



# Department of Conservation and Development

## County Zoning Administrator

**Monday, August 7, 2017 – 1:30 P.M.**

### **STAFF REPORT**

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

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<b>Project Title:</b>	Land Use Permit for a 225,950 square foot warehouse to be constructed on two adjoining vacant parcels.
<b>County File(s):</b>	LP16-2031
<b>Applicant/Owner:</b>	<u>Ware Malcomb (Applicant) – CP Logistics Willow Pass, LLC (Owner)</u>
<b>Zoning/General Plan:</b>	Light Industrial (L-I) / Light Industry (LI)
<b>Site Address/Location:</b>	4000 Evora Road (approximate address) in the unincorporated Bay Point area of Contra Costa County (APN: 099-160-026, 099-160-027)
<b>California Environmental Quality Act (CEQA) Status:</b>	Mitigated Negative Declaration, SCH #2017022002
<b>Project Planner:</b>	Stan Muraoka, AICP, Senior Planner (925) 674-7781
<b>Staff Recommendation:</b>	Approve (See Section II for Full Recommendation)

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### **I. PROJECT SUMMARY**

The applicant requests approval of a Land Use Permit for a 225,950 square foot warehouse to be constructed on two adjoining vacant parcels located northwest of Evora Court at the western terminus of Evora Road. The proposed project includes a 1,003-foot eight-inch long, 265-foot wide, 42-foot six-inch tall warehouse with a driveway that wraps around the building, loading bays along the southern elevation of the building, and parking along the east, north, and west sides of the warehouse. The project also includes landscape plantings in the parking areas, along the edges of the project site, and around the building on the west, north, and east elevations.

## **II. RECOMMENDATION**

Department of Conservation and Development, Community Development Division (CDD) staff recommends that the Zoning Administrator:

- (1) ADOPT the Mitigated Negative Declaration/Initial Study (MND), consisting of the revised draft MND and the Final MND, and the Mitigation Monitoring Program prepared for this application; and specify that the Department of Conservation and Development (located at 30 Muir Road, Martinez, CA) is the custodian of the documents and other material which constitute the record of proceedings upon which this decision is based.
- (2) APPROVE the Land Use Permit for the warehouse, subject to the attached findings and conditions of approval.
- (3) DIRECT staff to file a Notice of Determination.

## **III. GENERAL INFORMATION**

- A. General Plan: Light Industry (LI)
- B. Zoning: Light Industrial (L-I)
- C. California Environmental Quality Act (CEQA) Compliance: A draft Mitigated Negative Declaration/Initial Study was prepared and published for the application. The public review period for the draft MND started on January 31, 2017 and ended on March 2, 2017. Subsequently, a revised draft MND was prepared and published. The public review period for the revised draft MND started on May 10, 2017 and ended on June 9, 2017. The revised draft MND is included herein as Attachment 4. Four comment letters and one comment email were received during the public review period for the draft MND, and two comment letters were received during the public review period for the revised draft MND. A Final MND has been prepared that includes the comment letters and email received on the draft MND and revised draft MND, comment summaries, responses to the comments received, and five staff-initiated text changes. The Final MND is included herein as Attachment 5. A related Mitigation Monitoring Program is included in Attachment 6 herein.

D. Previous Applications:

13-85-CO: This General Plan Amendment application was to change the General Plan land use designation of a 78-acre site that includes the project site from Open Space (OS) to Light Industry (LI) to accommodate a newspaper printing facility. The application was approved by the Board of Supervisors in 1988.

RZ2773: This Rezone application, processed concurrently with 13-85-CO, was to rezone the 78-acre site from General Agricultural (A-2) to Light Industrial (L-I). The application was approved by the Board in 1988.

TP01-0038: This Tree Permit application was to remove 18 pepper trees on Assessor's Parcels 099-160-021 and 099-160-022. The application was approved by the Zoning Administrator on August 16, 2001.

LL01-0001: This Lot Line Adjustment application was to reconfigure Assessor's Parcels 099-150-010, 099-160-019, 099-160-021, 099-160-022, and 099-160-023. The application was approved by the Zoning Administrator on August 28, 2001. The two parcels that comprise the project site, Assessor's Parcels 099-160-026 and 099-160-027, were portions of Assessor's Parcels 099-160-021 and 099-160-022, and were a result of this Lot Line Adjustment.

