



**December 18, 2006**

**Steering Committee  
Members:**

Timothy J. Banuelos

Thomas Brooks

John Chapin

Debbie Long

Steven McFarland

Paul Sekins

Maureen Toms

**Notice of Preparation  
Of a Draft Environmental Impact Report regarding the  
City of Pinole General Plan, Zoning Ordinance and Fee Studies**

The City of Pinole is undertaking the first comprehensive update of the Pinole General Plan since 1995, and will be the lead agency for preparation of a program-level Environmental Impact Report (EIR) on the General Plan Update.

We need to know your views regarding the scope and content of the environmental information to be included in the EIR. If you work for a public agency, your comments should address the scope and content of environmental information that is germane to the agency's statutory responsibilities, as required by Section 15082(b) of the State Guidelines for the California Environmental Quality Act (CEQA). A summary of the project and potential environmental effects proposed for analysis is provided below.

**Written comments can be submitted at any time during the notice period which begins December 18 and ends at 5:30 PM on January 16, 2007.** Letters should be directed to:

City of Pinole General Plan Update  
Attn: Elizabeth Dunn, EIR Task Manager  
2131 Pear Street  
Pinole, CA 94564  
(or e-mail to [info@pinolegeneralplan.com](mailto:info@pinolegeneralplan.com))

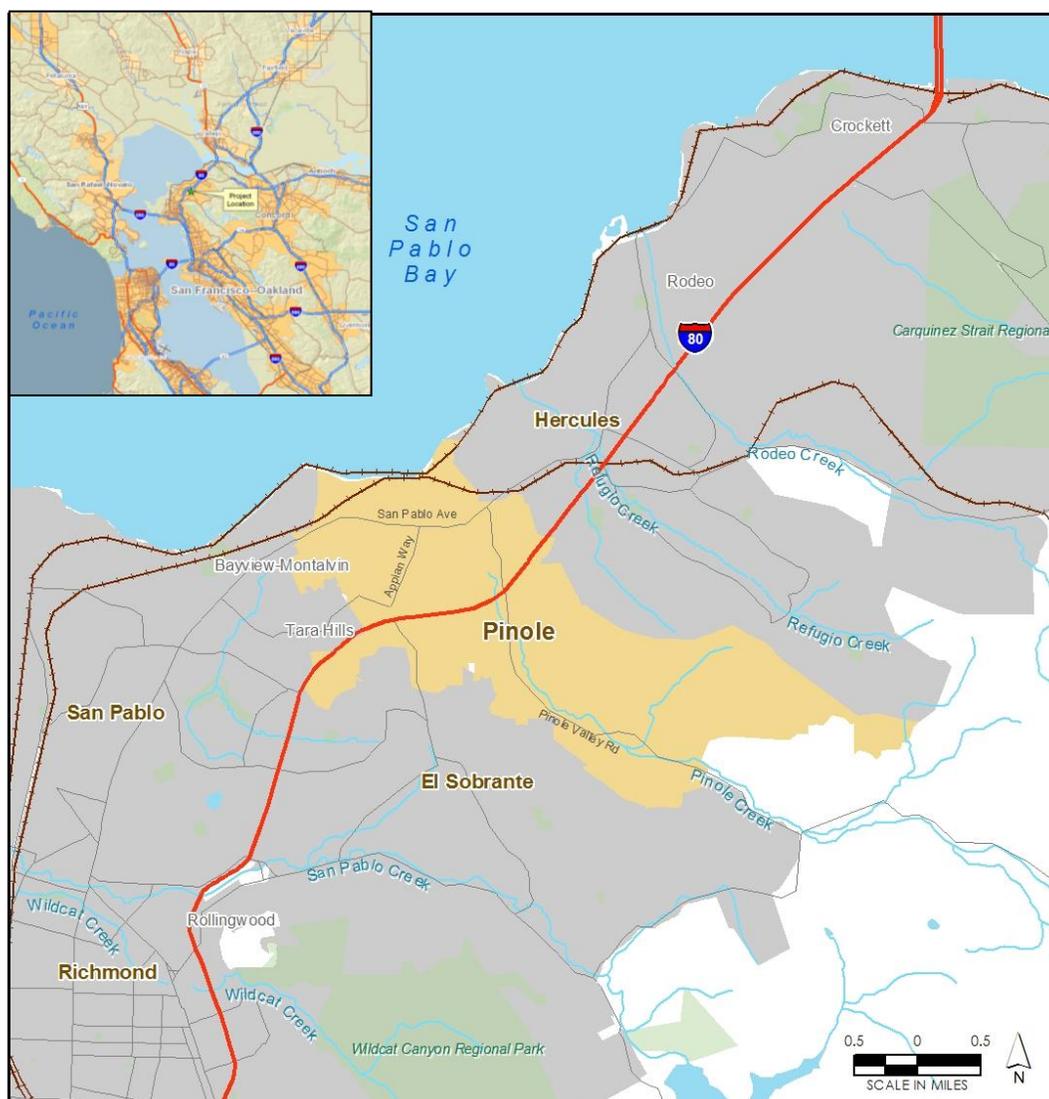
In addition, oral comments will be accepted at two public/agency meetings:

- Daytime Meeting: 2:00 PM on January 10, 2007 at Pinole City Hall Council Chambers, 2131 Pear Street, Pinole (Targeted for Public Agency Staff)
- Nighttime Meeting: 6:00 PM on January 10, 2007 at Pinole City Hall Council Chambers, 2131 Pear Street, Pinole

It is not necessary to comment more than once. All comments will be considered during preparation of the EIR and the General Plan update. Please call the City of Pinole Planning Department at (510) 724-9014 and ask for Elizabeth Dunn if you have questions.

**Project Name:** City of Pinole General Plan Update

**Project Location:** The City of Pinole General Plan addresses the incorporated area of Pinole, California.



Source: ESRI, 2006.

## Project Description:

The proposed project consists of the adoption of an updated General Plan as well as an update to the Zoning Ordinance for the City of Pinole. California law requires all local jurisdictions in the State to maintain a current general plan with goals and policies to guide land use and development. The current version of the Pinole General Plan was adopted in 1995, although some sections (known as elements) have been updated since then. (A copy can be found on the City's website at [www.ci.pinole.ca.us](http://www.ci.pinole.ca.us).)

