considered in the UWMP. As a result, because adequate long-term water supply is available to serve full buildout of the proposed project and the project includes the extension of adjacent water line infrastructure, the project would have a ***less-than-significant*** impact related to water supply.

f,g. The solid waste from the City of Pinole is disposed of at Keller Canyon County landfill. The Keller Canyon Landfill is located at 901 Bailey Road in Pittsburg in Contra Costa County. The landfill is operated under Permit Number 07-AA-0032, with a disposal area of 244 acres, and is classified as a Class II landfill accepting agricultural, construction/demolition, and industrial wastes as well as sludge (biosolids) in addition to mixed municipal waste. According to the City of Pinole's General Plan Update Draft Environmental Impact Report, the landfill is permitted to accept a maximum of 3,500 tons per day and has a total permitted capacity of 75,018,280 cubic yards. As of November 2004, the Keller Canyon Landfill had 63,408,410 cubic yards of remaining capacity and is estimated to cease operation in December 2030.[35] Because the Pinole General Plan Update Draft Environmental Impact Report determined that solid waste capacity is adequate to serve the demand resulting from General Plan buildout and the proposed project's use is consistent with the General Plan designation for the project site; the project's impact to solid waste would be ***less than significant***.

[35] City of Pinole. *City of Pinole General Plan Update Draft Environmental Impact Report [pg. 4.12-73]*. July 2010.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	✖	☐
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	✖	☐
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	✖	☐

Discussion

a. Given the location and former disturbance of the proposed project site, the proposed project would have a low potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. Where a potentially significant impact could occur (i.e., impacts related to biological resources, cultural resources, hazardous materials, and water quality), mitigation measures have been included in this IS/MND that would reduce such impacts to less-than-significant levels. Therefore, the proposed project would have ***less-than-significant*** impacts to fish or wildlife species and habitats, important examples of California history or prehistory, and the overall quality of the environment.

b,c. This IS/MND demonstrates that the proposed project would not be expected to result in adverse impacts to human beings, either directly or indirectly. All impacts identified in this IS/MND were determined to be less than significant, or reduced to less than significant with implementation of the required mitigation measures, such as air quality emissions generated by the project. The project's incremental contribution to potential cumulative impacts would not be cumulatively considerable. Therefore, the project's impact would be considered ***less than significant.***

ATTACHMENT F

PLANNING COMMISSION
RESOLUTION NO. 15-03

A RESOLUTION OF THE CITY OF PINOLE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE THE DESIGN REVIEW REQUEST FOR THE GATEWAY SHOPPING CENTER PROJECT (DR 14-11)

WHEREAS, Thomas Gateway LLC (Applicant) proposes to construct a commercial development with three retail buildings totaling approximately 40,558 square feet; one medical service building of approximately 4,000 square feet; an approximately 75-foot pylon sign; and related improvements. The applications consist of a design review request; use permits for a sign program, one drive through, grocery store alcohol sales, and outdoor dining and outdoor merchandise sales; a tentative parcel map; and a Development Agreement. The proposed development and applications are collectively known as the "Project". The Project site is approximately 5.7 acres, consisting of three parcels totaling 5.5 acres and an approximately 0.16–acre portion of the Pinole Creek property; and

WHEREAS, the Project site is located on the east and west sides of Pinole Valley Road north of Interstate Highway 80 and south of Henry Avenue, APN: 401-211-032 and -034, and 401-410-017; and

WHEREAS, the Planning Commission considered the site layout, the orientation of and location of the proposed four commercial buildings, proposed signage, landscaping, lighting, and other pertinent development features in relation to the physical characteristics, zoning, and land use of the site and surrounding properties; and

WHEREAS, the Planning Commission considered traffic, safety, and traffic congestion, including the effect of the proposed project on traffic conditions on abutting streets, the layout, of the site with respect to location and dimensions of vehicular and pedestrian entrances, exits, driveways and walkways, the adequacy of off-street parking facilities to prevent traffic congestion, and the circulation patterns within the boundaries of the development; and

WHEREAS, the Planning Commission considered the project components to ensure that the proposed development is consistent with the General Plan and Three Corridors Specific Plan; and

WHEREAS, the Planning Commission considered the availability of city services and adequacy based upon city standards; and

WHEREAS, the City prepared and circulated a Mitigated Negative Declaration (MND) in compliance with California Environmental Quality Act (CEQA) to evaluate the proposed Project including the proposed Master Sign Program; and

WHEREAS, The City received several comments on the draft MND document and prepared written responses to those comments as well as prepared an accompanying Mitigation Monitoring and Reporting Program (MMRP); and

WHEREAS, a staff report, dated April 6, 2015 and incorporated herein by reference, described and analyzed the Project, including the design; and

WHEREAS, the Planning Commission held a duly noticed public hearing related to the proposed Project, including the project design components, on April 6, 2015, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the Planning Commission considered the draft MND (including comments and responses), the staff report, the presentation by city staff, all public comments received, and all other pertinent documents regarding the Development Agreement, prior to making its recommendation on the Development Agreement; and

NOW THEREFORE, BE IT RESOLVED, that the above recitals are true and correct and made a part of this resolution

BE IT FURTHER RESOLVED, that the Planning Commission hereby:

A. Makes the following findings:

1. The above recitals are true and correct;

2. The proposed project is consistent with the applicable policies of the General Plan and complies with applicable Specific Plan policies and standards as conditioned;

3. The proposed project, as conditioned, will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation;

4. The site layout including orientation of buildings and parking areas, as well as landscaping, lighting, and other development features, are compatible with and complement the existing surrounding environment and ultimate character of the area under the General Plan and Three Corridor Specific Plan;

5. Based on the depth and variety of architectural components including colors and materials, the proposed design as conditioned will not be unsightly, obnoxious or undesirable in appearance, and will not hinder the harmonious development of the area, impair the desirability of the area for the uses permitted or conditionally permitted, nor limit the opportunity to attain optimum use and value of the land and improvements, or otherwise adversely affect the general public; and

6. The proposed development as conditioned creates a well-composed urban design, harmoniously related to the other existing development within the immediate area.

B. Hereby recommends approval of Design Review 14-11 as provided in the staff report, and subject to the Conditions of Approval attached as Exhibit A to this Resolution.

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 6th day of April, 2015, by the following vote:

AYES:
NOES
ABSTAIN:
ABSENT:

_____

Thomas Brooks, Chair, 2014-2015

ATTEST:

_____

Winston Rhodes, AICP, Planning Manager

PLANNING COMMISSION RESOLUTION 15-03 EXHIBIT A
CONDITIONS OF APPROVAL: GATEWAY SHOPPING CENTER DESIGN REVIEW

		Timing/ Implementation	Department /Division Monitoring	Verification
ONGOING				
1.	The project shall be constructed in substantial compliance with the approved Design Review Package, DR 14-11, approved by the Planning Commission and date stamped received March 19· 2015, unless otherwise conditioned.	Ongoing	Development Services Department	
2.	The Applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	Ongoing	City Attorney and Development Services Department	
3.	All development permit drawings and subsequent construction shall substantially conform to the planning application design information and drawings submitted for Planning Commission consideration and as recommended for approval. Any modifications must be reviewed by the City Engineer and Planning Manager who shall determine whether the modification requires additional approval of the Planning Commission or City Council.	Ongoing	Development Services Department	

		Timing/ Implementation	Department /Division Monitoring	Verification
4.	Failure to obtain prior approval to material modify the construction plans may result in having to pay double the original development application permit fees and/or withholding of the occupancy permit/final building inspection approval until such time as the modification(s) to the plans has been reviewed and approved by the City Engineer and Planning Manager and /or the Planning Commission.	Ongoing	Planning Division	
5.	This design review approval is contingent upon approval of the Gateway Shopping Center Development Agreement by the City Council. The applicant shall comply with all applicable terms and conditions included within a City Council–approved Gateway Shopping Center Development Agreement.	Ongoing	City Attorney, City Manager, and Development Services Department	
6.	**DEVELOPMENT AGREEMENT ENFORCEMENT** – The property owner or designee shall be provided with a copy of the approved and recorded Gateway Shopping Center Development Agreement. All future owners and tenants shall receive a copy of the approved Development Agreement prior to execution of any lease, or sublease for as long as the Development Agreement is in effect. The property owner and any subsequent owners shall ensure that all land uses shall be consistent with the approved Gateway Shopping Center Development Agreement and any subsequent amendments.	Ongoing	City Manager and Development Services Department	
7.	**EXTERIOR MATERIAL AND COLORS** All exterior materials and colors are to be consistent with approved project color / material boards. Once installed, all improvements are to be maintained in accordance with the approved plans. Any changes which materially affect the exterior character shall be resubmitted to the	Ongoing	Development Services Department	

		Timing/ Implementation	Department /Division Monitoring	Verification
	Development Services Department for review and approval. Minor changes may be approved by the Planning Manager. Any changes determined by the Development Services Department to be non-minor may be referred to the Planning Commission after conferring with the Chair of the Planning Commission.			
8.	**PARKING DEMAND MANAGEMENT PLAN** Copies of the City-approved Parking Demand Management Plan shall be placed within each leasable space and shall be provided upon request.	Ongoing	Development Services Department	
9.	**GRAFFITI AND VANDALISM CONTROL** The owner shall keep the site clear of graffiti and signs of vandalism at all times. Graffiti-resistant materials shall be used when feasible. All graffiti shall be removed within 72 hours.	Ongoing	Police Department	
10.	**VIDEO SURVEILLANCE** Video surveillance cameras shall be required for all four proposed commercial buildings. A. Placement of the video surveillance cameras will be established by the Police Department after review of the plans and intended use of the project. B. Building cameras shall be compatible with Police Department play back equipment prior to building final occupancy approval.	Ongoing	Police Department	

		Timing/ Implementation	Department /Division Monitoring	Verification
11.	**SIGNS** All project signage shall be developed in accordance with existing Sign Ordinance (Chapter 17.52 of the Pinole Municipal Code) and/or an approved sign program for the project.	Ongoing	Development Services Department	
12.	**SIGN PROGRAM ENFORCEMENT** The property owner or designee shall be provided with a copy of the approved signage program for the Gateway Shopping Center. The property owner and any subsequent owners shall ensure that all signage installed on their property within the Gateway Shopping Center shall be consistent with the approved master sign program as well as the City's sign requirements. The property owner or designee shall ensure that any illegal signage installed by tenants shall be removed within 72 hours upon notification by the City of Pinole and shall furnish the name and contact information for the property manager responsible for adherence to this condition of approval and update the contact information in the future as needed.	Ongoing	Development Services Department	
13.	**LANDSCAPING** A. All landscaping shall be of a variety and type that upon reaching maturity will not provide concealment for a human being and will not grow to cover windows, doors, light fixtures or addresses. B. All trees shall be planted a sufficient distance from the buildings so that upon reaching maturity they will not provide roof access.	Ongoing	Development Services and Police Departments	

		Timing/ Implementation	Department /Division Monitoring	Verification
14.	The Gateway Shopping Center shall be constructed and operated in compliance with all applicable federal, State, and local regulations.	Ongoing	Development Services Department	
Prior To Issuance of Any Construction Permits				
15.	**Environmental Mitigation Measure Monitoring** All mitigation measures included in the Initial Study/Mitigated Negative Declaration for the Gateway Shopping Center project and included in the Mitigation Monitoring and Reporting Program (MMRP) are hereby incorporated by reference as project conditions of approval and shall be included in project construction plans.	Prior to Issuance of Any Construction Permit	Development Services Department	
16.	**PERMITS, BONDS, AND INSURANCE** The applicant shall obtain an encroachment permit, posting the required bonds and insurance, for all work to be done in the City's right-of-way. This encroachment permit shall be obtained prior to the issuance of any construction permit for construction in the right of way.	Prior to Issuance of Any Construction Permit	Development Services Department	
17.	**DEPOSITS TO THE DEVELOPMENT SERVICES DEPARTMENT** The applicant is responsible for all engineering review and inspection and survey services that may be required.	Prior to Issuance of Any Construction Permit	Development Services Department	

		Timing/ Implementation	Department /Division Monitoring	Verification
18.	**PROJECT PHASING** Grading improvements for Gateway West shall be completed in a single phase, the entire parking lot, all on-site landscape, storm water management and other backbone infrastructure and utility improvements shall be constructed as single phase of construction. Any proposed building site not intended for immediate construction shall be constructed as a certified pad, and protected from erosion with gravel and landscape improvements as directed by the City Engineer. If Gateway East is constructed in phases the applicant shall demonstrate to the satisfaction of the City Engineer that each phase of construction will include the necessary clean water improvements necessary to meet the City's Storm Water ordinance and provide adequate parking in accordance with city requirements.	Prior to Issuance of Any Construction Permit	Development Services Department	
19.	**CONDITIONS, COVENANTS, AND RESTRICTIONS (CC&R's)** Prior to the submission of the draft CC & R's to the State Department of Real Estate, the applicant shall obtain the City Attorney's approval of the Condition, Covenants, and Restrictions governing the subdivisions.			
20.	**INCORPORATION INTO THE LANDSCAPE AND LIGHTING DISTRICT** As a result of this project, the Landscape and Lighting District Number One will be modified to include a new zone to provide additional reasonable and necessary maintenance. Prior to the recordation of any parcel map, or the issuance of any construction permit, the applicant shall agree to annex into the amended Landscape and Lighting District Number One as directed by the City Engineer.	Prior to the Recordation of the final map or Issuance of Any Construction Permit	Development Services Department	

