

**PLANNING COMMISSION RESOLUTION 20-02
WITH EXHIBIT A: INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND
MITIGATION MONITORING AND REPORTING PROGRAM**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PINOLE RECOMMENDING THAT THE CITY COUNCIL APPROVE THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR NEW DEVELOPMENT AT PINOLE SQUARE, APN: 402-282-002, 06, 07, 08, 09, 10, 14, 19

WHEREAS, Eric Price, Lowey Architecture, (Applicant) proposes to re-develop the Appian 80 shopping center on properties owned by Hillsboro Properties, Inc; and

WHEREAS, the Planning Commission of the City of Pinole is the appropriate authority to hear and recommend action on this request; and

WHEREAS, an Initial Study/Mitigated Negative Declaration has been prepared to analyze the project pursuant to the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, the project has been determined to have less than significant impacts through the implementation of mitigation measures contained in the Initial Study/Mitigated Negative Declaration and incorporated into a Mitigation Monitoring and Reporting Program; and

WHEREAS, in compliance with California Environmental Quality Act (CEQA), the City prepared and circulated a Mitigated Negative Declaration (MND). 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 May 15, 2020 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.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pinole hereby recommends that the City Council approve the Initial Study/Mitigated Negative Declaration (IS/MND) and the Mitigation Monitoring and Reporting Program (MMRP), attached as Exhibit A to this Resolution, as described in the Staff Report to Planning Commission, hereby incorporated by reference.

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 27th day of May, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Tom Brooks, Chair, 2019-2020

ATTEST:

David Hanham, Planning Manager

ATTACHMENT D

**PLANNING COMMISSION RESOLUTION NO. 20-03
WITH EXHIBIT A: SPECIFIC PLAN AMENDMENT**

A RESOLUTION OF THE CITY OF PINOLE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE A THREE CORRIDORS SPECIFIC PLAN AMENDMENT MODIFYING THE APPIAN WAY SERVICE SUB-AREA COMMERCIAL MIXED USE ZONE (SPA 18-01)

WHEREAS, the General Plan Land Use and Economic Development Element includes policy support for land use diversity along the Appian Way corridor and ensure that a variety of commercial and industrial goods, services, and employment opportunities are available; and

WHEREAS, Chapter 17.18 of the Pinole Municipal Code currently establishes the framework for zoning districts within the City of Pinole and their relationship to the City's General Plan land use categories; and

WHEREAS, Chapter 17.18 establishes special purpose zoning districts through a Specific Plan intended to master plan development of land within the plan area; and

WHEREAS, the City adopted a Three Corridors Specific Plan on November 16, 2010 to plan development within portions of San Pablo Avenue, Pinole Valley Road, and Appian Way corridors; and

WHEREAS, the City established sub-areas for each of the three corridors within the Three Corridors Specific Plan including a Service Sub-Area, Mixed Use Sub-Area, and Corridor Sub-Area within the Appian Way Specific Plan corridor; and

WHEREAS, the Specific Plan intends for the Service Sub-Area to serve as the regional gateway into Pinole and to capitalize on its reputation as a regional shopping center by upgrading existing development and attracting increasingly desirable commercial tenants; and

WHEREAS, the purpose of Commercial Mixed Use (CMU) District within the Service Sub-Area is to designate property for vibrant commercial and mixed use development; and

WHEREAS, a Service Station use is not currently permitted in the CMU District with the Service Sub-Area of the Appian Way Corridor; and

WHEREAS, the Project proposes a gas station and carwash, which fall under the Service Station use classification, and requires amendment of the Specific Plan to permit the proposed uses; and

WHEREAS, a Conditional Use Permit is the type of permit generally required for a Service Station use in districts where they are allowed, as provided in the Pinole Municipal Code and Three Corridors Specific Plan; and

WHEREAS, The Zoning Code (Title 17 of the Municipal Code) and the Three Corridors Specific Plan are intended to serve as tools for implementing the City's General Plan in a manner that protects the public health, safety, and welfare of residents and businesses of Pinole; and is intended to facilitate

prompt review of development proposals and provide for public information, review, and comment on development proposals that influence the community's quality of life; and is also intended to ensure compatibility between residential and non-residential development and adjacent land uses; and

WHEREAS, the Planning Commission is authorized through Municipal Code Chapter 2.40 to review and make recommendations to the City Council on all proposed ordinances to amend the Zoning Code including special use zoning districts within a Specific Plan;

WHEREAS, the Planning Commission held a duly noticed public hearing related to the proposed Three Corridors Specific Plan amendment on May 27, 2020; and

WHEREAS, after close of the public hearing, the Planning Commission considered all comments received both before and during the public hearing, the presentation by city staff, the staff report, and all other pertinent documents regarding the proposed Specific Plan Amendment 20-01 and recommended that the City Council adopt an ordinance amending Table 6.14 of the Three Corridors Specific Plan to allow a Service Station use in the Commercial Mixed Use land use district within the Service Sub-Area of the Appian Way corridor of the Three Corridors Specific Plan; and

WHEREAS, the proposed Specific Plan amendment is exempt from the California Environmental Quality Act (CEQA) based on the general rule set forth in CEQA Guidelines Section 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed text amendment relates to an update to the permitted use table and will have no physical impact on the environment; thus, it can be said with certainty that there is no possibility that the Specific Plan Text amendment regulatory change will have a significant effect on the environment and is not subject to CEQA.

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 of the City of Pinole hereby recommends that the City Council adopt an ordinance amending Table 6.14 of the Three Corridors Specific Plan as described in Exhibit A, attached to this resolution and incorporated by reference, and as found consistent with the following findings, provided in the Staff Report to Planning Commission and hereby incorporated by reference:

1. The proposed specific plan is consistent with the general plan goals, policies, and implementation programs.
2. The land use and development regulations within the specific plan are comparable in breadth and depth to similar zoning regulations contained in this title.
3. The administration and permit processes within the specific plan are consistent with the administration and permit processes of the Zoning Code.

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 27th day of May, 2020, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Tom Brooks, Chair, 2019-2020

ATTEST:

David Hanham, Planning Manager

Exhibit A

Planning Commission Resolution No.20-03

EXCERPT

Added text is shown in bold underscore and deleted text in strike through; all other text of Table 6.14 of the Three Corridors Specific Plan remains unchanged.

