

AGENDA FOR THE



CITY OF PINOLE PLANNING COMMISSION REGULAR MEETING

Monday, May 23, 2016

8:00 P.M.

Pinole Community Playhouse
601 Tennent Avenue, Pinole, CA 94564

In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in a City meeting or you need a copy of the agenda, or the agenda packet in an appropriate alternative format, please contact the Development Services Department at (510) 724-9014. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Assistant listening devices are available at this meeting. Ask staff if you desire to use this device.

CONSENT CALENDAR:

All matters listed under the Consent Calendar are considered to be routine and non-controversial. These items will be enacted by one motion and without discussion. If, however, any interested party or Commissioner(s) wishes to discuss a consent item, it will be removed from the Consent Calendar and taken up in order after the last item under New Business.

PROCEDURE FOR CONSIDERING AN AGENDA ITEM:

At the beginning of an item, the Chair will read the description of that item as stated on the Agenda. The City Staff will then give a brief presentation of the proposed project. The Commission may then ask Staff questions about the item.

For those items listed as Public Hearings, the Chair will open the public hearing and ask the applicant if they wish to make a presentation. Those persons in favor of the project will then be given an opportunity to speak followed by those who are opposed to the project. The applicant will then be given an opportunity for rebuttal.

The Public Hearing will then be closed and the Commission may discuss the item amongst themselves and ask questions of Staff. The Commission will then vote to approve, deny, approve in

a modified form, or continue the matter to a later date for a decision. The Chair will announce the Commission's decision and advise the audience of the appeal procedure.

Note: No Public Hearings will begin after 11:00 p.m. Items still remaining on the agenda after 11:00 p.m. will be held over to the next meeting.

CITIZEN PARTICIPATION:

Persons wishing to speak on an item listed on the Agenda may do so when the Chair asks for comments in favor of or in opposition to the item under consideration. After all of those persons wishing to speak have done so, the hearing will be closed and the matter will be discussed amongst the Commission prior to rendering a decision.

Prior to speaking on an item, you must fill out one of the speaker cards (available at the back of the Council Chambers) and hand it to the Secretary. If a number of persons wish to speak on an item, the Chair may limit each speaker to a set time period in which to address the Commission.

Any person may appeal an action of the Planning Commission or of the Planning Manager by filing an appeal with the City Clerk, in writing, within ten (10) days of such action. Following a Public Hearing, the City Council may act to confirm, modify or reverse the action of the Planning Commission or Planning Manager. The cost to appeal a decision is \$803.

Note: If you challenge a decision of the Commission regarding a project in court, you may be limited to raising only those issues you or someone else raised at the public hearing or in writing delivered to the City of Pinole at, or prior to, the public hearing.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE AND ROLL CALL

C. CITIZENS TO BE HEARD:

The public may address the Planning Commission on items that are within its jurisdiction and not otherwise listed on the agenda. Planning Commissioners may discuss the matter brought to their attention, but by State law (Ralph M. Brown Act), action must be deferred to a future meeting. Time allowed: five (5) minutes each.

D. CONSENT CALENDAR:

1. Planning Commission Meeting Minutes from April 25, 2016

E. PUBLIC HEARINGS: None.

F. OLD BUSINESS:

1. Selection of Development Review Subcommittee Members for 2016-2017

G. NEW BUSINESS:

1. General Plan Conformity Review For Acceptance of Deeded Areas of Property from The Contra Costa County Flood Control District to the City of Pinole

H. CITY PLANNER'S/COMMISSIONER'S REPORT:

I. COMMUNICATIONS:

J. NEXT MEETING:

Planning Commission Special Meeting, June 13, 2016 at 7:00PM

K. ADJOURNMENT

POSTED: May 19, 2016



Winston Rhodes, AICP
Planning Manager

DRAFT

**MINUTES OF THE
PINOLE PLANNING COMMISSION**

April 25, 2016

A. CALL TO ORDER: 7:04 P.M.

B. PLEDGE OF ALLEGIANCE AND ROLL CALL:

Commissioners Present: Brooks, Martinez-Rubin, Tave, Thompson, Wong,
Chair Kurrent

Commissioners Absent: None

Staff Present: Winston Rhodes, Planning Manager

Chair Kurrent pointed out the meeting agenda was incorrect in that the meeting was not a special meeting, but a regular meeting of the Planning Commission.

C. CITIZENS TO BE HEARD:

There were no citizens to be heard.

D. CONSENT CALENDAR:

1. Planning Commission Meeting Minutes from March 14, 2016

2. Planning Commission Meeting Minutes from March 28, 2016

MOTION to approve the minutes of the Planning Commission meeting on March 14, 2016, as submitted.

MOTION: Thompson

SECONDED: Tave

APPROVED: 5-0-1

ABSTAIN: Martinez-Rubin

MOTION to approve the minutes of the Planning Commission meeting on March 28, 2016, as submitted.

MOTION: Thompson

SECONDED: Martinez-Rubin

APPROVED: 6-0

E. PUBLIC HEARINGS: None

1 **F. OLD BUSINESS:** None

2
3 **G. NEW BUSINESS:**

- 4
5 1. **Gateway Medical Center Workshop to discuss the project components**
6 **of a proposed approximately 9,182 square foot ophthalmology**
7 **surgical center building on an approximately 1.1-acre site.**

8
9 **Applicant:** Agape LLC
10 1214 McDonald Drive
11 Pinole, CA 94564

12
13 **Location:** Southeast corner of the intersection of Pinole Valley
14 Road and Henry Avenue

15
16 **Project Staff:** Winston Rhodes, Planning Manager

17
18 Planning Manager Winston Rhodes presented the staff report dated April 25,
19 2016, and explained that the agenda item was a workshop, not a public hearing,
20 for the Gateway Medical Center, to discuss the project components. Copies of the
21 PowerPoint presentations provided by staff and the applicant were made available
22 to the Planning Commission and the public. A color and materials board for the
23 proposed project was provided and photo renderings were also displayed for the
24 Planning Commission.