		Timing/ Implementation	Department /Division Monitoring	Verification
21.	**OFFER OF DEDICATION AT GATEWAY EAST** Prior to the issuance of any construction permit for the portion of the project site east of Pinole Valley road (Gateway East), the application shall irrevocable offer to the City of Pinole, in a form acceptable to the City Engineer, that portion of the former Caltrans Parcel that extends into the right of way for Pinole Valley Road.	Prior to Issuance of Any Construction Permit	Development Services Department	
22.	**PERMITS REQUIRED BY OTHER AGENCIES** The applicant shall obtain all permits and pay all applicable fees that may be required by one or more of the public service or utility providers including, but not limited to, State Department of Fish and Wildlife, Caltrans, Western Contra Costa Transit Authority, WCCUSD, EBMUD, PG&E, Contra Costa County Flood Control and Water Conservation District, and Contra Costa Environmental Health as applicable. If a project component is within the jurisdiction of any of these agencies, verification of permit or waiver of permit must be given to the Development Services Department prior to issuance of any City permits. A Notice of Intent must be issued by the Regional Water Quality Control Board before any construction permit can be issued and a Notice of Termination must be issued at the end of the project by the Regional Water Quality Control Board before a Certificate of Occupancy is issued.	Prior to Issuance of Any Construction Permit	Development Services Department	

		Timing/ Implementation	Department /Division Monitoring	Verification
23.	**BUS TURNOUT DESIGN** The Applicant shall prepare a precise design plan for the bus turnout area including the provision of a rider shelter, trash receptacles, seat benches, and electrical power from the abutting proposed market to allow for electronic updates about upcoming bus arrivals. The design shall reflect input from Western Contra Costa Transit Authority prior to submittal to the City.	Prior to Issuance of Any Construction Permit	Development Services Department	
24.	**SOILS REPORT** A soils report containing all design recommendations of footings, pier holes, retaining walls, and any other information pertinent to the soil condition shall be submitted. The Soils Report shall be prepared by a licensed soils engineer or geologist.	Prior to Issuance of Any Construction Permit	Development Services Department	
25.	**GENERAL LANDSCAPING REQUIREMENTS** The Applicant shall prepare a detailed final landscape plan. The final landscaping plan shall be prepared by a landscape architect, registered in California, and shall be submitted to the Development Services Department for review and approval prior to the issuance of a building permit. The landscape plan shall comply with Chapter 15.54 and Chapter 17.38 of the Municipal Code and shall include the following: A. Sizes, species, locations of all plant materials. B. Location and size of all existing trees proposed for removal or retention (2 inches in diameter or greater). C. Location and size of all new proposed trees, shrubs, vines, and ground cover.	Prior to Issuance of Any Construction Permit	Development Services Department	

		Timing/ Implementation	Department /Division Monitoring	Verification
	D. Irrigation plan indicating all components of the irrigation system including sprinklers and other outlets, valves, backflow prevention devices, controllers and piping. E. All proposed trees shall be a minimum of 15 gallon size, double-staked and all proposed shrubs on the site shall be a minimum of 5 gallon size. F. Twenty-five percent (25%) of all new trees on a project site shall be a minimum of 24" box size. G. All landscaped areas not improved with lawn shall be protected with a two-inch deep bark mulch as a temporary measure until the ground cover is established.			
26.	**TREE REPORT** The applicant shall submit a detailed arborist report prepared by a certified arborist. The report shall address all trees designated to remain on site or determined to be affected by the development. The report shall contain an evaluation of each tree's condition and include recommendations necessary to ensure the health, vitality and public safety regarding each tree, and also include the effects of the proposed development on the trees. The arborist shall perform or supervise performance of all tree protection measures stated in the approved tree report.	Prior to Issuance of Any Construction Permit	Development Services Department	
27.	**TREE REMOVAL** The applicant shall note the location of trees 4 inches in diameter at breast height (measured 4.5 feet above natural grade) or greater in size to be removed from the project site prior to issuance of a building permit.	Prior to Issuance of Any Construction	Development Services Department	

		Timing/ Implementation	Department /Division Monitoring	Verification
		Permit		
28.	**PUBLIC IMPROVEMENT PLAN** Prior to the issuance of any construction permit at Gateway West the applicant shall prepare a public improvement plan and obtain an encroachment permit, post the required bonds and insurance for the following improvements: A) Lengthening the left turn pocket at the Pinole Valley Road traffic signal by 50' for drivers wishing to access the main driveway serving the western portion of the project site; B) Relocating a portion of the existing signal to accommodate a second lane of egress onto Pinole Valley Road C) Constructing a bus turnout on Pinole Valley Road. D) Constructing a new driveway approach on Henry Avenue; E) Re-striping the roadway and curbing along Henry Avenue as directed by the City Engineer; F) Proposing a lighting plan to illuminate a portion of Henry Avenue G) Constructing trail improvements including pavement improvements, lighting plan, landscape and irrigation	Prior to Issuance of Any Construction Permit	Development Services Department	

		Timing/ Implementation	Department /Division Monitoring	Verification
	improvements, and tubular fencing plan, and decorative fencing along Henry at the Pinole Creek crossing,			
29.	**SITE DEVELOPMENT** The applicant shall submit a site grading and drainage plan with all supporting data, including hydraulic calculations. The plan shall be prepared by a registered Civil Engineer and be approved by the Development Services Department prior to the issuance of any City permits (as per Chapter 15.36 of the Municipal Code).	Prior to Issuance of Any Construction Permit	Development Services Department	
30.	**EROSION CONTROL PLAN** The applicant shall submit an erosion control plan in accordance with the City's Grading Ordinance (Section 15.36.190 of the Municipal Code) when grading is performed during winter season (October 1 through April 15). For all sites over one acre, in accordance with the City's Erosion Control Ordinance (Chapter 8.20 of the Pinole Municipal Code) the applicant shall submit: a. An Erosion Control Plan; b. A Storm water Pollution Prevention Plan (SWPPP); c. A Storm water Control Plan (SCP) Certified by an Architect or Engineer; and d. An Operation and Maintenance Plan	Prior to Issuance of Any Construction Permit	Development Services Department	

		Timing/ Implementation	Department /Division Monitoring	Verification
31.	**PARKING DEMAND MANAGEMENT PLAN (PDMP)** The applicant shall submit a parking demand management plan (PDMP) to the Development Services Department for review and approval. The PDMP shall include lease requirements identifying non-employee parking areas based on business operating hours for the portion of the project site east of Pinole Valley Road and west of the Pinole Valley Road. The PDMP shall require that local rideshare and transit information be continuously provided within each leasable space for review by employees and customers. The PDMP may include posted, privately enforced time limits for parking in high parking demand areas during peak parking demand hours to ensure parking spaces serve multiple customers throughout each day. Copies of the City-approved PDMP shall be placed within each leasable space and shall be provided upon request.	Prior to Issuance of Any Construction Permit	Development Services Department	
32.	**PARKING** The applicant shall demonstrate that the parking requirements under Chapter 17.48 of the Pinole Municipal Code for the proposed development have been fulfilled. Each parking space designated for compact cars shall be identified with a pavement marking reading "Compact Only", or its equivalent. All parking spaces intended to satisfy on-site parking requirements shall be located within the project site boundaries. Additional parking may be used to satisfy on-site parking requirements if project site boundaries change as a result of a recorded lot line adjustment or a shared parking agreement with an abutting property owner is recorded.	Prior to Issuance of Any Construction Permit	Development Services Department	

		Timing/ Implementation	Department /Division Monitoring	Verification
33.	**MATERIAL HAULING** - The applicant shall submit a proposed material hauling route and schedule. Said submittal shall be approved by the City Engineer prior to issuance of any construction permit. All material hauling activities must adhere to the approved route and hours of operation. Dust control and street maintenance shall be the responsibility of the applicant.	Prior to Issuance of Any Construction Permit	Development Services Department	
34.	**SIDEWALK, CURB AND GUTTER REPAIR INSPECTION** The applicant shall repair and replace to existing City standards, any sidewalk, curb and gutter that is damaged during construction of this project. A field visit shall be scheduled with Development Services Department staff prior to the issuance of any construction permits to document pre-construction conditions in the field.	Prior to Issuance of Any Construction Permit	Development Services Department	
35.	**UNDERGROUND UTILITIES** The applicant must agree to install all utility service, including telephone, electric power, and other communications lines underground as per Chapter 13.16 of the Municipal Code.	Prior to Issuance of Any Construction Permit	Development Services Department	
36.	**RECIPROCAL ACCESS AND PARKING AGREEMENT - GATEWAY WEST** Prior to the recordation of a Final the applicant shall record a Reciprocal Access and Parking Agreement, in a form acceptable to the City Attorney, over and between the Parcel for the proposed market, and the Parcel for the proposed Retail Shops on the portion of the project site west of Pinole Valley Road.	Prior to Issuance of any Building Permits or recordation of a final map	City Attorney and Development Services Department	

		Timing/ Implementation	Department /Division Monitoring	Verification
37.	**PROVISION OF THROUGH ACCESS** The applicant shall offer to provide to the owner of 2580 Pinole Valley Road a legal right for through access over drive aisles, as reconfigured from time-to-time, to provide access to the signalized driveway on Pinole Valley Road. A through access easement agreement shall be in a form reasonably acceptable to City and applicant. If accepted, the applicant shall record the easement agreement and provide proof of recordation to the City Engineer.	Prior to Issuance of any Building Permits or recordation of a final map	City Attorney and Development Services Department	
38.	**REQUIRED LOT LINE ADJUSTMENT or RECIPROCAL ACCESS AGREEMENT - GATEWAY EAST** Prior to the issuance of a building permit, the applicant shall to the satisfaction of the City Engineer offer to record a lot line adjustment, or other agreement as the parties may agree, to ensure that any parking spaces lost as a result of the common area reconfiguration are replaced on the Kaiser Permanente Parcel.	Prior to Issuance of any Building Permits or recordation of a final map	Development Services Department	
39.	**PARKING DEMAND MANAGEMENT PLAN** The applicant shall submit a parking demand management plan (PDMP) to the Development Services Department for review and approval.	Prior to Issuance of any Building Permits	Development Services	

		Timing/ Implementation	Department /Division Monitoring	Verification
40.	**APPROVAL CONDITIONS ON CONSTRUCTION PLANS** These conditions of approval and the project Mitigation Measures shall be included or referenced on the cover sheet of the project improvement and building construction plans.	Prior to Issuance of any Building Permits	Development Services	
41.	**BUSINESS SITE EMERGENCY RESPONSE FORM** The applicant shall require building contractors to complete a Police Department "Business Site Emergency Response Form" and shall ensure delivery to the Police Department prior to issuance of a building permit.	Prior to Issuance of Any Permit	Police and Development Services	
42.	**PINOLE CREEK ENHANCEMENT PLAN** The applicant shall provide a precise plan showing the construction enhancement between and including the Pinole Creek trail segment and the Shopping Center western property line.	Prior to Issuance of Any Construction Permit	Development Services	
43.	**PRE-CONSTRUCTION MEETINGS** The applicant's construction contractor(s) shall attend pre-construction meetings as needed with City staff to coordinate satisfaction of mitigation measures and other permit conditions of approval during construction.	Prior to Issuance of Any Construction Permit	Development Services	
44.	**STREET ADDRESS ASSIGNMENT** An address assignment plan for the project shall be submitted for review and approval and shall be reflected on the submitted building plans.	Prior to Issuance of Any Construction Permit	Development Services Department	

		Timing/ Implementation	Department /Division Monitoring	Verification
45.	**CONSTRUCTION WASTE MANAGEMENT PLAN** - The Applicant shall submit to the Development Service Department a pre-construction waste management plan prior to the issuance of any construction permit to satisfy the CALGreen Building Code requirements.	Prior to Issuance of Any Construction Permit	Development Services Department	
Prior To Issuance of Building Permits				
46.	**PLAN CHECK FEES** A plan check fee shall be paid to the Building Division at time of submission of plans as per Section 15.02.060 of the Municipal Code.	Prior to Issuance of a Building Permit	Development Services Department	
47.	**SCHOOL, GROWTH AND PARK IMPACT FEES** Prior to issuance of a building permit, the applicant shall pay all applicable school, growth (as per Chapter 3.20 of the Municipal Code) and park (as per Chapter 16.28 of the Municipal Code) impact fee and as required by the project Development Agreement.	Prior to Issuance of a Building Permit	Development Services Department	
48.	**SUBREGIONAL TRANSPORTATION MITIGATION PROGRAM (STMP) FEE** Prior to issuance of a building permit for new construction theapplicant shall pay the applicable STMP fee, as per Chapter 16.30 of the Municipal Code.	Prior to Issuance of a Building Permit	Development Services Department	

		Timing/ Implementation	Department /Division Monitoring	Verification
49.	**CONFORMANCE WITH APPROVED PLANS** All building permit drawings and subsequent construction shall substantially conform with the approved planning application drawings. Any material modifications must be reviewed by the Planning Manager who shall determine whether the modification requires additional approval of the Planning Commission or City Council.	Prior to Issuance of a Building Permit	Development Services Department	
50.	**CONTRACTORS** Contractors must identify all subcontractors prior to issuance of a building permit. Each subcontractor must obtain a City business license prior to issuance of a building permit or commencing work as per Section 5.04.020 of the Municipal Code.	Prior to Issuance of a Building Permit	Development Services Department	
51.	**PROVISION OF BICYCLE PARKING** The Applicant shall ensure that bicycle parking is provided for all four proposed buildings consistent with Pinole Municipal Code requirements.	Prior to Issuance of a Building Permit	Development Services Department	
52.	**PYLON SIGN DESIGN** The Applicant shall modify the pylon sign to ensure that the sign area does not exceed 750 square feet to consistent with City's Sign Ordinance requirements.	Prior to Issuance of a Building Permit	Development Services Department	