**Table 6.14
Permitted Use Table for Appian Way**

Permitted Use provisions are symbolized in the table as follows:

P = Land Use permitted by right

CUP = Land Use permitted with approval of Conditions Use Permit

N = Land Use not permitted

N/A = Not Applicable

Land Use Classifications	Service Sub-Area				Mixed-Use Sub-Area			
	RMU	CMU	OPMU	PQI	HDR	RMU	CMU	PQI

EXCERPT FROM TABLE 6.14 ON
THE FOLLOWING PAGE

Land Use Classifications	Service Sub-Area					Mixed-Use Sub-Area		
	RMU	CMU	OPMU	PQI	HDR	RMU	CMU	PQI
Automotive and Vehicle Use Listings								
Auto Parts Sales	CUP	P	P	N	N	CUP	P	N
Car Wash and Detailing	N	N	CUP	N	N	N	N	N
Service Stations	N	N	CUP	N	N	N	<u>CUP¹</u> N	N
Vehicle Services	N	CUP	CUP	CUP	N	N	CUP	CUP
Industrial, Manufacturing, and Processing Use Listings								
Manufacturing	N	N	N	N	N	N	N	N
Cottage Industry	CUP	CUP	CUP	N	N	CUP	CUP	N
Personal Storage Facility	N	N	N	N	N	N	N	N
Printing and Publishing	CUP	P	P	N	N	CUP	P	N
Recycling Facility – Collection	P	P	P	P	P	P	P	P
Recycling Facility – Processing	N	N	N	N	N	N	N	N

¹ The service station must be accompanied with a larger retail establish with a minimum of 50,000 square

ATTACHMENT E

**PLANNING COMMISSION RESOLUTION 20-04
WITH EXHIBIT A: CONDITIONS OF APPROVAL**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PINOLE
RECOMMENDING APPROVAL TO THE CITY COUNCIL OF DESIGN REVIEW TO
CONSTRUCT NEW COMMERCIAL STRUCTURES AND MAKE SITE MODIFICATIONS IN
PINOLE SQUARE AT APN: 402-282-002, 06, 07, 08, 09, 10, 14, 19**

WHEREAS, Eric Price, Lowey Architecture, (Applicant) proposes to re-develop the Appian 80 shopping center on properties owned by Hillsboro Properties, Inc; and

WHEREAS, the Project site is located north of Interstate Highway 80, south of Tara Hills Drive, west of Appian Way, and east of single family residential properties, APN: 402-282-002, 06, 07, 08, 09, 10, 14, 19; and

WHEREAS, the site is located in the Commercial Mixed Use (CMU) District within the Service Sub-Area of the Three Corridors Specific Plan, which provides for a variety of commercial uses and development; and

WHEREAS, the applicant proposes to construct a new Safeway store building, joining shops, a junior anchor retail space, a new fuel station with associated kiosk, and a drive-through facility with an integrated landscape and parking area; and

WHEREAS, the development of new nonresidential structures and structural modifications of nonresidential structures over 500 square feet requires Comprehensive Design Review approval; 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 City Council shall serve as the authority to approve the entitlements requests, as at least one entitlement request associated with Pinole Square requires City Council approval and project permits processed concurrently shall be taken by the highest-level designated approving authority under Section 17.10.060 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). 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 May 15, 2020 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.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pinole hereby recommends that the City Council approve DR 17-23 subject to the Conditions of Approval, applicable to the entire Pinole Square project, attached as Exhibit A to this Resolution, and determines that the project is consistent with the following findings, as provided in the Staff Report to Planning Commission and hereby incorporated by reference:

1. The proposed project is consistent with the objectives of the general plan and complies with applicable zoning regulations, planned development, master plan or specific plan provisions, improvement standards, and other applicable standards and regulations adopted by the city;
2. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation;
3. The site layout (orientation and placement of buildings and parking areas), as well as the 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 applicable specific plans; and

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 27th day of May 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Thomas M. Brooks, Chair, 2019-2020

ATTEST:

David Hanham, Planning Manager

ATTACHMENT F

**PLANNING COMMISSION RESOLUTION 20-05
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 FOR A 75 FOOT
PYLON SIGN AT PINOLE SQUARE AT APN: 402-282-002, 06, 07, 08, 09, 10, 14, 19**

WHEREAS, Eric Price, Lowey Architecture, (Applicant) proposes to re-develop the Appian 80 shopping center on properties owned by Hillsboro Properties, Inc; and

WHEREAS, the Project site is located north of Interstate Highway 80, south of Tara Hills Drive, west of Appian Way, and east of single family residential properties, APN: 402-282-002, 06, 07, 08, 09, 10, 14, 19; and

WHEREAS, the site is located in the Commercial Mixed Use (CMU) District within the Service Sub-Area of the Three Corridors Specific Plan, which provides for a variety of commercial uses and development; and

WHEREAS, the applicant proposes the development of signage and signage design criteria on site, which include a 75 foot pylon sign with a sign area that will be limited to 750 square feet and a sign program that provides site-specific signage requirements intended to provide for integrated signage design for tenants at Pinole Square; and

WHEREAS, a pylon sign would be part of a sign program at the site, and pylon signs along Highway I-80 may have a maximum height of seventy-five feet with a maximum sign area of seven hundred and fifty square feet as part of a sign program; 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 City Council shall serve as the authority to approve the entitlements requests, as at least one entitlement request associated with Pinole Square requires City Council approval and project permits processed concurrently shall be taken by the highest-level designated approving authority under Section 17.10.060 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). 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 May 15, 2020 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.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pinole hereby recommends that the City Council approve CUP 17-14 subject to the Conditions of Approval, applicable to the entire Pinole Square project, attached as Exhibit A to this Resolution, and determines that the project is consistent with the following findings, as provided in the Staff Report to Planning Commission and hereby incorporated by reference:

1. The proposed use is consistent with the General Plan, the Three Corridors Specific Plan, and all applicable provisions of the zoning code.
2. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.
3. The site of the proposed use is physically suitable for the type, density and intensity of the use and related structures being proposed.
4. It will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in which it is located. The proposed use and related structures are compatible with other land uses, transportation and service facilities in the vicinity.