LP01-2108: This Land Use Permit application was to allow a one-story 98,404 square foot Frito Lay distribution center on the project site. The application was approved by the Zoning Administrator on March 24, 2003.

**IV. SITE/AREA DESCRIPTION**

The 15.42-acre project site is comprised of an 8.49-acre parcel (Assessor's Parcel Number 099-160-026) and an adjoining 6.93-acre parcel (Assessor's Parcel Number 099-160-027). The site is 890 feet northwest of the western terminus of Evora Road, which is 1,500 feet (0.28 mile) southwest of the intersection of Willow Pass Road and Evora Road. The site is relatively flat, with a slope of two percent, and is at an average elevation of 145 feet above sea level. The site is essentially a level terrace sited above a portion of the former Concord Naval Weapons Station to the west and below the Willow Pass Business Park to the east. The project site is not part of the Willow Pass Business Park. Hilly, deed-restricted open space land is located to the north. A vacant, terraced portion of the Willow Pass Business Park is located to the south, as is Highway 4.

A previous proposal for a 98,404 square foot Frito-Lay distribution center on the project site was approved in March 2003; however, the distribution center has not been built. The County issued a grading permit to DeNova Homes, prior to the approval of the distribution center, for grading of the project site and adjacent land in the Willow Pass Business Park following annexation of the area to the Delta Diablo Sanitation District. In addition to grading that occurred in 2002, drainage swales were installed along the perimeter of the project site. Runoff collecting in the swales is directed to a detention basin located northwest of the site.

The Willow Pass Business Park is uphill to the east of the project site, at an average elevation of 190 feet above sea level. The Business Park is characterized by its cluster of eight buildings within an area that is approximately 860 feet long by 500 feet wide on a level terrace facing Highway 4 to the south. Landscaping in the Business Park is relatively sparse, and therefore, the buildings in the Business Park are visible in northward views from Highway 4.

Open space land is uphill north of the site and north of the Willow Pass Business Park. A 750,000-gallon water storage tank that serves the Business Park is located in the open space. This storage tank is 1,015 feet east of the project site and 500 feet northeast of the Business Park. At an elevation of 310 feet above sea level, the tank is visible above the Business Park.

A portion of the former Concord Naval Weapons Station is located downhill to the west of the project site, at an average elevation of 80 feet above sea level. The Concord Naval Weapons Station was decommissioned in 2005 and is currently a major reuse project of the City of Concord. The site is separated from the bulk of the Naval Weapons Station property to the south by Highway 4. A portion of the 48-mile Contra Costa Canal, at an average elevation of 110 feet above sea level, also lies south and west of the project site.

## **V. PROJECT DESCRIPTION**

The proposed project is the construction and operation of a 225,950 square foot, 1,003-foot eight-inch long, 265-foot wide, 42-foot six-inch tall warehouse structure on two adjoining vacant parcels located northwest of Evora Court at the western terminus of Evora Road (approximate address 4000 Evora Road). Evora Court continues onto the project site as an unpaved road and provides access to the

warehouse and access through the eastern portion of the site to an offsite water storage tank located northeast of the site.

The warehouse would be of a contemporary modern architectural style with exterior walls of painted concrete panels interspersed with vision glass and tinted glass. Vertical design elements are incorporated along the (primary) north and east elevations. The “working” south elevation is characterized by its row of truck loading bays.

The proposed project would include the following site improvements: a driveway that wraps around the warehouse, parking along the east, north, and west sides of the building that provide 238 parking spaces, 44 truck loading bays along the southern elevation of the building, 11 trailer storage stalls along the southern edge of the driveway, 16 long term and 12 short term bicycle parking spaces, and exterior lighting consisting of 13 building-mounted lights and 33 lighting poles along the perimeter and in the parking lot. The project includes eight new bio-retention basins along the perimeter and in the parking lot and other stormwater drainage improvements that connect to the existing onsite drainage swales and the existing offsite detention basin. The project also includes substantial landscape plantings in the parking areas, along the edges of the project site, and around the building on the west, north, and east elevations.

The project driveway would be improved to Contra Costa County private street standards. The driveway would connect to Evora Court, a paved private street that provides access to Evora Road. Evora Road is a paved County-maintained street.

## **VI. AGENCY COMMENTS**

- A. Contra Costa Health Services Department, Environmental Health Division: The Environmental Health Division submitted a letter on July 29, 2016, stating that a permit was required for any well or soil boring, and that abandoned wells and septic tanks must be destroyed under a permit from the Division.