In 2006, the Pinole City Council stated its desire to undertake a comprehensive update of the Plan and Zoning Ordinance and in mid-2006 determined that a Steering Committee, comprised of the members of the Planning Commission, would prepare the Plan and build public support. Concurrently, City staff and consultants have been charged with preparing an EIR.

It is anticipated that the revision process now underway will result in adoption of a new General Plan in mid-2008 to provide policy guidance related to land use, transportation, public services, and related issues such as noise, air quality, biological resources, cultural resources, and housing over the next twenty years. The General Plan Update will reflect the changing conditions in the City since the various Elements were first prepared, and integrate the elements into a coordinated whole. The General Plan Update is expected to reflect existing land use designations and development policy, with an emphasis being on the effective implementation of the existing goals of the City. These may include mechanisms to encourage higher intensity use of vacant and underutilized land near transit, and in the City's redevelopment areas. Design considerations, economic development, growth management, conservation, and public utilities and services also will be integrated into the overall planning framework update. The City's intent is to incorporate environmental factors into the Plan.

A Zoning Ordinance Update and a Review of Grading and Subdivision Ordinance are also underway by City staff and consultants. The Zoning Code amendments will address the following:

- Ensure zoning provisions are consistent with the current and planned amendments to the General Plan.
- Update zoning district allowed use provisions and development standards as necessary and appropriate.
- Incorporate permit processing information consistent with law and current practices.
- Create a Form Based Code for San Pablo Avenue, Appian Way, and a portion of Pinole Valley Road.
- Reorganize zoning regulations to be more user friendly, and consistent with other Municipal Code Sections.
- Ensure that zoning provisions are in compliance with applicable provisions of State and Federal laws.

In addition to a Plan Update and an update to the Zoning Ordinance, the City will conduct the following studies to evaluate modifications in the current fee structures:

- Development Impact Fees
- User Fees
- Low-Income Housing Fees

The following General Plan Elements would be updated or modified to develop a preferred General Plan Update:

- Land Use and Economic Development Element
- Housing Element
- Transportation and Circulation Element
- Open Space and Environmental Protection Element
- Health and Safety Element (including Air and Noise)
- Growth Management Element
- Community Services and Facilities Element (including water)
- Community Character Element (Green Building and Design provisions proposed)

## **Potential Environmental Effects:**

The proposed project may have environmental impacts, and the EIR will assess the project's potential direct, indirect, and cumulative effects on the following:

- Aesthetics, including visual character, scenic views, light and glare;
- Air Quality, including the regional air quality plan, violations of existing air quality standards, air pollutants, and odors;
- Biological Resources, including special status (e.g. rare and endangered) plant and animal species, riparian habitats and other sensitive natural communities, wetlands, wildlife movement and nursery sites, related local policies or ordinances, and adopted plans;
- Cultural Resources, including historic, archaeological and paleontological resources;
- Geology, Soils & Mineral Resources, including potential risks associated with earthquakes and landslides, soil erosion, issues associated with unstable sites, expansive soils, or septic systems, and conflicts with mineral resource recovery;
- Hazards & Hazardous Materials, including potential safety hazards, exposure to hazardous materials, emergency response plans, safety hazards with public or private airports, and risks involving wildland fires;
- Hydrology & Water Quality, including water quality and runoff, waste discharge requirements, groundwater quality/recharge, drainage, flooding and inundation;
- Land Use & Planning, including existing plans and policies in effect within the City's incorporated and the adjacent unincorporated areas that provide environmental protection measures;
- Noise, including vibration and exposure of people to excessive noise levels;
- Population & Housing, including growth inducement, employment-generated housing demand, affordable and workforce housing, and displacement of existing housing;
- Public Services, including, but not limited to, fire, sheriff, schools, and open space;
- Recreation, including existing and future parks and recreational facilities;
- Transportation, including local, commuter, and tourist traffic, parking, safety and emergency access, alternative modes of transportation (transit, air, water, pedestrian, bicycle); and
- Utilities & Service Systems, including Regional Water Quality Control Board requirements, water, wastewater and reclaimed water, drainage facilities, and solid waste facilities and regulations.

Agency representatives, members of the public, and other interested parties are encouraged to provide comments on these and any other environmental issues that should be explored in the draft EIR.



**February 17, 2009**

**Notice of Preparation  
of a Draft Environmental Impact Report for the  
City of Pinole General Plan Update, Specific Plan, and Zoning  
Ordinance Update**

**Steering Committee  
Members:**

Timothy J. Banuelos

Thomas Brooks

John Bender

Dave Kurrent

Patty McGoldrick

Paul Sekins

Maureen Toms

The City of Pinole is undertaking the first comprehensive update of the Pinole General Plan since 1995. The City will be the lead agency for the preparation of a program-level Environmental Impact Report (EIR) for the proposed project, which includes updates to and the adoption of the General Plan, Specific Plan for San Pablo Avenue, Appian Way, and Pinole Valley Road corridors, and a Zoning Ordinance Update. A previous Notice of Preparation (NOP) was published on December 18, 2006 with a comment period that was extended to February 2, 2007 for the General Plan and Zoning Ordinance Update. Two scoping sessions were also held during that time period. Since that time, the City has published a Draft Specific Plan for the three corridors noted and begun preparation of an update to the General Plan and Zoning Ordinance. Therefore, the City is re-issuing this NOP to cover the additional items to be analyzed as part of the EIR.

We need to know your views regarding the scope and content of the environmental information to be included in the EIR. If you work for a public agency, your comments should address the scope and content of environmental information that is germane to your agency's statutory responsibilities, as required by Section 15082(b) of the State Guidelines for the California Environmental Quality Act (CEQA). A summary of the project and the potential environmental effects proposed for analysis are provided below.

