



# Memorandum

**TO:** PLANNING COMMISSION MEMBERS

**FROM:** David Hanham, Planning Manager

**SUBJECT:** Pinole Square (aka Appian 80) Shopping Center

**DATE:** May 27, 2020

<b>Applicant:</b> Eric Price Lowney Architecture 360 17 <sup>th</sup> Street Oakland, CA 94612	<b>Property Owner:</b> Carl Goldstone Hillsboro Properties, Inc. San Mateo, CA 94406
File: 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, SPA 20-01	
Location: 1201-1577 Tara Hills APNs: 402-282-002, 06, 07, 08, 09, 10, 14, 19	
General Plan: Service Sub-Area (SSA) Specific Plan* Specific Plan: Appian Way /Service Sub-Area (SSA) / Commercial Mixed Use CMU Zoning: CMU/HDRO, Commercial Mixed-Use/High Density Residential Overlay	

## **BACKGROUND**

The applicant is proposing to re-develop the Appian 80 shopping center on properties owned by Hillsboro Properties, Inc. The Appian 80 shopping center has been a part of City of Pinole for decades. The center provides service businesses essential to the Tara Hills community as well as City of Pinole and in some ways the regional community as its proximity to Interstate 80 (I-80).

The project site is within the Appian Way corridor included within the Three Corridors Specific Plan. The General Plan land use designation is Service Sub-area (SSA) and the Zoning for the project site is Commercial Mixed Use/High Density Residential Overlay, (CMU/HDRO).

On December 21, 2017, the applicant submitted a development application for the Pinole Square Shopping Center to the City. The City Council and the Planning Commission conducted a joint meeting to discuss the project. The City Council, Planning Commission, and the public thought the new Pinole Square was going to be a positive improvement to the Pinole community by the new designs and the more modern Safeway that is being enlarged to accommodate more services to the public. The major

issue at the joint meeting was whether the project should include a housing component. After a comprehensive discussion, the Council provided feedback that it was preferable that housing not be a part of the project.

#### **PROJECT DESCRIPTION**

The proposed project is located at 1201-1577 Tara Hills Drive and sits on approximately 12.96 acres. The redevelopment of this project is on 11.89 acres. The applicant is proposing to redevelop this property into a more modern facility that will create a destination for the community. The proposed project will construct a new Safeway Store that will provide a more diversified shopping experience. The proposed project will include several shops for restaurants and retail outlets as well as a junior anchor for a more regional commercial user. The proposed project will add outside dining in two areas of the shopping center, an outdoor merchandizing area for Safeway, as well as an outdoor area for gathering. The proposed project will add a fuel station and kiosk as well as a drive through facility. The proposed project will add a new architecture theme, a new landscape plan, and parking plan. These new improvements will create Pinole Square.

The Applicant is proposing to demolish the existing Safeway and CVS building as well as the car wash, antiques restoration shop and the O'Reilly Wheel Works shop. The applicant is also proposing to replace an approximately 75-foot high pylon sign on the southeast corner of the property near the intersection of Appian Way and I-80 of adjacent to the existing I-80 westbound on-ramp in conjunction with a Master Sign Program use permit request. The proposed square footage of the project is listed in the table below:

#### **Proposed Square Footage**

<b><i>Name</i></b>	<b><i>Square Footage</i></b>
Safeway	55,044 sq. ft
Junior Anchor	10,357 sq. ft
Drive thru Facility	3,005 sq. ft
Safeway Fuel Kiosk	1,100 sq. ft
Shop 1	3,166 sq. ft
Shop 2E	897 sq. ft
Shop 3E	5,058 sq. ft
Shops 4-10	14,668 sf
Shop 15E	8,689 sq. ft
Shop 16E	3,165 sq. ft
<b>Total</b>	<b>105,169 sq. ft</b>

#### **Required Land Use Approvals**

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

Table 17.10.060-01 of the City's Municipal Code states who has final decision making authority on development projects. The Planning Commission takes final action on all the land use approvals.

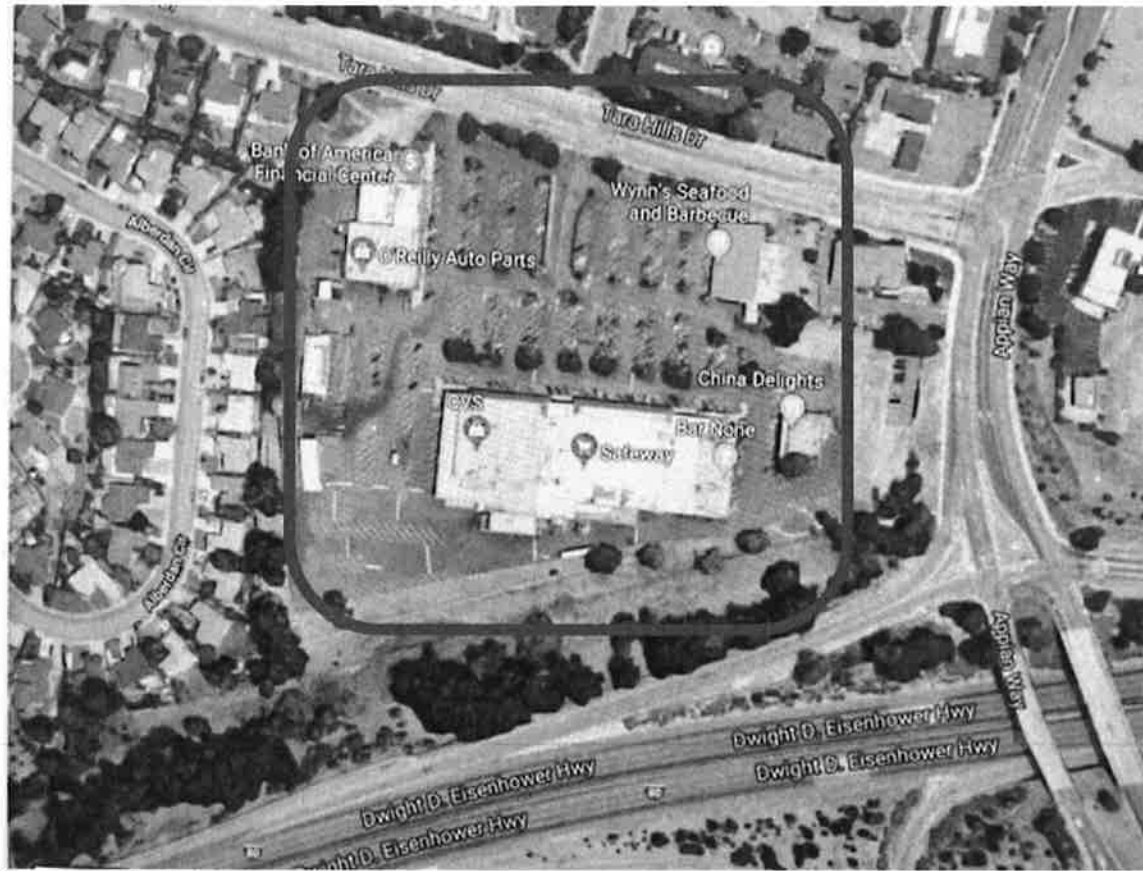
However, with this project, the City Council has the final action on the specific plan amendment. Since the City Council has final decision making authority on the required specific plan amendment, then all the other projects approvals for this project also sits with the City Council. Consequently, the Planning Commission will be making a recommendation to the City Council for all currently proposed development applications for this project.