		Timing/ Implementation	Department /Division Monitoring	Verification
53.	**LIGHTING PLAN** The applicant shall prepare a detailed lighting plan for Development Services and Police Department Review and approval to ensure that proposed light levels satisfy Chapter 17.46 of the Pinole Municipal Code. The lighting plan shall be coordinated with the preparation of the detailed landscape plan and include a photometric plan and light fixtures specifications and height levels for onsite lighting. All proposed light fixtures shall include shields to illuminate only the intended area. Separate photometric plans shall be submitted for review in conjunction with proposed phased development submittal to ensure adequate lighting is provided for each of the proposed buildings and for the overall project site.	Prior to Issuance of a Building Permit	Development Services and Police Departments	
54.	**CONSTRUCTION PLANS FOR FIRE PREVENTION** Prior to issuance of a building permit, building construction plans and plans for fire extinguishing system shall be submitted for Fire Code plan check.	Prior to Issuance of a Building Permit	Development Services and Fire Departments	
55.	**FIRE ACCESS** Prior to issuance of a building permit, paved fire apparatus roads shall be installed for every building or stockpile of combustible materials located more than 150 feet from fire department vehicle access. Said access roads are to be posted "No Parking Fire Lane" and shall not be used for storage of materials.	Prior to Issuance of a Building Permit	Development Services and Fire Departments	

		Timing/ Implementation	Department /Division Monitoring	Verification
56.	**WATER SUPPLY SYSTEM** Prior to issuance of a building permit for vertical construction, there shall be an approved and tested water supply system capable of supplying the required fire flow as determined by the Fire Chief or Fire Marshall. Water supply system for staged construction shall provide required fire flows.	Prior to Issuance of a Building Permit	Development Services and Fire Departments	
57.	**MODIFICATIONS TO BUILDING ELEVATIONS** **Market Building** The Applicant shall modify the standing seam metal panel on the south elevation of the building labeled "R-1" on Exhibit B-3-1 of the project Design Book to be a canopy to match the metal canopies above the proposed market entrance doors on the south elevation. **Retail Shop Space Building** The applicant shall utilize standing seam metal for the tower elements to match the proposed market building. A detailed roof material sample shall be submitted for review and approval by the Development Services Department. The applicant shall either extend the proposed rock veneer at the northeast corner of the building to the cornice or add a color band to provide a distinct transition point between the proposed rock veneer and the stucco.	Prior to Issuance of a Building Permit	Development Services Department	

		Timing/ Implementation	Department /Division Monitoring	Verification
	Medical Services Building (Suite E2-A) The proposed metal awnings on the north, west, and south elevation shall be modified to have metal supports from below and have articulated metal pieces to match the Kaiser metal awnings shown on Sheet A202. Rather than having a single continuous metal awning on each elevation, the applicant shall modify the plans to include multiple separate metal awnings on the north, west, and south elevations. The number of metal awnings shall be based on the length of the building wall and window placement. The proposed windows on the north, west, and south elevations shall be recessed behind the wall plane and include reveals to the satisfaction of the Development Services Department			
58.	**SCREENING OF ROOF-MOUNTED EQUIPMENT** The applicant shall ensure that all roof-mounted mechanical equipment for each commercial building is fully screened from public view to the satisfaction of the Development Services Department.	Prior to Issuance of Building Permit	Development Services	
59.	**MODIFICATIONS TO CONCEPTUAL LANDSCAPE PLAN** **Additional Trees** The applicant shall modify the conceptual landscape plan to include two additional trees along the Pinole Valley Road frontage south of the main Pinole Valley Road driveway that provides access to the western portion of the project site. The eight trees that front the west side of Pinole Valley	Prior to Issuance of Building Permit	Development Services	

		Timing/ Implementation	Department /Division Monitoring	Verification
	Road (four on either side of the main driveway entrance) between the proposed retail shop space building and proposed market shall be 24" box specimens. **Additional Green Screens** The applicant shall add a green screen along the west elevation of the proposed coffee shop immediately abutting the building. The screen shall measure 3 – 6 feet high and be designed to complement the building's architecture in terms of color and texture. **Additional Vines** The applicant shall include climbing vines at the base of the two proposed pergolas between the proposed retail shop space building and proposed market. Climbing vines shall also be included adjacent to each of the project's four proposed trash enclosures that serve the proposed retail shop space building, the Suite E2-A building, and the Suite E1-A building. Climbing vines shall also be included at the base of the pylon sign. Climbing vines at the above locations shall be a minimum of 15 gallon size specimens. **Additional Planters** The applicant shall add minimum of two large decorative landscaped planters at each of the four proposed retail shop space building corners to help frame the proposed storefront entrances. The applicant shall add a minimum of four decorative landscaped planters to the east exterior elevation of the proposed Medical Services			

		Timing/ Implementation	Department /Division Monitoring	Verification
	Building (Suite E2-A). **Additional Decorative Textured Paving** The applicant shall add decorative textured paving to the driveway approach south of the proposed retail shop space building and the driveway approach at Henry Avenue. **Interpretative Signage** A second interpretative sign shall be added near the creek trail access point closest to the proposed retail shop space building. The applicant shall consult with the Friends of Pinole Creek about the location and design of the interpretative signage so it is consistent with interpretative signage elsewhere within the Pinole Creek Watershed.			
During Construction				
60.	**MODIFICATION OF APPROVED PLANS** Failure to obtain prior approval to materially modify the approved plans may result in having to pay double the original planning application permit fee and/or withholding of the occupancy permit until such time as the modification(s) to the plans has been reviewed by the Planning Commission or City Council.	During Construction	Development Services Department	

		Timing/ Implementation	Department /Division Monitoring	Verification
61.	**DEBRIS BOX** The Applicant shall ensure that prior to commencing construction a contractor shall place on-site a minimum 10 cubic yard "debris box" for receiving and holding of all construction debris.			
62.	**TREE PROTECTION** The applicant shall protect all major vegetation not indicated to be removed or demolished from damage during construction. Tree protection shall comply with the arborist's report and shall include the following measures: A. Protection fencing or existing major vegetation to remain. B. Oil, gas, chemical, or other hazardous construction material shall not be stored within the drip line of trees to remain. C. Signs, wires, or other types of obstructions shall not be attached to trees, and D. Trenching under the drip line of trees is to be avoided if possible. If trenching is necessary, trenches are to be hand dug and major roots retained.			
63.	**CONSTRUCTION NUISANCE PREVENTION** The following provisions shall be followed during all construction activities	During Construction	Development Services and	

		Timing/ Implementation	Department /Division Monitoring	Verification
	for the project: A. Construction activities are restricted to between 7:00A.M. and 5:00 P.M., Monday through Friday and 9:00 A.M. to 6:00 P.M. on Saturday unless a modification of construction hours is requested and granted by the City as allowed under Chapter 15.02 of the City Municipal Code. B. Prior to any earth hauling operations the applicant shall submit a hauling plan for approval by the City Engineer C. Construction-related traffic on Henry Avenue shall be prohibited during the hours of 7:00 – 9:00 A.M. and 2:00 – 4:00 P.M. when Collins Elementary School is in session. D. All construction vehicles shall be properly maintained and equipped with exhaust mufflers and meet State and Federal standards. E. Newly disturbed soil surfaces shall be watered down regularly by a water truck maintained on site during all day light hours. and construction grading activity shall be discontinued in wind conditions greater than 10 miles per hour. F. All excavated materials and construction debris shall be covered with a tarp during transit to and from the site. The site shall be cleaned on a daily basis and construction material shall be screened from view whenever feasible.		Police Departments	

		Timing/ Implementation	Department /Division Monitoring	Verification
	G. Active construction sites shall be fenced and all equipment and materials shall be secured consistent with an approved Security Plan.			
64.	**STANDARD DRAWINGS FOR PUBLIC IMPROVEMENT** All public improvements shall be made in accordance with the latest adopted Contra Costa County Standard Drawings and Specifications. All work shall conform to the applicable City ordinances. Best Construction Management practices shall be observed at all times during the course of construction.	During Construction	Development Services Department	
65.	**CONSTRUCTION MANAGEMENT** The storing of goods and materials on the sidewalk and/or street will not be allowed unless a special permit is issued. The project site shall be kept free of litter and all construction equipment and materials will be secured at the end of each construction day. The applicant's representative in charge shall be at the job site during all working hours. The public streets adjacent to construction activity shall be maintained in a clean and orderly condition to the satisfaction of the City Engineer.	During Construction	Development Services Department	
66.	**INSPECTIONS** The applicant shall notify the Development Services Department at least forty-eight (48) hours prior to starting any work pertaining to on-site drainage facilities, grading, or paving, as well as all work in the City's right-of-way as per Section 15.36.230 of the Municipal Code. The applicant shall arrange all inspections with the Building Division, Fire Department, and Public Works Division. All Building Division inspection	During Construction	Development Services Department	

		Timing/ Implementation	Department /Division Monitoring	Verification
	requests shall be made at least 24 hours in advance.			
67.	**SEWERS** The applicant shall install as a minimum a six (6) inch City standard sewer lateral connection to the sewer main, complete with property line clean out, and in accordance with the latest West County Sanitation District Standard Specification.	During Construction	Development Services Department	
Prior to Final Building Occupancy				
68.	**OCCUPANCY PERMITS** Occupancy permits shall not be granted until all construction is completed and finaled in accordance with the approved plans and conditions of approval required by the City, or a bond has been posted to cover all costs of the unfinished work as agreed to by the Development Services Department.	Prior to Building Occupancy	Development Services Department	
69.	**FIRE EXTINGUISHING SYSTEM** Automatic fire extinguishing / sprinkler systems shall be required for all four buildings.	Prior to Building Occupancy	Development Services and Fire Departments	
70.	**CONSTRUCTION WASTE MANAGEMENT REPORT - DEBRIS REMOVAL** The applicant shall complete post-construction waste management report for review and approval by the Development Services Department prior to final inspection to satisfy CALGreen	Prior to Building Occupancy	Development Services Department	

		Timing/ Implementation	Department /Division Monitoring	Verification
	Building Code Requirements. All building debris shall be properly disposed of outside the City of Pinole.			
71.	**TREE REPLACEMENT** All trees that are removed from the site shall be replaced as determined by the Development Services Department and in accordance with the replacement table for existing trees. Any tree, which is removed, that was shown to be preserved on the final landscaping plan shall be replaced at twice the rate indicated on the replacement table. STANDARD REPLACEMENT TABLE FOR EXISTING TREES Size of Tree to be removed (Trunk Diameter) / 36 Inch Box / 24 Inch Box / 15 Gallon 2" or less / / / 1 4" / / 1 / 6" or greater / 1 / / Numbers in replacement table refers to quantities to be used to replace each tree. Each tree container size number in the vertical column represents a 100% replacement value for an existing tree removed (size as noted). These numbers (columns) may be mixed as long	Prior to Building Occupancy	Development Services Department	

		Timing/ Implementation	Department /Division Monitoring	Verification
	as proportionate totals will equal 100%. For example: one 24" DBH tree may be replaced with twelve 15 gallon trees or six 24" box trees or three 24" box trees plus six 15-gallon trees or four 36" box trees, etc.			
72.	**LANDSCAPE MAINTENANCE** Prior to issuance of a Certificate of Occupancy, the applicant shall enter into a landscape maintenance agreement for on-site landscape with the City for a minimum of two years (maximum of five years). If, after two years, the landscaping is found to be in satisfactory condition, the amount of the bond shall be returned. If, however, the landscaping is not found to be satisfactory, the City will extend the time of the agreement in one-year increments with a maximum of five years. A security bond shall be posted which equals 20 percent of the costs of landscaping, but shall not exceed $10,000. For large projects, the amount of the bond shall be determined on a case-by-case basis and may exceed $10,000. The applicant shall submit a cost estimate of all the required landscape improvements. All landscaping shall be maintained free of weeds, debris and litter at all times.	Prior to Building Occupancy	Development Services Department	
73.	**VENTS, GUTTERS, AND FLASHING, ETC.** All vents, gutters, downspout, flashings, electrical conduits, etc., shall be painted to match the color of the adjacent surface.	Prior to Building Occupancy	Development Services Department	

		Timing/ Implementation	Department /Division Monitoring	Verification
74.	**TRASH ENCLOSURES** All trash enclosures shall be constructed of sturdy, opaque materials, which are in harmony with the architecture of the nearest building and shall meet applicable Contra Costa County Health Department and City requirements.	Prior to Building Occupancy	Development Services Department	
75.	**PUBLIC AREA LIGHTING** All exterior doorways, stairwells, pathways, walkways, hallways, and courtyards for commercial and industrial buildings shall be lighted to a minimum of 2-foot candles, minimum maintained, measured at 5 feet above ground. Parking areas for commercial and industrial buildings shall be lighted to a standard of 2 foot candles, minimum measured at ground level where beams overlap. Except as otherwise noted, all security light fixtures shall be mounted a minimum of 10 feet above ground. All required lighting shall be equipped with a photoelectric cell or equivalent technology to turn it on at sunset and off at daybreak. All areas where video camera surveillance is required shall meet the standards for the camera selected and approved by the Police Department.	Prior to Building Occupancy	Development Services and Police Departments	