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 27th day of May 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Thomas M. Brooks, Chair, 2019-2020

ATTEST:

David Hanham, Planning Manager

ATTACHMENT G

PLANNING COMMISSION RESOLUTION 20-06

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PINOLE RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A PUBLIC CONVENIENCE OR NECESSITY DETERMINATION REQUEST TO ALLOW BEER AND WINE SALES FOR OFF-SITE CONSUMPTION FOR THE SAFEWAY MARKET AND THE SAFEWAY FUEL CENTER KIOSK OF PINOLE SQUARE AT APN: 402-282-002, 06, 07, 08, 09, 10, 14, 19

WHEREAS, Eric Price, Lowey Architecture, (Applicant) proposes to re-develop the Appian 80 shopping center on properties owned by Hillsboro Properties, Inc; and

WHEREAS, the Applicant proposes the sale of alcohol under a Type 20 alcohol license on site; and

WHEREAS, alcohol sales at the proposed new Automobile Service Station are subject to a public convenience or necessity determination; and

WHEREAS, the proposed development and use will conform to the land use designation of the Pinole General Plan and the Appian Way portion of the Three Corridors Specific Plan pending a Specific Plan Amendment and to the related policies and standards of those respective plans; and

WHEREAS, the PCN determination does not cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and therefore is not defined as a project by the California Environmental Quality Act (CEQA) under Section 21065; and

WHEREAS, the Planning Commission has considered the alcohol sales request; and

WHEREAS, the alcohol sales request requires City Council to make a PCN determination in order to permit the sale of alcohol under the entitlements request; and

WHEREAS, the City Council of the City of Pinole is the appropriate authority to hear and take action on this project; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends the City Council take action on the PCN determination. Where the City Council determines action can be taken to approve the PCN, the City of Pinole hereby finds, determines, and resolves as follows:

1. The proposed establishment will promote the city's economic health, consistent with the General Plan and any applicable Specific Plan policies to further district purposes;
2. The economic benefits associated with the establishment could not reasonably be achieved without the proposed alcohol sales;
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;
4. The Police Department has reported that the proposed establishment would not be

- expected to add to crime in the area; and
5. Alcoholic beverages sold by the applicant are incidental to the other products available for sale at the establishment. (Ord. 2010-02 § 1 (part), 2010)

PASSED AND ADOPTED by the City Council of the City of Pinole on this 27th day of May 2020,
by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Thomas M. Brooks, Chair, 2019-2020

ATTEST:

David Hanham, Planning Manager

ATTACHMENT H

**PLANNING COMMISSION RESOLUTION 20-07
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 FOR
OUTDOOR DINING AND OUTDOOR MERCHANDIZE SALES AT PINOLE SQUARE AT APN:
402-282-002, 06, 07, 08, 09, 10, 14, 19**

WHEREAS, Eric Price, Lowey Architecture, (Applicant) proposes to re-develop the Appian 80 shopping center on properties owned by Hillsboro Properties, Inc; and

WHEREAS, the Project site is located north of Interstate Highway 80, south of Tara Hills Drive, west of Appian Way, and east of single family residential properties, APN: 402-282-002, 06, 07, 08, 09, 10, 14, 19; and

WHEREAS, the site is located in the Commercial Mixed Use (CMU) District within the Service Sub-Area of the Three Corridors Specific Plan, which provides for a variety of commercial uses and development; and

WHEREAS, the applicant proposes outdoor dining spaces on site and outdoor merchandize display at Safeway; and

WHEREAS, outdoor dining requires the approval of an Administrative Use Permit and outdoor displays and sales requires approval of Plan Check; and

WHEREAS, the Community Development Director may take action on Administrative Use Permits and Plan Checks; however the requests have been submitted concurrently and together with other entitlements requests requiring Planning Commission and City Council review and all entitlements requests need to be considered together; and

WHEREAS, Planning Commission of the City of Pinole is the appropriate authority to hear and recommend action on this request; and

WHEREAS, the City Council shall serve as the authority to approve the entitlements requests, as at least one entitlement request associated with Pinole Square requires City Council approval and project permits processed concurrently shall be taken by the highest-level designated approving authority under Section 17.10.060 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). 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 May 15, 2020 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.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pinole hereby recommends that the City Council approve CUP 17-15, CUP 17-17, and CUP 17-18 subject to the Conditions of Approval, applicable to the entire Pinole Square project, attached as Exhibit A to this Resolution, and determines that the project is consistent with the following findings, as provided in the Staff Report to Planning Commission and hereby incorporated by reference:

1. The proposed use is consistent with the General Plan, the Three Corridors Specific Plan, and all applicable provisions of the zoning code.
2. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.
3. The site of the proposed use is physically suitable for the type, density and intensity of the use and related structures being proposed.
4. It will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in which it is located. The proposed use and related structures are compatible with other land uses, transportation and service facilities in the vicinity.

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 27th day of May 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Thomas M. Brooks, Chair, 2019-2020

ATTEST:

David Hanham, Planning Manager

ATTACHMENT I

**PLANNING COMMISSION RESOLUTION 20-08
WITH EXHIBIT A: CONDITIONS OF APPROVAL**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PINOLE RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A VARIANCE TO ALLOW FOR A GAS STATION USE IN PROXIMITY TO AN EXISTING GAS STATION AND FOR A WOOD FENCE IN PLACE OF A MASONRY WALL AT PINOLE SQUARE AT APN: 402-282-002, 06, 07, 08, 09, 10, 14, 19

WHEREAS, Eric Price, Lowey Architecture, (Applicant) proposes to re-develop the Appian 80 shopping center on properties owned by Hillsboro Properties, Inc; and

WHEREAS, the Project site is located north of Interstate Highway 80, south of Tara Hills Drive, west of Appian Way, and east of single family residential properties, APN: 402-282-002, 06, 07, 08, 09, 10, 14, 19; and

WHEREAS, the site is located in the Commercial Mixed Use (CMU) District within the Service Sub-Area of the Three Corridors Specific Plan, which provides for a variety of commercial uses and development; and

WHEREAS, the applicant proposes to continue providing a wood fence along the western property line between the site and single family residential properties adjacent to the site; and

WHEREAS, the Pinole Municipal Code Section 17.42.050 establishes a development standard to screen commercial uses from adjacent residential zoning districts by plant materials and a solid, decorative masonry wall with a minimum height of six feet; and

WHEREAS, the applicant proposes to develop a Safeway gas station on the project site; and

WHEREAS, the proposed Safeway gas station is within the minimum 500 foot distance from an existing gas station at the corner of Tara Hills Drive and Appian Way; and

WHEREAS, the Pinole Municipal Code Section 17.12.130 establishes a variance process to provide relief from the strict application of development standards with review and approval of the designated authority; 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 City Council shall serve as the authority to approve the entitlements requests, as at least one entitlement request associated with Pinole Square requires City Council approval and project permits processed concurrently shall be taken by the highest-level designated approving authority under Section 17.10.060 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). 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 May 15, 2020 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.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pinole hereby recommends that the City Council approve VAR 20-01 and VAR 20-02 subject to the Conditions of Approval, applicable to the entire Pinole Square project, attached as Exhibit A to this Resolution, and determines that the project is consistent with the following findings, as provided in the Staff Report to Planning Commission and hereby incorporated by reference:

1. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this Zoning Code denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district.
2. Granting the variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought.
3. Granting the variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question.
4. The variance is consistent with the general plan, any applicable specific plan or development agreement and the intent of the zoning code.

