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3 **MINUTES OF THE REGULAR**  
4 **PINOLE PLANNING COMMISSION**

5  
6 **August 26, 2019**  
7

8  
9 **A. CALL TO ORDER:** 7:03 P.M.  
10

11 **B. PLEDGE OF ALLEGIANCE AND ROLL CALL**  
12

13 Commissioners Present: Flashman, Kurrent, Moriarty, Murphy, Ojeda, Wong,  
14 Chair Brooks  
15

16 Commissioners Absent: None  
17

18 Staff Present: Tamara Miller, Development Services Director/City  
19 Engineer  
20 Justin Shiu, Contract Planner  
21

22 **C. CITIZENS TO BE HEARD**  
23

24 There were no citizens to be heard.  
25

26 **D. CONSENT CALENDAR**  
27

28 There were no items on the Consent Calendar.  
29

30 **E. PUBLIC HEARINGS:**  
31

32 **1. Design Review 18-13, Conditional Use Permit 18-13, and Tree Removal**  
33 **Permit 19-03: Extra Space Storage**  
34

35 **Request:** Consideration of a design review, use permit, and tree  
36 removal permit request to construct a 2-story office/mini-  
37 storage building and a 3-story mini-storage building  
38 totaling approximately 75,953 square feet on a 1.34 acre  
39 lot; and the Initial Study/Mitigated Negative Declaration  
40 prepared for the proposed development, pursuant to the  
41 California Environmental Quality Act (CEQA).  
42

43 **Applicant:** Beau Reinberg  
44

45 **Location:** 890 San Pablo Avenue (APN: 402-240-014)  
46

**Project Planner:** Justin Shiu

1  
2 Contract Planner Justin Shiu provided a PowerPoint presentation of the staff report  
3 dated August 26, 2019. The Planning Commission had been provided copies at  
4 the dais of a written request from the applicant requesting modification to one of the  
5 mitigation measures as part of the Mitigation Monitoring and Reporting Program.  
6 Rather than require monitoring of archaeological oversight, the applicant sought an  
7 archaeological survey prior to construction. A dust mitigation plan had also been  
8 requested and had been included as a condition of approval, with the applicant  
9 required to work with the neighboring property owner in the preparation of the plan,  
10 and with submittal of the final plan to the City prior to the issuance of building  
11 permits.  
12

13 Staff also received late correspondence from the East Bay Municipal Utility District  
14 (EBMUD) requesting additional measures be included, as shown in another  
15 handout provided to the Planning Commission, which measures could be included  
16 as conditions of approval, pursuant to the language provided in the  
17 correspondence.  
18

19 Mr. Shiu recommended the Planning Commission take the following actions:  
20

- 21 • Adopt Resolution 19-10, conditionally approving the Design Review, Conditional  
22 Use Permit, and Tree Removal Permit request to construct and operate a mixed  
23 Office/Commercial and personal storage project at 890 San Pablo Avenue;  
24
- 25 • Adopt Resolution 19-11, approving the Mitigated Negative Declaration (MND)  
26 prepared pursuant to the California Environmental Quality Act (CEQA) and the  
27 Mitigation Monitoring and Reporting Program (MMRP), subject to the request  
28 from EBMUD and any modifications directed by the Planning Commission; and  
29
- 30 • Adopt the Erratum dated August 26, 2019 modifying the MND and MMRP and  
31 adopting written findings for the equivalent or more effective mitigation  
32 measures in the Erratum.  
33

34 Responding to the Commission, Mr. Shiu detailed the General Plan consistency  
35 and General Plan Policies as shown in the staff report. He acknowledged staff had  
36 not analyzed the number of existing storage units in Pinole but the applicant should  
37 be able to clarify why more storage units were needed in the community. In staff's  
38 opinion, the facility would be an economic benefit to Pinole through the  
39 development of a commercial site.  
40

41 Mr. Shiu also provided additional details on the archaeological survey process as  
42 part of the MND and MMRP. As reported, the initial input was that an  
43 archaeological monitor be on-site and there had been an inquiry whether or not  
44 archaeological studies had been done for the site.  
45