**Written comments can be submitted at any time during the notice period, which begins February 17, 2009 and ends at 5:30 PM on March 18, 2009.**

Letters should be directed to:

City of Pinole General Plan Update  
Attn: Winston Rhodes, Planning Manager  
2131 Pear Street  
Pinole, CA 94564  
(or e-mail to [wrhodes@ci.pinole.ca.us](mailto:wrhodes@ci.pinole.ca.us))

In addition, oral comments will be accepted at the following Planning Commission meetings:

**Scoping Sessions: Monday February 23, 2009 and March 9, 2009, 7:00PM at Pinole City Hall Council Chambers, 2131 Pear Street, Pinole, CA 94564.**

It is not necessary to comment more than once. All comments will be considered during preparation of the EIR and the General Plan. Please call the City of Pinole Planning Division at (510) 724-8912 and ask for Winston Rhodes if you have questions.

**Project Name: City of Pinole General Plan Update, Specific Plan, Zoning Ordinance Update**

**Project Location: The project includes the incorporated area of Pinole, California and areas included within the City's Sphere of Influence (see map below).**

**Project Description:**

The proposed project consists of the adoption of the General Plan Update, Specific Plan for San Pablo Avenue, Appian Way, and Pinole Valley Road corridors, and Zoning Ordinance Update. California law requires all local jurisdictions in the State to maintain a current general plan with goals and policies to guide land use and development. The current version of the Pinole General Plan was comprehensively updated in 1995, although some sections (known as elements) have been updated since then. (A copy can be found on the City's website at <http://www.ci.pinole.ca.us>).

In 2006, the Pinole City Council stated its desire to undertake a comprehensive update of the General Plan and Zoning Ordinance. In mid-2006, the City Council determined that a Steering Committee, comprised of the members of the Planning Commission, would oversee preparation of the General Plan Update and Zoning Ordinance Update. Concurrently, City staff and consultants were charged with preparing the associated EIR. In September 2007, the City decided to prepare a Specific Plan for the San Pablo Avenue, Appian Way, and Pinole Valley Road corridors, and the General Plan and Zoning Ordinance Update process was temporarily suspended until the present time. In September 2008, the City initiated work on the Climate Action Plan in conjunction with the General Plan Update.

It is anticipated that the update and preparation process will result in adoption of a General Plan at the beginning of 2010 that would provide policy guidance related to land use, transportation, public services, and related issues such as noise, air quality, biological resources, cultural resources, and housing over the next twenty years. The General Plan would reflect the changing conditions in the City since the various Elements were last updated. It would also integrate the elements into a coordinated whole. The General Plan is expected to reflect existing land use designations and development policy, with emphasis on the effective implementation of the existing goals of the City. These may include mechanisms to encourage higher intensity use of vacant and underutilized land near transit and in the City's redevelopment areas. Design



## Major Roadways in Pinole – Specific Plan Corridors



Source: City of Pinole, Draft Specific Plan for San Pablo Avenue, Pinole Valley Road, and Appian Way, January 27, 2008

The General Plan is the overarching vision and policy document for the City. The nine General Plan Elements are:

- Land Use and Economic Development
- Community Services and Facilities
- Traffic and Circulation
- Housing
- Natural Resources and Open Space
- Health & Safety
- Growth Management
- Sustainability
- Community Character

The Specific Plan will guide development on the three major corridors of the City, in conformance with the policies contained in the General Plan. The Specific Plan is both a policy document and a regulatory framework that enables the City to provide a detailed

guide to encourage future development within these mixed use corridors. Several major issues are addressed within the three corridors:

- Circulation Improvements including; potential narrowing of San Pablo Avenue, addition of bicycle lanes, pedestrian amenities, and landscape buffer areas.
- Land Use and Development Standards including; creation of nine land use districts, replacement of one commercial zone with various mixed use zones, design guideline changes to allow for higher density and elimination of maximum Floor Area Ratio requirements to provide more development flexibility, simplify or reduce parking standards, and identify development opportunity sites to encourage investment and revitalization within the City's Redevelopment Project Areas.

The Zoning Ordinance is a document containing the detailed regulations by which many of the policies and goals contained in the General Plan are implemented and refers to portions of the Specific Plan information to ensure consistency between the Specific Plan and Zoning Ordinance. The Zoning Ordinance amendments will address the following:

- Rezone property and ensure zoning provisions are consistent with the current and planned amendments to the General Plan.
- Update zoning district allowed use provisions and development standards as necessary and appropriate.
- Incorporate permit processing information consistent with legal requirements and desired community practices.
- Add Form-Based regulations for San Pablo Avenue, Appian Way, and a portion of Pinole Valley Road.
- Reorganize zoning regulations to be more user-friendly, and consistent with other Municipal Code Sections.
- Ensure that zoning provisions are in compliance with applicable provisions of State and Federal laws.

The program-level EIR will provide the legally required California Environmental Quality Act review for all of the aforementioned documents. All of these documents work together in concert to help guide future development within the City.

A Climate Action Plan (CAP) will be incorporated into the General Plan and EIR. The State Attorney General has been clear that emission reduction policies and implementation must be a part of a legally defensible General Plan and EIR, and a CAP which articulates the City's emission reduction efforts will be prepared to accomplish this.

#### **Potential Environmental Effects:**

The proposed project may have environmental impacts, and the EIR will assess the project's potential direct, indirect, and cumulative effects on the following:

- Aesthetics, including visual character, scenic views, light and glare;
- Air Quality, including the regional air quality plan, violations of existing air quality standards, air pollutants, and odors;
- Biological Resources, including special status (e.g. rare and endangered) plant and animal species, riparian habitats and other sensitive natural communities, wetlands, wildlife movement and nursery sites, buffer areas, related local policies or ordinances, and adopted plans;
- Cultural Resources, including historic, archaeological and paleontological resources;
- Geology, Soils & Mineral Resources, including potential risks associated with earthquakes and landslides, soil erosion, issues associated with unstable sites, expansive soils, or septic systems, and conflicts with mineral resource recovery;
- Hazards & Hazardous Materials, including potential safety hazards, exposure to hazardous materials, emergency response plans, and risks involving wildland fires;
- Hydrology & Water Quality, including water quality and runoff, waste discharge requirements, groundwater quality/recharge, drainage, flooding and inundation;
- Land Use & Planning, including existing plans and policies in effect within the City's incorporated and the adjacent unincorporated areas that provide environmental protection measures;
- Noise, including vibration and exposure of people to excessive noise levels;
- Population & Housing, including growth inducement, employment-generated housing demand, affordable and workforce housing, and displacement of existing housing;
- Public Services, including, but not limited to, fire, police, schools, library, and water, wastewater, and solid waste;
- Recreation, including existing and future parks and recreational facilities;
- Transportation, including local, commuter, and tourist traffic, parking, safety and emergency access, alternative modes of transportation (transit, air, water, pedestrian, bicycle);
- Utilities & Service Systems, including Regional Water Quality Control Board requirements, water, wastewater and reclaimed water, drainage facilities, and solid waste facilities and regulations; and
- Energy efficiency.