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 27th day of May 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Thomas M. Brooks, Chair, 2019-2020

ATTEST:

David Hanham, Planning Manager

ATTACHMENT J

**PLANNING COMMISSION RESOLUTION 20-09
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 FOR
A PARKING REDUCTION AND TO CREATE A NEW DRIVE-THROUGH FACILITY FOR
PINOLE SQUARE AT APN: 402-282-002, 06, 07, 08, 09, 10, 14, 19**

WHEREAS, Eric Price, Lowey Architecture, (Applicant) proposes to re-develop the Appian 80 shopping center on properties owned by Hillsboro Properties, Inc; and

WHEREAS, the Project site is located north of Interstate Highway 80, south of Tara Hills Drive, west of Appian Way, and east of single family residential properties, APN: 402-282-002, 06, 07, 08, 09, 10, 14, 19; and

WHEREAS, the site is located in the Commercial Mixed Use (CMU) District within the Service Sub-Area of the Three Corridors Specific Plan, which provides for a variety of commercial uses and development; and

WHEREAS, the applicant requests consideration of reduction in the number of required parking spaces from 436 spaces to 383 spaces; and

WHEREAS, the applicant proposes the development of a drive-through on site to serve a new commercial pad building; and

WHEREAS, a reduction in the number of required parking spaces established by standard parking ratio in the Pinole Municipal Code Chapter 17.48 and a new drive-through sale and service facility require review and approval of a Conditional Use Permit; 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 City Council shall serve as the authority to approve the entitlements requests, as at least one entitlement request associated with Pinole Square requires City Council approval and project permits processed concurrently shall be taken by the highest-level designated approving authority under Section 17.10.060 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). 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 May 15, 2020 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.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pinole hereby recommends that the City Council approve CUP 17-16 and CUP 20-02 subject to the Conditions of Approval, applicable to the entire Pinole Square project, attached as Exhibit A to this Resolution, and determines that the project is consistent with the following findings, as provided in the Staff Report to Planning Commission and hereby incorporated by reference:

Use Permit Findings

1. The proposed use is consistent with the General Plan, the Three Corridors Specific Plan, and all applicable provisions of the zoning code in that the proposed site modifications contribute to enhancing the site as a shopping center that attracts commercial tenants.
2. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.
3. The site of the proposed use is physically suitable for the type, density and intensity of the use and related structures being proposed.
4. It will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in which it is located. The proposed use and related structures are compatible with other land uses, transportation and service facilities in the vicinity.

Additional Parking Reduction Findings:

The project is consistent with the three (3) circumstances listed below per Pinole Municipal Code Section 17.48.060:

1. The use will be adequately served by the proposed parking due to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a travel demand management program that will reduce parking demand at the site.
2. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area.
4. The applicant has provided on-site parking for car share vehicles via a recorded written agreement between the landowner and the city that runs with the land. Agreement shall provide for proof of a perpetual agreement with a car share agency to provide at least one (1) car share vehicle on-site.

Additional Drive Through Findings

The project is consistent with the findings for drive throughs under Pinole Municipal Code Section 17.40.030:

1. The design and location of the facility and lane will not contribute to increased congestion on public or private streets adjacent to the subject property.
2. The design and location of the facility and lane will not impede access to or exit from the parking lot serving the facility nor impair normal circulation within the parking lot.
3. The design and location of the facility will not create a nuisance for adjoining properties.

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 27th day of May 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Thomas M. Brooks, Chair, 2019-2020

ATTEST:

David Hanham, Planning Manager

ATTACHMENT K

**PLANNING COMMISSION RESOLUTION 20-10
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 FOR THE SAFEWAY MARKET AND THE SAFEWAY FUEL CENTER KIOSK OF PINOLE SQUARE AT APN: 402-282-002, 06, 07, 08, 09, 10, 14, 19

WHEREAS, Eric Price, Lowey Architecture, (Applicant) proposes to re-develop the Appian 80 shopping center on properties owned by Hillsboro Properties, Inc; and

WHEREAS, the Project site is located north of Interstate Highway 80, south of Tara Hills Drive, west of Appian Way, and east of single family residential properties, APN: 402-282-002, 06, 07, 08, 09, 10, 14, 19; and

WHEREAS, the site is located in the Commercial Mixed Use (CMU) District within the Service Sub-Area of the Three Corridors Specific Plan, which provides for a variety of commercial uses and development; and

WHEREAS, Eric Price, Lowey Architecture, 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 the Safeway market and the Safeway Fuel Center kiosk to conduct sale of beer and wine for off-site consumption; 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 Alcoholic Beverage Sales is a use within the CMU district that requires approval of a Conditional Use Permit; and

WHEREAS, Alcoholic Beverage Sales is a use that requires approval of a Conditional Use Permit within the CMU district; 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 City Council shall serve as the authority to approve the entitlements requests, as at least one entitlement request associated with Pinole Square requires City Council approval and project permits processed concurrently shall be taken by the highest-level designated approving authority under Section 17.10.060 of the Pinole Municipal Code; 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, in compliance with California Environmental Quality Act (CEQA), the City prepared and circulated a Mitigated Negative Declaration (MND). 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 May 15, 2020 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.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pinole hereby recommends that the City Council approve CUP 17-13 and CUP20-01 subject to the Conditions of Approval attached as Exhibit A to this Resolution, and determines that the project is consistent with the following findings, as provided in the Staff Report to Planning Commission and hereby incorporated by reference:

1. The proposed use is consistent with the General Plan, the Three Corridors Specific Plan, and all applicable provisions of the zoning code.
2. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.
3. The site of the proposed use is physically suitable for the type, density and intensity of the use and related structures being proposed.
4. It will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in which it is located. The proposed use and related structures are compatible with other land uses, transportation and service facilities in the vicinity.