1  
2 The environmental consultant had determined that an archaeological or tribe  
3 monitor would be appropriate although the applicant had decided to proceed with  
4 an archaeological survey prior to construction. As part of the MMRP, the tribes  
5 would be informed of the construction schedule and offered the opportunity to have  
6 a monitor on-site at that time who would continue to prepare the archaeological  
7 survey. The applicant would notify the tribe of the findings of the survey.  
8

## 9 PUBLIC HEARING OPENED

10  
11 BEAU REINBERG, 3159 Fee Fee Road, Suite 221, Brighton, MO, Applicant,  
12 provided an overview of the feedback from the Joint City Council/Planning  
13 Commission meeting held on January 28, 2019. Based on that feedback, the  
14 applicants had revised the project to be more suitable for the City and the  
15 community. He clarified the applicant had been in contact with members of the  
16 tribe and their lead archaeologist, who had requested the archaeological  
17 monitoring. The intent was that those representatives would be present during the  
18 archaeological review survey. He detailed the process for the archaeological  
19 survey and advised that if any archaeological artifacts were found, construction  
20 would immediately stop.  
21

22 Mr. Reinberg detailed the statistics for self-storage facilities and noted the site's  
23 proximity to a business park and other businesses in the community. The facility  
24 would include small office suites with Internet and phone access. There were  
25 currently four existing self-storage facilities in Pinole, all of which were dated, and  
26 while about 90 percent were occupied, the City did not have a Class A facility that  
27 was safe with office suites. He suggested this was a different product type from  
28 what self-storage facilities used to be.  
29

30 Mr. Reinberg walked through the building elevations and the use of different  
31 articulation, colors, and materials that would create the appearance of a  
32 commercial mixed-use property with a full drive-around Building A, and with two  
33 stories along the San Pablo Avenue elevation. The facility would also enjoy  
34 controlled access and landscape screening around the buildings. The layout of the  
35 floor plans for each of the buildings, highlights of the photo simulations, and details  
36 of the market analysis for self-storage facilities were all highlighted.  
37

38 In response to the Commission, Mr. Reinberg acknowledged the self-storage facility  
39 would not be a sales tax revenue generator. There would be a small retail office at  
40 the front of the self-storage facility where customers may purchase small items  
41 associated with self-storage. He acknowledged that solar panels could be  
42 considered and noted that operating expenses would be minimized with all lights to  
43 be operated through light-emitting diodes (LEDs) and motion sensors. The project  
44 would be a low energy and limited traffic generator with low carbon emissions  
45 associated with its use. While the signage for the building at this time did not  
46 identify the office suites, there would be a need to market those spaces.

1  
2  
3 Mr. Reinberg also clarified the building colors and explained that a hill located at the  
4 rear of the property would remain for the most part with the project to be built into  
5 the hill via some excavation. There would be three employees for the self-storage  
6 portion of the project. The project cost had been estimated at a little over \$7  
7 million. He suggested that Pinole was underserved for Class A climate controlled  
8 facilities and commented that while the applicants had not yet worked with a  
9 Leadership in Energy and Environmental Design (LEED) Certified Contractor,  
10 green building techniques would be considered. As to whether additional  
11 permeable paving could be considered, he stated that permeable pavement on the  
12 driveways would be a maintenance challenge but made sense for the parking  
13 spaces.  
14

15 RAFAEL MENIS, Pinole, clarified he was speaking neither for nor against the  
16 proposal. He understood a portion of the building would be set aside for  
17 commercial office space, although the floor plans had shown most of the units as  
18 units rather than office or storage spaces. He asked whether the units would be  
19 interchangeable.  
20

21 THOMAS WELSH, Pinole, Crockett Premier Auto Body, stated over the last year  
22 he had begun discussions with the applicants and had met many times to walk his  
23 and the applicant's properties. He supported the project and anything that would  
24 potentially benefit and expand the City; however he remained concerned with dust  
25 and the issues it could create for his business which included a paint process for  
26 vehicles. If the business was unable to paint customer's vehicles it could not  
27 operate. He wanted to be advised of any dust mitigation plan during construction.  
28 When informed there was a condition of approval requiring the applicant to work  
29 with Crockett Premier Auto Body on a dust mitigation plan, he thanked the Planning  
30 Commission for the inclusion of the condition.  
31