Agency representatives, members of the public, and other interested parties are encouraged to provide comments on these and any other environmental issues that should be explored in the EIR.



CALIFORNIA EMERGENCY MANAGEMENT AGENCY  
DISASTER ASSISTANCE PROGRAMS BRANCH  
3650 SCHRIEVER AVENUE  
MATHER, CALIFORNIA 95655  
PHONE (916) 845-8101 FAX (916) 845-8381

March 2, 2009

Winston Rhodes  
City of Pinole  
2131 Pear Street  
Pinole, CA 94564



RE: Notice of Preparation for a Draft Environmental Impact Report for the City of Pinole's General Plan Update, SCH# 2009022057

Dear Mr. Rhodes:

Thank you for the opportunity to comment on your Notice of Preparation for a Draft Environmental Impact Report (DEIR) for the city's general plan update. In preparing the general plan and accompanying DEIR, the city should examine the sections of state planning law that involve potential hazards the city may face. For your information, I have underlined specific sections of state planning law where identification and analysis of hazards are discussed (see Attachment A).

Prior to the release of the draft general plan or within the DEIR, city staff or your consultants should examine each of the requirements in state planning law and determine if there are hazard issues within the community which the general plan should address. A table in the DEIR (or general plan) which identifies these specific issues and where they are addressed in the general plan would be helpful in demonstrating the city has complied with these requirements. If the DEIR determines that state planning law requirements have not been met, it should recommend that these issues be addressed in the general plan as a mitigation measure.

We note that state planning law includes a requirement for consultations with state agencies in regard to information related to hazards. OES would be happy to share all available information at our disposal to facilitate the city's ability to comply with state planning and environmental laws.

If you have any questions about these comments, please contact Andrew Rush at (916) 845-8269 or [andrew.rush@OES.ca.gov](mailto:andrew.rush@OES.ca.gov).

Sincerely,

A handwritten signature in blue ink that reads "Dennis Castrillo".

Dennis Castrillo  
Environmental Officer

cc: State Clearinghouse

**Attachment A**  
**Hazards and State Planning Law Requirements**

**General Plan Consistency**

65300.5. In construing the provisions of this article, the Legislature intends that the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies for the adopting agency.

**Seven Mandated Elements**

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources pursuant to paragraph (3) of subdivision (d). The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify and annually review those areas covered by the plan that are subject to flooding identified by flood plain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources. The land use element shall also do both of the following:

(1) Designate in a land use category that provides for timber production those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982, Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5.

(2) Consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.

(A) In determining the impact of new growth on military readiness activities, information provided by military facilities shall be considered. Cities and counties shall address military impacts based on information from the military and other sources.

(B) The following definitions govern this paragraph:

(i) "Military readiness activities" mean all of the following:

(I) Training, support, and operations that prepare the men and women of the military for combat.

(II) Operation, maintenance, and security of any military installation.

(III) Testing of military equipment, vehicles, weapons, and sensors for proper operation or suitability for combat use.

(ii) "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States Department of Defense as defined in paragraph (1) of subsection (e) of Section 2687 of Title 10 of the United States Code.

(b) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan.

(c) A housing element as provided in Article 10.6 (commencing with Section 65580).

(d) (1) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies, including flood management, water conservation, or groundwater agencies that have developed, served, controlled, managed, or conserved water of any type for any purpose in the county or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5, if that information has been submitted by the water agency to the city or county.

(2) The conservation element may also cover all of the following:

(A) The reclamation of land and waters.

(B) Prevention and control of the pollution of streams and other waters.

(C) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.

(D) Prevention, control, and correction of the erosion of soils, beaches, and shores.

(E) Protection of watersheds.

(F) The location, quantity and quality of the rock, sand and gravel resources.

(3) Upon the next revision of the housing element on or after January 1, 2009, the conservation element shall identify rivers, creeks, streams, flood corridors, riparian habitats, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.

(e) An open-space element as provided in Article 10.5 (commencing with Section 65560).

(f) (1) A noise element which shall identify and appraise noise problems in the community. The noise element shall recognize the guidelines established by the Office of Noise Control in the State Department of Health Care Services and shall analyze and quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:

(A) Highways and freeways.

(B) Primary arterials and major local streets.

(C) Passenger and freight on-line railroad operations and ground rapid transit systems.

(D) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.

(E) Local industrial plants, including, but not limited to, railroad classification yards.

(F) Other ground stationary noise sources, including, but not limited to, military installations, identified by local agencies as contributing to the community noise environment.

(2) Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average level (Ldn). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in paragraphs (1) to (6), inclusive.

(3) The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.

(4) The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards.

(g) (1) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence, liquefaction, and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wild land and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.

(2) The safety element, upon the next revision of the housing element on or after January 1, 2009, shall also do the following:

(A) Identify information regarding flood hazards, including, but not limited to, the following:

(i) Flood hazard zones. As used in this subdivision, "flood hazard zone" means an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency. The identification of a flood hazard zone does not imply that areas outside the flood hazard zones or uses permitted within flood hazard zones will be free from flooding or flood damage.

(ii) National Flood Insurance Program maps published by FEMA.

(iii) Information about flood hazards that is available from the United States Army Corps of Engineers.

(iv) Designated floodway maps that are available from the Central Valley Flood Protection Board.

(v) Dam failure inundation maps prepared pursuant to Section 8589.5 that are available from the Office of Emergency Services.

(vi) Awareness Floodplain Mapping Program maps and 200-year flood plain maps that are or may be available from, or accepted by, the Department of Water Resources.

(vii) Maps of levee protection zones.