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 27th day of May 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Thomas M. Brooks, Chair, 2019-2020

ATTEST:

David Hanham, Planning Manager

ATTACHMENT L

**PLANNING COMMISSION RESOLUTION 20-11
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 FOR A FUELING KIOSK AND CANOPY AT PINOLE SQUARE AT APN: 402-282-002, 06, 07, 08, 09, 10, 14, 19

WHEREAS, Eric Price, Lowey Architecture, (Applicant) proposes to re-develop the Appian 80 shopping center on properties owned by Hillsboro Properties, Inc; and

WHEREAS, the Project site is located north of Interstate Highway 80, south of Tara Hills Drive, west of Appian Way, and east of single family residential properties, APN: 402-282-002, 06, 07, 08, 09, 10, 14, 19; and

WHEREAS, the site is located in the Commercial Mixed Use (CMU) District within the Service Sub-Area of the Three Corridors Specific Plan, which provides for a variety of commercial uses and development; and

WHEREAS, the entitlements request for the Pinole Square project includes a proposed Specific Plan Amendment to allow for a Service Station use in the CMU district of the Service Sub Area of Three Corridors Specific Plan with approval of a Conditional Use Permit; and

WHEREAS, the applicant proposes a new Safeway Fuel Station kiosk and canopy; and

WHEREAS, a service station use, which include gas stations, requires approval of a Conditional Use Permit; 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 City Council shall serve as the authority to approve the entitlements requests, as at least one entitlement request associated with Pinole Square requires City Council approval and project permits processed concurrently shall be taken by the highest-level designated approving authority under Section 17.10.060 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). 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 May 15, 2020 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.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pinole hereby recommends that the City Council approve CUP 17-12 subject to the Conditions of Approval, applicable to the entire Pinole Square project, attached as Exhibit A to this Resolution, and determines that the project is consistent with the following findings, as provided in the Staff Report to Planning Commission and hereby incorporated by reference:

1. The proposed use is consistent with the General Plan, the Three Corridors Specific Plan, and all applicable provisions of the zoning code in that the proposed site modifications contribute to enhancing the site as a shopping center that attracts commercial tenants.
2. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.
3. The site of the proposed use is physically suitable for the type, density and intensity of the use and related structures being proposed.
4. It will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in which it is located. The proposed use and related structures are compatible with other land uses, transportation and service facilities in the vicinity.

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 27th day of May 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Thomas M. Brooks, Chair, 2019-2020

ATTEST:

David Hanham, Planning Manager

ATTACHMENT M**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

	<u>Timing/ Implementation</u>	<u>Department Monitoring</u>	<u>Verification</u>
ONGOING			
1.	The project shall be constructed in substantial compliance with the approved Design Review, Conditional Use Permit, and Variance Package, DR-17-23, CUPs 17-12, 17-13, 17-14, 17-15, 17-16, 17-17, 17-18, 20-01, 20-02 VAR 20-01, 20-02, 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

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

	<u>Timing/ Implementation</u>	<u>Department Monitoring</u>	<u>Verification</u>
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. Implementation of elements directly associated with the use and development of the fueling kiosk and canopy within the design review, conditional use permit, and variance approval is contingent upon approval of the Specific Plan Amendment SPA 20-01, which establishes service stations as an allowable use in the CMU district of the Service Sub Area of the Appian Way Corridor in the Three Corridors Specific Plan.	Ongoing	Development Services Department	
6. <u>EXTERIOR MATERIAL AND COLORS</u> 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 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.	Ongoing	Development Services Department	

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

	<u>Timing/ Implementation</u>	<u>Department Monitoring</u>	<u>Verification</u>
7. 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	
8. 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	
9. VIDEO SURVEILLANCE Video surveillance cameras shall be required for all 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	
10. 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	
11. SIGN PROGRAM ENFORCEMENT The property owner or designee shall be provided with a copy of an approved signage program for the Pinole Square Shopping Center. The property owner and any subsequent owners shall ensure that all signage installed on their property within the Pinole Square Shopping Center shall be consistent with the approved master sign program as well as the	Ongoing	Development Services Department	

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

	<u>Timing/ Implementation</u>	<u>Department Monitoring</u>	<u>Verification</u>
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.			
12. <u>LANDSCAPING</u> 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	
13. <u>ALCOHOL LICENSING</u> 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.	Ongoing	Development Services and Police Departments	
14. <u>ALCOHOL SALES</u> The following requirements apply to the Conditional Use Permit request for the alcohol sales at the Safeway market and Safeway fueling kiosk. There shall be no sale of alcohol for on-site consumption. A sign concerning the California Law Prohibiting Minors to Drink Alcohol and signage prohibiting loitering or public drinking must be posted inside	Ongoing	Development Services and Police Departments	

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

	<u>Timing/ Implementation</u>	<u>Department Monitoring</u>	<u>Verification</u>
and outside the establishment in clear public view to the satisfaction of the Police Department. A copy of these conditions of approval shall be kept on premises and made available upon request.	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.	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.	Ongoing
15. OUTDOOR DISPLAY	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. 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. The maximum height of any outdoor display merchandise except plant materials shall be 5.5 feet. All outdoor display merchandise, regardless of	Development Services Department	Pinole Square

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

	<u>Timing/ Implementation</u>	<u>Department Monitoring</u>	<u>Verification</u>
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.			
24. OUTDOOR EATING AREA 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. 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. 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. The applicant and operator shall ensure the outdoor seating area operates in a manner consistent with the Pinole Municipal Code.	Ongoing	Development Services	
16. COMPLIANCE WITH CODES AND REGULATIONS The Pinole Square Shopping Center shall be constructed and operated in compliance with all applicable federal, State, and local regulations, including all applicable Building Codes and Fire Codes.	Ongoing	Development Services Department	

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

	<u>Prior To Issuance of Any Construction Permits</u>	<u>Timing/ Implementation</u>	<u>Department Monitoring</u>	<u>Verification</u>
17.	<u>APPROVAL CONDITIONS ON CONSTRUCTION PLANS</u> 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	
18.	<u>ENVIRONMENTAL MITIGATION MEASURE MONITORING</u> All mitigation measures included in the Initial Study/Mitigated Negative Declaration for the Pinole Square 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	
19.	<u>PYLON SIGN</u> The pylon sign design shall include the ability to remotely control the brightness of the pylon sign to the satisfaction of the Development Services Department with the capability to automatically reduce sign brightness at dusk.	Prior to Issuance of any Building Permit for the Pylon Sign	Development Services	
20.	<u>STORE FLOOR PLAN & OUTDOOR MERCHANDISE DISPLAY PLAN</u> The Applicant shall provide a precise 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 Department	

