

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

**MINUTES OF THE
PINOLE PLANNING COMMISSION**

December 14, 2015

A. CALL TO ORDER: 7:03 P.M.

B. PLEDGE OF ALLEGIANCE AND ROLL CALL:

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

Commissioners Absent: None

Staff Present: Winston Rhodes, Planning Manager

C. CITIZENS TO BE HEARD:

There were no citizens to be heard.

D. CONSENT CALENDAR:

1. Planning Commission Meeting Minutes from November 9, 2015
2. Planning Commission Meeting Minutes from November 16, 2015
3. Approval of 2016 Regular Planning Commission Meeting Schedule

Commissioner Kurrent requested an amendment to lines 4 through 7 on Page 4 of the November 9, 2015 Planning Commission meeting minutes, to read:

The solar panels would offset the property costs, not individual tenant bills; the third story units would still have a patio/balcony and the decking of the units of the three story buildings will be the only units affected as other buildings do not have the wooden decks on the first floor.

Commissioner Thompson requested an amendment to lines 26 and 27 of Page 7, to read:

Shade or weather resistant structure to be placed over the mail boxes with a weather protected bulletin board added to the area to notify tenants of potential actions.

1 **MOTION** to approve the Planning Commission Meeting Minutes for November 9,
2 2015, as modified.

3
4 **MOTION: Kurrent** **SECONDED: Thompson** **APPROVED: 4-0-3**
5 **ABSTAIN: Bender, Brooks, Martinez-Rubin**
6

7 Commissioner Thompson requested an amendment to lines 37 and 38 on Page
8 14 under City Planner's and Commissioner's Report of the November 16 meeting
9 minutes, to read:

10
11 *He [Mr. Rhodes] acknowledged a standard sign could be explored;*
12 *documents relating to larger and or complicated developments would be*
13 *released for review earlier both to the Commission and to the public.*
14

15 Mr. Rhodes clarified the discussion related to the volume of material to review
16 within a short period of time prior to a meeting, with no concurrence or direction
17 from the Planning Commission to staff to clarify that information would be provided
18 sooner, although he noted that had been done for this meeting. He stated the
19 requested revision to the minutes would have an implication on staff and would be
20 something he would have to discuss with the City Manager. While the matter had
21 been discussed, not all Commissioners had been present at the November 16
22 meeting, and there had been no concurrence on the direction to staff.
23

24 Chair Toms understood the discussion related to the distribution of Planning
25 Commission packets and that hard copies of documents such as Initial Studies,
26 which had a 30-day review period, could be made available earlier. She
27 recommended a sentence be added under the heading City Planner's and
28 Commissioner's Report, as follows:
29

30 *Commissioners discussed having environmental documents earlier.*
31

32 Commissioner Thompson reiterated her concern with the volume of paperwork for
33 the agenda item that had been discussed during the November 16 meeting, which
34 information had been released to the public just days before the meeting date,
35 particularly since some of the documents had been dated October 2015.
36

37 Mr. Rhodes explained that oftentimes a document could be dated days, weeks, or
38 months earlier in the case of an incomplete application or the process related to
39 environmental documents prior to distribution to the full Commission. He stated
40 that environmental documents would be provided as early as possible to allow
41 ample time for review.
42

43 **MOTION** to approve the Planning Commission Meeting Minutes for November 16,
44 2015, adding the sentence *Commissioners discussed having environmental*
45 *documents earlier* under the heading City Planner's and Commissioner's Report.

MOTION: Thompson SECONDED: Kurrent APPROVED: 4-0-3
ABSTAIN: Bender, Brooks, Martinez-Rubin

With respect to the meeting schedule, Mr. Rhodes affirmed that the December meeting date could be changed from December 19 to *December 12* to avoid the holiday period.

MOTION to approve the 2016 Regular Planning Commission Meeting Schedule, as modified.