Below is summary of the development review items

**Project Development Review Summary**

<b>Project Items</b>	<b>Entitlement Needed</b>
Environmental Review	Approval of an Initial Study/Mitigation Negative Declaration.
Design Review for entire Center 17-23	Approval of a Design Review for the entire site.
New Safeway and Gas Station & Kiosk, CUPs 17-12, 17-13, 17-15, 20-01, VAR 20-01, & 20-02 and SPA 20-01	Approval of a Conditional Use Permit for the Alcohol sales for both the Store and the Gas Station, outdoor merchandize sales, a variance for the Block Wall, and the fuel Station itself, and a Specific Plan Amendment for the Gas Station use in the CMU Zone District.
Reduced Parking Lot – CUP 20-02	Approval of a reduction of the Parking Requirements from 424 to approximately 383 parking stalls.
Commercial Pad/Drive Through CUP 17-16	Approval for the ability to have a drive through facility on a separate pad.
Pylon Sign – CUP 17-14	Approval of a New Pylon Sign that will increase the size of the pole to 75 feet and add signage up to 750 square feet.
Outdoor Dining and Merchandizing –CUPs 17-17, 17-18	Approval of outdoor merchandizing for Safeway and outdoor dining for Shops 1 and Shops 4-10.

**Figure 1. Site Location**



Direction from Project Site	Land Use
North	Tara Hills Drive, Medical Office, Retail Commercial
West	Existing Single-Family Residential subdivision
South	Interstate 80
East	Medical Office, Appian Way, Retail Commercial

The site is bound by Tara Hills Drive to the north and Appian Way to the east. Surrounding land uses include a shopping center to the north, across Tara Hills Drive, a medical office building (Bay Area Laser Cosmetic Surgery Center) to the east, and a single-family residential neighborhood to the west. I-80 is located approximately 150 feet to the south of the site. While the topography of the developed portions of the project site are relatively level, the topography in the vicinity of the site slopes to the northwest, towards San Pablo Bay. South of the southern site boundary, the ground surface slopes downward, creating a wide gully between the project site and I-80.

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**ENVIRONMENTAL REVIEW**

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

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

The Initial Study/Mitigated Negative Declaration was made available for public review and comment pursuant to CEQA requirements. The City received two written comment letters during the comment period. The comment letters did not result in changes to the conclusions of the environmental analysis. The Initial Study/Mitigated Negative Declaration comments received and responses to the comments are attached to this staff report and hereby incorporated by reference (see Attachment B). A mitigation monitoring and reporting program (MMRP) has been prepared to help ensure that all mitigation measures are performed during implementation of the project, if approved. The MMRP is included as part of the proposed draft Resolution 20-02 (Attachment B). Additionally, a draft condition of approval has been added to the project's draft design review conditions of approval requiring the MMRP and all proposed conditions of project approval to appear on the construction plans.

Based on the comments and the environmental consultant recommendation, there have been no changes in the physical layout of property, but there have been changes to best management practices during the construction portion of the project. The erratum includes additional information regarding best management practices that did change mitigation measures to implement the best management practices,

**ANALYSIS**

This section of the report will analyze each of the individual entitlement applications and the findings that each of the applications are required to meet. This portion of the report will also state the application's consistency with the General Plan and the Three Corridor Specific Plan. As stated above, the Applicant has nine (9) Conditional Use Permits, two (2) variances, one (1) Specific Plan Amendment, and one (1) overall Design Review request. This section of the report will also analyze all the findings that are required by each application submitted.

**General Plan Consistency**

The Service Sub-Area (SSA) General Plan designation for Appian Way is intended to maintain and enhance existing land uses while providing land use flexibility to encourage new private investment and additional development. For the Appian Way Corridor, a major objective is to maintain and enhance the regional gateway area into the City of Pinole and capitalize on freeway access to upgrade existing development and attract a desirable mix of commercial services and residential uses.

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

#### Community Character Element

- POLICY CC.1.1 All new development and redevelopment shall adhere to the basic principles of high-quality urban design and architecture including, but not limited to, human-scaled design, pedestrian orientation, and interconnectivity of street layout, siting buildings to highlight important intersections, entryways, focal points and landmarks.
- POLICY CC.1.3 To enhance a sense of arrival and create a strong appealing image that promotes community identity, the City shall develop community entry features at key gateways or city entries along Interstate 80. Entryways shall incorporate landscaping, trees, structural architectural elements, signage and public art.
- POLICY CC.1.5 Encourage project compatibility, interdependence and support with neighboring uses, especially between commercial and mixed-use centers and the surrounding residential neighborhoods. Uses should relate to one another with pedestrian connections, transit options, shared parking, landscaping, public spaces, and the orientation and design of buildings.

#### Land Use and Economic Development Element

- POLICY LU.3.3 Require design review of commercial and industrial projects to ensure compatibility with adjacent or nearby land uses, including intensity, access, internal circulation, visual characteristics, noise, odors, fire hazards, vibrations, smoke, discharge of wastes and nighttime lighting.
- POLICY LU.4.1 Ensure all new development, renovation or remodeling preserves and strengthens Pinole's residential neighborhoods by requiring projects to be harmoniously designed and integrated with the existing neighborhood.
- ☛ POLICY LU.4.3 Cluster development at higher densities to protect natural resources and address site development constraint issues, including archaeological sites, access, traffic, emergency services, water and sewer availability, creek and tree protection, steep slopes, potential geologic hazards, grading impacts, view protection and protection of open space resources. (See also Goal LU.8 below.)
- POLICY LU.7.1 Provide sufficient land for commercial and industrial uses to allow for development that provides basic goods and services to Pinole residents.

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

Circulation Element

- POLICY CE.1.4 Encourage maximum utilization of the existing public transit system and alternate modes of transportation in Pinole.
- GOAL CE.7 Support bicycle use as a mode of transportation by enhancing infrastructure to accommodate bicycles and riders.
- GOAL CE.8 Provide a safe network of well-maintained pedestrian walkways throughout Pinole that encourages walking as a form of non-motorized transportation.
- POLICY CE.8.1 Require development to provide pedestrian walkways that are safe, interconnected and accessible by all members of the community.
- POLICY CE.8.4 Encourage the location of basic shopping and services within walkable distances to residential areas.

Health and Safety Element

- POLICY HS.5.2 Encourage mixed-use developments that put residences in close proximity to services, employment, transit, schools and civic facilities/services.
- POLICY HS.6.1 Promote and encourage walking and bicycling as viable forms of transportation to services, shopping and employment.
- POLICY HS.7.3 Reduce the transport of runoff and surface pollutants off site.
- POLICY OS.3.6 Minimize Environmental Impacts. Encourage development patterns which minimize impacts on the City's biological, visual, and cultural resources, and integrate development with open space areas.
- ACTION OS.8.8.6 Require new development projects to incorporate facilities and measures to treat stormwater before discharge from the site. The facilities shall be included in required Stormwater Control Plans and sized to meet NPDES permit requirements. Projects shall protect water quality by incorporating Low Impact Development (LID) design to detain, treat, and infiltrate runoff by minimizing impervious area; such as use of pervious pavements and green roofs, disperse runoff to landscaped areas; and/or route runoff to rain gardens, cisterns, swales, and other small-scale facilities distributed throughout the project area.