An Advisory Note is included in the Conditions of Approval and Advisory Notes whereby the applicant is responsible for contacting the Environmental Health division regarding its requirements and permits.

- B. Department of Conservation and Development, Building Inspection Division: On August 12, 2016, the Building Inspection Division returned the Agency Comments

Request form with one comment: that compliance with current building codes will be required.

An Advisory Note is included in the Conditions of Approval and Advisory Notes whereby the applicant is required to submit building plans to the Building Inspection Division and to comply with Division requirements.

- C. Contra Costa County Fire Protection District: On August 18, 2016, the Fire Protection District submitted a letter stating that access roadways consistent with District requirements, an adequate and reliable water supply, fire hydrants, and a fire sprinkler system were required.

An Advisory Note is included in the Conditions of Approval and Advisory Notes whereby the applicant is required to submit building plans to the Fire Protection District and comply with District requirements.

- D. Bay Point Municipal Advisory Council: The Bay Point Municipal Advisory Council submitted an email on December 14, 2016 with two comments: that there was a concern about traffic affecting the intersection of Evora Road and Willow Pass Road, and that the County should test for traffic flow at that intersection.

Traffic conditions with the proposed project, including traffic at the intersection of Evora Road and Willow Pass Road, were evaluated by Abrams Associates, the project transportation consultant, in a Transportation Impact Analysis (TIA) submitted on September 29, 2016. The MND includes information from the TIA, and concludes that the proposed project would have less than significant environmental impacts. As discussed in the MND, the existing Level of Service (LOS) is at LOS F in the AM peak period and LOS D in the PM peak period at the Willow Pass Road/Highway 4 Westbound Ramps, which may affect traffic at the Willow Pass Road/Evora Road intersection. The Willow Pass Road/Evora Road intersection is at LOS C in the AM peak period and LOS B in the PM peak period. The proposed project would not change any of these levels of service.

- E. Contra Costa Water District: The Water District submitted a letter on December 27, 2016, with a number of comments related to the proposed project, including provision of water service per an agreement with the Willow Pass Business Park, concerns about site drainage that may cause problems for the District and the U.S. Navy, and replacement of the invasive plant species included in the proposed landscaping plant list.

On February 3, 2017, the Water District submitted an email, reporting that District engineers met with the project engineers and found the site drainage to be performing adequately. The District stated that the applicant should contact the Navy regarding drainage, that the applicant should ensure that the onsite drainage system and offsite drainage facilities can handle 100-year storm events, that existing bioswales should remain, and that the proposed invasive plant species should not be used.

Project drainage has been evaluated by the Public Works Department, which has found the drainage facilities to be adequate, with conditions included in the Conditions of Approval. Use of invasive plant species was addressed in the MND and a condition to eliminate such species from project landscaping is included in the Conditions of Approval.

Advisory Notes are included in the Conditions of Approval and Advisory Notes whereby the applicant must comply with the requirements of the Water District, and with applicable requirements of the U.S. Navy.

- F. Department of Public Works, Engineering Services Division: The Engineering Services Division submitted a detailed letter on January 5, 2017, describing the regulatory programs that applied to the project site, found the project application submittal to be incomplete, and requested the applicant to submit revised drainage information and an adequate preliminary stormwater control plan.

In February 2017, the applicant submitted revised drainage information and a revised preliminary stormwater control plan. On March 28, 2017, the Engineering Services Division submitted a detailed letter, describing the regulatory programs that applied to the project site and included a number of conditions of approval and advisory notes to be applied to the proposed project.

The March 28, 2017 Engineering Services Division conditions of approval and advisory notes are incorporated into the Public Works Conditions of Approval and the Advisory Notes.

- G. Department of Conservation and Development, Transportation Planning Division: On January 20, 2017, the Transportation Planning Division submitted a letter with

two comments: that the applicant should consider reducing the number of parking spaces to be closer to the Institute of Transportation Engineers (ITE) parking demand rate of 0.51 spaces per 1,000 square feet, and that the applicant is required to comply with the Bay Area Air Quality Management District (BAAQMD) Bay Area Commuter Benefits Program. The Division also requested some corrections and clarifications of the September 29, 2016 TIA prepared by Abrams Associates.

Pursuant to the Off-Street Parking requirements of the County Code, 226 parking spaces would be required for the proposed project. Using the suggested ITE parking demand rate, 115 parking spaces would need to be provided; however, provision of fewer parking spaces than required by Code would necessitate a variance from County off street parking requirements. The applicant has not requested a variance from the parking requirements, and therefore, the application does not include a parking variance.