25
26 Mr. Rhodes' presentation of the proposal included views of the site plan; details of
27 the Pinole Creek Tributary; the Kinder Morgan/Phillips 66 Pipeline; circulation and
28 parking; building architecture and design; floor plans; landscape plan; and the
29 existing historic monument honoring Faria Ranch, which would be preserved.

30
31 The project had been presented to the Planning Commission Development
32 Review Subcommittee, which had believed that the two-story building, which was
33 modern in design, would fit into the site. The Subcommittee had requested the
34 submittal of more photo renderings which had been provided to the Planning
35 Commission to better illustrate existing conditions and the proposed project.

36
37 Mr. Rhodes asked that the Planning Commission consider the submitted
38 information, take public comment, and provide input to staff and the applicant on
39 the proposed project design and the amount of parking required to facilitate any
40 changes prior to a scheduled public hearing on the application.

41
42 Dr. Scott Lee, 1214 McDonald Drive, Pinole, identified the components of the
43 medical office and surgical center, and explained that the closest contracted
44 surgical centers were located in the cities of Oakland and Walnut Creek.

1 Due to the closure of Doctor's Medical Center, Dr. Lee explained that his surgical
2 center served many patients who were underserved in that non-Kaiser patients
3 had no place to go, many of his patients had no transportation access to Oakland,
4 and many were unable to pay for non-contracted services.
5

6 Dr. Lee suggested the City's medical office parking standard was better suited for
7 other types of medicine, not ophthalmology patients. He emphasized the time
8 spent with City staff on the application over the past four years, during which time
9 the square footage of the building had been decreased and the parking increased
10 significantly. While the project was six parking spaces short of what was required,
11 it had been found to be acceptable by many of the involved stakeholders. In
12 addition, a Travel Demand Management (TDM) Program would be put in place,
13 which met all the criteria for a Conditional Use Permit (CUP).
14

15 Dr. Lee reported that he had submitted a petition signed by many of his patients
16 who would be willing to use the facility even if there was a parking hindrance to
17 avoid having to travel outside the area. He walked through the criteria to approve
18 a CUP and explained that his medical facility would not involve an underground
19 parking structure and would not increase the demand for off-street parking. He
20 was confident his patients would not require any parking accommodation outside
21 of the parking area on-site. The facility would have a car share agreement with the
22 company Get Around, and the property site was located within close proximity to a
23 bus stop on bus routes 16, 19 and the JPX.
24

25 Dr. Lee anticipated 20 to 50 patients per day; patient visits lasted anywhere from 5
26 to 10 minutes; his patient demographic would be mainly the elderly, 85 percent
27 above the age of 60; a third using public transportation, another third using
28 paratransit, and the remainder using personal vehicles. The medical facility would
29 also fund 50 percent of the cost for any patient using public transportation; either
30 the use of the Bay Area Rapid Transit (BART) system or bus.
31

32 Dr. Lee clarified a misconception that Kaiser owned the lot; a total of 21 parking
33 spaces were on the property he proposed to develop and the application would
34 provide 10 parking spaces, for a total of 31 parking spaces. He detailed how his
35 practice operated; with seven employees on-site; four patients per hour on clinic
36 days; two patients per hour on surgery days; surgery days on Tuesdays; clinic
37 days Monday through Thursdays; and two days a week he taught classes at U.C.
38 Berkeley.
39

40 Based on his calculations for a worst case scenario for the parking and even if
41 expanding by greater than 25 percent, Dr. Lee stated the facility would fall well
42 short of the 31 parking spaces proposed. He also clarified the food service area
43 that would be provided, detailed the intended use of the interior rooms for the
44 building, locations for storage, and auxiliary spaces, and noted that much of the
45 square footage in the building would not be used on a regular basis. He added

1 that local art would be exhibited in the center within the lobby.

2
3 Responding to the Planning Commission, Dr. Lee identified the requirements for
4 Medicare and the Office of Statewide Health Planning and Development
5 (OSHDP). While the square footage for the facility was a large space, and a much
6 larger space than desired, it was the minimum required to meet OSHDP standards
7 according to Dr. Lee.

8
9 Mr. Rhodes highlighted the requirements of the Three Corridors Specific Plan
10 prepared in 2010, which referenced the Old Town Design Guidelines, and reported
11 that the subject site was outside the Old Town District. The project met the City's
12 design standards for height and setbacks but not the parking required for
13 Professional Medical Office space. There were provisions in the Pinole Municipal
14 Code (PMC) which allowed a deviation from the required auto parking, such as
15 through a shared parking agreement with Kaiser; however, Kaiser had shown no
16 interest in such an agreement. Another option was that the Planning Commission
17 would need to make three of the four findings to approve a CUP, the close
18 proximity to transit could be considered, and parking demand strategies could be
19 considered to allow a reduction in the standards.

20
21 In response to concerns about recent approved development in the area, such as
22 Sprouts being under-parked, Mr. Rhodes clarified the parking standard for that
23 project had been satisfied on-site, and the current intensity of development had
24 been planned given the proximity to I-80. In addition, the General Plan Update
25 had considered arterials and transit routes as appropriate locations to focus and
26 encourage new development.

27
28 Responding to Planning Commission concerns with respect to food service in the
29 medical facility, Chair Kurrent stated that issue had been discussed by the
30 Planning Commission Development Review Subcommittee. He understood the
31 intent was to provide food for patients coming out of surgery and ensure those
32 patients did not have to travel off-site.

33
34 Dr. Lee identified the food preparation area as the smallest space provided for
35 food service at 205 square feet, although Mr. Rhodes clarified that the food
36 storage area would expand that space to over 250 square feet, thus triggering
37 demand for one parking space.