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Sustainability Element

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

Specific Plan and Zoning Consistency

The project site is located within the Commercial Mixed Use/High Density Residential Overlay (CMU/HDRO) Zone within Service Sub-Area of Three Corridors Specific Plan. The Specific Plan's vision for the Appian Way Corridor is to have a thriving retail and service hub for the community. Appian Way is envisioned to be the gathering places with a well-integrated circulation for pedestrians and bicyclists, and vehicles. Appian Way was envisioned to be the gateway for bicyclists and pedestrians to be able to connect residential and commercial areas.

The proposed project includes features to improve pedestrian access to the project from Tara Hills Drive. Landscape upgrades are proposed at prominent project site corners and new tree and shrub plantings are proposed along the western edge of the property. New landscaping is proposed along all existing street frontages as well. The project has been conditioned to protect healthy mature trees and will replace existing trees that are in poor condition.

The Appian Way Service sub-area designation was envisioned in the Specific Plan to help provide for employment opportunities. The scale and massing of new buildings is intended to be compatible with Pinole's suburban character. This district is planned to serve as a major focal point for the Tara Hills Neighborhoods as well as a regional center for Appian Way/I-80 corridor as well as outside the Specific Plan boundaries.

The project does provide prominent gateway features through signage and landscaping features as well as through small outdoor seating areas to welcome visitors and residents to the community. The Fuel Station and Drive Through use have all been located closer to Tara Hills Drive than the previously developed Shopping Center. The addition of those two uses will enhance the buildings on the western edge of the property. Currently, the Center is a vehicle centric center with most of the uses located in the rear southern edge of the property.

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

LAND USE POLICY 5	Support existing viable uses while encouraging a new mix of uses.
LAND USE POLICY 6	Actively promote the "revitalization" of underutilized land.
LAND USE POLICY 7	Promote a variety of retail uses that are compatible with a pedestrian environment.



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LAND USE POLICY 9

Promote a variety of smaller retail and office space opportunities for small business.

The City's Housing Element identifies the property as a potential location of 125 residential units. Those residential units can continue to be accommodated on portions of the site not impacted by the proposed project.)

The property's Commercial Mixed Use/High Density Residential Overlay zone allows for a wide range of uses but is mainly envisioned to provide retail development with complementary integrated office and residential uses. The proposed project would add an additional 10,678 sq. ft. of retail services. The added retail development is anticipated to include a new Safeway that would benefit neighborhood residents and visitors to shop closer to home as well as providing additional amenities for residents and visitors. Shops 4-10 and Junior Anchor spaces were added to allow for mixtures of tenants (e.g. restaurants, small and medium size tenants). Tenants for the retail shops space have not been identified at this time.

Overall Design of the Project DR-17-23

The project sites front on Tara Hills Drive and is adjacent to the Tara Hill Drive/Appian Way Intersection. The project is also within ½ mile of I-80. The project is a key entry point to the Tara Hills residential areas. This project location has been an active commercial location for over 40 years with various improvements along the way. The proposed project is a major overhaul of the center to bring up to today's standards for shopping centers being destinations. This section of staff report will analyze the major components of the Project and the findings necessary for the approval of this project.

As stated earlier in the report, the Applicant is proposing to increase the floor area of Pinole Square by approximately 11,000 sq. ft. The Applicant is proposing to demolish the existing Safeway and CVS structure and rebuild a new Safeway store with adjoining shops that could include restaurants and retail outlets for small businesses. The end of the shops is a junior anchor for a larger retailer. The Applicant is proposing to construct a fuel station with kiosk, a drive through facility with an integrated landscape and parking area. The Applicant is proposing to add outdoor dining and outdoor merchandizing areas. The development is improving its pedestrian and bicyclist users as well as adding a bus pullout for potential future transit services to make this shopping experience into a destination.

Findings:

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;

*General Plan, Specific Plan and Zoning Regulations:*

*As stated above in this report, General Plan and Specific Plan goals, policies, and action items have been identified to satisfy consistency with this project and the City of Pinole General Plan, and the Three Corridor Specific Plan. There is one component of the project that requires a Specific Plan Amendment. Once that amendment is approved, then the rest of the project will be consistent with this finding. All the uses*

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*proposed in this project are consistent with the Three Corridor Specific Plan as well as the Zoning Ordinance of the City of Pinole.*

*Below are the features of this project that discussed improvement standards and other applicable standard and regulations adopted by the City:*

#### *Building Architecture*

*The architecture for the project includes a mix of materials and colors. The mix of materials and colors will be used throughout the entire center. The Center will include Fiber Cement Panels that give the building an wood look and finish. Another feature the center will use is a Cementous Stone (manufactured) in either an El Dorado, Alderwood, or similar feature. The Buildings will include a Porcelain Tile that will have a midnight color. The Center will be using Benjamin Moore Paint (Tapestry Beige (2020), and with dark gray trims).*

#### *Safeway*

*The building is approximately 35 feet at its highest point. The building includes a parapet roof and two pitched roof tower elements with standing seam grey metal roofing and storefront awnings. All elevations include wall plane changes, projecting anchored black metal awnings with matching wall mounted sconce lighting, as well as extensive color and material changes to break up building massing. Anodized silver aluminum is proposed for the storefront window system and loading dock screening is proposed. The applicant has included a roof plan to best describe the architectural elements above the parapet roof line. A draft condition has been included to change the metal panel and replace it with an awning that projects from the façade to match and complement the two grey standing seam metal awnings proposed above the market's store entrance doors.*

#### *Retail Shops Building*

*This building includes similar colors and materials as the proposed Safeway. It is approximately 35 feet at its highest point and includes three corner tower elements with two decorative grill vents included on the east and west towers to demarcate the corner storefront entrances as well as provide for future on-building signage locations. This building also includes color and material changes on all four sides to break up the building massing.*

#### *Landscape Plan*

*The landscape plan includes the removal and replacement of most of the existing trees on the project site. A conceptual landscape plan is provided with potential tree, shrub and ground cover choices that are drought tolerant and well-suited to Pinole's climate. Much of the proposed new landscape material is proposed along edges of existing public right-of-ways (e.g. Tara Hills Drive and Appian Way).*

*Conclusion: Based on the statements above and pages A1.6 and A3.1-A3.6 of the Design Booklet, Staff determines that this finding has been satisfied.*

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

*The site plan has evolved based on discussions between the applicant, staff, the City Council/Planning Commission Joint workshop January 28, 2017. There has been no adjustment to the parking lot since that meeting. The most recent version is included within the project plans date-stamped February 12, 2020 (Attachment A). The configuration of the project site is very similar to the existing site. The demolitions of buildings and new placement of the Safeway Store and the Shops 4-10 is consistent with the existing center. The addition of the Fuel Station/Kiosk and the Drive-Through will add additional building space that will add an access for right-in and right-out which will take some pressure off the existing main entrance.*

*As shown on the page A1.6 of the Project Plan, Pedestrian corridors have been striped out throughout the center so that a patron can get from one shop to another in a safe convenient manner. By addition of over forty bicycle spaces, the additional accesses to the center makes it easier for bicyclists to get around safely.*

*Conclusion: Staff determines that this finding has been satisfied.*

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

*As seen on page A1.6 of the project plan, the new buildings are basically in the same locations as the existing site. The Parking Lot has been adjusted to accommodate the new center with all new lighting and landscaping to make this center a destination for people. By including the outdoor dining and merchandizing area as well as the outdoor spaces for congregating makes this project independent of other projects in this area. As stated above, this project meets General Plan and Specific Plan consistency.*

*Conclusion: Staff determines that this finding has been satisfied.*

4. Qualifying single-family residential, multi-family residential, and residential mixed-use projects shall comply with all relevant standards and guidelines in the city's currently adopted design guidelines for residential development.