		Timing/ Implementation	Department /Division Monitoring	Verification
76.	**MECHANICAL EQUIPMENT** All mechanical devices and their component parts, such as air conditioners, evaporative coolers, exhaust fans, or similar equipment located wholly or partially on the roof or wall shall be fully screened from view. All wall mounted heating units or air conditioners shall be flush-mounted.	Prior to Building Occupancy	Development Services Department	
77.	**BUILDING AND FIRE CODE COMPLIANCE** The applicant shall ensure that all applicable Building and Fire Code requirements are satisfied.	Prior to Building Occupancy	Development Services Department and Fire Department	
78.	**ADDRESSING** Prior to issuance of a "Certificate of Occupancy" or final building inspection approved numbers and addresses shall be installed on the building and at tenant spaces in compliance with Title 15 of the Municipal Code. A. Specific mounting location shall be determined at the time of plan review. B. Address shall be internally or externally lighted during the hours of darkness.	Prior to Building Occupancy	Building Division and Fire Department	

		Timing/ Implementation	Department /Division Monitoring	Verification
	C. Each building shall have an address on it. If there is more than one tenant space per address, each tenant space shall have an address that is unique from the other tenant spaces. D. Addressing plans for multiple family, commercial and industrial complexes shall be submitted for review.			
79.	**KEY VAULT** In order to facilitate emergency access to the structure, a key vault shall be installed as approved by the Fire Department.	Prior to Building Occupancy	Development Services and Fire Departments	
80.	**FIRE EXTINGUISHERS** Prior to issuance of a "Certificate of Occupancy" or final building inspection, approved fire extinguishers shall be installed as required by the Fire Department.	Prior to Building Occupancy	Development Services and Fire Departments	
81.	**FIRE CODE CONFORMANCE** The project shall conform to all applicable requirements of the City adopted Fire Code.	Prior to Building Occupancy	Development Services and Fire Departments	
82.	**SECURITY PLAN DURING OPERATIONS** The applicant shall prepare a detailed security plan for review and approval by the Police Department to help prevent crime during	Prior to Building Occupancy	Police Department	

		Timing/ Implementation	Department /Division Monitoring	Verification
	operations. The security plan shall include emergency contact information and ongoing crime prevention measures to the satisfaction of the Police Chief.			
83.	**ALARM SYSTEM** Each individual commercial space shall be equipped with a burglar alarm system, installed by state licensed contractor. The system shall include: 1. Full perimeter coverage to include all doors requiring locks, windows, skylights and roof hatches. 2. Interior backup protection such as motion detectors, contacts on key interior doors or glass breakage detection. 3. Battery backup power system with charging system. System shall be hardwired. 4. Silent robbery alarm, employee activated. Activation devices shall be placed in locations that are easily accessible to employees during normal business hours to the satisfaction of the Police Department Separate alarm system plans shall be submitted for review during review of each proposed tenant space improvements.	Prior to Building Occupancy	Development Services and Police Department	

		Timing/ Implementation	Department /Division Monitoring	Verification
84.	**DOORS AND ROOF HATCHES** All exterior doors (including storage and utility room doors) that exit to the outside, to a common hallway or separate units shall be of solid core wood or metal construction. Sliding and storefront doors may be of glass construction if the glass is designed to be laminated safety glass or equivalent as allowed under the Building Code. All doors described above shall be equipped with the following locking mechanisms: 1.Dead Bolt Locks: a. A minimum of ¾ inch diameter by 1-inch throw. b. High security case hardened bezel around the locking mechanism. c. Made of case hardened steel. d. High security striker plate (4-screw type, screws a minimum of 1½ inches long). e. Where there is glass in a door that would allow a person to operate lock from the outside if the glass were broken a double cylinder dead bolt is required. (Commercial only. Must meet fire Code requirements).	Prior to Building Occupancy	Development Services and Police Departments	

		Timing/ Implementation	Department /Division Monitoring	Verification
	2. All double doors shall have a dead bolt lock, as described in B.1, in the primary door. The secondary door shall have lock mechanisms that secure the top of the door to the door head and the bottom of the door to the floor. Where the double doors are separated by a mullion both doors shall have dead bolts as described in B-1. On doors with locks which open outward, all hinges shall be pinned or have hinges of a type that prevents the hinge pins from being removed from the outside. All entry doors, except those with glass, shall be equipped with a door viewer that has the capabilities of viewing a minimum of 180 degrees. Fire blocks shall be placed at a minimum of two (2) studs spaces on each side of an exterior door, where locks are required, at the same height as the locks. The design and materials used shall aide in preventing the doorjamb from spreading when a pry tool is used to separate the door from the doorjamb at the lock. All roof hatches (access to roof) shall be securely locked from the inside. Dead bolt or similar locking mechanism is recommended.			

ATTACHMENT G

PLANNING COMMISSION
RESOLUTION NO. 15-04

A RESOLUTION OF THE CITY OF PINOLE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE A MASTER SIGN PROGRAM FOR THE GATEWAY SHOPPING CENTER PROJECT (CUP 14-08)

WHEREAS, Thomas Gateway LLC (Applicant) proposes to construct a commercial development with three retail buildings totaling approximately 40,558 square feet; one medical service building of approximately 4,000 square feet; an approximately 75-foot pylon sign; and related improvements. The applications consist of a design review request; use permits for a sign program, one drive through, grocery store alcohol sales, and outdoor dining and outdoor merchandise sales; a tentative parcel map; and a Development Agreement. The proposed development and applications are collectively known as the "Project". The Project site is approximately 5.7 acres, consisting of three parcels totaling 5.5 acres and an approximately 0.16–acre portion of the Pinole Creek property; and

WHEREAS, the Project site is located on the east and west sides of Pinole Valley Road north of Interstate Highway 80 and south of Henry Avenue, APN: 401-211-032 and -034, and 401-410-017; and , in compliance with California Environmental Quality Act (CEQA),

WHEREAS, the City prepared and circulated a Mitigated Negative Declaration (MND) in compliance with California Environmental Quality Act (CEQA) to evaluate the proposed Project including the proposed Master Sign Program.

WHEREAS, The City received several comments on the draft MND document and prepared written responses to those comments as well as prepared an accompanying Mitigation Monitoring and Reporting Program(MMRP); and

WHEREAS, a sign program is required for all multi-tenant shopping centers comprised of three (3) or more tenants that share either the same parcel or structure and share common access and parking facilities;

WHEREAS, a sign program is required in order to consider requests for pylon signs over 35 feet along Interstate Highway 80 within the City;

WHEREAS, the Applicant has proposed a new seventy-five (75)-foot pylon on the southeast portion of the project site adjacent to Interstate Highway 80; and

WHEREAS, a staff report, dated April 6, 2015 and incorporated herein by reference, described and analyzed the Project, including the Master Sign Program; and

WHEREAS, the Planning Commission held a duly noticed public hearing related to the proposed Project, including the Master Sign Program, on April 6, 2015, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the Planning Commission considered the draft MND (including comments and responses), the staff report, the presentation by city staff, all public comments received, and all other pertinent documents regarding the proposed master sign program, prior to making its recommendation on the use permit; and

NOW THEREFORE, BE IT RESOLVED, that the above recitals are true and correct and made a part of this resolution

BE IT FURTHER RESOLVED, that the Planning Commission hereby:

A. Makes the following findings:

1. The proposed signs contemplated within the Gateway Shopping Center Master Sign Program, as conditioned, are in harmony and visually related to other signs included in the sign program, by including similar materials, letter style, colors, and/or illumination method.

2. The proposed signs contemplated within the Gateway Shopping Master Sign Program, as conditioned, are in harmony and visually related to the building they identify by utilizing materials, colors, and/or design components included in the buildings being identified.

3. The proposed signs contemplated within the Gateway Shopping Center Master Sign Program, as conditioned, are in harmony and visually related to the surrounding development and would not adversely affect surrounding land uses or obscure adjacent conforming signs.

4. The proposed sign program, as conditioned, is consistent with the objectives of the General Plan and Three Corridors Specific Plan;

5. The proposed deviations from the signage requirements within the Sign Ordinance, as conditioned, are consistent with the design considerations and other provisions listed in the Municipal Code.

B. Hereby recommends approval of Conditional Use Permit 14-08 as provided in the staff report, and subject to the Conditions of Approval attached as Exhibit A to this Resolution.

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 6th day of April, 2015, by the following vote:

AYES:
NOES
ABSTAIN:
ABSENT:

_____

Thomas Brooks, Chair, 2014-2015

ATTEST:

_____

Winston Rhodes, AICP, Planning Manager

EXHIBIT A: RESOLUTION 15-04
CONDITIONS OF APPROVAL: GATEWAY SHOPPING CENTER MASTER SIGN PROGRAM

		Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
1.	If any of conditions are found to be disregarded, the use permit will be subject to revocation. If necessary, the Planning Commission may modify the use permit conditions or may recommend to the City Council revoking the use permit after making applicable findings.	Ongoing	Planning	
2.	The Applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	Ongoing	Planning	
3.	Future signage applications within the Gateway Shopping Center shall adhere to the Master Sign Program date-stamped received March 19, 2015 approved by the City Council unless modified by the conditions below.	Ongoing	Planning	
4.	Future Gateway Shopping Center building permit signage drawings submitted and subsequent construction shall substantially conform to the final approved signage program and guidelines. Any modifications must be reviewed by the Planning Manager who shall determine whether the modification requires additional approval of the Planning Commission.	Ongoing	Planning	
5.	Any temporary business signage installed at the property shall be consistent meet the requirements of Chapter 17.12 and 17.52 of the Pinole Zoning Code.	Ongoing	Planning	

		Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
6.	The City Council authorizes the Planning Manager to work with the applicant to ensure that any typographical errors are corrected, all cross-references are correct, and make any changes necessary to ensure internal consistency prior to finalizing the Master Sign Program.	Ongoing	Planning	
7.	**SIGN PROGRAM ENFORCEMENT** All future tenants shall be provided with a copy of the approved master sign program. All future tenants shall receive a copy of the approved sign program at lease signing and shall be required to furnish a copy to sign contractors prior to any sign application submittal. The property owner and any subsequent owners shall ensure that all signage installed on their property within the Gateway Shopping Center shall be consistent with the approved sign program. The property owner shall ensure that any illegal signage installed by tenants shall be removed or corrected within 72 hours upon notification by the City of Pinole and shall furnish the name and contact information for the property manager responsible for adherence to this condition of approval and update the contact information in the future as needed.	Ongoing	Development Services Department	
8.	The Applicant shall add page numbers to the draft Master Sign Program document to make it easier to use.	Immediate	Planning	
9.	The applicant shall make the following changes to the Sign Program text. Sentence 4 Paragraph 1 of Section 1A of the Master Sign Program shall be revised to read as follows: *"The common signs consist of (1) new pylon sign; three (3) entry monument signs, two (2) center identification signs, and one (1) directional sign."*	Immediate	Planning	

		Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
	The second to last sentence of Paragraph 1 of Section I A. shall be revised to read *"Selected tenants, designated by the landlord, will be allowed to display their name and/or logo on the common pylon, entry monument, and directional signs."* Modify last two sentences of Paragraph 2 of Section I A. to replace "building division" with "Development Services Department." Modify the last paragraph of Section 3.2.2 on page 6 to read as follows: *"Upon approval from the Landlord and City of Pinole, additional exterior signage may be allowed for internal tenants such as a bank, a cafe, or other additional services that are complementary and subordinate to the primary anchor tenant use.* Modify the sixth sentences of Section I B. to read as follows: *"It is the ongoing responsibility of the tenant to verify that all proposed signage conforms to City and State of California regulations."* Modify first sentence of Section II A. 2. to read as follows: *"This pylon is to be a maximum of 75' tall …."*			

		Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
	Modify the last sentence within Section II A. 2. to read: *"The height of the pylon is to be measured from the grade of the pylon's finished pad as determined by the City's Development Services Department."* Modify the sentence within Section II B. 3. to read: *"Three (3) total: two (2) West, one (1) East, as shown in the exhibits section of this document."* Modify the first paragraph of Section III B. to read: *"Tenants occupying 12,000 square feet, or more, shall be defined as a "Major Tenant." Major tenants shall be allowed to display signs on up to three building elevations that face into the project or to the public-right-of-way. Major tenants may display up to four (3) ancillary signs on up to three building elevations"* Modify the second to last sentence within Section III B. 1. to read: *"The ancillary signs shall be individual, internally illuminated channel letters and include a single line of text."* Modify the last sentence within Paragraph 1 of Section III B. 2. to read: *"A six inch (6") minimum space must be maintained between the sign area and any significant architectural element such as fascia columns or the roof parapet or change of finish materials unless otherwise approved*			

		Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
	by the landlord and the City Development Services Department." Modify the second to last sentence within Paragraph 2 of Section III B. 2. to read: *"The maximum sign area for any one display shall not exceed 150 square feet per elevation, on up to a maximum of three elevations."* Modify the first sentence within Paragraph 1 of Section III C. to read: *"Tenants occupying 2,500 square feet, or less with a drive-through shall be defined as a "Single Tenant with Drive-Through."* Modify the last sentence within Paragraph 1 of Section III C. 2. to read: *"A six inch (6") minimum space must be maintained between the sign area and any significant architectural element such as fascia columns or the roof parapet or change of finish materials unless otherwise approved by the landlord and the City Development Services Department."* Modify the last two sentences within Paragraph 2 of Section III C. 2. to read: *"The maximum sign area for any one display shall not exceed 60 sq. ft., per eligible elevation. The maximum aggregate for any one single tenant shall not exceed 240 square feet."*			

		Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
	Modify Paragraph 1 of Section III C. 4. to read: *"The intent of these signs is to allow supplemental permanent menu signage for drive-through food ordering and other drive-through facility uses. Up to four (4) signs are permitted for drive-through menu signs. Total maximum single sign area shall not exceed forty five (45) square feet with a maximum height of six (6) feet."* Section III C. 4. Delete "- May have side panels for specials;" Modify the first sentence of Paragraph 1 of Section III D. 2. to read: *"The overall sign width for each in-line tenant sign shall not exceed 50% of the width of the tenant's elevation to which the sign is to be displayed …."* Modify the last sentence of Paragraph 1 of Section III D. 2. to read: *"A six inch (6") minimum space must be maintained between the sign area and any significant architectural element such as fascia columns or the roof parapet or change of finish materials unless otherwise approved by the landlord and the City Development Services Department."* Modify the first two sentences of Paragraph 2 of Section III D. 2. to read: *"The maximum height shall be 24" excluding acsenders and descenders on text for one-line layouts or 30" for two-line layouts. The maximum*			

		Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
	height for a logo box shall be 30"." Modify Section III E. 1. to read: *"1. Window Signage / Promotional-In-Line and Single Tenants with Drive-Through less than 2,500 SF ... Promotional window signs shall comply with the City's Sign Ordinance. The landlord reserves the right to deny the use of any window display by any tenant for any reason."* Modify the first sentence of Section III E. 2. to read: *"Window signs intended for permanent display shall not exceed 20% of the glass surfaces, windows, and door area and, in the case of illuminated window signs and window graphics.."* Modify Section 5 G. to read: *"All contractors for installation, removal or service must be fully licensed and provide the landlord with certificates of insurance and obtain a City business license prior to commencing any work."* Modify the "Maximum Allowable Signage Requirements" as follows: 1. Change maximum sign area for any one display from 200 sq. ft. per elevation to 150'. 2. Specify that maximum allowable building signage does include incidental building signage.			

		Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
	3. Change pylon maximum sign area for one display from 245 square feet to 210 square feet. 4. Change single tenant with drive through definition from tenants occupying 12,000 square feet or less to 2,500 square feet or less. 5. Change maximum building sign area for any one display for single-tenant with drive through from 200 square feet to 60 square feet per eligible elevation with maximum aggregate not to exceed 240 square feet rather than 450 square feet. Specify that maximum allowable building signage for single-tenant with drive through does include incidental building signage. 6. For in-line tenants occupying less than 12,000 square feet, limit maximum aggregate sign area to 75 square feet on a single eligible building elevation and specify that maximum allowable signage does include incidental building signage. Modify sheet A201 of the proposed Master Sign Program to eliminate on-building signage from the shop space building's west elevation.			
10.	Provide typical dimensional sign information to scale for all building elevation Exhibits to the satisfaction of the Development Services Department.	Immediate	Planning	

PLANNING COMMISSION RESOLUTION 15-05
WITH EXHIBIT A:
CONDITIONS OF APPROVAL

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PINOLE RECOMMENDING APPROVAL TO THE CITY COUNCIL OF USE PERMITS TO ALLOW BEER AND WINE SALES FOR OFF-SITE CONSUMPTION, TO ALLOW OUTDOOR MERCHANDISE SALES, AND TO ALLOW OUTDOOR SEATING IN CONJUNCTION WITH AN APPROXIMATELY 27,000 SQUARE FOOT MARKET WITHIN THE GATEWAY SHOPPING CENTER SOUTHWEST OF THE INTERSECTION OF PINOLE VALLEY ROAD AND HENRY AVENUE APN: 401-410-017

WHEREAS, Thomas Gateway LLC (Applicant) proposes to construct a commercial development with three retail buildings totaling approximately 40,558 square feet; one medical service building of approximately 4,000 square feet; an approximately 75-foot pylon sign; and related improvements. The applications consist of a design review request; use permits for a sign program, one drive through, grocery store alcohol sales, and outdoor dining and outdoor merchandise sales; a tentative parcel map; and a Development Agreement. The proposed development and applications are collectively known as the "Project". The Project site is approximately 5.7 acres, consisting of three parcels totaling 5.5 acres and an approximately 0.16–acre portion of the Pinole Creek property; and

WHEREAS, the Project site is located on the east and west sides of Pinole Valley Road north of Interstate Highway 80 and south of Henry Avenue, APN: 401-211-032 and -034, and 401-410-017; and

WHEREAS, Thomas Gateway, LLC intends to file an application for a Type 20 off-sale alcohol license with the State Department of Alcohol Beverage Control (ABC) and has filed an application for conditional use permits with the City of Pinole to allow sale of beer and wine for off-site consumption, outdoor merchandise sales, and outdoor dining in conjunction with a proposed approximately 27,000 square foot market; and

WHEREAS, the Planning Commission of the City of Pinole is the appropriate authority to hear and recommend action on this request; and

WHEREAS, the State Department of Alcohol Beverage Control notified the City of Pinole that there is an undue concentration of off-sale alcohol sales licenses within Census Tract 3591.03; and

WHEREAS, the Project site is designated for commercial use in the Pinole General Plan; and

WHEREAS, the Project site is located within the City's Three Corridors Specific Plan Pinole Valley Road Corridor; and

WHEREAS, the Project site is located in the Office Professional Mixed Use Zoning

District; and

WHEREAS, Chapter 17.59 of the Pinole Municipal Code allows alcohol sales within the City of Pinole subject to securing a use Permit and Chapter 17.68 allows permanent outdoor seating subject to securing a use permit; and

WHEREAS, The Police Department has confirmed that the proposed establishment as conditioned would not be expected to add crime in the area; and

WHEREAS, the Project includes adequate parking to accommodate the parking demand for the proposed outdoor merchandise area as conditioned and the proposed 420 square foot outdoor seating area; and

WHEREAS, in compliance with California Environmental Quality Act (CEQA), the City prepared and circulated a Mitigated Negative Declaration (MND) dated January 2015. The City received several comments on the draft MND and prepared written responses to those comments as well as an accompanying Mitigation Monitoring and Reporting Program (MMRP) which is hereby incorporated by reference; and

WHEREAS, a notice of public hearing was distributed to all property owners within 1,000 feet of the project site and a notice was published in the March 27, 2015 edition of the West County Times; and

WHEREAS, the Planning Commission has held a duly noticed public hearing considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request;

NOW THEREFORE, BE IT RESOLVED, that the above recitals are true and correct and made part of this resolution.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Planning Commission of the City of Pinole hereby recommends approval of CUP 14-05, as provided in the staff report, and subject to the Conditions of Approval attached as Exhibit A to this Resolution.

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 6th day of April 2015, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Thomas M. Brooks, Chair, 2014-2015

ATTEST:

_____
Winston Rhodes, AICP, Planning Manager

PLANNING COMMISSION RESOLUTION 15-05 EXHIBIT A
CONDITIONS OF APPROVAL: SPROUTS MARKET ALCOHOL SALES, OUTDOOR MERCHANDISE SALES, AND OUTDOOR DINING USE PERMITS

		Timing/ Implementation	Monitoring Department / Division	Verification
1.	If any of conditions are found to be disregarded, the use permits for alcohol sales and/or outdoor merchandise sales, and/or outdoor dining will be subject to revocation. If necessary, the Planning Commission may modify the one or more of the use permits or may revoke on or more of the use permits after holding a noticed public hearing and making applicable findings.	On-Going	Police and Development Services	
2.	The proposed uses shall be operated in a manner consistent with the project description statement of operations and project plans dated stamped received March 19, 2015 and in a manner which is consistent with all applicable federal, State and local laws.	On-Going	Police and Development Services	
3.	These use permit approvals are contingent upon City Council approval of the Gateway Shopping Center Development Agreement and approval of a Public Convenience or Necessity (PCN) Finding for alcohol sales within this portion of the City.	Prior to Issuance of Any Construction Permit	City Attorney and Development Services	
4.	The Applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	On-Going	Planning	

PLANNING COMMISSION RESOLUTION 15-05 EXHIBIT A
CONDITIONS OF APPROVAL: SPROUTS MARKET ALCOHOL SALES, OUTDOOR MERCHANDISE SALES, AND OUTDOOR DINING USE PERMITS

		Timing/ Implementation	Monitoring Department / Division	Verification
5.	There shall be no sale of alcohol for on-site consumption.	On-Going	Police and Planning	
6.	A sign concerning the California Law Prohibiting Minors to Drink Alcohol and signage prohibiting loitering or public drinking must be posted inside and outside the establishment in clear public view to the satisfaction of the Police Department.	On-Going	Police and Planning	
7.	A copy of these conditions of approval shall be kept on premises and made available upon request.	On-Going	Police and Development Services	
8.	All staff within 90 days of employment shall receive "responsible beverage service training." Applicant shall include these training details as part of the "complaint response/community relations." The applicant shall ensure that employee training documentation is provided to the Police Chief and retained on premises and made available upon request.	On-Going	Police and Development Services	
9.	Proposed modification of the hours or other aspects, including location within the store of alcoholic beverages and security measures of the business shall be submitted for review and approval by staff. Staff will determine if changes are substantial and require further review by the Planning Commission.	On-Going	Planning/Police	
10.	The surrounding market area shall be maintained in a clean and orderly manner at all times. Landscaping material shall be regularly maintained around the site so that it cannot be used as a hiding place. On-site	On-Going	Development Services	

		Timing/ Implementation	Monitoring Department / Division	Verification
	lighting shall be maintained in good working condition at all times.			
11.	The Applicant shall ensure that the alcohol sales operator shall work cooperatively with the Police Department at all times to prevent crime and limit alcohol related problems which negatively impact those living or working nearby the property.	On-Going	Police	
12.	Applicant shall obtain the applicable State Alcohol Beverage Control license and ensure no alcohol shall be sold for on-site consumption. A copy of the license shall be submitted to the Development Services and Police Departments prior to commencement of alcohol sales.	On-Going	Police and Development Services	
13..	The operating hours shall be 7:00 AM – 10:00 PM seven days a week.	On-Going	Development Services and Police	
14.	If the operation of the use results in conflicts pertaining to parking, noise, nuisance, traffic or other impacts, at the discretion of staff, the use permit may be referred to the Planning Commission for subsequent review at a public hearing.	On-Going	Development Services and Police	
15.	Establish and maintain a "complaint response/community relations" program with the Police Department.	On-Going	Police	
16.	**SECURITY PLAN** The applicant in conjunction with the operator shall prepare and shall submit a security plan for the property for review and approval by the Police Department. The security plan shall include business hours of	Prior to Issuance of Building Permit	Police and Development Services	

		Timing/ Implementation	Monitoring Department / Division	Verification
	operation, alarm information, security cameras, and a completed "Business Site Emergency Information Form." Additionally, the applicant shall ensure that the operator staff provide full cooperation with the Police Department to prevent and investigate criminal activity at the property.			
17.	**SHOPPING CART STORAGE PLAN** A shopping cart storage plan shall be submitted to the Development Services Department for review and approval. It shall include the precise storage cart locations, capacities, design specifications, colors and materials and shall be consistent with the required precise outdoor merchandise display plan. The storage cart corral design shall be visually compatible with the exterior design elements of the market and include durable graffiti-resistant materials. No shopping cart storage areas shall block required fire lanes and the required paths of travel on the property or parking spaces accessible to disabled visitors.	Prior to Issuance of a Building Permit	Development Services	
18.	**STORE FLOOR PLAN & OUTDOOR MERCHANDISE DISPLAY PLAN** The Applicant shall provide a precise Pinole Sprouts Market store floor plan and outdoor merchandise display plan for review and approval. The plan shall include the location where alcohol will be stored and displayed. The plan shall include the location and square footage of merchandise display area.	Prior to Issuance of Any Construction Permit	Development Services and Police	
19.	The Applicant shall ensure that the store operator gather shopping carts throughout the day. All shopping carts shall be equipped with electronic wheel locks to help prevent shopping carts from leaving the project site.	Ongoing	Development Services	

		Timing/ Implementation	Monitoring Department / Division	Verification
	Additionally, shopping carts shall be labeled with a store phone number so that store staff can be easily notified about any carts abandoned off the project site. The market's store manager or subsequent operator shall ensure that all abandoned carts reported to the store are retrieved by store personnel within 72 hours of notification. No shopping carts or storage areas shall block required paths of travel, designated fire lanes on the property, and/or disabled parking spaces.			
20.	All outdoor display and sales activities shall be associated with the primary use of the property. Only those goods and services associated with the primary use may be stored, sold, or displayed.	Ongoing	Development Services	
21.	The maximum permanent outdoor display area shall be included in a precise outdoor merchandise sales plan. However, the maximum square footage shall under no circumstances exceed 200 square feet based on the market's exterior configuration.	Ongoing	Development Services and Police	
22.	The maximum height of any outdoor display merchandise except plant materials shall be 5.5 feet. All outdoor display merchandise, regardless of height, shall be adequately secured and/or anchored to ensure that it does not hinder the traffic flow on the property or pose a safety hazard. The outdoor display of merchandise shall not be placed in a manner which blocks the store entrance or required paths of travel.	Ongoing	Development Services	
23.	**OUTDOOR SEATING PLAN** The applicant shall submit for review and approval a precise outdoor seating plan that includes the number, location, and design of all proposed tables, chairs, and shade features. Tables and chairs	Prior to Issuance of Any Construction	Development Services and Police	

PLANNING COMMISSION RESOLUTION 15-05 EXHIBIT A
CONDITIONS OF APPROVAL: SPROUTS MARKET ALCOHOL SALES, OUTDOOR MERCHANDISE SALES, AND OUTDOOR DINING USE PERMITS