38
39 Dr. Lee again clarified the services to be provided; the details of the Get Around
40 car share program; his current medical facility was also located in Pinole where
41 none of his patients could easily use public transportation due to the TDM
42 program; many of his patients were residents of surrounding communities; and
43 clarified that the first floor administrative office space was actually intended for
44 storage of medical supplies for a registered non-profit business he operates
45 consistent with 501-C3 regulations. The non-profit was a registered IRS non-profit

1 that was used for medical missions in a homeless shelter in the City of Richmond,
2 and in other parts of the world to teach eye surgery and provide free medical
3 services. Currently, the non-profit materials are being stored in his home.
4

5 Dr. Lee stated he would be the only physician on-site which had been the reason
6 for his calculations for the maximum theoretical demand for the parking
7 requirements, although he acknowledged an Optometrist had come into his current
8 medical center once a month.
9

10 Mr. Rhodes stated the Environmental Impact Report (EIR) that had been prepared
11 for the Kaiser project had envisioned a single story 5,000 square foot building on
12 the subject site. The Mitigated Negative Declaration (MND) environmental review
13 document for the Gateway Shopping Center Project had assumed a 10,000
14 square foot sized building which had been factored into the traffic analysis for the
15 Gateway Shopping Center. The traffic analysis had analyzed cumulative
16 development as part of the Gateway Shopping Center project, and the subject site
17 had been included and analyzed in the traffic analysis for the environmental
18 document. The environmental document would be updated based on the current
19 information about the proposed eye surgery center building and a site specific
20 parking analysis would be prepared based on what has been proposed.
21

22 Dr. Lee also verified the location of the trash enclosure which would take up one
23 and a half parking spaces, and while in an awkward location, Mr. Rhodes clarified
24 the trash enclosure would displace parking and landscaping but must be placed in
25 such a way where it could be accessed by the solid waste service vehicles, which
26 was the reason for its location and size.
27

28 Dr. Lee again detailed the requirements of the OSHPD and the fact the facility was
29 the smallest square footage allowed pursuant to OSHPD criteria; the purpose of
30 an off-site area for carpooling in response to employees' requests to use BART
31 and commute together; acknowledged that signage could be considered to identify
32 the location of employee parking; and an assumption that Kaiser would want to
33 retain the rest of the parking lot for its employees. He had spoken to Kaiser and
34 was confident it would have excess parking spaces. He intended to practice for
35 another 10 to 20 years, but it may be possible in the future when he retired to think
36 how the building would be used which was why he had prepared a theoretical
37 practical demand for parking. He supported a two-hour time limit for the parking
38 spaces with the posting of appropriate signage; his current office displayed artwork
39 from his patients; walk-ins did not come to view the artwork; and he had no
40 intention of opening a gallery or having artisan events at the facility. At the request
41 of a Councilmember, one of the parking spaces would be a designated drop-off
42 area for materials delivered to the medical facility.
43

44 Mr. Rhodes acknowledged a request for an analysis of the potential impacts with
45 Kaiser losing the 21 parking spaces and a request that staff have direct

1 discussions with Kaiser regarding utilization of all of its parking spaces, not just
2 employee parking. He noted that a parking study would determine how the nearby
3 on-street parking spaces were currently being utilized, but noted that there was on-
4 street public parking spaces currently used by those taking transit. He added that
5 the applicant was not responsible for the parking behavior of transit users and
6 other existing conditions.
7

8 Donna Vingo, Envision Construction & Design, 3711 Sierra Court, Dublin, General
9 Contractors for the Gateway Medical Center Surgical Center, suggested the
10 design was consistent with the Pinole General Plan and Three Corridors Specific
11 Plan, which called for an intensity of use along Pinole Valley Road. The two-story
12 building had been moved closer to the street, creating a signature building, modern
13 in design, with significant articulation and color changes, for a building that would
14 be a true gateway to Pinole.
15

16 The Planning Commission Development Review Subcommittee's review of the
17 plans had resulted in the following comments and recommendations:
18

- 19 • The height of the building had been reduced from 36 to 32 feet, well under
20 the maximum 50-foot four-story limit in the Three Corridors Specific Plan;
- 21 • The second floor had been stepped back and shifted in order to lower the
22 massing along Henry Avenue;
- 23 • The square footage had been reduced by 800 square feet, eight percent of
24 the proposed building;
- 25 • The architectural design had been simplified;
- 26 • The use of stonework had been reduced;
- 27 • The original window which had been proposed to be tinted blue is now
28 proposed to be tinted green, with a green tint added to the stucco with slate
29 green lines in the stonework to soften the look of the building and allow it to
30 blend more into the landscaping to reduce the visual effects. The
31 Subcommittee also requested complementary colors to the Kaiser building
32 and the green tint had been added to match the first floor of the Kaiser
33 building;
- 34 • The project shall comply with Title 24 Energy Efficient Guidelines;
- 35 • The building footprint had been reduced, and recycled materials would be
36 used wherever possible;
- 37 • The insulation had been increased and the building would be positioned to
38 make the best possible use of solar energy;
- 39 • The operation of the food service area had also been scaled back, with
40 local vendors to bring in food already prepared, with the exception of coffee,
41 tea, and beverages;

- During construction, Kaiser would be notified and informed of the construction schedule with a signing and striping plan provided for the 21 parking spaces to be used by Dr. Lee, and with Kaiser informed that Dr. Lee would honor the ingress and egress agreement, although the 21 parking spaces were to be used by Dr. Lee's patients;
- The staging area during construction would be fenced off;
- Landscaping would be enhanced to make the building aesthetically pleasing;
- The second floor would be brought out and over the parking, reducing the impervious area; and
- Photo simulations from Pinole Valley Road were provided, including views of the building, existing oak trees, and detailing of the architecture and design, and the building height had been lowered. As an alternative, stonework could be placed on top and along the middle band of the building.

In response to the Commission, Ms. Vingo identified the location of the mechanical units pursuant to the renderings, which had shown metal screening along the front over the parking spaces intended to screen mechanical equipment which would not be on the roof. A balcony on the second floor would hide all mechanical equipment in a cost-effective manner. The placement of the generator and other associated equipment would be addressed in the landscape plan to ensure the equipment was shielded from the road.