*This finding is not applicable to this project. The applicant did not propose any type of residential development for the redevelopment of this project. This site does have a High-Density Residential Overlay District that is a part of the Three Corridor Specific Plan. The Overlay Districts requires that a minimum of 20 percent of a site develop as a density of between 20.1 and 35 dwelling units per acre.. The City will continue to have a High-Density Residential Overlay District zone on this property. The requirements of the Overlay District can be satisfied by future development in portions of the site not impacted by the proposed project.*

*Conclusion – Staff determines that this finding has been satisfied.*

In conducting comprehensive design review, the designated approving authority shall consider the following:

1. Considerations relating to site layout, the orientation and location of building, signs, other structures, open spaces, landscaping, and other development features in relation to the physical characteristics, zoning, and land use of the site and surrounding properties.

*The projects is proposing a similar layout as the existing layout. The new Safeway, Shops 4-10, and the Junior Anchor are all located in the southern portion of the property like the Safeway and CVS. However, the Safeway move closer to southwestern corner Shops 1, 2E, and 3E are in the exact location of shops in the existing development. The Applicant is also proposing a Drive Through facility and a Fuel Station and Kiosk. All the existing accesses to the property are still in place. The Applicant proposed a Right-In/Right-Out access to expand the circulation of the center. There has been no addition of land. The new uses are all in the existing footprint of the property.*

*Conclusion: Staff determines that this finding has been satisfied.*

2. Considerations relating to traffic, safety, and traffic congestion, including the effect of the development plan on traffic conditions on abutting streets, the layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways, the adequacy of off-street parking facilities to prevent traffic congestion, and the circulation patterns within the boundaries of the development.

*As a part of the re-development of this property, the Applicant prepared a traffic analysis to analyze traffic in this area. The results of that traffic study show that there will be a slight increase to the area. However, that increase does not rise to lowering levels of service to unacceptable standards. Tara Hills Drive is the main artery that front the shopping center. The shopping center still has its two primary driveways located in the same location. The Applicant added a third driveway for right-in/right-out help alleviate congestion at the main entrance of the center. The Applicant also widened the main aisle of the driveway, so traffic can make lefts or rights easier The Applicant also improved the pedestrian patterns by adding striped walkways that can lead a customer to any shop within the center from Tara Hills Drive. An existing walkway from Appian Way is also available for pedestrians.*

*Conclusion: Staff determines that this finding has been satisfied.*

3. Considerations necessary to ensure that the proposed development is consistent with the general plan and all applicable specific plans or other city plans, including, but not limited to, the density of residential units.

*As stated above in this report, General Plan and Specific Plan goals, policies, and action items have been identified to satisfy consistency with this project and the City of Pinole General Plan, and the Three*

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*Corridor Specific Plan. The applicant did not propose any type of residential development for the redevelopment of this project. This project does have a High-Density Residential Overlay District that a minimum 20 percent of a project site develop at a density of 20.1 to 30 units per acre part of the Three Corridor Specific Plan. The Overlay Districts has a requirement of 20.1 to 30 units per. The City will continue to have a High-Density Residential Overlay District zone on this property. The requirement of the Overlay District can be satisfied by future development in portion of the site not impacted by the proposed project.*

*Conclusion: Staff determines that this finding has been satisfied.*

4. Considerations relating to the availability of city services, including, but not limited to, water, sewer, drainage, police and fire, and whether such services are adequate based upon city standards.

*Since this center has been located at the same location for over 40 years, it has the availability of water, sewer, drainage, police and fire. The Applicant will be required to install the new green infrastructure in compliance with the most current Contra Costa Cleanwater Program Guidelines Program as required by State Law. The Project will also be required to add Trash Catch Devices in basins the parking lot prior to any issuance of a building permit for existing compliance*

*Conclusion: Staff determines that this finding has been satisfied.*

Conditional Use Permit 20-02 for Parking Reduction

The project site is accessible from dedicated left turn lane from Tara Hills Drive. The site plan includes a Main Driveway, right in and right out driveway, and a services entrances serving the entire center on the western edge of the property. Pedestrian access is available via Tara Hills Drive in the northern area of the site, by two proposed new pedestrian access points. The site also has a non-ADA access (staircase) that will access Appian Way. The site plan has included a pedestrian plan that will allow pedestrian to get to any of the buildings located in the center. Transit access for the project site would be from a proposed bus stop that would be re-established through the transit agency WestCat. The proposed bus stop would include a turnout to improve traffic flow and has been conditioned to accommodate two buses rather than one as was originally proposed. The applicant has also agreed to provide a source of power to enable the bus stop to display upcoming bus arrival time information.

Based on all the different uses being proposed in the Pinole Square project, the parking required for the project is 436 parking spaces. The Applicant is proposing 383 parking stalls with a minimum of nine (9) accessible spaces and two (2) van accessible spaces. Based on those numbers, the applicant is asking for 13% reduction in the parking requirement. The following table described the required parking for each of the uses as well as the proposed reduction of parking stalls

**Auto Parking Requirements for Proposed Pinole Square Shopping Center**

<b>Project Building</b>	<b>Parking Standard</b>	<b>Parking Required</b>	<b>Parking Provided</b>
Safeway	1 space/250 sq. ft.	221 spaces	
Shop 1	1 space /100 sq. ft	19 spaces	
Shops 2E & 3E	1 space /250 sq. ft.	20 spaces	
Shops 4-10 Restaurants	1 space/100 sq. ft.	45 spaces	
Shops 4-10 Retail	1 space/300 sq. ft	25 spaces	
Shop 15E & 16E	1 space/per 300 sq. ft	48 spaces	
Drive Thru	1 space /100 sq. ft	19 spaces	
Junior Anchor	1 space/300 sq. ft	35 spaces	
Fuel Station Kiosk	1 space/300 sq. ft	4 spaces	
	<b>Project Parking Total</b>	<b>436 spaces</b>	<b>383 spaces</b>

**Findings**

1. The proposed use is consistent with the general plan, any applicable specific plans, and all applicable provisions of this title.

*General Plan, Specific Plan and Zoning Regulations:*

*As stated above in this report, General Plan and Specific Plan goals, policies, and action items have been identified to satisfy consistency with this project and the City of Pinole General Plan, and the Three Corridor Specific Plan. There is one component of the project that requires a Specific Plan Amendment. Once that amendment is approved, then the rest of the project will be consistent with this finding. All the uses proposed in this project are consistent with the Three Corridor Specific Plan as well as the Zoning Ordinance of the City of Pinole.*

*Conclusion: Staff determines that this finding has been satisfied.*

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.