(viii) Areas subject to inundation in the event of the failure of project or nonproject levees or floodwalls.

(ix) Historical data on flooding, including locally prepared maps of areas that are subject to flooding, areas that are vulnerable to flooding after wildfires, and sites that have been repeatedly damaged by flooding.

(x) Existing and planned development in flood hazard zones, including structures, roads, utilities, and essential public facilities.

(xi) Local, state, and federal agencies with responsibility for flood protection, including special districts and local offices of emergency services.

(B) Establish a set of comprehensive goals, policies, and objectives based on the information identified pursuant to subparagraph (A), for the protection of the community from the unreasonable risks of flooding, including, but not limited to:

- (i) Avoiding or minimizing the risks of flooding to new development.
  - (ii) Evaluating whether new development should be located in flood hazard zones, and identifying construction methods or other methods to minimize damage if new development is located in flood hazard zones.
  - (iii) Maintaining the structural and operational integrity of essential public facilities during flooding.
  - (iv) Locating, when feasible, new essential public facilities outside of flood hazard zones, including hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities or identifying construction methods or other methods to minimize damage if these facilities are located in flood hazard zones.
  - (v) Establishing cooperative working relationships among public agencies with responsibility for flood protection.
- (C) Establish a set of feasible implementation measures designed to carry out the goals, policies, and objectives established pursuant to subparagraph (B).
- (3) After the initial revision of the safety element pursuant to paragraph (2), upon each revision of the housing element, the planning agency shall review and, if necessary, revise the safety element to identify new information that was not available during the previous revision of the safety element.
- (4) Cities and counties that have flood plain management ordinances that have been approved by FEMA that substantially comply with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by reference into the safety element the other general plan provisions or the flood plain ordinance, specifically showing how each requirement of this subdivision has been met.
- (5) Prior to the periodic review of its general plan and prior to preparing or revising its safety element, each city and county shall consult the California Geological Survey of the Department of Conservation, the Central Valley Flood Protection Board, if the city or county is located within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the Water Code, and the Office of Emergency Services for the purpose of including information known by and available to the department, the office, and the board required by this subdivision.
- (6) To the extent that a county's safety element is sufficiently detailed and contains appropriate policies and programs for adoption by a city, a city may adopt that portion of the county's safety element that pertains to the city's planning area in satisfaction of the requirement imposed by this subdivision.

### **Consistency with Airport Land Use Plans**

**65302.3.** (a) The general plan, and any applicable specific plan prepared pursuant to Article 8 (commencing with Section 65450), shall be consistent with the plan adopted or amended pursuant to Section 21675 of the Public Utilities Code.

### **Review of Safety Element**

**65302.5.** (a) At least 45 days prior to adoption or amendment of the safety element, each county and city shall submit to the Division of Mines and Geology of the Department of Conservation

one copy of a draft of the safety element or amendment and any technical studies used for developing the safety element. The division may review drafts submitted to it to determine whether they incorporate known seismic and other geologic hazard information, and report its findings to the planning agency within 30 days of receipt of the draft of the safety element or amendment pursuant to this subdivision. The legislative body shall consider the division's findings prior to final adoption of the safety element or amendment unless the division's findings are not available within the above prescribed time limits or unless the division has indicated to the city or county that the division will not review the safety element. If the division's findings are not available within those prescribed time limits, the legislative body may take the division's findings into consideration at the time it considers future amendments to the safety element. Each county and city shall provide the division with a copy of its adopted safety element or amendments. The division may review adopted safety elements or amendments and report its findings. All findings made by the division shall be advisory to the planning agency and legislative body.

(1) The draft element of or draft amendment to the safety element of a county or a city's general plan shall be submitted to the State Board of Forestry and Fire Protection and to every local agency that provides fire protection to territory in the city or county at least 90 days prior to either of the following:

(A) The adoption or amendment to the safety element of its general plan for each county that contains state responsibility areas.

(B) The adoption or amendment to the safety element of its general plan for each city or county that contains a very high fire hazard severity zone as defined pursuant to subdivision (b) of Section 51177.

(2) A county that contains state responsibility areas and a city or county that contains a very high fire hazard severity zone as defined pursuant to subdivision (b) of Section 51177, shall submit for review the safety element of its general plan to the State Board of Forestry and Fire Protection and to every local agency that provides fire protection to territory in the city or county in accordance with the following dates as specified, unless the local government submitted the element within five years prior to that date:

(A) Local governments within the regional jurisdiction of the San Diego Association of Governments: December 31, 2010.

(B) Local governments within the regional jurisdiction of the Southern California Association of Governments: December 31, 2011.

(C) Local governments within the regional jurisdiction of the Association of Bay Area Governments: December 31, 2012.

(D) Local governments within the regional jurisdiction of the Council of Fresno County Governments, the Kern County Council of Governments, and the Sacramento Area Council of Governments: June 30, 2013.

(E) Local governments within the regional jurisdiction of the Association of Monterey Bay Area Governments: December 31, 2014.

(F) All other local governments: December 31, 2015.

(3) The State Board of Forestry and Fire Protection shall, and a local agency may, review the draft or an existing safety element and report its written recommendations to the planning agency within 60 days of its receipt of the draft or existing safety element. The State Board of Forestry and Fire Protection and local agency shall review the draft or existing safety element and may

offer written recommendations for changes to the draft or existing safety element regarding both of the following:

(A) Uses of land and policies in state responsibility areas and very high fire hazard severity zones that will protect life, property, and natural resources from unreasonable risks associated with wildland fires.

(B) Methods and strategies for wildland fire risk reduction and prevention within state responsibility areas and very high hazard severity zones.

(b) Prior to the adoption of its draft element or draft amendment, the board of supervisors of the county or the city council of a city shall consider the recommendations made by the State Board of Forestry and Fire Protection and any local agency that provides fire protection to territory in the city or county. If the board of supervisors or city council determines not to accept all or some of the recommendations, if any, made by the State Board of Forestry and Fire Protection or local agency, the board of supervisors or city council shall communicate in writing to the State Board of Forestry and Fire Protection or to the local agency, its reasons for not accepting the recommendations.