Ms. Vingo identified access through the outside seating area to the bus stop, with a walkway off of Henry Avenue and the walkway to the bus stop. There was a small portion where they could have concrete over a pipeline easement as long as pipeline operators including Kinder Morgan could access the pipe. The property owner would be responsible for the removal and replacement.

Dr. Lee identified a low lying bench at the request of planning staff, where patients could sit, and on the other side of that bench would be a mosaic or other form of public art to beautify the corner. He acknowledged that the building design had been presented to, and had been discussed at length by, the Pinole City Council. While there had been concerns with the design, he understood many Councilmembers had now accepted the design. He preferred to stay in Pinole but wanted the medical facility to be state-of-the-art in order to retain his patients.

PUBLIC COMMENTS OPENED

JIM BROWNLIE, Pinole, expressed concern with the parking for the project, as well as parking throughout Pinole, and stated if adequate parking was not provided, the project should not be approved. He clarified with staff his understanding that Kaiser had been awarded a variance from the City's parking

1 requirements based on the standards in effect at that time, and expressed concern
2 the parking requirements would be short of the current requirements, a situation
3 that also occurred with other nearby developments. He was not confident the
4 parking issue would be resolved even with ride sharing. He described the area as
5 all day parking at all times in the neighborhood, and questioned how that situation
6 would be cured. He added that although bus stops had been provided, parking
7 spaces for those using cars to drive to the bus stop en route to their ultimate
8 destination had not been provided.
9

10 Mr. Brownlee stated that if the 21 parking spaces belonged to the subject
11 applicant, Kaiser would be short parking. He otherwise found that the building
12 architecture had too much hard surface and should include some lumber since the
13 building looked more like a warehouse. Also, if the applicant had no plans to use
14 the downstairs area, it should not be included, since it could be occupied by
15 multiple doctors in the future. He would like the project to be conditioned that only
16 one doctor be allowed in the medical facility.
17

18 JAMES SHATTUCK, 1525 Buckeye Court, Pinole, expressed concern with
19 parking, not the proposed parking for the medical facility, but in the City in general.
20 He also expressed concern with the access to Kaiser's parking area, which
21 occurred through the proposed project. If parking for Kaiser was taken by the
22 subject property, it would make the parking situation considerably different and
23 access more difficult.
24

25 BILL LOW, 841 E. Meadow Avenue, Pinole, suggested the project would be an
26 asset to the community with a building design as nice as Kaiser. As a patient of
27 Dr. Lee, he could attest to the difficulties having to travel outside the area for
28 treatment; the time for treatment or examinations in the doctor's office; and the
29 transportation opportunities provided by Dr. Lee for his patients. He expressed
30 concern the project could be denied based on the parking situation, and
31 encouraged consideration of a two-hour time restriction for the use of the parking
32 spaces to address the parking concerns. He also recommended the City consider
33 building a parking structure to provide more parking spaces. He urged approval of
34 the application.
35

36 JOSE SORIA, 2531 Henry Avenue, Pinole, spoke to his experience as an
37 architect, and his opinion the building design was not in compliance with structures
38 in Pinole. Although it might be compliant with those buildings on the portion of
39 Pinole Valley Road closest to Pinole High School, it was not compliant with the
40 buildings along Henry Avenue. He suggested the Kaiser employee parking lot
41 entrance should never have been approved on Henry Avenue. He referenced the
42 number of people who parked in the neighborhood to take the bus to El Cerrito,
43 stated that Kaiser employees had been parking on Henry Avenue, and suggested
44 the parking demand of the medical facility would impact residents along Henry
45 Avenue.

1
2 Mr. Soria understood that No Parking signs would be posted along the street to
3 prohibit parking from 7:00 A.M. to 9:00 A.M. based on conversations he had with
4 the Assistant City Manager, although Mr. Rhodes clarified that the area near the
5 school drop-off area on Henry Avenue would include some signage limiting parking
6 during Collins School pick-up and drop-off, and red striping would be added on
7 each side of the Sprouts Market Henry Avenue driveway to ensure adequate
8 space for delivery trucks to Sprouts. There had been no discussion of No Parking
9 signage on Henry Avenue east of Pinole Valley Road.

10
11 Mr. Soria expressed concern with the limited parking, with commercial
12 development occurring in residential areas changing the character of Pinole, and
13 suggested the building would be too close to Henry Avenue and would make the
14 area darker for the existing homes across the street.

15
16 Mr. Rhodes advised that the Three Corridors Specific Plan encouraged the
17 building to be as close to the street as possible, and there was a precedent for
18 commercial development on this leg of Henry Avenue. He expressed the
19 willingness to meet with Mr. Soria after the meeting, or at another time, to address
20 his issues with the development of some of the other properties in the proximity of
21 the project site. He would also speak with the Assistant City Manager to address
22 Mr. Soria's concerns regarding signage and code enforcement.

23
24 MARGARET FARIA PRATHER, 1247 Pinole Valley Road, Pinole, referenced her
25 family's history with the Faria property, and expressed a preference to see a one-
26 story versus a two-story building. She suggested the bus parking was also bad
27 and the project would bring more traffic and parking problems to the neighborhood.
28 She was not confident people would pay attention to any designated parking
29 areas, emphasized the problems with parking and the speed of traffic along Pinole
30 Valley Road, and suggested it could be better enforced by the City.

31
32 Dr. Lee thanked everyone for the feedback, acknowledged the concerns with
33 parking, and offered a suggestion that parking on Henry Avenue could be
34 restricted to two-hour parking, or be permitted parking with residential parking
35 passes. He emphasized his commitment to making his parking lot all two-hour
36 parking which could address some of the frustrations that had been raised about
37 parking.