*As seen on page A1.6 of the project plan, the new buildings are basically in the same locations as the existing site. The Parking Lot has been adjusted to accommodate the new center with all new lighting and landscaping to make this center a destination for people. By including the outdoor dining and*

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*merchandizing area as well as the outdoor spaces for congregating makes this project independent of other projects in this area*

*This shopping center has resided in Pinole for over 40 years. The Tara Hills neighborhoods as well as other citizens of the City of Pinole have used this center. The improvement of this project will not be detrimental to the health, safety, peace, moral, comfort or general welfare of persons residing or working in the neighborhood of such use of to the general welfare of the City.*

*Conclusion: Staff determines that this finding has been satisfied.*

3. The site of the proposed use is physically suitable for the type, density and intensity of the use and related structures being proposed.

*As seen on page A1.6 of the project plan, the new buildings are basically in the same locations as the existing site. The Parking Lot has been adjusted to accommodate the new center with all new lighting and landscaping to make this center a destination for people. By including the outdoor dining and merchandizing area as well as the outdoor spaces for congregating makes this project independent of other projects in this area. As stated above, this project meets General Plan and Specific Plan consistency.*

*Conclusion: Staff determines that this finding has been satisfied.*

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

*This project is not contrary to specific intent clause, development regulations or performance standards established for the zoning district in which it is located. The proposed uses and related structures are compatible with other land uses, transportation and service facilities in the vicinity. This project is a remodel of existing uses with the center. The structures that are being proposed are more modern in terms of design and functionality to the Center. The existing building were in need of repair and modernization and due to their age, it is more feasible to construct new buildings. The Applicant and City Staff are working with WestCat to bring back the bus stop that was there years ago. The requirements for the High Density Overlay District can be satisfied by future development in portions of the site not impacted by the proposed project.*

*Conclusion: Staff determines that this finding has been satisfied.*

Additional Finding for the Reductions of Parking.

Pursuant to Section 17.48.060 (B) (1) the following circumstances below must be true.

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,

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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.

*As a part of the re-development of this property, the Applicant prepared a traffic study to analyze parking for this development. The results of that traffic study indicated that the applicant develop a transportation demand management (TDM) program to reduce the parking needed by offering incentives for employees and patrons to use other modes of transportation than an automobile, which requires a parking space. There will be a condition of approval for this project that will include the applicant entering into an agreement with the City to require a car share spot in perpetuity.*

*Conclusion: Staff has determined that section 17.68.060 (B) (1) has been satisfied.*

Conditional Use Permit 17-14 for Pylon Signage

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

The proposed pylon sign will be heavily viewed by I-80 travelers and will provide a new landmark visible from the highway. The project plans now include a cross-section diagram (see sheets A5.0 through A5.9 the design book of Attachment A) comparing the proposed pylon sign to the existing Appian Shopping Center pylon sign and to relate the proposed pylon sign area height to the elevation of the traffic lanes on I-80. The size of the proposed sign spaces needs to be carefully considered to prevent a cluttered appearance and to functionally identify the mix of potential shopping center tenants. The latest master sign program and design book include an enlarged sign area on the pylon sign that exceeds the required 750 square foot maximum sign area. A draft condition of approval has been added to ensure compliance with this requirement.

Findings

1. The proposed use is consistent with the general plan, any applicable specific plans, and all applicable provisions of this title.

*As stated above, this project is consistent with the General Plan, Specific Plan and all applicable provisions of this title. The sign is similar in nature to all the signs that are along I-80 and is proposing dimension that are within other signs along I-80. There will be conditions of approval that will regulate the sign based on pages A5.0 through A5.9 of the Design Package submitted February 12, 2020.*



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*Conclusion: Staff determines that this finding has been satisfied*

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.

*This use will be monitored by Conditions of Approvals as well as construction permits prior to the installation of the sign. The Sign is going into the same location as the Appian 80 Pole Sign. It will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working about such use or to the general welfare of the City.*

*Conclusion: Staff determines that this finding has been satisfied*

3. The site of the proposed use is physically suitable for the type, density and intensity of the use and related structures being proposed.

*The proposed sign the way it is designed will be physically suitable for the type, density and intensity of the use and related structures. Also, prior to the installation of the sign, The project applicant will be required to get a building permit. By acquiring a building permit, it will allow the City to inspect and approve the construction of the sign. There will be a condition of approval that will require this use to obtain a Building Permit.*

*Conclusion: Staff determines that this finding has been satisfied*

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.

*This project is not contrary to specific intent clause, development regulations or performance standards established for the zoning district in which it is locate. The proposed use is compatible with other land uses, transportation and service facilities in the vicinity. This project is the construction of sign based on the proposed drawing in the Design Book in Attachment 2 of this report. The structure that is being proposed are more modern in terms of design and functionality to the Center. The existing sign is outdated and needed to be refreshed due to its age. The new sign will complement the design of the rest of the Pinole Square Shopping Center.*

*Conclusion: Staff determines that this finding has been satisfied*

**Conditional Use Permits 17-13 & 20-01 Alcohol Sales for Safeway and the Kiosk**

The applicant has filed an application for a use permit for authorization to sell beer and wine for consumption off the premises. The State Department of Alcoholic Beverage Control (ABC) enforces the licensing of alcoholic retailers regulated by State Law under Section 23958 of the Business and Professions Code. The existing Safeway store currently has a Type 21 license, which allows for the sale of beer, wine,

and liquor for off-site consumption. The applicant has filed an application for a Type 20 licence for the Gas Station's kiosk. Type 20 alcohol sales licenses allow for the retail sales of beer and wine. In order to sell beer and wine for off sale consumption, the applicant must apply to ABC for a Type 20 license and obtain a conditional use permit from the City.

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

According to ABC, there are currently three existing off-sale alcohol licenses in Census Tract 3640.02. This census tract includes the portion of Pinole north of Interstate 80 and east of Appian Way and includes portions of the City of Hercules. The table below includes a complete list of existing businesses with off premises consumption alcohol licenses within Census Tract 3640.02 as of March 2020.

Census Tract 3640.02 Off-Sale Retail Alcohol Sales Establishments

Business Establishment	Location	License Type
Safeway	1421 Tara Hill Drive	Off Sale, full alcohol
Walgreens	15650 San Pablo Avenue	Off Sale, full alcohol
CVS	1617 Canyon Drive	Off Sale, full alcohol

Source: State Department of Alcoholic Beverage Control, February 13, 2020.

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

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

Section 17.59.030 (B) of the Pinole Municipal Code includes five required findings that must be satisfied in order to make a PCN determination. Staff has prepared findings based on a proposed project description as well as proposed floor plans and related security measures at the Safeway Kiosk which are discussed below and included within the draft resolution (see Attachment A).