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

		<u>Timing/ Implementation</u>	<u>Department Monitoring</u>	<u>Verification</u>
23.	<u>OUTDOOR SEATING PLAN</u> 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 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	
21.	<u>INCORPORATION INTO THE LANDSCAPE AND LIGHTING DISTRICT</u> 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	
22.	<u>PERMITS, BONDS, AND INSURANCE</u> 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	
23.	<u>DEPOSITS TO THE DEVELOPMENT SERVICES DEPARTMENT</u> 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	

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

		<u>Timing/ Implementation</u>	<u>Department Monitoring</u>	<u>Verification</u>
24.	TRASH CAPTURE DEVICES The applicant shall ensure the site is installed with trash capture devices at inlets or points where stormwater may enter the stormwater drainage system, to the satisfaction of the City Engineer. All proposed and existing trash capture device locations shall be identified in a plan sheet, which is reviewed by the City Engineer.	Prior to Issuance of Any Construction Permit	Development Services Department	
25.	CLEAN WATER COMPLIANCE The applicant shall demonstrate plan compliance with local, state, and federal clean water regulations to the satisfaction of the City Engineer.	Prior to Issuance of Any Construction Permit	Development Services Department	
26.	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	

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

		<u>Timing/ Implementation</u>	<u>Department Monitoring</u>	<u>Verification</u>
27.	BUS TURNOUT DESIGN The Applicant shall prepare a precise design plan for the bus turnout area including the provision of amenities such as 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	
28.	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	
29.	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. D. Irrigation plan indicating all components of the irrigation system	Prior to Issuance of Any Construction Permit	Development Services Department	

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

	<u>Timing/ Implementation</u>	<u>Department Monitoring</u>	<u>Verification</u>
<p>including sprinklers and other outlets, valves, backflow prevention devices, controllers and piping.</p> <p>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.</p> <p>F. Twenty-five percent (25%) of all new trees on a project site shall be a minimum of 24" box size.</p> <p>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.</p>			
<p>30. <u>TREE LOCATION AND TREE REMOVAL</u></p> <p>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. Refer to Chapter 17.96 of the Pinole Municipal Code for species and sizes of trees classified as protected trees.</p> <p>A Tree Removal Permit is required for removal of protected trees. Any required Tree Removal Permit application must be submitted with an arborist report to the Development Services Department.</p>	Prior to Issuance of Any Construction Permit	Development Services Department	
<p>31. <u>PUBLIC IMPROVEMENT PLAN</u></p> <p>Prior to the issuance of any construction permit at the Pinole Square Shopping Center, the applicant shall prepare a public improvement plan, obtain an encroachment permit, and post the required bonds and insurance for any improvements within the public right-of-way:</p>	Prior to Issuance of Any Construction Permit	Development Services Department	

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

		<u>Timing/ Implementation</u>	<u>Department Monitoring</u>	<u>Verification</u>
32.	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	
33.	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	
34.	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. 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	Prior to Issuance of Any Construction Permit	Development Services Department	

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

	<u>Timing/ Implementation</u>	<u>Department Monitoring</u>	<u>Verification</u>
35. ELECTRIC VEHICLE CHARGING STATIONS The applicant shall include electric charging stations at a location to the satisfaction of the Development Services Department.	Prior to Issuance of Any Construction Permit	Development Services Department	
36. 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	
37. 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	

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

		<u>Timing/ Implementation</u>	<u>Department Monitoring</u>	<u>Verification</u>
38.	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	
39.	RECIPROCAL ACCESS AND PARKING AGREEMENT 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 all properties with access to Tara Hills Drive through the Pinole Square parking lot.	Prior to Issuance of any Building Permits or recordation of a final map	City Attorney and Development Services Department	
40.	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	
41.	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	
42.	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	

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

		<u>Timing/ Implementation</u>	<u>Department Monitoring</u>	<u>Verification</u>
43.	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	
44.	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				
45.	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	
46.	DEVELOPMENT IMPACT FEES AND SCHOOL FEES Prior to issuance of a building permit, the applicant shall pay all applicable development impacts fees and school fees and provide evidence of payment.	Prior to Issuance of a Building Permit	Development Services Department	
47.	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	

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

		<u>Timing/ Implementation</u>	<u>Department Monitoring</u>	<u>Verification</u>
48.	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	
49.	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 the overall project site.	Prior to Issuance of a Building Permit	Development Services and Police Departments	
50.	CONSTRUCTION PLANS FOR FIRE PREVENTION Prior to issuance of a building permit, building 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	
51.	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	

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

		<u>Timing/ Implementation</u>	<u>Department Monitoring</u>	<u>Verification</u>
52.	<u>WATER SUPPLY SYSTEM</u> 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	
53.	<u>SCREENING OF ROOF-MOUNTED EQUIPMENT</u> 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	
During Construction				
54.	<u>MODIFICATION OF APPROVED PLANS</u> 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	
55.	<u>DEBRIS BOX</u> 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.	During Construction	Development Services Department	

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

		<u>Timing/ Implementation</u>	<u>Department Monitoring</u>	<u>Verification</u>
56.	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.	During Construction	Development Services Department	
57.	CONSTRUCTION NUISANCE PREVENTION The following provisions shall be followed during all construction activities 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	During Construction	Development Services and Police Departments	

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

	<u>Timing/ Implementation</u>	<u>Department Monitoring</u>	<u>Verification</u>
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.			
G. Active construction sites shall be fenced and all equipment and materials shall be secured consistent with an approved Security Plan.			
58. <u>STANDARD DRAWINGS FOR PUBLIC IMPROVEMENT</u> 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	Pinole Square Design Review, Conditional Use Permit, Variance

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

	<u>Timing/ Implementation</u>	<u>Department Monitoring</u>	<u>Verification</u>
59. 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	
60. 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 requests shall be made at least 24 hours in advance.	During Construction	Development Services Department	
61. 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	

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

		<u>Timing/ Implementation</u>	<u>Department Monitoring</u>	<u>Verification</u>
Prior to Final Building Occupancy				
62.	<u>OCCUPANCY PERMITS</u> Occupancy permits shall not be granted until all construction is completed and finalized 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	
63.	<u>FIRE EXTINGUISHING SYSTEM</u> Automatic fire extinguishing / sprinkler systems shall be required for all four buildings.	Prior to Building Occupancy	Development Services and Fire Departments	
64.	<u>CONSTRUCTION WASTE MANAGEMENT REPORT - DEBRIS REMOVAL</u> 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 Building Code Requirements. All building debris shall be properly disposed of outside the City of Pinole.	Prior to Building Occupancy	Development Services Department	
65.	<u>TREE REPLACEMENT</u> 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.	Prior to Building Occupancy	Development Services Department	