38 39 PUBLIC COMMENTS CLOSED

40
41 The Planning Commission discussed the proposed Gateway Medical Center
42 project and offered the following comments and/or direction to staff:

- 43
44 • Thanked the applicant for the preservation of the Faria Ranch historic
45 monument. (Martinez-Rubin)

- Supported the work of local artisans displayed on the wall although that could impact the parking if locals were looking at the artwork; agreed that the parking spaces include time restrictions; sought better renderings to show the location of the rooftop mechanical equipment and how it would be screened from view; since the building had been reduced in height it now appeared too flat, recommended consideration of more articulation; and supported the building height at 32 feet. (Wong)
- Requested an analysis of Kaiser's loss of 21 parking spaces; staff encouraged to have direct discussions with Kaiser about the utilization of all of its parking spaces, not just the employee parking; recognition that Kaiser appeared to be resistant to reciprocal parking, although there were alternatives to separate the Kaiser property from the subject property that could be considered; recognition the subject project was not the cause of the parking problems in Pinole, which was an issue the City Council should address and could be a topic of a future Joint City Council/Planning Commission meeting; and encouraged the use of public transportation which was also not related to the subject project and could be addressed as part of the joint City Council/Planning Commission meeting. (Kurrent)
- Suggested the building design was too modern, its character was not appropriate for Pinole given the proximity to, and lack of integration into, Old Town, and was more in keeping with designs in the City of Berkeley. (Thompson)
- Preferred tandem parking for employees; suggested consideration of outside lighted display cases for the display of artwork; and encouraged staff to raise the broader traffic concerns and issues with the Traffic and Pedestrian Safety Committee (TAPS), at which time some solutions could be discussed. (Tave)

2. Selection of Development Review Subcommittee Members for 2016-2017

Mr. Rhodes presented the staff report dated April 25, 2017; and recommended the Planning Commission select Development Review Subcommittee Members for 2016-2017. He added that a full seven-member Planning Commission would be seated at the May 23, 2016 meeting.

Chair Kurrent recommended that action on the selection of Development Review Subcommittee Members be deferred until the entire Planning Commission was seated.

H. CITY PLANNER'S / COMMISSIONERS' REPORT:

1
2 Mr. Rhodes reported that the Planning Commission packets included a list titled,
3 Suggestions for Planning Commissioner Greatness, which had been presented
4 at the recent Sonoma State University Planning Commissioner Seminar. He
5 walked through each of the suggestions with the Planning Commission, and
6 reported that a Planning Ethics and Legal Seminar had been scheduled for
7 Saturday, April 30, sponsored by the American Planning Association (APA), with
8 more details on the seminar to be provided to Commissioners via e-mail. He
9 added that electronic information would be provided to new Commissioners to be
10 used as a reference and guide to provide context on the Planning Commission
11 Rules and Regulations.
12

13 Upcoming projects included the remodel of an existing gas station, removing and
14 adding a new convenience store; and the remodel of Wendy's/Wingstop, with
15 both projects to be presented to the Planning Commission Development Review
16 Subcommittee. Follow-up items included the bike rack issue at the East Bluff
17 Apartments, and the clock tower design details at the CVS site, with the
18 requested photo simulations still to be submitted by the applicant.
19

20 Commissioner Brooks encouraged Commissioners to participate in Community
21 Service Day scheduled for May 21.
22

23 Chair Kurrent reported that the next meeting of the Planning Commission would
24 be a joint meeting with the City Council scheduled for May 23, with the meeting
25 location yet to be determined.
26

27 Mr. Rhodes advised that he would speak with the City Manager to explore the
28 possibility that one of the agenda items at the joint meeting may include a
29 discussion of the parking concerns on Henry Avenue specifically and throughout
30 the City generally.
31

32 **I. COMMUNICATIONS:**
33

34 **Suggestions for Planning Commissioner Greatness**
35

36 **J. NEXT MEETING:**
37

38 The next meeting of the Planning Commission will be a Joint City Council and
39 Planning Commission meeting to be held on Monday, May 23, 2016.
40

41 **K. ADJOURNMENT: 10:26 P.M**
42

43 Transcribed by:
44
45

1
2

Anita L. Tucci-Smith
Transcriber



Memorandum

TO: PLANNING COMMISSION MEMBERS

FROM: TAMARA MILLER, DEVELOPMENT SERVICES DIRECTOR / CITY ENGINEER
WINSTON RHODES, AICP, PLANNING MANAGER
ERIC CASH, LEGAL COUNSEL

SUBJECT: GENERAL PLAN CONFORMITY REVIEW FOR ACCEPTANCE OF DEEDED AREAS OF PROPERTY FROM THE CONTRA COSTA COUNTY FLOOD CONTROL DISTRICT TO THE CITY OF PINOLE

DATE: MAY 23, 2016

RECOMMENDATION

Staff recommends the Planning Commission approve Resolution 16-04 making a finding that the acceptance of the two areas of property from the Contra Costa County Flood Control and Water Conservation District located at the site of the Pinole Hercules Water Pollution Control Plant conforms to the City's General Plan.

REQUEST

The City of Pinole is proposing that the Planning Commission determine that the proposed acceptance of two areas totaling approximately 3,360 square feet located at the Pinole Hercules Water Pollution Control Plant, one by grant deed and the other by quitclaim deed from the Contra Costa County Flood Control District, conforms to the General Plan.

BACKGROUND

The City of Pinole, along with the City of Hercules, approved the upgrade of the Pinole Hercules Water Pollution Control Plant to remain consistent with the State Water Resources Control Board National Pollution Discharge Elimination System (NPDES) permit for the plant. The Contra Costa County Flood Control District owns two areas of property located at the site of the Pinole Hercules Water Pollution Control Plant.

The District now wishes to transfer said property to the City by Grant Deed and Quit Claim Deed. Area A along the southeastern edge of the Pollution Control Plant is needed to more efficiently park vehicles necessary for the operation of the plant. Area B along the northeastern edge of the plant is currently included as part of the fenced operating area of

the Pollution Control Plant. The transfer of the property is intended to reflect how the property has been historically used. The deeded parcels will support the City's renovation and maintenance of the Pinole/Hercules Wastewater Treatment Plant. Staff seeks a finding from the Planning Commission that acceptance of the District property located at the site of the Pinole Hercules Water Pollution Control Plant conforms to the City's General Plan.