#### Findings

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

*Alcohol Sales are a conditionally permitted use at the project location within the Three Corridor Specific Plan, Appian Way / SSA and CMU-HDRO zoning district. The applicant is seeking, and staff supports, a Specific Plan Amendment to conditionally permit Automobile Service Stations in the SSA and CMU zoning district. A Type 20 license at the kiosk aligns with the Specific Plan's vision for Appian Way /SSA: to be a thriving retail and service hub for the community and region that serves as a regional gateway into Pinole at the Interstate 80 interchange and to capitalize on its existing reputation as a regional shopping center by upgrading existing development and attracting increasingly desirable commercial tenants. In addition, the SSA is intended to maintain and enhance existing land uses while providing land use flexibility and incentives to encourage new private investment and additional development. The proposed project supports the City's economic health by providing new investment by Safeway, redevelopment of the existing Appian 80 shopping center, commercial and service options to residents and visitors, and broadens the tax base. Below are General Plan goals and policies relevant to the proposed project:*

*Land Use and Economic Development Element*

*GOAL LU.7 Balance housing and employment opportunities to reduce trips in and out of the region and encourage commercial development which maintains and enhances the quality of the city's commercial areas, provides services for residents and broadens the tax base of the community to provide needed revenues for public services*

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

*GOAL LU.8 Concentrate commercial development and mixed-use activity areas within the Fitzgerald Drive, San Pablo Avenue, Pinole Valley Road, and Appian Way corridors*

*POLICY LU.8.3 Encourage development that provides jobs and new housing opportunities primarily through reuse of the former Doctors Hospital site and revitalizing existing retail and service commercial development by allowing a mix of uses and higher building intensities at the Appian 80 Shopping Center [Pinole Square Shopping Center] and in the areas south of Interstate 80. The intent of this policy is to support the following objectives: a) Capitalize on Appian Way's proximity to Interstate 80 as a convenient regional shopping area by upgrading existing development over time and attracting increasingly desirable commercial service providers. b) Improve vehicular and pedestrian circulation and safety over time in and around Pinole Junior High School, existing commercial areas, and at the Interstate 80 interchange. c) Improve streetscape design over time that establishes a more attractive and unique identity for the corridor within region.*

*Conclusion: Staff determines that this finding has been satisfied*

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

*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 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.*

*Conclusion: Staff determines that this finding has been satisfied*

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

*The Safeway Fuel Center 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.*

*Conclusion: Staff determines that this finding has been satisfied*

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

*The Pinole Police Department has been consulted by staff and they are unable to report that the proposed establishment would not be expected to add to crime in the area as there is no other comparable kiosk that sells alcohol in Pinole. That said, 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. The Police Department provides a memo in Attachment XX.*

*Conclusion: Staff determines that this finding has been satisfied*

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

*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, and fuel transactions. Due to the incidental nature of the service, and the size and location of the kiosk, alcohol sales will not have a significant detrimental impact on public health, safety, and peace.*

*Conclusion: Staff determines that this finding has been satisfied*

Conditional Use Permits 17-15, 17-17 & 17-18 – Outdoor Dining and Outdoor Merchandizing

Outdoor merchandise display is common in conjunction with markets. The Zoning Code requires a use permit for permanent outdoor merchandise sales. This is typically an administrative use permit but is being brought to the Planning Commission for consideration because it is one of three use permit requests

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made by the applicant in conjunction with this large and prominent proposed market. A draft resolution has been prepared (see Attachment G) which includes conditions to ensure the contemplated outdoor sales do not result in safety concerns. The primary concern typically associated with the merchandise sales is sales area size and location so the merchandise does not hinder pedestrian travel, access for disabled customers, or impede first responders involved with emergencies. An addition concern is crime prevention.

The height of display merchandise, other than plant materials is required to be no higher than six feet above finished grade. Merchandise, other than plant materials, over six (6) feet in height requires a use permit. The applicant wants to have the flexibility to display merchandise other than plants over 6 feet in height (e.g. outdoor storage sheds). Draft condition of approval has been included within Resolution 20-06 limiting the square footage of outdoor merchandise display to 200 square feet and display merchandise height other than plants to 5.5 feet. As conditioned, the proposed outdoor display area request satisfies applicable Zoning Code requirements.

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

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

The project includes three outdoor dining areas: 1) a 1,413 square foot area located in front of the Safeway store, 2) a 2,962 square foot area located in front Shops 4-10; and a third area 568 square foot area located in Shop 1. These outdoor dining areas provide additional square footage of useable space for customers. The areas have been factored into the overall square footage used to estimate parking demand. Draft conditions have been included to assure that pedestrian paths of travel are not blocked by tables and chairs and the precise seating plans will require further staff review. The project plans included information about the design of the areas and decorative landscaped planters. Additionally, a draft condition of approval is included to require wheel stops to help protect individuals seated in the outdoor dining areas from potential conflicts with cars. Draft conditions have also been added to require the areas to be monitored by operating staff members to ensure the areas remain clean and tables and chairs that are stored outside remain secured and vandal resistant. Below is a summary of the proposed building sizes and accompanying outdoor dining areas.

**Proposed Buildings Summary**

<b>Building</b>	<b>Building Size (sq. ft.)</b>	<b>Dining / Outdoor Seating Area Size (sq. ft.)</b>	<b>Location</b>
Safeway Store	55,044	1,413	Southwest portion of the property, in front of the Safeway store
Shops 4-10	14,688	2,962	Along Southern boundary of property located in front of the Shops 4-10
Shop 1	3,166	568	Along the western portion of the property located in front of Shop 1
<b>Totals</b>	<b>72,898</b>	<b>4,943</b>	

**Findings**

1. Encroach into a continuous pedestrian path of travel of at least six (6) feet in width, and would not obstruct pedestrian and wheelchair access;

*As shown on page A2.2 of the design book, there is dedicated sidewalk of six (6) feet that separate the outdoor dining area in front of Shops 4-10. Each entrance into the Shops 4-10 also has a six (6) foot sidewalk into the store. The outdoor dining area for Shop 1 is also in compliance. The Conditions of Approval will have a condition that memorializes the six (6) foot separation for pedestrians and handicapped customers.*

*As shown on page A2.1 of the design book, there is a six (6) foot walkway between the outdoor merchandize area and the sidewalk area that is consistent with this finding. The Conditions of Approval will have a condition that will memorialize the six (6) foot sidewalk separation for pedestrians and handicapped customers.*

*Conclusion: Staff determines that this finding has been satisfied*

2. Unduly interfere with pedestrian traffic on the sidewalk;

Based on the drawings of A2.1 and A2.2 of the design book, there is no interference with pedestrian traffic on the sidewalks of the outdoor merchandizing and outdoor eating areas.

*Conclusion: Staff determines that this finding has been satisfied*

3. Unduly interfere with access of public employees and utility workers to meters, fire hydrants, or other objects (street hardware) in the right-of-way; or

*Based on the Sheet C4.2 of the utility plans, all the meters are in the rear of the building. The fire hydrants for this area are located within the parking lot and in the rear of the building. All the outdoor eating areas and outdoor merchandizing areas are close to the building, so there are other objects within the right-of-way. The employees have different access points than customers in most cases and will not unduly interfere with access.*

*Conclusion: Staff determines that this finding has been satisfied*

4. Block or obstruct the view of necessary authorized traffic devices.

*All the areas of that have been outlined for outdoor dining and outdoor merchandizing do not block or obstruct the view of necessary authorized traffic devices. All the areas are close proximity to the building.*

*Conclusion: Staff determines that this finding has been satisfied*

Conditional Use Permits 17-16-Drive Through and 17-12-The Safeway Gas Station.