32 Mr. Reinberg clarified the first floor of the front building would allow the opportunity  
33 for some interchangeable movement of the storage and office spaces if a larger  
34 office space was needed, although that not been identified on the plans. Given the  
35 way the building had been laid out he did not foresee the need for the office suites  
36 to be eliminated if proven to be unsuccessful in the future.  
37

#### 38 PUBLIC HEARING CLOSED 39

40 The Planning Commission discussed Design Review 18-13, Conditional Use Permit  
41 18-13, and Tree Removal Permit 19-03, and offered the following comments and/or  
42 direction to staff:  
43

- 44 • Recommended an additional condition of approval that permeable pavement  
45 be provided for all of the parking spaces with the driveway area negotiable

1 with porous concrete that could stand up to larger trucks. Recognized the  
2 applicants' desire to invest in Pinole and was hopeful more jobs would be  
3 created through the business. (Moriarty)  
4

5 Mr. Shiu recommended a new Condition of Approval to read: *All parking spaces*  
6 *shall be paved with permeable paving and the drive aisles shall be paved with*  
7 *permeable paving as determined feasible by the City Engineer.*  
8

9 Tamara Miller, Development Services Director/City Engineer, clarified the Contra  
10 Costa Clean Water Program to which the City of Pinole was a signatory participant,  
11 and identified the expectations for permeable pavement and sometimes the  
12 collection of the underlining drainage. She suggested compliance with the  
13 guidebook prepared by Contra Costa County was all that was necessary to ensure  
14 the project met those requirements.  
15

- 16 • Supported the project but encouraged the applicant to consider working with  
17 a LEED certified contractor, to be added as a condition of approval, and  
18 sought a broader conversation to require LEED certified buildings in Pinole.  
19 (Murphy)  
20

21 Chair Brooks noted that the applicant was not required to retain a LEED certified  
22 contractor pursuant to current building codes and it could not be a condition of  
23 approval but could be encouraged; and Commissioner Wong pointed out the  
24 building code regulations would change in 2020 and while LEED certification was  
25 not required at this time applicants/contractors were encouraged to follow those  
26 processes.  
27

- 28 • Recognized the project as superior versus the initial iteration presented to  
29 the City Council/Planning Commission in January but remained unconvinced  
30 the project met the findings of the General Plan Land Use and Economic  
31 Development Policies as detailed in the staff report. Noted some members  
32 of the City Council also indicated the project did not meet the same findings  
33 and policies. Given those doubts and the question of whether additional  
34 storage units were necessary in Pinole, he was inclined to deny the project.  
35 Read into the record comments from the former Planning Manager related to  
36 the appropriateness of the project in Pinole. (Kurrent)  
37
- 38 • Recognized the applicant's testimony that existing self-storage facilities in  
39 Pinole were at 90 percent occupancy but questioned the need to add more  
40 units in the community. Acknowledged the facility was considered a new  
41 type of self-storage facility and could be competition to existing facilities,  
42 which may incentivize those facilities to upgrade. Recognized the applicant  
43 had spent a great deal of time to improve the design and make it more  
44 attractive. (Wong)  
45

- Expressed concern allowing the process of designing the facility to proceed for a year to now suggest it did not meet the City's General Plan. Raised concern with the adequacy of the number of restrooms compared to the multiple office suites and if additional restroom facilities were needed it may impact sewer/water requirements. (Ojeda)
- Shared the concerns whether the project met the General Plan. Liked the inclusion of the office suites which may attract small businesses and telecommuters to the area but found the project had not followed Green Building design. Encouraged the applicant to partner with a non-profit to determine a way to dedicate one or two storage units for people in the community who may be unhoused. If that was done, would be more inclined to suggest the business would provide a service to the community. Generally found the building and landscaping to be attractive and liked the improvements made from the initial design. (Flashman)
- Suggested the commercial industry would benefit from storage in the subject area and the mix of office suites offered a more appealing project. (Brooks)

The Planning Commission discussed at length its concerns whether the project met the General Plan; whether another self-storage facility was warranted in Pinole, and whether the application should be denied allowing the applicant to appeal the Planning Commission's decision to the City Council.