ANALYSIS

Government Code Section 65402 requires that the Planning Commission make a determination of conformity with the General Plan prior to the acceptance of any real property by the City. The Planning Commission must report as to the proposed disposition's conformity with the City's General Plan prior to any property acceptance within forty (40) days from the submittal of the matter to the Planning Commission. The Planning Commission's report on the acquisition's conformity with the City's General Plan is not a determination of whether a specific project should proceed but is needed prior to bringing the property acceptance before the City Council for action.

The District owns the areas of property located at the site of the Pinole Hercules Water Pollution Control Plant (see Attachment A). The District now wishes to transfer said property to the City by Grant Deed and Quit Claim Deed. Staff seeks a finding from the Planning Commission that the property located at the site of the Pinole Hercules Water Pollution Control Plant conforms to the City's General Plan. The two areas "A" and "B" total approximately 3,360 square feet. Both areas have a General Plan Designation of Public Quasi-Public / Institutional (PQI). The PQI Designation is reserved for a variety of uses which are public serving in nature including facilities owned and operated by public agencies. The property proposed for acceptance by the City would entail a transfer between two public agencies.

The acceptance of these two areas formalizes the service boundary between the District and the City. The acceptance of the property reflects current land use and long-term operational needs. The Community Services and Facilities Element includes applicable goals and policies that support the property transfer that are listed below.

GOAL CS.1: Provide safe, attractive and efficiently designed infrastructure and sustainable facilities to serve the public.

POLICY CS.1.1: The City will strive to provide safe, attractive and efficiently designed facilities for public and quasi-public organizations.

POLICY CS.1.5: The City will strive to provide convenient and secure options for storage, organization and operation of City property.

The proposed acceptance of the District property located at the site of the Pinole Hercules Water Pollution Control Plant is in conformity with the City's General Plan and consistent with applicable goals and policies by improving long term operational efficiency at the

Pollution Control Plant and between the City and the District.

ENVIRONMENTAL REVIEW

Approval of the resolution is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. The consideration of a General Plan conformity finding in conjunction with the transfer of property will result in no physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that the property transfer will have a significant effect on the environment.

CONCLUSION

The proposed acceptance of the property from the Contra Costa County Flood Control and Water Conservation District located at the site of the Pinole Hercules Water Pollution Control Plant is consistent with the General Plan Land Use Map and conforms to applicable goals and policies of the City's General Plan. A draft resolution has been prepared for Planning Commission review and consideration of the recommended General Plan conformity finding.

ATTACHMENTS

- A. Draft Resolution 16-04 with Property Information

PLANNING COMMISSION RESOLUTION NO. 16-04

A RESOLUTION OF THE CITY OF PINOLE PLANNING COMMISSION THAT THE PROPOSED ACQUISITION OF APPROXIMATELY 3,360 SQUARE FEET OF PROPERTY LOCATED ADJACENT TO THE PINOLE HERCULES WATER POLLUTION CONTROL PLANT BY GRANT DEED AND QUITCLAIM DEED FROM THE CONTRA COSTA COUNTY FLOOD CONTROL DISTRICT CONFORMS TO THE CITY'S GENERAL PLAN

WHEREAS, Government Code section 65402 requires that the Planning Commission make a conformity determination involving property acceptance with the City's General Plan prior to the acquisition of any real property by the City; and

WHEREAS, the Planning Commission's report on the disposition's conformity with the City's General Plan is not a determination of whether a specific project should proceed; and

WHEREAS, the Contra Costa County Flood Control District owns two portions of property (the "Property") totaling approximately 3,360 square feet located immediately adjacent to the site of the Pinole Hercules Water Pollution Control Plant shown in Exhibit A; and

WHEREAS, the Contra Costa County Flood Control District now wishes to transfer the Property to the City by Grant Deed and Quit Claim Deed; and

WHEREAS, the City has determined that the Property will benefit the City and its residents, and assist with the City's renovation and ongoing maintenance of the Pinole Hercules Water Pollution Control Plant; and

WHEREAS, on May 23, 2016, the Planning Commission conducted a duly noticed meeting to determine whether the acquisition of the Property conformed to the General Plan of the City; and

WHEREAS, City staff has determined, based on its review of the General Plan of the City, that the proposed acquisition of the Property conforms with the General Plan of the City of Pinole; and

WHEREAS, the Planning Commission has carefully considered all pertinent testimony, the staff report, the City's General Plan and all additional information presented to the Planning Commission; and

WHEREAS, In compliance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines, the City has determined that this land acceptance is not subject to CEQA under the general rule in CEQA Guidelines section 15061(b) (3) that CEQA applies

only to projects which have the potential for causing a significant effect on the environment. The land acceptance helps to implement the General Plan without resulting in physical changes to the environment; thus, it can be seen with certainty that there is no possibility that the transfer will have a significant effect on the environment.

NOW, THEREFORE, the Planning Commission of the City of Pinole hereby finds, determines, and resolves as follows:

1. The Planning Commission has considered the full record before it, which may include but is not limited to such information as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The acceptance of the Property is consistent with the applicable Goals and Policies of the General Plan, including but not limited to:

GOAL CS.1: Provide safe, attractive and efficiently designed infrastructure and sustainable facilities to serve the public.

POLICY CS.1.1: The City will strive to provide safe, attractive and efficiently designed facilities for public and quasi-public organizations.

POLICY CS.1.5: The City will strive to provide convenient and secure options for storage, organization and operation of City property.

BE IT FURTHER RESOLVED, that the City is proposing acceptance of the Property described in Exhibits "A" and "B" which are hereby incorporated by reference from the Contra Costa County Flood Control and Water Conservation District comprised of two areas located immediately west and east of portions of the existing Pinole Hercules Water Pollution Control Plant and totaling approximately 3,360 square feet. Based upon substantial evidence presented to the Planning Commission during its meeting on May 23, 2016, including written and oral evidence presented at or before the meeting, the Planning Commission hereby specifically finds that the proposed acceptance of the Property is consistent with the City's General Plan.