Participation in the Bay Area Commuter Benefits Program is included in the Conditions of Approval, whereby if the project will employ 50 or more full-time employees, it be required to incorporate measures, including, but not limited to, providing a subsidy to reduce or cover employee's monthly transit or vanpool costs, or providing a free or low cost transit service for employees, or incorporating an alternative commuter benefit that would effectively reduce single-occupancy commute trips.

Regarding the Abrams Associates TIA, CDD staff requested that the applicant revise the TIA per the Transportation Planning Division's comments. Abrams Associates submitted an updated TIA on February 24, 2017 that included revisions based on the Transportation Planning Division comments.

Abrams Associates submitted another updated TIA on July 10, 2017 that included analysis of conditions on Highway 4 in the vicinity Willow Pass Road in response to comments in the California Department of Transportation's June 2017 comment letter on the revised draft MND. Subsequently, Abrams Associates submitted a further updated TIA on July 12, 2017 that included a correction to the description of the delay index formula in the discussion of Highway 4 traffic congestion. This correction does not affect any of the calculations in the TIA.

CDD staff prepared the MND using relevant information from the September 29, 2016 TIA. Correction of the TIA in February 2017 per the Transportation Planning



Division's comments does not result in any changes to the proposed project or the MND. Information from the July 10, 2017 TIA update is included in the Final MND in the response to the California Department of Transportation comments on Highway 4 traffic conditions; however, the response does not result in any new significant adverse environmental impact and does not alter any findings in the Transportation/Traffic section of the MND.

- H. City of Concord: The project application was routed to the City of Concord on July 18, 2016. To date, no comments from the city have been received.
- I. Delta Diablo Sanitary District: The project application was routed to the Delta Diablo Sanitary District on December 14, 2016. To date, no comments from the Sanitary District have been received.

An Advisory Note is included in the Conditions of Approval and Advisory Notes whereby the building plans must receive prior approval and be stamped by the Sanitary District.

## **VII. COMMENTS FROM PRIVATE PARTIES**

DeNova Homes: DeNova Homes has submitted five letters related to the proposed project, including:

- A comment letter on the draft MND on March 2, 2017;
- A comment letter on the proposed project on March 8, 2017;
- A request for notification on March 20, 2017;
- A letter on the Zoning Administrator meeting on March 20, 2017; and
- A comment letter on the revised draft MND on June 9, 2017.

The Final MND includes responses to the March 2, 2017 comment letter on the draft MND and the June 9, 2017 comment letter on the revised draft MND.

Staff sent a letter to DeNova Homes on March 31, 2017, responding to the March 20, 2017 request for notification for applications or "any land use related inquiries of any nature whatsoever" for Assessor's Parcel Numbers 099-160-026, 099-160-027, 099-160-032, 099-210-016, 099-210-017, and 099-210-018. Staff stated that notice would be provided for a one year time period for any discretionary permit, but that notice could not be provided for non-discretionary items.

Staff sent a letter to DeNova Homes on March 31, 2017, responding to the March 20, 2017 letter on the Zoning Administrator meeting. Staff noted that the January 31, 2017 Notice of Public Review and Intent to Adopt a Proposed Mitigated Negative Declaration stated that:

*The tentative hearing date before the County Zoning Administrator for the project and for adoption of the Mitigated Negative Declaration is Monday, March 20, 2017. The hearing will be held at 30 Muir Road, Martinez. Hearing notices will be sent out prior to the finalized hearing date.*

Staff clarified that the March 20, 2017 date was tentative and was not a set date, and stated that DeNova Homes would receive a notice once a date was set for the Zoning Administrator hearing.

In its March 8, 2017 letter, DeNova Homes refers to the development restrictions for the Willow Pass Business Park, the inadequacy of the notice provided to it, and the inadequacy of the MND that it had noted in its March 2, 2017 comment letter on the draft MND. Responses to these comments are included in the Final MND.

DeNova Homes specifically lists two objections to the proposed project itself in its March 8, 2017 letter, including: (A) the extensive loading docks, and (B) the height of the warehouse structure. These two objections are discussed below.