A new drive-through requires a conditional use permit to evaluate safety, security, stormwater runoff, and noise. Use permit conditions have been drafted to address applicable development and design standards with respect to drive aisle width for interior turning radius on curves and width. Another applicable development standard is drive through length. The City requires a minimum of 180-foot stacking distance for each drive through measured from the service window to the drive through entrance. The proposed design satisfies the drive through length standard and the project has been conditioned to meet both applicable standards. Other applicable development standards with respect to distance from intersections and separation from parking ingress and egress from parking spaces have been satisfied. A concern that has been raised is the potential for very long queuing of cars so as to disrupt the flow of traffic in the main driveway entrance shared by the proposed coffee shop and Kaiser. According to the City's Traffic Engineering consultant, drivers usually choose to park and walk into food establishments if drive-through lines get very long. The drive through is designed to accommodate nine cars with room for one additional car without disrupting the proposed path of pedestrian travel entrance into a proposed parking area, or access to the solid waste collection area for the coffee shop. A proposed condition of approval has been added that would require submittal of a striping plan to help address this concern. The drive through pad includes a drive through with amplified sound from a speaker system. Drive-through facilities with amplified sound are required to be a minimum of 300 feet from the closest residential property line to address noise concerns. The nearest residential property line is more than 450 feet from the proposed order station. Therefore, the proposed drive through satisfies this requirement.

The Applicant is also proposing to construct a Fuel Station in northwestern portion of the project. The Fuel Station is a part of the Safeway Store. Over the years, Safeway has added the fuel station so that the customer can have a one-stop visit. A customer can get gas and then shop or vice versa. Also, customers who shop at Safeway can get bonuses for the use of the fuel station. By Safeway having a fuel station it also is convenient for regional customers just getting off the I-80. The fuel station will have sixteen pumps and a small kiosk. The kiosk will sell soda, snacks, and beer (etc.) Due to the fuel station, the Applicant is proposing a right in/right out ingress and egress. The purpose of that is for the easy and

quick access to either get back on the road or back to the center. The fuel station has several entitlements to acquire, 1) a Specific Plan Amendment for the ability to have the use, 2) need a variance to allowed to be within 500 feet of another fuel station, and 3) a conditional use permit.

Findings for Drive Through:

1. The proposed use is consistent with the general plan, any applicable specific plans, and all applicable provisions of this title.

*As stated above in this report, Goals, Policies, and action items from the General Plan addressed the consistency for the whole project. As state above, policies from the Three Corridor Specific Plan addressed consistency for the entire project. The Conditions of Approval for this project will address all applicable provisions of the Zoning Ordinance.*

*Conclusion: Staff determines that this finding has been satisfied*

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.

*As seen on page A1.6 of the project plan, the new buildings are basically in the same locations as the existing site. The Parking Lot has been adjusted to accommodate the new center with all new lighting and landscaping to make this center a destination for people. By including the outdoor dining and merchandizing area as well as the outdoor spaces for congregating makes this project is independent of other projects in this area*

*This shopping center has resided in Pinole for over 40 years. The Tara Hills neighborhoods as well as other citizens of the City of Pinole have used this center. The improvement of this project will not be detrimental to the health, safety, peace, moral, comfort or general welfare of persons residing or working in the neighborhood of such use of to the general welfare of the City.*

*Conclusion: Staff determines that this finding has been satisfied.*

3. The site of the proposed use is physically suitable for the type, density and intensity of the use and related structures being proposed.

*As seen on page A1.6 of the project plan, the new buildings are basically in the same locations as the existing site. The Parking Lot has been adjusted to accommodate the new center with all new lighting and landscaping to make this center a destination for people. By including the outdoor dining and merchandizing area as well as the outdoor spaces for congregating makes this project independent of other projects in this area. As stated above, this project meets General Plan and Specific Plan consistency.*

*Conclusion: Staff determines that this finding has been satisfied.*



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

*This project is not contrary to specific intent clause, development regulations or performance standards established for the zoning district in which it is located. The proposed uses and related structures are compatible with other land uses, transportation and service facilities in the vicinity. This project is a remodel of existing uses with the center. The structures that are being proposed are more modern in terms of design and functionality to the Center. The existing building were in need to of repair and modernization and due to their age, it is more feasible to construct new buildings. The Applicant and City Staff are working with WestCat to bring back the bus stop that was there years ago. The requirements fo the High Density Overlay District can be satisfied by future development in portions of the site not impacted by the proposed project.*

*Conclusion: Staff determines that this finding has been satisfied.*

Additional Findings for the drive through

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.

Findings for Gas Station

1. The proposed use is consistent with the general plan, any applicable specific plans, and all applicable provisions of this title.

*As stated above in this report, Goals, Policies, and action items from the General Plan addressed the consistency for the whole project. As stated above, policies from the Three Corridor Specific Plan addressed consistency for the entire project. The Conditions of Approval for this project will address all applicable provisions of the Zoning Ordinance.*

*Conclusion: Staff determines that this finding has been satisfied*

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.

*The location of the facility, size, design and operating characteristics of the fuel station and kiosk place it in the most advantageous place within the project area. Due to the access points, customer will be able*

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*to get in and out quickly. Customers have a quick access from Tara Hills drive to access the kiosk. There is usually two (2) employees on site which give you an additional safety component. The project gives the Tara Hills neighborhood amenity that they can easily drive, walk, or ride their bike for either a quick snack, obtain air for their bike tires and get fuel for their vehicles safely and not have to go across town or through the busy Appian Way/Tara Hills Intersection.*

*Conclusion: Staff determines that this finding has been satisfied.*

3. The site of the proposed use is physically suitable for the type, density and intensity of the use and related structures being proposed.

*The fuel station is designed to have an 1100 sq. ft. kiosk and a fueling area of approximately 6,785 sq. ft. for the addition of 16 fueling station. The propose use is typical of all fuel stations within the City of Pinole. The center added a right-in/right-out driveway as well as widened the primary entrance to the center so that there were multiple ingress and egress for the station. Since the canopy is approximately 16 feet, there is no interference with cars or trucks, or delivery trucks.*

*Conclusion: Staff determined that this finding has been satisfied*

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.

*The addition of this fuel station was to add an amenity to this center. The CMU Zone District of the Three Corridor Specific Plan does not allow for fueling stations. However, this portion of the project is proposing a Specific Plan Amendment to rectify that situation. The Station also needs a conditional use permit because the Specific Plan Amendment will allow gas station with a conditional use permit if the station is a part of the same company as a large retail use (e.g. Safeway, Costco, etc.). The fuel station will also require a Conditional Use Permit. The vicinity of this project is within a major commercial area and is compatible with the uses with the Appian Way/Tara Hills Drive Corridor.*

*Conclusion Staff determined that this finding has been satisfied.*

**Variances 20-1 & 02 for Fencing and Gas Station in CMU Zone District:**

A variance provides relief from the strict application of development standards. For the Pinole Square Project, there are two (2) variances that are needed to accommodate this project. The first variance is to relieve the applicant of building a block wall on the western edge of the property to separate between the center and residential neighborhoods to the west. Section 17.42.050 (F) requires a six (6) foot decorative wall with a five (5) foot landscape strip to separate and screen residential uses from commercial uses. The second variance is for the fueling station proximity to the Chevron Station on Appian Way. Pursuant to Section 17.34.040 of the Zoning Code requires service station need to be separate by 500' from the nearest station. The station, where it sits on the property is approximately 400 feet away from the Chevron service station. However, that measurement is from the property line

of the parcel to the closest portion of the other parcel. The eastern edge of the Pinole Square property is approximately 200 away from the closest parcel line of the Chevron Station on Appian Way.