The above action is final unless an appeal is filed pursuant to Chapter 17.10 of the Pinole Municipal Code within ten (10) calendar days following Planning Commission action.

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 23rd day of May, 2016, by the following vote:

AYES:

NOES:

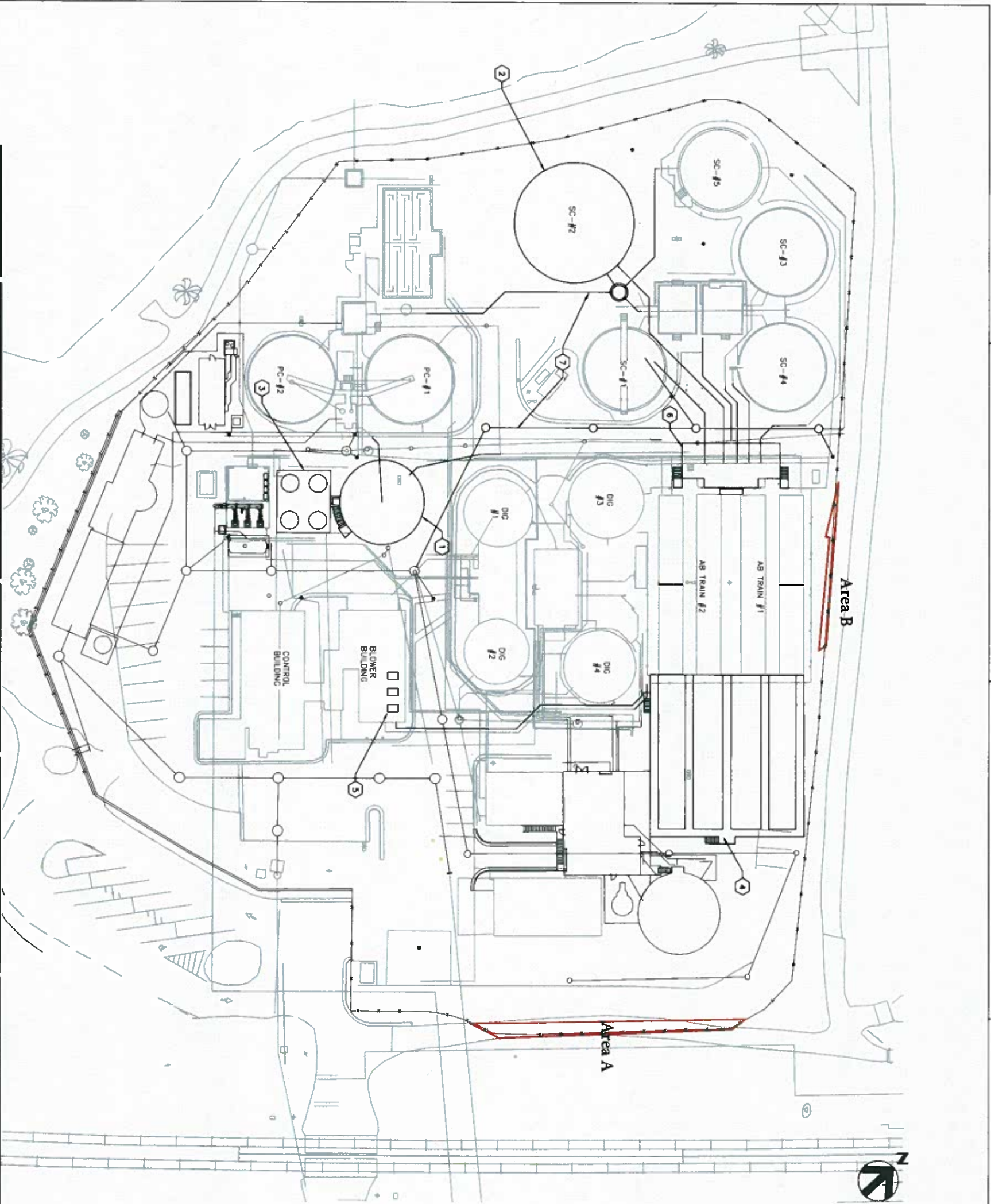
ABSTAIN:

ABSENT:

Dave Kurrent, Chair, 2016-2017

ATTEST:

Winston Rhodes, AICP, Planning Manager



STAGE II GENERAL CONSTRUCTION CONSTRAINTS:

1. BYPASS PUMPING, FOR ANY REASON, IS NOT ALLOWED DURING THE WET WEATHER SEASON.
2. TEMPORARY FACILITIES MUST BE MAINTAINED CONTINUOUSLY FOR BOTH SODIUM HYPOCHLORITE AND SODIUM BISULFITE AT ALL TIMES. BOTH CHEMICALS ARE CRITICAL TO MAINTAINING PERMIT REQUIREMENTS.
3. NO FEWER THAN THREE SECONDARY CLARIFIERS MUST BE ON-LINE AND OPERATIONAL AT ALL TIMES.
4. NO FEWER THAN FOUR AERATION BASINS OF THE CURRENT SIZE MUST BE ON-LINE AND OPERATIONAL AT ALL TIMES. THIS REQUIRES EITHER ALL EXISTING AERATION BASINS OR TWO OF THE EXISTING AND TWO OF THE NEW AERATION BASINS BE ON-LINE AND OPERATIONAL AT ALL TIMES.

MAJOR WORK ITEMS:

- 1 PRIMARY CLARIFIER 3.
- 2 SECONDARY CLARIFIER 2.
- 3 SODIUM HYPOCHLORITE AND BISULFITE CHEMICAL SYSTEMS.
- 4 AERATION BASIN EXTENSION.
- 5 BLOWERS.
- 6 PE/ML SPLITTER BOX.
- 7 CLARIFIER AREA DRAINS.