		Timing/ Implementation	Monitoring Department / Division	Verification
	permanently stored outside shall be durable, graffiti-resistant and secured to prevent damage or theft.	Permit		
24.	The outdoor eating area shall be monitored and cleaned as needed by restaurant staff during operating hours to ensure that it remains neat, clean and free of trash.	Ongoing	Development Services	
25.	Any outdoor seating area damage or graffiti shall be repaired and/or cleaned promptly to return the area to its original condition within 72 hours.	Ongoing	Development Services	
26.	No alcohol may be consumed within the outdoor dining area.	Ongoing	Development Services and Police	
27.	No tables and chairs shall be located within six (6) feet of the disabled person access ramp closest to the outdoor seating area or placed within a six foot path of travel.	Ongoing	Development Services	
28.	The applicant and operator shall ensure the outdoor seating area operates in a manner consistent with the Pinole Municipal Code.	Ongoing	Development Services and Police	

ATTACHMENT I

PLANNING COMMISSION RESOLUTION 15-06
WITH EXHIBIT A:
CONDITIONS OF APPROVAL

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PINOLE RECOMMENDING APPROVAL TO THE CITY COUNCIL OF USE PERMITS TO ALLOW A DRIVE-THROUGH AND TO ALLOW OUTDOOR SEATING IN CONJUNCTION WITH AN APPROXIMATELY 2,216 SQUARE FOOT COFFEE SHOP WITHIN THE GATEWAY SHOPPING CENTER EAST PINOLE VALLEY ROAD AND NORTH OF INTERSTATE HIGHWAY 80 APN: 401-211-032

WHEREAS, Thomas Gateway LLC (Applicant) proposes to construct a commercial development with three retail buildings totaling approximately 40,558 square feet; one medical service building of approximately 4,000 square feet; an approximately 75-foot pylon sign; and related improvements. The applications consist of a design review request; use permits for a sign program, one drive through, grocery store alcohol sales, and outdoor dining and outdoor merchandise sales; a tentative parcel map; and a Development Agreement. The proposed development and applications are collectively known as the "Project". The Project site is approximately 5.7 acres, consisting of three parcels totaling 5.5 acres and an approximately 0.16–acre portion of the Pinole Creek property; and

WHEREAS, the Project site is located on the east and west sides of Pinole Valley Road north of Interstate Highway 80 and south of Henry Avenue, APN: 401-211-032 and -034, and 401-410-017; and

WHEREAS, Thomas Gateway, LLC has filed an application for conditional use permits with the City of Pinole to allow for operation of drive through and a 420 square foot outdoor seating area in conjunction with a proposed approximately 2, 216 square foot coffee shop; and

WHEREAS, the Planning Commission of the City of Pinole is the appropriate authority to hear and recommend action on these requests; and

WHEREAS, the Project site is designated for commercial use in the Pinole General Plan; and

WHEREAS, the Project site is located within the City's Three Corridors Specific Plan Pinole Valley Road Corridor; and

WHEREAS, the Project site is located in the Office Professional Mixed Use Zoning District; and

WHEREAS, Chapter 17.40f the Pinole Municipal Code permits drive-through facilities within the city of Pinole subject to securing a Use Permit; and

WHEREAS, the Project includes adequate parking to accommodate the parking demand for the proposed 420 square foot outdoor seating area; and

WHEREAS, in compliance with California Environmental Quality Act (CEQA), the City prepared and circulated a Mitigated Negative Declaration (MND) dated January 2015. The City received several comments on the draft MND and prepared written responses to those comments as well as an accompanying Mitigation Monitoring and Reporting Program (MMRP) which is hereby incorporated by reference; and

WHEREAS, a notice of public hearing was distributed to all property owners within 1,000 feet of the project site and a notice was published in the March 27, 2015 edition of the West County Times; and

WHEREAS, the Planning Commission has held a duly noticed public hearing considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request;

NOW THEREFORE, BE IT RESOLVED, that the above recitals are true and correct and made part of this resolution.

NOW, THEREFORE, BE IT FURTHER RESOLVED; the Planning Commission of the City hereby:

A. Finds as follows:

1. The proposed coffee shop drive through and outdoor seating uses , as conditioned, are consistent with the General Plan, the Three Corridors Specific Plan, and the Zoning Code;

2. The establishment, maintenance, and operation of the drive through and outdoor seating uses, as conditioned will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood or the general welfare of the City;

3. The site of the proposed uses, as conditioned, is physically suitable for the type, density, and intensity of the use and related structures being proposed;

4. The proposed uses, as conditioned, will not be contrary to the development regulations and performance standards established for the OPMU Zoning District and the proposed uses and related structures are compatible with other land uses, transportation and service facilities in the vicinity;

5. The design and location of the facility and lane, as conditioned, will not contribute to increased congestion on public or private streets adjacent to the subject property;

6. The design and location of the drive through facility and lane, as conditioned, will not impede access to or exit from the parking lot serving the facility nor impair normal circulation within the parking lot; and

7. The design and location of the drive through facility will not create a nuisance for adjoin properties.

B. Recommends approval of CUP 14-07, as provided in the staff report, and subject to the Conditions of Approval attached as Exhibit A to this Resolution.

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 6th day of April 2015, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Thomas M. Brooks, Chair, 2014-2015

ATTEST:

_____
Winston Rhodes, AICP, Planning Manager

PLANNING COMMISSION RESOLUTION 15-06 EXHIBIT A
CONDITIONS OF APPROVAL: COFFEE SHOP DRIVE THROUGH AND OUTDOOR SEATING USE PERMITS

		Timing/ Implementation	Monitoring Department / Division	Verification
1.	If any of conditions are found to be disregarded, the use permits for the drive-through and/or outdoor dining will be subject to revocation. If necessary, the Planning Commission may modify the one or more of the use permits or may revoke on or more of the use permits after holding a noticed public hearing and making applicable findings.	On-Going	Police and Development Services	
2.	The proposed uses shall be operated in a manner consistent with the project description statement of operations and project plans dated stamped received March 19, 2015 and in a manner which is consistent with all applicable federal, State and local laws.	On-Going	Police and Development Services	
3.	These use permit approvals are contingent upon City Council approval of the Gateway Shopping Center Development Agreement.	Prior to Issuance of Any Construction Permit	City Attorney and Development Services	
4.	The Applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	On-Going	City Attorney and Development Services	
5.	If congestion attributable to the drive-through facility is verified to occur on more than three (3) separate incidents by the Director of Development Services or his/her designee, such that it negatively impacts traffic flow	On-Going	Development Services and Police	

		Timing/ Implementation	Monitoring Department / Division	Verification
	on public streets, such congestion shall be grounds for follow-up action by the city, up to and including revocation in accordance with Section 17.10.102 of the Municipal Code.			
6.	**Drive-Through Width** The drive-through drive aisle shall have a minimum ten (10)-foot interior radius at curves and a minimum twelve (12)-foot width on curves. On straight sections, drive aisles shall have minimum eleven (11)-foot width.	Prior to Building Occupancy and On-Going	Development Services	
7.	**Drive-Through Length** The drive-through aisle shall provide at least one hundred eighty (180) - feet of stacking space measured from the service window to the drive-through lane entry point.	Prior to Building Occupancy and On-Going	Development Services	
8.	**Landscape Screening** In order to screen vehicles and associated headlights in the drive-through lane from view within the Pinole Valley Road right-of-way, a minimum five (5) foot-wide planting area shall include a minimum of three (3)-foot-tall and maximum four (4)-foot-tall landscape barrier planted with trees and shrubs to match the parking area,	Prior to Building Occupancy and On-Going	Development Services	
9.	The surrounding coffee shop area shall be maintained in a clean and orderly manner at all times. Landscaping material shall be regularly maintained around the site so that it cannot be used as a hiding place.	On-Going	Development Services and Police	

PLANNING COMMISSION RESOLUTION 15-06 EXHIBIT A
CONDITIONS OF APPROVAL: COFFEE SHOP DRIVE THROUGH AND OUTDOOR SEATING USE PERMITS

		Timing/ Implementation	Monitoring Department / Division	Verification
	On-site lighting shall be maintained in good working condition at all times.			
10.	The coffee shop and drive-through hours shall be 4:30 A.M. – 10:30 P.M. Sunday – Thursday and 4:30 A.M. – 11:00 P.M. Friday – Saturday.	On-Going	Planning and Police	
11.	The applicant shall submit a striping plan to the Development Services Department that includes a "Keep Clear" striping area near the coffee shop drive-through entrance to the satisfaction of the City Engineer.	Prior to Issuance of Building Permit	Development Services	
12.	The Applicant shall ensure that the coffee shop operator shall work cooperatively with the Police Department at all times to prevent crime and limit traffic-related problems which negatively impact those living or working nearby the property.	On-Going	Police	
13.	Proposed modification of the coffee shop or coffee shop drive-through hours or other aspects, including security measures of the business shall be submitted for review and approval by staff. Staff will determine if changes are substantial and require further review by the Planning Commission.	On-Going	Planning/Police	
14.	If the operation of the drive-through or outdoor dining use results in conflicts pertaining to parking, noise, nuisance, traffic or other impacts, at the discretion of staff, the use permit may be referred to the Planning Commission for subsequent review at a public hearing.	On-Going	Development Services and Police	
15.	If the coffee shops cease operation, a new conditional use permit shall be required for use of the drive-through. This requirement shall be included within the store lease and a copy of the executed lease language shall be	On-Going	City Attorney and Planning	

		Timing/ Implementation	Monitoring Department / Division	Verification
	provided to the Development Services Department prior to the issuance of a building permit in order to verify condition of approval compliance.			
16.	**SECURITY PLAN** The applicant in conjunction with the operator shall prepare and shall submit a security plan for the property for review and approval by the Police Department. The security plan shall include business hours of operation, alarm information, security cameras, and a completed "Business Site Emergency Information Form." Additionally, the applicant shall ensure that the operator staff provides full cooperation with the Police Department to prevent and investigate criminal activity at the property.	Prior to Issuance of Building Permit and Ongoing	Police and Development Services	
17.	**OUTDOOR SEATING PLAN** The applicant shall submit for review and approval a precise outdoor seating plan that includes the number, location, and design of all proposed tables, chairs, and any shade features. Tables and chairs permanently stored outside shall be durable, graffiti-resistant and secured to prevent damage or theft.	Prior to Issuance of Any Construction Permit	Development Services and Police	
18.	The outdoor eating area shall be monitored and cleaned as needed by coffee shop staff during operating hours to ensure that it remains neat, clean and free of trash.	Ongoing	Development Services	
19.	Any outdoor seating area damage or graffiti shall be repaired and/or cleaned promptly to return the area to its original condition within 72 hours.	Ongoing	Development Services	

PLANNING COMMISSION RESOLUTION 15-06 EXHIBIT A
CONDITIONS OF APPROVAL: COFFEE SHOP DRIVE THROUGH AND OUTDOOR SEATING USE PERMITS

		Timing/ Implementation	Monitoring Department / Division	Verification
20.	No tables and chairs shall be located within six (6) feet of the disabled person access ramp closest to the outdoor seating area or placed within a six foot path of travel.	Ongoing	Development Services	
21.	The applicant and operator shall ensure the outdoor seating area operates in a manner consistent with the Pinole Municipal Code.	Ongoing	Development Services and Police	
22.	A copy of these conditions of approval shall be kept on premises and made available upon request.	On-Going	Development Services and Police	

ATTACHMENT J

PLANNING COMMISSION RESOLUTION 15-07
WITH EXHIBIT A:
CONDITIONS OF APPROVAL

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PINOLE RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A USE PERMITS TO ALLOW UP TO 1,000 SQUARE FEET OF OUTDOOR SEATING IN CONJUNCTION WITH AN APPROXIMATELY 11,328 SQUARE FOOT RETAIL SHOP SPACE BUILDING WITHIN THE GATEWAY SHOPPING CENTER WEST OF PINOLE VALLEY ROAD AND NORTH OF INTERSTATE HIGHWAY 80 APN: 401-410-017

WHEREAS, Thomas Gateway LLC (Applicant) proposes to construct a commercial development with three retail buildings totaling approximately 40,558 square feet; one medical service building of approximately 4,000 square feet; an approximately 75-foot pylon sign; and related improvements. The applications consist of a design review request; use permits for a sign program, one drive through, grocery store alcohol sales, and outdoor dining and outdoor merchandise sales; a tentative parcel map; and a Development Agreement. The proposed development and applications are collectively known as the "Project". The Project site is approximately 5.7 acres, consisting of three parcels totaling 5.5 acres and an approximately 0.16–acre portion of the Pinole Creek property; and

WHEREAS, the Project site is located on the east and west sides of Pinole Valley Road north of Interstate Highway 80 and south of Henry Avenue, APN: 401-211-032 and -034, and 401-410-017; and

WHEREAS, Thomas Gateway, LLC has filed an application for a conditional use permit with the City of Pinole to allow for an outdoor seating area of up to 1,000 square feet in conjunction with a proposed approximately 11,328 square retail shop space building west of Pinole Valley Road; and

WHEREAS, the Planning Commission of the City of Pinole is the appropriate authority to hear and recommend action on this request; and

WHEREAS, the Project site is designated for commercial use in the Pinole General Plan; and

WHEREAS, the Project site is located within the City's Three Corridors Specific Plan Pinole Valley Road Corridor; and

WHEREAS, the Project site is located in the Office Professional Mixed Use Zoning District; and

WHEREAS, the Project includes adequate parking to accommodate the parking demand for the proposed 1,000 square foot outdoor seating area; and

WHEREAS, in compliance with California Environmental Quality Act (CEQA), the City

prepared and circulated a Mitigated Negative Declaration (MND) dated January 2015. The City received several comments on the draft MND and prepared written responses to those comments as well as an accompanying Mitigation Monitoring and Reporting Program (MMRP) which is hereby incorporated by reference; and

WHEREAS, a notice of public hearing was distributed to all property owners within 1,000 feet of the project site and a notice was published in the March 27, 2015 edition of the West County Times; and

WHEREAS, the Planning Commission has held a duly noticed public hearing considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request;

NOW THEREFORE, BE IT RESOLVED, that the above recitals are true and correct and made part of this resolution.