### **Open Space Plans**

**65560.** (a) "Local open-space plan" is the open-space element of a county or city general plan adopted by the board or council, either as the local open-space plan or as the interim local open-space plan adopted pursuant to Section 65563.

(b) "Open-space land" is any parcel or area of land or water that is essentially unimproved and devoted to an open-space use as defined in this section, and that is designated on a local, regional or state open-space plan as any of the following:

(1) Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.

(2) Open space used for the managed production of resources, including but not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of groundwater basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.

(3) Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.

(4) Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs and areas required for the protection and enhancement of air quality.

**DEPARTMENT OF TRANSPORTATION**

111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 622-5491  
FAX (510) 286-5559  
TTY 711



*Flex your power!  
Be energy efficient!*

March 4, 2009

Mr. Winston Rhodes  
City of Pinole  
2131 Pear Street  
Pinole, CA 94564



CC080374  
SCH#2009022057

Dear Mr. Rhodes:

**City of Pinole General Plan Update, Specific Plan, Zoning Ordinance Update and EIR Project – Notice of Preparation**

Thank you for including the California Department of Transportation (Department) in the early stages of the environmental review process for the City of Pinole General Plan Update, Specific Plan, Zoning Ordinance Update and EIR project. The following comments are based on the Notice of Preparation (NOP). As the lead agency, the City of Pinole is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy. Since an encroachment permit is required for work in the state right of way (ROW), and the Department will not issue a permit until our concerns are adequately addressed, we strongly recommend that the City of Pinole work with both the applicant and the Department to ensure that our concerns are resolved during the CEQA process, and in any case prior to submittal of a permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

***Traffic Impact Study (TIS)***

Please include the information detailed below in the TIS to ensure that project-related impacts to State roadway facilities are thoroughly assessed. We encourage the City to coordinate preparation of the study with our office, and we would appreciate the opportunity to review the scope of work. The Department's "*Guide for the Preparation of Traffic Impact Studies*" should be reviewed prior to initiating any traffic analysis for the project; it is available at the following website: <http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>

The Traffic Study should include:

1. Vicinity map, regional location map, and a site plan clearly showing project access in relation to nearby State roadways. Ingress and egress for all project components should be clearly identified. State ROW should be clearly identified.
2. The maps should also include project driveways, local roads and intersections, parking, and transit facilities.
3. Project-related trip generation, distribution, and assignment. The assumptions and methodologies used to develop this information should be detailed in the study, and should be supported with appropriate documentation.
4. Average Daily Traffic, AM and PM peak hour volumes and levels of service (LOS) on all significantly affected roadways, including crossroads and controlled intersections for existing, existing plus project, cumulative and cumulative plus project scenarios. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect study area roadways and intersections. *The analysis should clearly identify the project's contribution to area traffic and degradation to existing and cumulative levels of service. Lastly, the Department's LOS threshold, which is the transition between LOS C and D, and is explained in detail in the Guide for Traffic Studies, should be applied to all State facilities.*
5. Schematic illustration of traffic conditions including the project site and study area roadways, trip distribution percentages and volumes as well as intersection geometrics, i.e., lane configurations, for the scenarios described above.
6. The project's consistency with both the Circulation Element of the General Plan and the Contra Costa County Congestion Management Agency's Congestion Management Plan should be evaluated.
7. Mitigation should be identified for any roadway mainline section or intersection with insufficient capacity to maintain an acceptable LOS with the addition of project-related and/or cumulative traffic.
8. Special attention should be given to the following trip-reducing measures:
  - Encouraging mixed-use,
  - Maximizing density through offering bonuses and/or credits,
  - Coordinating with WestCAT and AC Transit, to increase transit use by expanding routes and emphasizing express service to regional rail stations, and by providing bus shelters with seating at any future bus pullouts,
  - Providing transit information to all future project employees and patrons, and
  - Encouraging bicycle- and pedestrian-friendly design.

***Please forward three hard copies and one CD of the environmental document, along with the Traffic Study, including Technical Appendices, and staff report to the address below as soon as they are available.***

Luis Melendez, Associate Transportation Planner  
Community Planning Office, Mail Station 10D  
California DOT, District 4  
P.O. Box 23660  
Oakland, CA 94623-0660

***Community Planning***

The Department encourages you to locate any needed housing, jobs and neighborhood services near major mass transit nodes, and connect these nodes with streets configured to encourage walking and bicycling, as a means of reducing regional vehicle miles traveled and traffic impacts on the State highways. We also recommend modeling pedestrian, bicycle, and transit trips in order that project generated impacts can be quantified. Mitigation measures resulting from this analysis should improve pedestrian and bicycle access to transit, thereby reducing traffic impacts on state highways.

Additionally, please provide a discussion and analysis on the secondary impacts to pedestrians and bicyclists that may result from traffic impact mitigation measures. Describe any pedestrian and bicycle mitigation measures that would be needed to maintain and improve access to transit and reduce traffic impacts on the State highway system.

***Traffic Impact Fees***

Please identify traffic impact fees. Development plans should require traffic impact fees based on projected traffic and/or based on associated cost estimates for public transportation facilities necessitated by development. Please refer to the California Office of Planning and Research (OPR) *2003 General Plan Guidelines*, page 163, which can be accessed on-line at the following website: <http://www.opr.ca.gov/index.php?a=planning/gpg.html>

Scheduling and costs associated with planned improvements on Departmental ROW should be listed, in addition to identifying viable funding sources correlated to the pace of improvements for roadway improvements, if any. Please refer to the state OPR's *2003 General Plan Guidelines*, page 106.

***Encroachment Permit***

Please be advised that any work or traffic control that encroaches onto the state ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating state ROW must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. See the website link below for more information. <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Michael Condie, District Office Chief  
Office of Permits  
California DOT, District 4  
P.O. Box 23660  
Oakland, CA 94623-0660

Please feel free to call or email Luis Melendez of my staff at (510) 286-5606 or [Luis\\_Melendez@dot.ca.gov](mailto:Luis_Melendez@dot.ca.gov) with any questions regarding this letter.