Chair Brooks allowed the applicant to again address the Planning Commission.

Mr. Reinberg stated there had been four Councilmembers present during the Joint City Council/Planning Commission meeting in January. Two Councilmembers questioned the project's adherence to the General Plan and two Councilmembers were supportive of the use. At that time, a much larger project had been proposed as compared to the current iteration. Part of the reason for changing the use to office space had been to meet the conditions of the General Plan and address issues raised by the City Council and the public. He detailed the average consumer size needed for self-storage facilities and emphasized the applicants would not have proposed the project in Pinole if the need was not apparent. He reiterated the mixed use development along with the surrounding uses would only benefit the community and emphasized the project had been under contract for over a year and a half for a property that had been vacant for years. He suggested the project was great for Pinole and he asked for support.

Mr. Shiu detailed the options the Planning Commission may consider including approval, denial, or a continuance which would allow staff to consult with legal counsel. Approval or denial of the project would involve the appeal process.

Commissioner Kurrent offered a motion to Deny Design Review 18-13, Conditional

1 Use Permit 18-13, and Tree Removal Permit 19-03: Extra Space Storage, based  
2 on the fact the project did not meet the findings as shown in the August 26, 2019  
3 staff report.

4  
5 There was no second to the motion.

6  
7 Commissioner Ojeda offered a motion, seconded by Commissioner Moriarty (for  
8 discussion purposes) to approve Design Review 18-13, Conditional Use Permit 18-  
9 13, and Tree Removal Permit 19-03: Extra Space Storage.

10  
11 On the motion, Commissioner Kurrent reiterated his concerns including the  
12 concerns of the City Council during the January 28, 2019 Joint City  
13 Council/Planning Commission meeting; Commissioner Murphy opposed the motion  
14 on the floor; and Commissioner Flashman clarified with staff the City Council may  
15 call up the item subject to the applicable appeal fee.

16  
17 **MOTION** to adopt Planning Commission Resolution 19-10, with Exhibit A:  
18 Conditions of Approval, Resolution of the Planning Commission of the City of  
19 Pinole, County of Contra Costa, State of California, Approving a Design Review  
20 Request (DR 18-13), Conditional Use Permit (CUP 18-13), and Tree Removal  
21 Permit (TR 19-03) to Construct a Personal Storage Facility with Office/Commercial  
22 Space at 890 San Pablo Avenue, APN: 402-240-014. The motion **CARRIED** by a  
23 Roll Call Vote:

24  
25 **MOTION: Ojeda**                      **SECONDED: Moriarty**                      **APPROVED: 4-**  
26 **3**

27 **NOES: Kurrent, Moriarty, Murphy**

28  
29 [Note: Commissioner Moriarty was the second but voted no on the motion. The  
30 second motion did not include the staff recommendation to include the request by  
31 EBMUD nor was action taken on the Erratum as recommended by staff.]

32  
33 **MOTION** to adopt Planning Commission Resolution 19-11, with Exhibit A: Initial  
34 Study/Mitigated Negative Declaration and Exhibit B: Mitigation Monitoring and  
35 Reporting Program, Resolution of the Planning Commission of the City of Pinole,  
36 County of Contra Costa, State of California, Approving the Initial Study/Mitigated  
37 Negative Declaration and Mitigation Monitoring and Reporting Program for Design  
38 Review Request (DR 18-13), Conditional Use Permit (CUP 18-13), and Tree  
39 Removal Permit (TR 19-03) to Construct a Personal Storage Facility with  
40 Office/Commercial Space at 890 San Pablo Avenue, APN: 402-240-014,

41  
42 **MOTION: Ojeda**                      **SECONDED: Wong**                      **APPROVED: 7-**  
43 **0**

44  
45 Commissioner Brooks identified the 10-day appeal process in writing to the City  
46 Clerk.