Location Map
Exhibit A
Areas drawn are approximate



ISSUE	DATE	ISSUED FOR BID	DESCRIPTION
A	JUNE-2015		

PROJECT MANAGER	C. OLSON
DESIGNED	R. NATOLI
DESIGNED	J. JETTON
CHECKED	C. OLSON
DRAWN	B. DOWN
DATE	JUNE 30, 2015
PROJECT NUMBER	215786



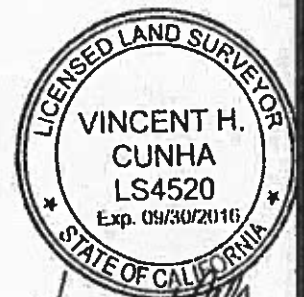
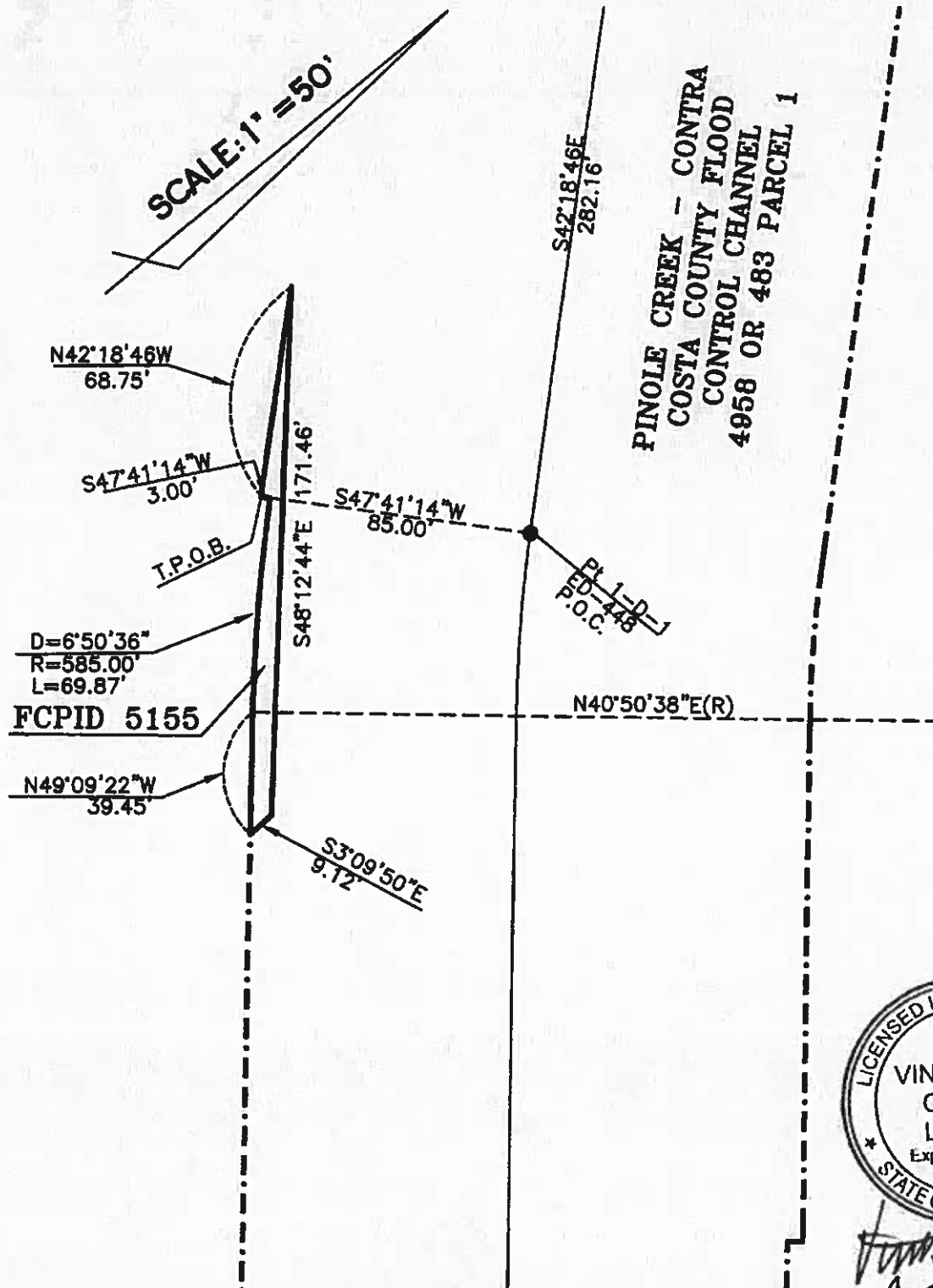
PINOLE/HERCULES
WATER POLLUTION
CONTROL PLANT UPGRADE
CLIENT PN



GENERAL
CONSTRUCTION SEQUENCING
STAGE II

FILENAME	215786-000015
SCALE	1" = 30'

SHEET	000G015
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Vincent H. Cunha
9-22-11

CCCWD & WCD DRAWING No.FA-20072

CUNHA ENGINEERING, INC.

701 BELMONT WAY, STE. A
PINOLE, CALIFORNIA 94664
(510) 741-8290

EXHIBIT B

CONTRA COSTA COUNTY FLOOD
CONTROL AND WATER CONSERVATION
DISTRICT TO CITY OF PINOLE

PINOLE

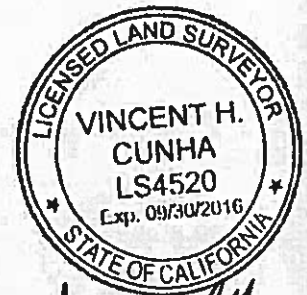
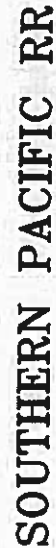
CALIFORNIA

SHEET

1 OF 1

JOB No.
208108

N49°45'21"W(R)



SEE DETAIL "A" *9.2218*

JOB No.
208108