Sincerely,



LISA CARBONI  
District Branch Chief  
Local Development – Intergovernmental Review

c: State Clearinghouse

WILLIAM B. WALKER, M.D.  
HEALTH SERVICES DIRECTOR

SHERMAN L. QUINLAN, REHS, MPH  
ENVIRONMENTAL HEALTH DIRECTOR



CONTRA COSTA  
ENVIRONMENTAL HEALTH

2120 Diamond Blvd., Suite 200  
Concord, California 94520  
Ph (925) 692-2500  
Fax (925) 692-2502  
www.cocoeh.org

**DATE:** March 5, 2009

**TO:** City of Pinole, General Plan Update  
Attn: Winston Rhodes, Planning Manager  
2131 Pear St  
Pinole, CA 94564

**FROM:** Jeff Edwards, REHS II <sup>JE</sup>

**SUBJECT:** *Project Number:* General Plan Update, Draft  
Environmental Health Impact Report  
*Location:* See General Plan Update



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The Environmental Health Division has completed its review of the above referenced project. This office has no comments or conditions, if public sewer and water are provided.

Any abandoned wells or septic tanks are to be abandoned as per Contra Costa Environmental Health requirements. Appropriate permits and inspections for this work shall be obtained. See the attached handouts titled *Septic Tank Destruction Requirements* and *Well Destruction Guidelines* for more information.





## WELL DESTRUCTION GUIDELINES

In order to protect groundwater resources for current and future users, the elimination of abandoned, unused or defective wells is necessary. State and local regulations govern the procedure for eliminating these wells. These requirements are applicable to abandoned wells, test holes, dry holes, cone penetrometers, hydropunches and soil borings. A permit from the Environmental Health Division is required to destroy a well in Contra Costa County. The law requires that such work be performed by a licensed, insured and bonded well contractor (C-57 license). **NOTE:** There is no permit fee required to destroy an existing water well if a new well is drilled. The following is a chronological summary of the destruction process:

1. Application, Plot Plan and Permit Fee

To apply for a well destruction permit, submit a completed application, plot plan, and permit fee to the Environmental Health Division. Application forms are available at the Division's office. Instructions for preparing the plot plan are on the reverse side of the application. If you have any questions about completing the application or preparing any acceptable plot plan, please contact this office for assistance.

2. Permit Processing

The Division will review the permit application and if acceptable a permit will be issued.

3. Destruction Procedure

Once the permit has been issued the authorized work can begin. A copy of the approved permit must be kept somewhere on the job site. This is to ensure that it is available for reference by the work crew should questions arise:

A general outline of the process is as follows:

- a. Remove any obstructions from the well.
- b. Perforate or remove the well casing to the bottom of the well.
- c. Excavate around the casing to a depth of 6 feet.
- d. Place approved sealing material in the well extending from the bottom to the surface. The Environmental Health Division will inspect this stage of the work. The well contractor is responsible for contacting this Division to schedule inspection appointments. The greater the advance notice, the more likely a mutually convenient inspection appointment can be arranged.

**NOTE:** Some well destructions will require deeper perforations and depth of sealing material.

4. Final Approval

Upon satisfactory completion of the work permitted and submittal of a Well Completion Report (DWR 188 form) a final destruction approval will be given.

WILLIAM B. WALKER, M.D.  
HEALTH SERVICES DIRECTOR

SHERMAN L. QUINLAN, REHS, MPH  
ENVIRONMENTAL HEALTH DIRECTOR



CONTRA COSTA  
ENVIRONMENTAL HEALTH

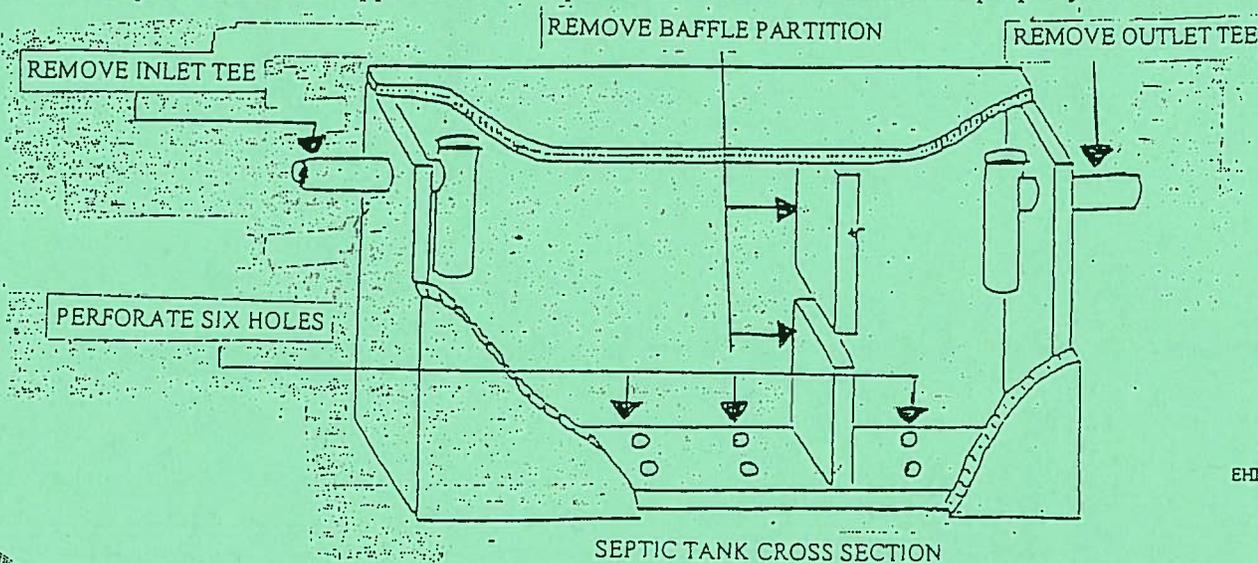
2120 Diamond Blvd., Suite 200  
Concord, California 94520

Phone (925) 646-5225  
Fax (925) 646-5168  
www.cocoeh.org

## SEPTIC TANK DESTRUCTION REQUIREMENTS

Regulations require that abandoned septic tanks be properly destroyed in order to minimize any possible health or safety hazards. If your dwelling or building is served by a septic tank you must have it destroyed within 30 days of connecting to a sewer system. The step-wise process for destroying a tank is as follows:

1. Obtain a permit from the Contra Costa County Environmental Health. A permit fee is required. After the permit is approved, signed and issued, work can commence.
2. Have tank contents removed and properly disposed of by a licensed septic tank pumper. Present the receipt for pumping during the inspection.
3. If the tank is to be removed and disposed off site, have the inspection done before the excavation has been backfilled.
4. If the tank will be destroyed in place, remove the top, remove the pipes connecting the tank to the house and to the drain field, and perforate the tank in at least six places, evenly distributed over the surface of the tank bottom.
5. Call the appointment desk for an available time to have the inspection done by a representative of Contra Costa Environmental Health.
6. After a satisfactory inspection, fill tank with clean sand, fill dirt or concrete. *Note: If tank is located under a future structure or building addition, contact the local Building Inspection Department for compaction requirements.* (If fill dirt is used, it must be well tamped to minimize settling).
7. Copies of the final approval will be provided for the contractor and property owner.



EHLUT.06-703





Contra Costa County  
**Flood Control**  
& Water Conservation District

Julia R. Bueren,  
ex officio Chief Engineer  
R. Mitch Avalon,  
Deputy Chief Engineer

March 10, 2009



Winston Rhodes  
Planning Manager  
City of Pinole  
2131 Pear Street  
Pinole, CA 94564

Our Files: 060-09 (Pinole) & 3069-00

Dear Mr. Rhodes:

We have reviewed the Notice of Preparation of a Draft Environmental Impact Report (EIR) for the City of Pinole's General Plan Update, Specific Plan, and Zoning Ordinance Update dated February 17, 2009.

We recommend that the Draft EIR include an analysis of the drainage impacts of the proposed changes that will allow for higher development densities in the San Pablo Avenue, Appian Way, and the Pinole Valley Road corridors. We recommend that the EIR document include mitigation measures for any adverse drainage impacts.

We appreciate the opportunity to review projects that involve drainage matters, and we look forward to providing comments on the environmental document. If you have any questions, please call me at (925) 313-2283.

Sincerely,

  
Mario A. Consolacion  
Engineering Technician  
Contra Costa County Flood Control  
& Water Conservation District

MAC:cw  
G:\FldCtl\CurDev\CITIES\Pinole\General Plan Update\NOP ltr.docx

c: Greg Connaughton, Flood Control  
Tim Jensen, Flood Control  
Teri E. Rie, Flood Control

WILLIAM B. WALKER, M.D.  
HEALTH SERVICES DIRECTOR

SHERMAN L. QUINLAN, REHS, MPH  
ENVIRONMENTAL HEALTH DIRECTOR



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March 13, 2009

City of Pinole General Plan Update  
Attn: Winston Rhodes, Planning Manager  
2131 Pear St.  
Pinole, CA 94564

Subject: Notice of Preparation of Draft Environmental Impact Report for the City of Pinole General Plan Updates, Specific Plan, and Zoning Ordinance Update, February 17, 2009

Dear Mr. Rhodes:

The Contra Costa County Environmental Health Division, as the Local Enforcement Agency (LEA) for solid waste, has reviewed the Notice of Preparation document and provides the following comments:

1. When the City of Pinole begins the specific planning of the recycling facilities, please include the LEA in the process to ensure all requirements of the solid waste regulations are met.
2. If the proposed recycling facilities do not meet the requirements identified in the California Code of Regulations, Title 14, Section 17402.5(d) "Recycling Center", then the facilities are required to obtain a full solid waste facility permit as a transfer station/operation. This will require an extensive California Environmental Quality Act (CEQA) review prior to the issuance of a solid waste facility permit from the LEA and California Integrated Waste Management Board.

Should you have any questions, please contact Lori Braunesreither, REHS, at (925) 692-2528.

Sincerely,

Sherman L. Quinlan, REHS, MPH  
Director of Environmental Health

cc: Vanessa Cordier, Supervising Environmental Health Specialist  
Lori Braunesreither, Environmental Health Specialist II

SQ:rc





March 15, 2010

Mr. Winston Rhodes, Planning Manager  
City of Pinole Planning Division  
Pinole City Hall  
2131 Pear Street  
Pinole, CA 94564  
*Sent via email: [wrhodes@ci.pinole.ca.us](mailto:wrhodes@ci.pinole.ca.us)*

**RE: Consideration of impacts to stormwater in the EIR for the General Plan, Specific Plan, and Zoning Ordinance Update**

Dear Mr. Rhodes and the Members of the Pinole Planning Division,

I am writing to you on behalf of San Francisco Baykeeper (“Baykeeper”) and its 1,300 members to congratulate the City of Pinole on its updated General Plan, Specific Plan, and Zoning Ordinance. Baykeeper is very happy to see additions to the Sustainability Element that encourage actions to reduce the volume of stormwater runoff, specifically through Low Impact Development (“LID”). These changes strengthened a document that was already advanced in its consideration of stormwater, making Pinole a leader in the Bay Area for protecting water quality.

Stormwater runoff is the greatest source of pollution to surface water resources in the Bay Area, including the Pinole Creek and San Pablo Bay. Not only does it introduce contaminants to fragile ecosystems, it also causes hydromodification of streams which can result in flooding problems. As you know, stormwater runoff is an unfortunate consequence of urban development, whereby impervious surface covers up the natural landscape and prevents infiltration of rainwater. We believe LID is the best way to manage stormwater in the urban environment, replacing excess impervious surface with green BMPs that collect and process stormwater naturally.

We hope that you will continue your work incorporating LID into City planning by examining stormwater in the EIR process. As you think about areas of future development in Pinole, please consider the impacts to hydrology, water quality, and biological resources that may be caused by excessive stormwater runoff, and how those impacts may be mitigated by LID. LID may also be a suitable alternative to traditional stormwater control methods that have been proposed.

We look forward to reading the environmental review of your proposed planning documents. Congratulations once again in reaching the final stages of your hard work!

Sincerely,

Rosalind Becker, Field Coordinator  
San Francisco Baykeeper



Pollution hotline: 1 800 KEEP BAY  
[www.baykeeper.org](http://www.baykeeper.org)

785 Market Street, Suite 850  
San Francisco, CA 94103  
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