A. Extensive Loading Docks: DeNova Homes states that:

*"In addition to the land uses allowed under Chapter 84-63 (entitled *Land Use Permits for Development Projects Involving Hazardous Waste or Hazardous Material* and which appears to be irrelevant here), the permitted uses include 'industrial uses which do not necessarily require or use...extensive loading docks or similar facilities for the receiving or shipment of raw materials or semi-finished or finished products...'"*

"The proposed Project includes 44 truck loading bays. Even under the most generous reading of County Ordinance Code section 84-58.402, the applicant and the County cannot reasonably say that 44 truck loading bays are not 'extensive loading docks or similar facilities.' Perhaps a few loading bays would be permissible under the County Ordinance Code, but 44 truck loading bays can only be described as an extensive use of docks or similar facilities."

As discussed in Section IX.B (Consistency with Zoning), if the warehouse were to be considered an industrial use, the 44 truck loading bays would not be permitted by right, but would require approval of a land use permit; i.e., the LP16-2031 land use permit application.

B. Height of the Warehouse Structure: DeNova Homes states that:

“In addition, under County Ordinance Code section 84-58.802, “[n]o building or structure or part of it shall be more than three stories high above the highest point of ground elevation on the lot on which the building is erected.”

“Further, a 42.5-foot structure exceeds the County Ordinance Code’s height requirement that precludes construction of a building that is more than three stories high. Even assuming that each story is 12 feet high – a generous measurement by any standards – this building exceeds the height of a three story building by at least an additional half-story.”

As discussed in Section IX.A (Consistency with the General Plan), a maximum building height of 50 feet is allowed in the LI General Plan land use designation, and therefore, the proposed warehouse structure meets this General Plan development standard. As shown on the project plans, submitted on July 14, 2016, the proposed warehouse is a single-story structure. As discussed in Section IX.B (Consistency with Zoning), the one story structure meets the L-I District development regulation for building height. The L-I District allows a three-story structure; however, the 50-foot maximum building height is not listed in the L-I District regulations but, instead, is listed in the LI General Plan development standards. The land use permit is specific to the plans submitted by the applicant. If the project is approved and the plans change from those submitted, such as a change from a one-story structure, the change will be subject to review and approval by the CDD and may require an amendment of the land use permit.

**VIII. ENVIRONMENTAL REVIEW**

Staff conducted an Initial Study assessment of potentially significant adverse environmental impacts that could result from the proposed warehouse project. Staff determined that although the proposed project could have potentially significant adverse environmental impacts, with implementation of mitigation measures that have been agreed to by the applicant, the project will not result in significant environmental impacts. Thus, a draft MND was prepared and published for the

proposed project. The public review period for the draft MND started on January 31, 2017 and ended on March 2, 2017.

Subsequent to the close of the public review period, the County's Peer Review Biologist conducted a site visit and reported potential significant adverse environmental impacts of the proposed project on biological resources that had not been included in the MND. Pursuant to CEQA Section 15073.5, a revised draft MND was prepared and published for the proposed project. The revised draft MND adds information to Section 4 of the Environmental Checklist (Biological Resources) and findings and mitigation recommendations from the Peer Review Biologist, as well as information from prior biological assessments of the project site. The revised draft MND also adds information to the Surrounding Land Uses and Setting Section, and to Environmental Checklist Section 1 (Aesthetics), Section 3 (Air Quality), Section 5 (Cultural Resources), Section 6 (Geology and Soils), Section 9 (Hydrology and Water Quality), and Section 16 (Transportation/Traffic); however, the addition of new language in these sections is not the result of any new significant adverse environmental impact, does not alter the effectiveness of any mitigation included in the sections, and does not alter any findings in the sections. In addition, Section 18 (Mandatory Findings of Significance) has been updated to reflect the changes in Section 4. The public review period for the revised draft MND started on May 10, 2017 and ended on June 9, 2017. The revised draft MND is included herein as Attachment 4.

Four comment letters and one comment email were received during the public review period for the draft MND, and two comment letters were received during the public review period for the revised draft MND. A Final MND has been prepared that includes the comment letters and email received on the draft MND and revised draft MND, comment summaries, responses to the comments received, and five staff-initiated corrections to the text of the MND. The Final MND is included herein as Attachment 5.

Pursuant to CEQA Section 15097, a Mitigation Monitoring Program has been prepared, based on the identified significant impacts and mitigation measures in the MND. The Mitigation Monitoring Program is included in Attachment 6 herein.