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

		Timing/ Implementation	Department Monitoring	Verification																			
	<p style="text-align: center;">STANDARD REPLACEMENT TABLE FOR EXISTING TREES</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Size of Tree to be removed (Trunk Diameter)</th> <th>36 Inch Box</th> <th>24 Inch Box</th> <th>15 Gallon</th> <th>1</th> </tr> </thead> <tbody> <tr> <td>2" or less</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>4"</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>6" or greater</td> <td></td> <td>1</td> <td></td> <td></td> </tr> </tbody> </table>	Size of Tree to be removed (Trunk Diameter)	36 Inch Box	24 Inch Box	15 Gallon	1	2" or less					4"					6" or greater		1				
Size of Tree to be removed (Trunk Diameter)	36 Inch Box	24 Inch Box	15 Gallon	1																			
2" or less																							
4"																							
6" or greater		1																					
66.	<p><u>LANDSCAPE MAINTENANCE</u></p> <p>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-</p>	Prior to Building Occupancy	Development Services Department																				

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

	<u>Timing/ Implementation</u>	<u>Department Monitoring</u>	<u>Verification</u>
67. <u>VENTS, GUTTERS, AND FLASHING, ETC.</u> 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	
68. <u>TRASH ENCLOSURES</u> 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	
69. <u>PUBLIC AREA LIGHTING</u> 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.	Prior to Building Occupancy	Development Services and Police Departments	

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

	<u>Timing/ Implementation</u>	<u>Department Monitoring</u>	<u>Verification</u>
	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.		
70. 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
71. ADDRESSING	<p>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.</p> <p>A. Specific mounting location shall be determined at the time of plan review.</p> <p>B. Address shall be internally or externally lighted during the hours of darkness.</p>	Prior to Building Occupancy	Building Division and Fire Department

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

	<u>Timing/ Implementation</u>	<u>Department Monitoring</u>	<u>Verification</u>
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.		
72.	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
73.	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
74.	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 operations. The security plan shall include emergency contact information and ongoing crime prevention measures to the satisfaction of the Police Chief.	Prior to Building Occupancy	Police Department
75.	ALARM SYSTEM Each individual commercial space shall be equipped with a burglar alarm system, installed by state licensed contractor. The system shall include:	Prior to Building Occupancy	Development Services and Police

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

	<u>Timing/ Implementation</u>	<u>Department Monitoring</u>	<u>Verification</u>
1. Full perimeter coverage to include all doors requiring locks, windows, skylights and roof hatches.	1. Full perimeter coverage to include all doors requiring locks, windows, skylights and roof hatches.	Department	Department
2. Interior backup protection such as motion detectors, contacts on key interior doors or glass breakage detection.	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.	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	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.	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 Departments
76. 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.	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		

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

mechanisms:	1. Dead Bolt Locks: a. A minimum of $\frac{3}{4}$ 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 $1\frac{1}{2}$ 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).	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.	Pinole Square Design Review, Conditional Use Permit, Variance

**PLANNING COMMISSION RESOLUTION 20-04 TO 20-11 EXHIBIT A
CONDITIONS OF APPROVAL: PINOLE SQUARE DESIGN REVIEW, CONDITIONAL USE PERMIT, VARIANCE**

	<u>Timing/ Implementation</u>	<u>Department Monitoring</u>	<u>Verification</u>
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.			



7801 Folsom Blvd. Ste 214
Sacramento, CA 95826
Ph: (916)226-3506

jessica@liquorlicensenetwork.com

February 13, 2020

City of Pinole Planning Division
2131 Pear Street
Pinole, CA 94564

RE: Public Convenience or Necessity – Safeway's Fuel Center Kiosk

Safeway's Fuel Center Kiosk will operate as a fuel service center serving the immediate neighborhood and surrounding area(s). The establishment will give the public a convenience by offering goods and services that no other business within a 1,000 foot radius offers.

The Fuel Center Kiosk will be located in Census Tract 3640.02. The Department of Alcoholic Beverages Control (ABC) allows three off- sale liquor licenses as defined by the ABC Act. There are currently three issued licenses in the Census Tract and applying for a type 20 off-sale license will bring an overconcentration of licenses (see page 3).

The proposed project for the Fuel Center Kiosk will justify a Public Convenience or Necessity (PCN) approval by the following findings:

- The Fuel Center Kiosk will be located in Appian Way Corridor and will consist with the General Plan. The Kiosk will contribute and promote to the fiscal and economic health of Pinole.
- The Fuel Center Kiosk can attract future residential development in Appian 80 Shopping Center. The economic benefits associated with the project could not be reasonably achieved without alcohol sales since there are no other service stations in the area that will give current and future residents the convenience of services and products combined in one location.

- The Kiosk center will be part of Safeway that is currently licensed with a type 21 off-sale general liquor license. This licensed location has not been subject of verified complaints or violations regarding alcohol, public safety or nuisance statutes or regulations with ABC.
- The alcoholic beverages will be incidental to other products and goods offered at the Fuel Center Kiosk. The public will be able to choose from a variety of convenient goods including but not limited to soft drinks, snacks, fuel transactions, etc.
- Due to the incidental nature of the service, and the size and location of the Kiosk Center, alcohol sales will not have a significant detrimental impact on public health, safety, and peace. The establishment will comply with all laws and regulations including but limited to City Ordinance, Police Departments, and ABC to ensure the PCN is met to standards.

To follow is a complete list of retail businesses with similar licenses that was obtained directly from the ABC database. Please let me know if additional information is required or if an official form is to be submitted to support this statement.