NOW, THEREFORE, BE IT FURTHER RESOLVED; the Planning Commission of the City hereby:

A. Finds as follows:

1. The proposed outdoor seating use, as conditioned, is consistent with the General Plan, the Three Corridors Specific Plan, and the Zoning Code;

2. The establishment, maintenance, and operation of the outdoor seating use, as conditioned will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood or the general welfare of the City;

3. The site of the proposed use, as conditioned, is physically suitable for the type, density, and intensity of the use and related structures being proposed;

4. The proposed uses, as conditioned, will not be contrary to the development regulations and performance standards established for the OPMU Zoning District and the proposed uses and related structures are compatible with other land uses, transportation and service facilities in the vicinity;

B. Recommends approval of CUP 14-06, as provided in the staff report, and subject to the Conditions of Approval attached as Exhibit A to this Resolution.

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 6th day of April 2015, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Thomas M. Brooks, Chair, 2014-2015

ATTEST:

Winston Rhodes, AICP, Planning Manager

PLANNING COMMISSION RESOLUTION 15-07 EXHIBIT A
CONDITIONS OF APPROVAL: RETAIL SHOP SPACE OUTDOOR SEATING USE PERMIT

		Timing/ Implementation	Monitoring Department / Division	Verification
1.	If any of conditions are found to be disregarded, the use permits for the outdoor dining will be subject to revocation. If necessary, the Planning Commission may modify the use permit or may revoke the use permit after holding a noticed public hearing and making applicable findings.	On-Going	Police and Development Services	
2.	The proposed uses shall be operated in a manner consistent with the project description statement of operations and project plans dated stamped received March 19, 2015 and in a manner which is consistent with all applicable federal, State and local laws.	On-Going	Police and Development Services	
3.	These use permit approvals are contingent upon City Council approval of the Gateway Shopping Center Development Agreement.	Prior to Issuance of Any Construction Permit	City Attorney and Development Services	
4.	The Applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	On-Going	City Attorney and Development Services	
5.	The surrounding shop space building area shall be maintained in a clean and orderly manner at all times. Landscaping material shall be regularly maintained around the site so that it cannot be used as a hiding place. On-site lighting shall be maintained in good working condition at all times.	On-Going	Development Services and Police	

		Timing/ Implementation	Monitoring Department / Division	Verification
6.	The Applicant shall ensure that the shop space operators shall work cooperatively with the Police Department at all times to prevent crime.	On-Going	Police	
7.	Proposed modification to the shop space outdoor dining operator's hours of operation or other aspects, including security measures of the businesses shall be submitted for review and approval by staff. Staff will determine if changes are substantial and require further review by the Planning Commission.	On-Going	Planning/Police	
8.	If the operation of the outdoor dining use results in conflicts pertaining to parking, noise, nuisance, traffic or other impacts, at the discretion of staff, the use permit may be referred to the Planning Commission for subsequent review at a public hearing.	On-Going	Development Services and Police	
9.	**SECURITY PLAN** The applicant in conjunction with the operator shall prepare and shall submit a security plan for the property for review and approval by the Police Department. The security plan shall include business hours of operation, alarm information, security cameras, and a completed "Business Site Emergency Information Form." Additionally, the applicant shall ensure that the operator staff provides full cooperation with the Police Department to prevent and investigate criminal activity at the property.	Prior to Issuance of Building Permit and Ongoing	Police and Development Services	
10.	**OUTDOOR SEATING PLAN** The applicant shall submit for review and approval a precise outdoor	Prior to Issuance of	Development Services and	

PLANNING COMMISSION RESOLUTION 15-07 EXHIBIT A
CONDITIONS OF APPROVAL: RETAIL SHOP SPACE OUTDOOR SEATING USE PERMIT

		Timing/ Implementation	Monitoring Department / Division	Verification
	seating plan that includes the number, location, and design of all proposed tables, chairs, and any shade features for up to 1,000 square feet south of the building. Tables and chairs permanently stored outside shall be durable, graffiti-resistant and secured to prevent damage or theft.	Building Permit and Ongoing	Police	
11.	Outdoor seating areas shall be monitored and cleaned as needed by operator staff during operating hours to ensure that it remains neat, clean and free of trash.	Ongoing	Development Services	
12.	Any outdoor seating area damage or graffiti shall be repaired and/or cleaned promptly to return the area to its original condition within 72 hours.	Ongoing	Development Services	
13.	No tables and chairs shall be located within six (6) feet of the disabled person access ramp closest to the outdoor seating area or placed within a six foot path of travel.	Ongoing	Development Services	
14.	The applicant and operator shall ensure the outdoor seating area operates in a manner consistent with the Pinole Municipal Code.	Ongoing	Development Services and Police	
15.	A copy of these conditions of approval shall be kept on premises and made available upon request.	On-Going	Development Services and Police	

ATTACHMENT K

PLANNING COMMISSION
RESOLUTION NO. 15-08

A RESOLUTION OF THE PLANNING COMMISSION FOR THE CITY OF PINOLE RECOMMENDING THAT THE CITY COUNCIL CONDITIONALLY APPROVE TENTATIVE PARCEL MAP / MINOR SUBDIVISION 651-14 TO SUBDIVIDE ONE PARCEL OF APPROXIMATELY 4.53 ACRES (APN 401-410-017) INTO TWO PARCELS OF 2.513 ACRES (PARCEL 1) AND 2.013 ACRES (PARCEL 2).

WHEREAS, Thomas Gateway LLC (Applicant) proposes to construct a commercial development with three retail buildings totaling approximately 40,558 square feet; one office building of approximately 4,000 square feet; an approximately 75-foot pylon sign; and related improvements, collectively known as the "Project".

WHEREAS, the Project is located on the east and west sides of Pinole Valley Road north of Interstate Highway 80 and south of Henry Avenue, APN: 401-211-032, 401-211-034, and 401-410-017; and

WHEREAS, the project includes a Tentative Parcel Map / Minor Subdivision, for a portion of project involving APN 401-410-017; and

WHEREAS, Tentative Parcel Maps / Minor Subdivisions must comply with Sections 16.12.020 through 16.12.050 of the Pinole Municipal Code; and

WHEREAS, in compliance with California Environmental Quality Act (CEQA), the City prepared and circulated a Mitigated Negative Declaration (MND) dated January 2015 for Project; and

WHEREAS, the City received several comments on the draft MND and prepared written responses thereto; and

WHEREAS, a staff report, dated April 6, 2015 and incorporated herein by reference, described and analyzed the Project, including the Tentative Parcel Map / Minor Subdivision; and

WHEREAS, the Planning Commission held a duly noticed public hearing related to the proposed Project, including the Tentative Parcel Map / Minor Subdivision on April 6, 2015 at which time all interested parties had the opportunity to be heard; and

WHEREAS, the Planning Commission considered the draft MND (including comments and responses), the staff report, the presentation by city staff, all public comments received, and all other pertinent documents regarding the Tentative Parcel Map / Minor Subdivision prior to making its recommendation; and

WHEREAS, following the public hearing, the Planning Commission adopted Resolution 15-02 recommending approval of the MND to the City Council;

WHEREAS, the proposed tentative map shows the dimensions of the proposed lots and existing easements; and

WHEREAS, the proposed tentative map as conditioned includes sufficient street access for each proposed parcel dimensions of the proposed lots and existing easements;

NOW THEREFORE, the Planning Commission hereby:

A. Finds as follows:

1. The proposed Parcel Map / Minor Subdivision Map as conditioned is consistent with the General Plan and Three Corridors Specific Plan;

2. The design or improvements of the proposed subdivision as conditioned is consistent with the General Plan and Three Corridors Specific Plan;

3. The Project site is physically suitable for the type of development contemplated;

4. The Project site is physically suited for the proposed density of development;

5. The design of the subdivision and proposed improvements as conditioned are not likely to cause substantial environmental damage or substantially or substantially injure fish or wildlife or their habitat;

6. The design of the subdivision or the improvements as conditioned is not likely to cause serious public health problems;

7. The design of the subdivision and improvements as conditioned will not conflict with easements, acquired by the public at large, for access through or use of within the proposed subdivision;

8. The Project's environmental impacts have been reviewed in a legally adequate Mitigated Negative Declaration and can be mitigated to a less than significant level and all Project mitigation measures are hereby incorporated by reference; and

9. The proposed Tentative Parcel Map / Minor Subdivision is consistent with Sections 16.12.020 through 16.12.050 of the Pinole Municipal Code.

B. Hereby recommends approval of Tentative Map / Minor Subdivision 651-14 as provided in the staff report, and subject to the Conditions of Approval attached as Exhibit A to this Resolution.

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 6th day of April, 2015, by the following vote:

AYES:
NOES
ABSTAIN:
ABSENT:

_____

Thomas Brooks, Chair, 2014-2015

ATTEST:

_____

Winston Rhodes, AICP, Planning Manager

PLANNING COMMISSION RESOLUTION 15-08 EXHIBIT A
CONDITIONS OF APPROVAL: GATEWAY SHOPPING CENTER TENTATIVE PARCEL MAP / MINOR SUBDIVISION 651-14

		Timing/ Implementation	Monitoring Department / Division	Verification
1.	The final parcel map shall be consistent with project plans date stamped received March 19, 2015 unless modified by the conditions of approval below and shall be prepared in a manner which is consistent with all federal, state and local laws including the California Subdivision Map Act and pertinent sections of the Pinole Municipal Code.	On-Going	Development Services	
2.	The applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this subdivision or any environmental or other documentation related to approval of this subdivision. Applicant further agrees to provide a defense for the City in any such action.	On-Going	Development Services	
3.	Approval of the Tentative Map shall be contingent upon City Council approval of an accompanying Development Agreement.	On-Going	City Attorney and Development Services	
4.	**STORM WATER MANAGEMENT FACILITY OPERATIONS AND MAINTENANCE AGREEMENT** Prior to the recordation of the Final Map or issuance of any building permit, the applicant shall execute a Storm Water Management Facility Operations and Maintenance Agreement and Right of Entry.	Prior to Recordation of A Final Map or Occupancy Permit	Development Services and City Attorney	
5.	**PARCEL MAP DEDICATIONS** The applicant shall have a Final Parcel Map, prepared by a person authorized to practice land surveying in California, delineating all parcels created or deleted and all changes in lot lines (as per Section 16.12.190 of the Municipal Code). The Parcel Map shall be submitted for review and approval by the City Engineer and City Council prior to recordation.	Prior to Recordation of A Final Map	Development Services	

		Timing/ Implementation	Monitoring Department / Division	Verification
	The final parcel map shall include the following: 1) An offer of dedication for a five-foot wide Public Utility Easement (P.U.E.) along the Pinole Valley Road frontage 2) An offer of dedication for bus turnout at Pinole Valley Road in a manner acceptable to the City Engineer 3) An offer of dedication to the trail head improvement on Henry Avenue. 3) An offer of dedication for the right of way necessary to construct a right turn lane from southbound Pinole Valley Road to westbound Interstate 80 in a manner acceptable to the City Engineer			
6.	**INCORPORATION INTO THE LANDSCAPE AND LIGHTING DISTRICT** As a result of this project, the Landscape and Lighting District Number One will be modified to include a new zone to provide additional reasonable and necessary maintenance. Prior to the recordation of any parcel map, or the issuance of any construction permit, the applicant shall agree to annex into the amended Landscape and Lighting District Number One as directed by the City Engineer.	Prior to the Recordation of the final map or Issuance of Any Construction Permit	Development Services	
7.	**MONUMENTATION** - Prior to recordation of the Final Map, the applicant shall set adequate monuments, as determined by the City Engineer, or post security to insure installation of monuments, in accord with Government Code Sections 66495 and 66496.	Prior to Recordation of A Final Map	Development Services	

		Timing/ Implementation	Monitoring Department / Division	Verification
8.	**RECIPROCAL ACCESS AND PARKING AGREEMENT - GATEWAY WEST** Prior to the recordation of a Final the applicant shall record a Reciprocal Access and Parking Agreement, in a form acceptable to the City Attorney, over and between the Parcel for the proposed market, and the Parcel for the proposed Retail Shops on the portion of the project site west of Pinole Valley Road.	Prior to Issuance of any Building Permits or recordation of a final map	City Attorney and Development Services Department	
9.	**PROVISION OF THROUGH ACCESS** The applicant shall offer to provide to the owner of 2580 Pinole Valley Road a legal right for through access over drive aisles, as reconfigured from time-to-time, to provide access to the signalized driveway on Pinole Valley Road. A through access easement agreement shall be in a form reasonably acceptable to City and applicant. If accepted, the applicant shall record the easement agreement and provide proof of recordation to the City Engineer.	Prior to Issuance of any Building Permits or recordation of a final map	City Attorney and Development Services Department	
10.	**PAYMENT OF DEVELOPMENT SERVICES FEES FOR FINAL MAP** The applicant shall deposit funds with the City to pay for all review and processing of the Final Map (as per City Council Resolution #2927). The amount of the deposit shall be determined by the City based on an estimate of the work required.	Prior to Recordation of A Final Map	Development Services	

ATTACHMENT L

PLANNING COMMISSION
RESOLUTION NO. 15-09

A RESOLUTION OF THE CITY OF PINOLE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE A DEVELOPMENT AGREEMENT FOR THE GATEWAY SHOPPING CENTER PROJECT (DA 14-01)