## **IX. STAFF ANALYSIS**

- A. Consistency with the General Plan: The project site is within the Light Industry (LI) General Plan land use designation, which allows distribution and warehousing

uses. The proposed project meets the LI General Plan development standards, including:

- Site coverage of 34% where a maximum of 50% is allowed;
- Building height of 42-feet six inches where a maximum of 50 feet is allowed;
- Floor area ratio of 0.34 where a maximum of 0.67 is allowed; and
- Employees per gross acre of 5.84 employees where a maximum of 60 employees per gross acre is allowed.

The project site is located 890 feet north of Highway 4, which is a designated scenic highway between Interstate 80 and Willow Pass Road - Port Chicago Highway, as identified on Figure 5-4 (Scenic Routes Map) of the General Plan Transportation and Circulation Element. The site is visible from the scenic highway portion of Highway 4 as a level terrace below and west of the structures of the Willow Pass Business Park. Along with the Scenic Routes Map, the General Plan includes policies and implementation measures for scenic routes, such as Policy 5-49: *scenic views observable from scenic routes shall be conserved, enhanced, and protected to the extent possible*, and Implementation Measure 5-bh: *develop and enforce guidelines for development along scenic routes to maintain the visual quality of those routes*.

The proposed project would include a 1,003-foot eight-inch long, 265-foot wide, 42-foot six-inch tall warehouse with a driveway that wraps around the structure. The project also includes a row of 35 Afghan pine trees, spaced 30 feet apart along the southern edge of the driveway to mask the warehouse in offsite views from the south, and a number of deciduous and evergreen trees to soften views of the site from the north and east. When mature, an Afghan pine tree is 30-50 feet tall and 25-30 feet wide. Thus, at maturity, the tree row would be visible from Highway 4 and much of the warehouse would be hidden from view by the trees. This view would be compatible with existing views of the Willow Pass Business Park. In order to ensure that the proposed landscaping will be fully implemented, the Conditions of Approval include requirements for submittal and implementation of a final landscaping and irrigation plan, and a security deposit to ensure implementation of the plan. As conditioned, the proposed project would be consistent with General Plan scenic route policies and implementation measures.

Highway 4 is an existing freeway and Willow Pass Road is a designated arterial in the Transportation and Circulation Element of the General Plan. As an arterial, the Willow Pass Road functions to move traffic through the Bay Point-Concord area of the County. The proposed project would not change the configuration of Highway 4, Willow Pass Road, Evora Road, or other local streets. Also, the MND prepared for the proposed project did not find any significant environmental transportation impact. Thus, development of the proposed warehouse would not be expected to have a substantial impact on traffic on Willow Pass Road or Highway 4, and the application would be consistent with General Plan transportation policies for roadways.

If the proposed project is approved, the applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the East Contra Costa Regional Fee & Finance Authority/Regional Development Impact Mitigation and Bay Point Areas of Benefit. Accordingly, a requirement to pay the area of benefit fees prior to issuance of building permits is included in the Public Works Conditions of Approval and the Advisory Notes. The applicant's contribution will be applied towards transportation improvements in the Bay Point area.

B. Consistency with Zoning: The project site is located in the L-I Light Industrial Unit District that was established with the approval of RZ2773. The proposed project meets the L-I District development regulations, as listed below:

- Lot area of 671,853 square feet where a minimum of 7,500 square feet is required;
- Building height of one story where a maximum of three stories is allowed;
- Side yard width of 46 feet where at least 10 feet is required; and
- Setback width of 105 feet where a minimum of 10 feet is required.

Warehouse space is generally considered to be storage, and therefore, warehousing is considered to be a commercial land use, which is allowed in the L-I District with a land use permit. Industrial space is typically used to manufacture, fabricate, or assemble products and may include warehouse space. If the proposed project were to be considered as an industrial use, it would still need a land use permit because the proposed 44 truck loading bays along the southern elevation of the building would be considered to be "extensive loading docks", and therefore, would not be permitted by right in the L-I District. Findings

for the land use permit are included in the Findings and Conditions of Approval herein.

The proposed project is also subject to the Off-Street Parking requirements. Pursuant to these requirements, a total of 226 parking spaces would be required of which seven would be accessible spaces and 14 would be electric vehicle charging stations. The project would provide 238 parking spaces, including 215 regular spaces, eight accessible spaces, and 15 electric vehicle charging stations. The project would provide 44 loading bays where the Code requirement is for 6 loading spaces. Also, the project would provide 16 long term bicycle stalls and 12 short term stalls, meeting the Code requirements for bicycle parking.