1  
2 **F. OLD BUSINESS:** None

3  
4 **G. NEW BUSINESS:**

5  
6 **1. Review of Draft Five Year Capital Improvement Plan for Consistency**  
7 **with the General Plan**

8  
9  
10 **Request:** Review of the Draft 2019/20 – 2023/24 City Capital  
11 Improvement Plan for Consistency with the City's  
12 General Plan

13  
14 **Project Staff:** Tamara Miller

15  
16 Development Services Director/City Engineer Tamara Miller provided a  
17 PowerPoint on the Draft 2019/20 to 2023/24 Five-Year Capital Improvement Plan  
18 for consistency with the General Plan. She recommended the Planning  
19 Commission adopt a resolution recommending the City Council find that the  
20 proposed Capital Improvement Plan (CIP) for Fiscal Years 2019/2020 through  
21 2023/2024 is in conformance with the City of Pinole General Plan and she  
22 responded to questions from the Planning Commission.

23  
24 **PUBLIC COMMENTS OPENED**

25  
26 RAFAEL MENIS, Pinole, referenced the City Street Paving Equipment project  
27 and was pleased the City would be purchasing the equipment rather than  
28 outsourcing to private contractors. He also spoke to the role of the Planning  
29 Commission versus the City Council and noted there were elements of the  
30 General Plan calling for assessment of fiscal impacts. He pointed out the City  
31 Council's role was to consider the City's expenditures while the Planning  
32 Commission's role was to focus on whether a project complied with the General  
33 Plan.

34  
35 The Planning Commission discussed the Draft 2019/20 to 2023/24 Five-Year  
36 Capital Improvement Plan and offered the following comments and/or direction to  
37 staff:

- 38  
39
  - 40 • Encouraged staff to provide the information prior to the meeting date to  
41 ensure proper due diligence and review of the information provided.  
42 (Moriarty)
  - 43 • Spoke to the responsibilities of the City Council versus the Planning  
44 Commission. (Kurrent)

45



**MOTION** to adopt Planning Commission Resolution 19-xx, Resolution of the Planning Commission of the City of Pinole, Recommending the City Council of the City of Pinole Find that the Proposed Capital Improvement Plan for Fiscal Years 2019/2020 Through 2023/2024 is in Conformance with the City of Pinole General Plan.

**MOTION: Kurrent                      SECONDED: Flashman                      APPROVED: 7-0**

**H.      CITY PLANNER'S / COMMISSIONERS' REPORT**

Ms. Miller reported a community meeting to discuss Making Waves, the potential development of an elementary school at the former Doctor's Hospital, had been scheduled for August 28, 2019 at the Pinole Youth Center from 6:00 to 8:00 P.M.

Commissioner Kurrent briefed the Planning Commission on a community meeting he had attended related to Making Waves and his opinion a full Environmental Impact Report (EIR) would be required especially with respect to traffic. He had also spoken with City staff to request that his email address be corrected to avoid missing important information.

Chair Brooks reported he had been cautioned by the City Attorney if he attended the Making Waves community meeting to not indulge in any conversation with anyone for or against the project since it would be presented to the Planning Commission.

Commissioner Ojeda clarified with the Planning Commission and staff the conflict of interest parameters for projects submitted to the Planning Commission, and when Planning Commissioners must recuse themselves from discussions.

Commissioner Murphy reported there had been a discussion on the NextDoor website regarding concerns with wildfire in the Pinole Valley and he requested a future agenda item to discuss issues of safety and climate control.

Chair Brooks expressed concern with the recent Planning Commission packet availability and urged notifications to be provided via new e-mails.

When asked the status of the process for a new Planning Manager, Ms. Miller reported the City had gone through an active recruitment process to fill the position and had hired an outside consultant to assist in recruitment, which at this point had been unsuccessful, although recruitment efforts continued. She also stated, when asked, that staff would provide appropriate materials to Commissioners for online training.

**I.      COMMUNICATIONS: None**

1   **J.    NEXT MEETING**

2  
3       The next meeting of the Planning Commission will be a Regular Meeting to be  
4       held on Monday, September 23, 2019 at 7:00 P.M.

5  
6   **K.    ADJOURNMENT: 10:13 P.M**

7  
8       Transcribed by:

9  
10  
11       Sherri D. Lewis  
12       Transcriber  
13