Findings:

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.

*A. The Variance for the wall on the western edge of the property.*

*Currently, the property has six (6) foot wood fence between the shopping center and the residential units. The residential units are approximately 10 down and 15 feet away due to rear yard setbacks from the commercial property. The applicant is proposing to construct a brand new seven (7) foot fence along with the five-foot landscape strips. The addition of the block wall will deny the property owner of Pinole Square privileges that the Pinole Square property owner has right now. By building a fence one (1) taller and the landscape strip, will give the property owner even more of a buffer from the project.*

*B. The Variance for the service station for the distance burden.*

*The special circumstance for this property is regarding the location of the station. On Pinole Valley Road, the Chevron and Arco are within 500 feet of each other. Even though the Chevron and Arco are in the Pinole Valley Road Corridor, both properties have a CMU-Commercial Mixed-Use zoning like the Chevron and Safeway service station. By having those businesses within the 500-foot radius denies this property owner the privilege of having a service station on his property.*

*Conclusion: Staff determined that this finding has been satisfied*

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.

*A. The Variance for the Wall*

*Granting the variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by the property owner right now. The current property owner is improving the fence that he has enjoyed for decades. Also, this project is a re-development of an existing project. There will be a Condition of approval that will state the if the wood fence collapses or fall in a state of disrepair, the Property Owner will be required to construct a decorative block wall.*

*B. The Variance for the Service Station.*

*The service stations on Pinole Valley Road are enjoying a property right that currently this property owner would be denied the right that has been given to the other station's property owner.*

*Conclusion: Staff determined that this finding has been satisfied*

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.

*In both cases the variance will not adversely affect the interest of the public or the interests of residents and property owners in the vicinity of the premise since this amenity will benefit from this project. The wood fence has been separating the two lands uses for decades and there have been no issues. The Gas Station is not located directly on property lines that abut residential development and it is not on the same side of the road as the Chevron, which give people within the Tara Hills development a safer and closer opportunity to get fuel.*

*Conclusion: Staff determined that this finding has been satisfied*

4. The variance is consistent with the general plan, any applicable specific plan or development agreement, and the intent of this title.

Based on the statements above regarding consistency of this project with the general plan, specific plan or master development agreement, and the conditions of approvals that will be approved with the project, these variances have met this finding.

*Conclusion: Staff determined that this finding has been satisfied*

#### Specific Plan Amendment 20-01

The purpose of the Specific Plan Amendment is to allow service station within the CMU Zone District within the Appian Way Corridor of the Three Corridor Specific Plan that was adopted in 2010. Based on the land use table of all the corridors, service stations are not permitted in any of the land use districts. However, there are at 2 existing services stations in the Pinole Valley Road Corridor, 2 in the Appian Way Corridor, and 1 in the San Pablo Avenue Corridor.

The Specific Plan Amendment would allow service stations if they are connected to a large retail establishment with a minimum of 50,000 square feet within the Appian Way Corridor. The service station would require a conditional use permit entitlement prior to any opening of the larger retail establishment.

#### Finding

1. The proposed zoning amendment (text or map) is consistent with the general plan goals, policies, and implementation programs.

*The proposed language will be consistent with the general plan goals, policies and implementation programs that are outlined in this report would make this amendment consistent with the General Plan.*

*Conclusion: Staff determined that this finding has been satisfied*

#### STAFF RECOMMENDATION

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

Adopt Resolution 20-02 recommending approval to the City Council of a Mitigated Negative Declaration and accompanying Mitigation Monitoring Reporting Program for the Pinole Square Shopping Center Project;

Adopt Resolution 20-03 recommending approval to the City Council for a SPA 20-01 allowing a fuel station in the CMU zone district within the Appian Way Corridor.

Adopt Resolution 20-04 recommending approval to the City Council of the design review request (DR 17-23) for development of the Pinole Square Shopping Center including four new commercial building

Adopt Resolution 20-05 recommending approval to the City Council of conditional use permit (CUP 17-14) for the Pinole Square Shopping Center Pylon Sign;

Adopt Resolution 20-06 recommending approval to the City Council for a Public Convenience Necessity for conditional use permit 20-01 for alcohol sales Safeway Kiosk

Adopt Resolution 20-07 recommending approval to the City Council of conditional use permits (CUP 17—15, 17-17, & 17-18) allowing outdoor dining for Shops 4-10 and Shop 1, outdoor merchandise sales for Safeway

Adopt Resolution 20-08 recommending approval to the City Council of variances (VAR 20-01 & 20-02) allowing a wood fence and allowing the Safeway Fuel Station proximity to the Chevron Station

Adopt Resolution 20-09 recommending approval to the City Council of conditional use permits (CUPs 17-16 & 20-02) allowing a Commercial Pad (Drive Through) and reduced parking

Adopt Resolution 20-10 recommending approval to the City Council of conditional use permits (CUP 17-13 & 20-01) for the addition of alcohol sales at the Safeway Store and Kiosk

Adopt Resolution 20-11 recommending approval to the City Council of a conditional use permit (CUP 17-12) for the approval of a new Safeway Fuel Station Kiosks and Canopy

**ATTACHMENTS**

Attachment A Project Plans and Project Description (date stamped received February 12, 2020) Under separate Cover

Attachment B Project Mitigated Negative Declaration (MND) and Response to Comments (Under Separate Cover

Attachment C Draft Resolution 20-02 - Recommended MND Approval

Attachment D Draft Resolution 20-03 – Recommended Specific Plan Amendment (SPA 20-01)

Attachment E Draft Resolution 20-04 -- Recommended Design Review Approval (DR 17-23

Attachment F Draft Resolution 20-05 – Recommended Conditional Use Permit (CUP 17-14)

Attachment G Draft Resolution 20-06 recommending approval to the City Council for a Public Convenience Necessity for conditional use permit 20-01 for alcohol sales Safeway Kiosk

- Attachment H Draft Resolution 20-07 – Recommended Conditional Use Permits (CUPs 17-15, 17-17, & 17-18)
- Attachment I Draft Resolution 20-08 – Recommended Variances (VARs 20-01 & 20-02)
- Attachment J Draft Resolution 20-09 – Recommended Conditional Use Permits (CUPs 17-16 & 20-02)
- Attachment K Draft Resolution 20-10 – Recommended Conditional Use Permits (CUPs 17-13 & 20-01)
- Attachment L Draft Resolution 20-11 – Recommended Condition Use Permit (CUP 17-12)
- Attachment M Conditions of Approval for the Pinole Square Re-Development Project
- Attachment N – Letter from Lt. Matt Avery dated March 10, 2020 re: Alcohol Permit for Kiosk.