WHEREAS, Thomas Gateway LLC (Applicant) proposes to construct a commercial development with three retail buildings totaling approximately 40,558 square feet; one medical service building of approximately 4,000 square feet; an approximately 75-foot pylon sign; and related improvements. The applications consist of a design review request; use permits for a sign program, one drive through, grocery store alcohol sales, and outdoor dining and outdoor merchandise sales; a tentative parcel map; and a Development Agreement. The proposed development and applications are collectively known as the "Project". The Project site is approximately 5.7 acres, consisting of three parcels totaling 5.5 acres and an approximately 0.16–acre portion of the Pinole Creek property; and

WHEREAS, the Project site is located on the east and west sides of Pinole Valley Road north of Interstate Highway 80 and south of Henry Avenue, APN: 401-211-032 and -034, and 401-410-017; and

WHEREAS, in compliance with California Environmental Quality Act (CEQA), the City prepared and circulated a Mitigated Negative Declaration (MND) dated January 2015. The City received several comments on the draft MND and prepared written responses to those comments as well as an accompanying Mitigation Monitoring and Reporting Program(MMRP); and

WHEREAS, as part of the Project, the City and Applicant have negotiated a draft Development Agreement in accordance with Government Code section 65864 *et seq.* and Pinole Municipal Code section 17.12.160, which agreement is attached as Exhibit A and incorporated herein by reference; and

WHEREAS, Government Code section 65867 and Pinole Municipal Code Section 17.12.160.C require the Planning Commission to hold a public hearing on the proposed development agreement and make a recommendation to the City Council; and

WHEREAS, a staff report, dated April 6, 2015 and incorporated herein by reference, described and analyzed the Project, including the Development Agreement, for the Planning Commission. Pursuant to Government Code section 65867.5(b), the Development Agreement must be found consistent with the City's general plan and any applicable specific plan, which includes the Three Corridors Specific Plan; and

WHEREAS, the Planning Commission held a duly noticed public hearing related to the proposed Project, including the Development Agreement, on April 6, 2015, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the Planning Commission considered the draft MND (including comments and responses), the staff report, the presentation by city staff, all public comments received, and all other pertinent documents regarding the Development Agreement, prior to making its recommendation on the Development Agreement; and

WHEREAS, following the public hearing, the Planning Commission adopted Resolution 15-02 recommending approval of the MND, which resolution is dated April 6, 2015 and incorporated herein by reference.

NOW THEREFORE, BE IT RESOLVED, that the above recitals are true and correct and made a part of this resolution.

BE IT FURTHER RESOLVED, that the Planning Commission hereby:

A. Recommends that the City Council find that the proposed Development Agreement is consistent with the General Plan and the Three Corridors Specific Plan in that the agreement incorporates and does not alter existing General Plan and Specific Plan land use designations, policies, programs and objectives.

B. Recommends that the City Council approve the proposed Development Agreement attached as Exhibit A.

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 6th day of April, 2015, by the following vote:

AYES:
NOES
ABSTAIN:
ABSENT:

_____

Thomas Brooks, Chair, 2014-2015

ATTEST:

_____

Winston Rhodes, AICP, Planning Manager

Winston Rhodes

From: ryan mccann [ryanmccann168@gmail.com]
Sent: Friday, March 27, 2015 9:47 AM
To: Winston Rhodes; Belinda Espinosa; PMurray; Roy Swearingen; Tim Banuelos; Phil Green; Debbie Long
Subject: Pinole Gateway Project - Traffic Calming

Dear City Manager, Mayor, Council Members & Planning Manager,

I am a long time resident of Pinole on Emma Drive just up Henry behind the Kaiser. I am very concerned there are many things not being considered for safety and traffic calming related to this project in favor of quickly approving it.

I am not against development or the overall project. I work for a local city government for the Transportation and Public Works Departments and have years of experience reviewing, fielding questions about and dealing with problems created by large developments like this one.

I am very concerned for the need for traffic calming related to this project, especially since the project calls for tractor-trailers to be backing onto a street where and during hours of children being dropped off at Collins Elementary. The people driving to this shopping center are not going to be as familiar as we are living here with the area surrounding the location and that there is in fact an elementary school and health facility surrounding. The people driving here, well the major majority, are only going to the shopping center and they're only going to be thinking about getting in there as quickly as possible and getting out as quickly as possible to continue their day going to work or going to home. They will not be thinking as their first thought "I need to watch out for children, I need to watch out for people walking at the health facility". When there's a tractor trailer backing onto Henry and somebody turns from Pinole Valley onto Henry trying to get into that shopping center and then all the sudden come across a backing trailer there's potential to swerve and go around is much higher and we have parents who are trying to drop off children at that same location. The roadways are not conducive for viewing by drivers as there are long expensive curves. Henry is not that wide of a street when there are cars parked on either side. The ability for drivers to see long distances and take in the potential for what's going to happen ahead are diminished in this area because of our long sweeping curves and because of the items that are on the sides of the street such as parked vehicles and plantings. We need signage and traffic calming devices to let people know that there is a health facility and an elementary school that they do need to be mindful of and drive more cautiously, remind them of the speed limit, and remind them of the potential for children crossing the street. It is not unreasonable to ask for the developer to pay for these items. They're not going to stop the project over a couple traffic calming signs that will benefit the people who must live with all the added traffic and congestion created by this project. Signs to let people know on Henry their current speed such as speed feedback signs and signs to let them know there is the potential for children crossing. A speed feedback sign on both directions of Pinole Valley would be very helpful to remind drivers that although they might be in a hurry, this is still a residential area with people walking and slow moving vehicles that they need to be mindful of and the speed they're traveling.

Will there be anything to alert people and children to the fact that there is a tractor-trailer actively backing onto the roadway when it is occurring? People will not anticipate this occurrence. Children walking on the sidewalk will be completely unaware of the potential for a truck to be backing out. There needs to be something both visual and auditory to let everyone know when there is a truck backing out onto Henry. Ultimately I am completely against a tractor-trailer backing onto Henry.

ATTACHMENT N

Please contact me with any questions and your response.

Please include a copy of this email in the related packet to the Planning Commission.

Respectfully,
Ryan McCann
2630 Emma Dr
510-292-7438

Winston Rhodes

From: bearclawbakery@gmail.com
Sent: Wednesday, April 01, 2015 3:05 PM
To: Winston Rhodes
Subject: Winston,

I know it seems we are against everything the city proposes, but we're not. I've lived in and around Pinole most of my life and have seen it grow into what is. Pinole is a very nice blend of country and urban living. Putting a retail complex across from the Kaiser center, we believe, will create a lot of traffic problems. Traffic already is quite often heavy. Any drive thru business is just ridiculous. Can you imagine people getting off the freeway in the morning, zipping in and then what? They will have to head downtown and turn around. Doesn't "Old Town" start on the Kaiser side of the freeway? We believed that there were to be no corporate businesses in Old Town. Are you moving the starting point now to Collins school? We believe our community doesn't want to fight traffic at home after having had to commute to and from work. Creating more tax revenue sometimes should be put on hold for quality of living.

Mike and Terri Stott

Sent from Windows Mail

Carol Thompson • 2594 Emma Drive • Pinole, CA 94564

April 2, 2015

RECEIVED
APR 2 2015
CITY OF PINOLE
DEV. SERV.

Mr. Winston Rhodes
Planning Manager, City of Pinole
2131 Pear Street
Pinole, CA 94564

Dear Mr. Rhodes-

I am writing to express my deep concerns for the proposed development, Gateway East and Gateway West.

I have researched a number of issues and it appears that the requirements under CEQA have not been met to properly support a Mitigated Negative Declaration.

TRAFFIC:

For example, the traffic study that you stated at a Planning Commission public workshop on March 23rd, "already studied the impacts of a drive-through" actually highlights a traffic safety issue with the egress of the proposed Starbuck's drive thru traffic. Because of the curve in the road, the 2004 study found the sight lines inadequate and recommends restrictions on landscaping and signage within 10 to 15 feet from the edge of the curb. It further discusses the potential risks of a safety problem and suggests that the entrance be considered for modification and restricted to a right turn in only, and eliminating the means of exit entirely so as not to put drivers in danger when making the right turn back onto Pinole Valley Road. Since the study even mentions that this driveway is "not likely that there would be a very high demand for the outbound movement" it is now clearly inadequate in the study of it's planned use for both the new proposed medical building and a drive-through coffee shop.

The trip generation rates were based on Land Uses of a Medical-Dental Office building (Land Use code 720) and a Drive-In Bank (Land Use code 912), not a shopping center, supermarket, and a coffee/donut shop with drive-through window. The traffic needs to be properly studied using current traffic information at peak times for Pinole.

Also, as stated in the traffic study, "Pinole Valley Road is considered to be a Basic Route in the Contra Costa County network. As such, the applicable traffic standards are that any signalized intersections shall not exceed Level of Service (LOS) "E", or exceed a volume-to-capacity ratio of 0.86." Current conditions at peak times (ignored in the current studies) already find traffic exceeding these levels of service, especially during the start and end times at local schools, all within one mile of the development.

ATTACHMENT N

The $79 million I-80 Integrated Corridor Mobility Project will be operational within six months. The impacts of this project need to be studied in conjunction with current and expected traffic conditions, including a forecast of traffic impacts (per CE 3.1.1)

PINOLE CREEK:

There are numerous impacts to the natural environment that have not been properly studied.

The planned Fish Passage under I-80 – a culmination of seven years of work by multiple governmental agencies as well as the City of Pinole and within 200 feet of the proposed project – was not even mentioned in the initial study. Environmental impacts of a development of this size and magnitude need to be adequately studied.

Another area of concern is the setback. Per the General Plan, Natural Resources and Open Space - (Action OS 1.1.4) the "require a minimum 100-foot setback and environmental review, and require a larger setback where necessary to mitigate project impacts." Per the site map, neither building is even close to meeting this setback.

DEVELOPER PREVIOUS PROJECTS:
Also, in researching the developer's previous projects, there is no easily accessible information available on the internet and their web page says their site is "under construction". I would like to see what other projects they have developed and would appreciate it if you could please share that information.

Please know that I support change and progress for Pinole, but it has to be done to meet CEQA requirements. The evidence that is necessary to support the City's findings are lacking in multiple areas, subjecting the City to what could be a pricey CEQA challenge.

Please include this letter in the package that will be distributed to the Planning Commissioners for the upcoming April 6, 2015 Planning Commission.

Sincerely,

Carol Thompson
Pinole Resident and Former Planning Commissioner

CC: City Council, City Manager

Carol Thompson • 2594 Emma Drive • Pinole, CA 94564

April 2, 2015

Mr. Winston Rhodes
Planning Manager, City of Pinole
2131 Pear Street
Pinole, CA 94564

Dear Mr. Rhodes-

I am writing to express my deep concerns for the proposed development, Gateway East and Gateway West.

I have researched a number of issues and it appears that the requirements under CEQA have not been met to properly support a Mitigated Negative Declaration.

TRAFFIC:

For example, the traffic study that you stated at a Planning Commission public workshop on March 23rd, "already studied the impacts of a drive-through" actually highlights a traffic safety issue with the egress of the proposed Starbuck's drive thru traffic. Because of the curve in the road, the 2004 study found the sight lines inadequate and recommends restrictions on landscaping and signage within 10 to 15 feet from the edge of the curb. It further discusses the potential risks of a safety problem and suggests that the entrance be considered for modification and restricted to a right turn in only, and eliminating the means of exit entirely so as not to put drivers in danger when making the right turn back onto Pinole Valley Road. Since the study even mentions that this driveway is "not likely that there would be a very high demand for the outbound movement" it is now clearly inadequate in the study of it's planned use for both the new proposed medical building and a drive-through coffee shop.

The trip generation rates were based on Land Uses of a Medical-Dental Office building (Land Use code 720) and a Drive-In Bank (Land Use code 912), not a shopping center, supermarket, and a coffee/donut shop with drive-through window. The traffic needs to be properly studied using current traffic information at peak times for Pinole.

Also, as stated in the traffic study, "Pinole Valley Road is considered to be a Basic Route in the Contra Costa County network. As such, the applicable traffic standards are that any signalized intersections shall not exceed Level of Service (LOS) "E", or exceed a volume-to-capacity ratio of 0.86." Current conditions at peak times (ignored in the current studies) already find traffic exceeding these levels of service, especially during the start and end times at local schools, all within one mile of the development.

The $79 million I-80 Integrated Corridor Mobility Project will be operational within six months. The impacts of this project need to be studied in conjunction with current and expected traffic conditions, including a forecast of traffic impacts (per CE 3.1.1)

PINOLE CREEK:

There are numerous impacts to the natural environment that have not been properly studied.

The planned Fish Passage under I-80 – a culmination of seven years of work by multiple governmental agencies as well as the City of Pinole and within 200 feet of the proposed project – was not even mentioned in the initial study. Environmental impacts of a development of this size and magnitude need to be adequately studied.

Another area of concern is the setback. Per the General Plan, Natural Resources and Open Space - (Action OS 1.1.4) the "require a minimum 100-foot setback and environmental review, and require a larger setback where necessary to mitigate project impacts." Per the site map, neither building is even close to meeting this setback.

DEVELOPER PREVIOUS PROJECTS:
Also, in researching the developer's previous projects, there is no easily accessible information available on the internet and their web page says their site is "under construction". I would like to see what other projects they have developed and would appreciate it if you could please share that information.

Please know that I support change and progress for Pinole, but it has to be done to meet CEQA requirements. The evidence that is necessary to support the City's findings are lacking in multiple areas, subjecting the City to what could be a pricey CEQA challenge.

Please include this letter in the package that will be distributed to the Planning Commissioners for the upcoming April 6, 2015 Planning Commission.

Sincerely,

Carol Thompson
Pinole Resident and Former Planning Commissioner

CC: City Council, City Manager