- C. Consistency with the Climate Action Plan: CDD staff required the preparation of a greenhouse gas analysis for the proposed project, because the warehouse exceeds the BAAQMD screening criteria of 64,000 square feet. The applicant submitted a greenhouse gas analysis prepared by Rainey Planning that found that the project could create a significant increase in greenhouse gas emissions and could be in conflict with the Climate Action Plan because it does not comply with Greenhouse Gas Reduction Measure LUT 4 (vehicle miles traveled reduction). Accordingly, the Conditions of Approval include requirements for meeting applicable standards of the 2016 California Building Standards Code, and *additional measures, which may include, but not be limited to the following*:
- *Exceed the energy efficiency measures of the current Title 24 Building Energy Efficiency Standards Code or CALGreen;*
  - *Electrify loading docks and/or require idling-reduction systems for heavy-duty trucks;*
  - *Provide end of trip facilities such as showers and changing spaces to encourage community by bicycle;*
  - *Install and operate on-site renewable energy (such as solar panels);*
  - *Install low-flow water fixtures in exceedance of applicable local standards;*
  - *Incorporate measures from the Bay Area Commuter Benefits Program, such as providing a subsidy to reduce or cover employee's monthly transit or vanpool costs, providing a free or low cost transit service for employees, or incorporating an alternative commuter benefit that would effectively reduce single-occupancy commute trips.*

With the Conditions of Approval, the proposed project's conflict with the Climate Action Plan would be reduced to a less than significant level.

- D. Appropriateness of Use: The proposed project is compatible with its setting and with the adjacent Willow Pass Business Park. Except for size, the proposed 225,950 square foot warehouse is similar to the previous 98,404 square foot Frito Lay distribution center that was approved on the project site in LP01-2018. The increase in size of the warehouse would potentially result in visual impacts, particularly from Highway 4, which is General Plan-designated scenic route. The applicant has planned for landscaping along the edges of the project site, including a row of 35 Afghan pine trees along the southern edge of the driveway. With full implementation of the landscaping and as conditioned, visual impacts on Highway 4 would be reduced to less than significant levels.

The previous Frito Lay distribution center included 30 delivery van loading docks on its 398-foot long eastern elevation, facing the Willow Pass Business Park, with sparse landscaping – four trees along the portion of the eastern perimeter of the site east of the building – to buffer this elevation in views from the east. In contrast, the proposed warehouse does not include loading docks on its 265-foot wide eastern elevation, but does propose extensive landscape plantings, including both deciduous trees such as Chinese pistache, Shumard oak, Valley oak, and purple robe tree, and evergreen trees such as Interior live oak and the Marina tree. The landscape plantings would soften views of the warehouse from private property to the north and east, such as from the Willow Pass Business Park. In addition, in views from the north and east, the proposed warehouse incorporates vertical design elements that break up the mass of the structure. Thus, as evaluated in the MND, the proposed project would have less than significant visual impacts for views from the north and east.

As discussed in the Final MND, the size of the proposed warehouse has raised concerns about the adequacy of the onsite drainage system and offsite drainage facilities. The applicant has been in discussions with the Public Works Department Engineering Services Division and the Contra Costa Water District, and has demonstrated to the agencies that the drainage facilities related to the project would be adequate. Conditions of Approval and Advisory Notes are included whereby the applicant would comply with Engineering Services Division and Water District requirements.



As reported in the MND, the size of the project may also cause potentially significant adverse impacts related to greenhouse gas emissions. Accordingly, the MND includes greenhouse gas reduction measures listed in the previous Section IX.C that would reduce the impacts to less than significant levels. Conditions of Approval are included whereby the applicant would comply with greenhouse gas reduction measures and applicable BAAQMD Commuter Benefits Program requirements.

**X. CONCLUSION**

The proposed project, to construct and operate a warehouse on a site that had previously been approved for a Frito Lay distribution center, would replace a vacant lot that is outside of and adjacent to the Willow Pass Business Park with a warehouse structure in a LI General Plan land use designation and the L-I Light Industrial District. The new warehouse would be compatible with the neighboring Willow Pass Business Park. The proposed project would be consistent with applicable General Plan Land Use policies and development standards, with applicable General Plan Transportation and Circulation policies, and with the L-I District regulations, and would generally conform to the Climate Action Plan. Staff recommends approval of Land Use Permit LP16-2031, subject to the attached findings and conditions of approval.