Sincerely,

Jessica Harris
Senior License Director & Sales Associate

**List of Retailers Operating Off-Sale Licenses
Census Track 3640.02**

194533-21

Status: Active

Owner: Safeway Inc

DBA: Safeway Inc #1714

Premise Address: 1421 Tara Hill Dr., Pinole, CA, 94564

477673-21

Status: Surrendered

Owner: Garfield Beach CVS LLC

DBA: CVS Pharmacy Store 9299

Premise Address: 1401 Tara Hills Dr., Pinole, CA, 94564-2518

487143-20

Status: Active

Owner: Walgreen Co

DBA: Walgreens 04491

Premise Address: 15650 San Pablo Ave., San Pablo, CA, 94806-1240



7801 Folsom Blvd. Ste 214

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jessica@liquorlicensenetwork.com

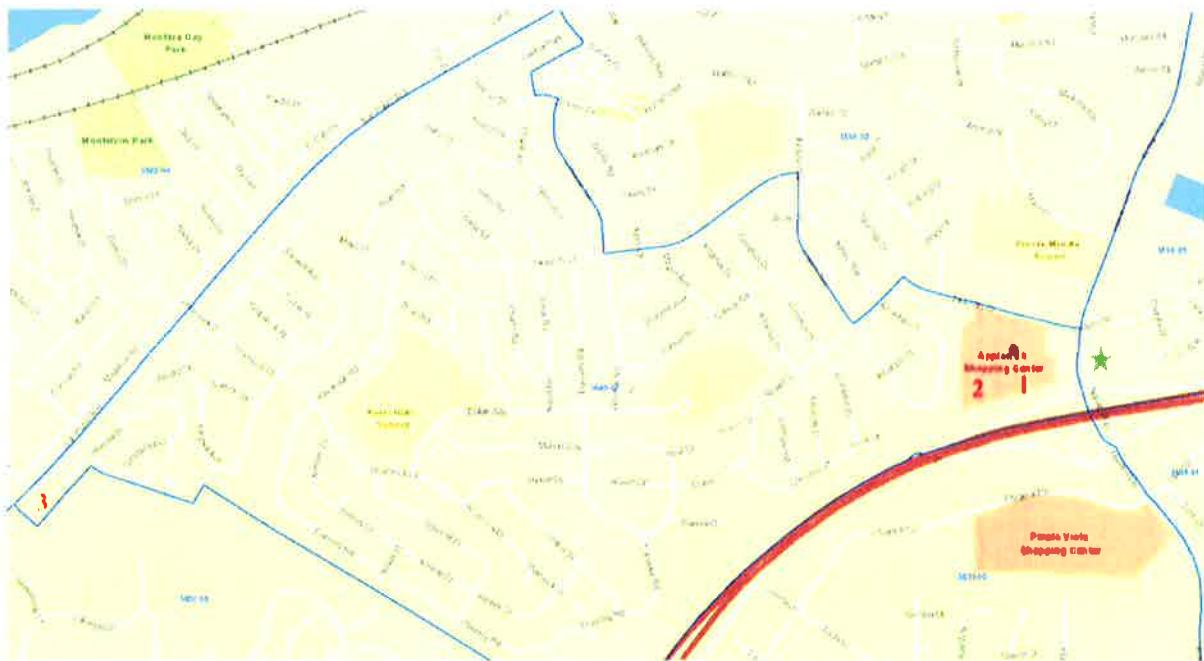
March 4, 2020

City of Pinole Planning Division
2131 Pear Street
Pinole, CA 94564

RE: 17.59.030, A. Conditional Use Permit Alcohol Sales – 1421 Tara Hills Dr (New Safeway Store & New Safeway Fuel Center Kiosk)

This list of establishments and retailers similar to the New Safeway Store and New Safeway Fuel Center Kiosk is in response to the Pinole Municipal Code 17.59.030 Section A.

Aerial measurements were used to measure a straight line from the closest exterior wall of 1421 Tara Hill Drive to other structure(s) within 1,000-foot radius. All establishments listed currently operate and/or own similar off-sale licenses as defined by the Department of Alcoholic Beverage Control of California (ABC).



- **List of Retailers Operating Off-Sale Licenses in the Same Census Tract 3640.02**

1. 194533-21
Status: Active
Owner: Safeway Inc
DBA: Safeway Inc #1714
Premise Address: 1421 Tara Hill Dr., Pinole, CA, 94564
2. 477673-21
Status: Surrendered
Owner: Garfield Beach CVS LLC
DBA: CVS Pharmacy Store 9299
Premise Address: 1401 Tara Hills Dr., Pinole, CA, 94564-2518
3. 487143-20
Status: Active
Owner: Walgreen Co
DBA: Walgreens 04491
Premise Address: 15650 San Pablo Ave., San Pablo, CA, 94806-1240

- **List of Retailers Operating Active Off-Sale Licenses within 1,000-Foot Radius:**

- ★ 575210-21
Owner: Garfield Beach CVS LLC
DBA: CVS Pharmacy Store 9299
Premise Address: 1617 Canyon Dr., Pinole, CA, 94564-2151
Census Tract: 3591.03

Please contact me if additional information is needed to support 17.59.030, A. of the Conditional Use Permit for the New Safeway Store and New Safeway Fuel Center Kiosk.

Sincerely,

Jessica Harris
Senior Licensing Director & Sales Associate



**7801 Folsom Blvd. Ste 214
Sacramento, CA 95826
Ph: (916)226-3506**

jessica@liquorlicensenetwork.com

March 6, 2020

City of Pinole Planning Division
2131 Pear Street
Pinole, CA 94564

RE: 17.59.030 A Part 4, Conditional Use Permit Alcohol Sales – 1421 Tara Hills Dr.

Below please find a list of schools, parks, playgroups, recreational centers, day cares, or similar facilities in response to the Pinole Municipal Code 17.59.030 Section A Part 4.

Aerial measurements were used to measure a straight line from the closest exterior wall of 1421 Tara Hill Drive to the closest edge of the facility structure. All facilities listed are within a 1,000-foot radius.

- Pinole Middle School
1575 Mann Dr., Pinole, CA 94564

Please contact me if additional information is needed to support 17.59.030, A. of the Conditional Use Permit for the New Safeway Store and New Safeway Fuel Center Kiosk.

Sincerely,

Jessica Harris
Senior Licensing Director & Sales Associate

Pinole Police Department



Neil H. Gang, Chief of Police

MEMORANDUM

TO: Amalia Merino, Project Planner
FROM: Lieutenant Matt Avery
SUBJECT: PCN Determination, Alcohol Sales CUPs-Pinole Square Project
DATE: March 10, 2020

In reviewing the PCN Determinations for the alcohol sales CUP for the Pinole Square Project specific to the new Safeway Fuel Center Kiosk in reference to PMC 17.59.030 sections (A)(3) and (C)(4):

- (A)(3) The extent to which the crime reporting district in which subject site is located exceeds the average for crime reporting districts subject to the jurisdiction of the Police Department
 - The Police Department does not use reporting districts.
- (C)(4) The Police Department has reported that the proposed establishment would not be expected to add to crime in the area
 - Due to a lack of similar businesses within the City of Pinole, there is no statistical data to show how this business will affect crime to the area. Surrounding cities have experienced an increase in public intoxication and public alcohol consumption with sale of single alcoholic beverages larger than 16 ounces, which is not addressed in PMC 17.59.040(A)(1).

Please let me know if you need anything else or have any questions.