MOTION: Brooks SECONDED: Thompson APPROVED: 7-0

E. PUBLIC HEARINGS:

1. Design Review (DR 14-19 and 14-20), Conditional Use Permits (CUP 14-09, 14-10, and 14-15), Variance (VAR 14-01) and Lot Line Adjustment / Merger (LLA 14-01); CVS / Pharmacy and Wireless Communication Facility Relocation

Project Requests:

Consideration of design review requests to construct a new approximately 14,806 square foot CVS / Pharmacy building and a new approximately 70-foot pylon tower structure with wireless communication antennas; use permits for one pharmacy drive through and the relocation of two existing wireless communication facilities within the project site; a variance request to allow a pharmacy drive through with amplified sound to be located less than 300 feet from the nearest residential property line; and consideration of a lot line adjustment / lot merger request for the approximately 1.9-acre site.

Environmental Review:

The City prepared a draft Mitigated Negative Declaration (MND) to identify the potential environmental impacts of the project. The Planning Commission will consider the adequacy of the draft MND and the related Mitigation Monitoring and Reporting Program (MMRP).

Applicant: Armstrong Development Properties, Inc.
2400 Del Paso Road, Suite 140
Sacramento, CA 95834

Location: Southwest corner of Appian Way, and Canyon Drive, just north of Interstate 80. APNs 401-273-043, -044, -045, and -046 addressed as 1617 Canyon Drive

1 **Project Planner: Mike Moore**

2 Planning Manager Winston Rhodes introduced Contract Planner Mike Moore, MIG
3 Incorporated; and Nick Pappani, Raney Planning and Management.

4
5 Mike Moore, MIG Incorporated, presented a PowerPoint presentation on the
6 project requests, and reported the project had been reviewed by the Planning
7 Commission Development Review Subcommittee on November 19, 2015 when
8 numerous recommendations had been made, as outlined in the December 14,
9 2015 staff report.

10
11 Nick Pappani, Raney Planning and Management, outlined the California
12 Environmental Quality Act (CEQA) documents that had been prepared for the
13 project including the MND, the MMRP, and the Initial Study, along with the
14 technical analyses that had been prepared as part of the required environmental
15 review, and the mitigation measures contained in the MND and MMRP. No public
16 comment had been received during the public review period.

17
18 Steve Abrams, Abrams Associates Traffic Engineers, Inc., detailed the technical
19 traffic study that had been prepared in compliance with CEQA, Caltrans, City, and
20 general engineering practices. It had been concluded that based on the required
21 calculations used by the City the project was within the City's standards and would
22 not cause any intersections to exceed capacity or standards.

23
24 Responding to the Commission, Mr. Abrams clarified the turning movements for
25 trucks in and out of the project site; the location of the existing closest bus stop
26 and the fact there was no need for modification or widening; the Level of Service
27 (LOS) D for Appian Way at Tara Hills which was not expected to change as a
28 result of the project; the peak traffic; the parking; the drive through area; and the
29 pedestrian conditions.

30
31 Mr. Pappani clarified the eight-foot high retaining wall and concerns with the
32 potential impacts to adjacent residents; the screening of the retaining wall with
33 vegetation pursuant to the landscape plan; and that a final geotechnical report
34 would be required to finalize the design recommendations for the slope. He also
35 identified the Federal Communications Commission (FCC) public exposure limits
36 for Radio Frequency (RF) emissions, and stated an RF Emission Study had been
37 prepared by Hammett & Edison, identified as Appendix C to the Initial Study.

38
39 Mr. Rhodes stated the Hammett & Edison Study had analyzed the cumulative RF
40 impacts from both Verizon and T Mobile. Condition 31 required the applicant to
41 provide a cumulative RF report showing actual RF emission levels at maximum
42 power to confirm compliance with FCC safety thresholds prior to final inspection
43 and facility power-up. The purpose of the 70-foot high pylon tower structure with
44 wireless communications facilities was to adequately cover the area. He also
45 identified the trees to be protected on the project site and the table in the staff

1 report to identify the size and species to replace any trees to be removed.
2 Mr. Moore identified the staff recommendations as follows:

- 3
4 • Adoption of Resolution 15-16, With Exhibit A, Conditions of Approval and
5 Exhibit B, Mitigation Monitoring and Reporting Program, A Resolution of
6 the City of Pinole Approving a Mitigated Negative Declaration and
7 Mitigation Monitoring and Reporting Program and Approving a
8 Conditional Use Permit Request (CUP 14-09) Design Review Request
9 (DR 14-19), and Variance Request (VAR 14-01), for an Approximately
10 14,806 square foot CVS Pharmacy Building with a Drive-Through
11 Window (APNs 401-273-043, -044, -045, and -046) Located Southeast of
12 the Intersection of Appian Way and Canyon Drive.
13
- 14 • Adoption of Resolution 15-17, With Exhibit A, Conditions of Approval, A
15 Resolution of the City of Pinole Approving by Reference a Mitigated
16 Negative Declaration and Mitigation Monitoring and Reporting Program,
17 and Approving a Conditional Use Permit Request (CUP 14-10 and CUP
18 14-15) and a Design Review Request (DR 14-20) For the Relocation of
19 Two Existing Co-Located Wireless Communications Facilities to a 70-
20 foot Pylon Structure Located on Property South of a New CVS Pharmacy
21 Southeast of the Intersection of Appian Way and Canyon Drive (APNs
22 401-273-043, -044, -045, and -046).
23

24 Mr. Moore added that the Planning Commission had been provided the following
25 information at the dais; design details for the 70-foot high pylon structure, CVS
26 elevations, an e-mail from Commissioner Kurrent with six questions he had
27 identified prior to the meeting including an attachment identified as “Responses to
28 those Questions,” and an errata to the Initial Study/MND which had addressed
29 some of the questions raised by Commissioner Kurrent.
30

31 PUBLIC HEARING OPENED

32

33 JULIE ANN MARTIN, Armstrong Development, 2400 Del Paso Road, Suite 140,
34 Sacramento, introduced the CVS development team in the audience; presented a
35 PowerPoint presentation of the project; went through the elevations for the CVS
36 building which had been reviewed on several occasions and which had added
37 pitched roofs to add an enhanced design element; and stated that no signage had
38 been proposed facing the neighbors of the adjacent properties. Several changes
39 to the cellular tower had been made to accommodate the recommendations from
40 the Planning Commission Development Review Subcommittee; a gateway feel
41 had been added to the tower structure to add a welcoming factor to those entering
42 the City from the freeway; and CVS had held a Neighborhood Open House on
43 December 3 with notification to all neighbors within a 1,000 foot radius of the
44 project site.
45

1 Ms. Martin detailed the concerns raised by the neighbors during the December 3
2 neighborhood meeting and reported that the applicant had agreed to the
3 installation of bollards to stop any vehicles from entering the properties below; to
4 install a privacy fence at store level to prevent views into neighbors' yards; and
5 could install additional landscaping in the clearing to screen views of the 70-foot
6 pylon tower structure. In response to the Commission, Ms. Martin explained that
7 the privacy fence would likely be a wooden fence material, with the portion of the
8 fence on CVS property to be maintained by CVS.

9
10 A representative of Tait & Associates Civil Engineering and Environmental
11 Services, identified a concrete drainage channel located along the rear of the
12 residential area to be maintained on the residential properties. The representative
13 identified Sheet C-0, an Existing Conditions Plan, which had shown the existing
14 grading and noted that a grading plan had also been provided and had included a
15 cross section of what had been proposed.

16
17 Ms. Martin clarified the goal was to mask the retaining wall as much as possible
18 from the views of the neighbors through the use of vines and the planting of trees.
19 The trees would be located on the lower portion of the retaining wall. In addition to
20 the neighborhood meeting, additional outreach had been conducted with those
21 neighbors who had privacy concerns.

22
23 TOM McIVER, On-Air LLC, representing Verizon Wireless, 465 First Street, West,
24 Sonoma, reported that he had worked with the CVS Team on behalf of Verizon
25 Wireless. He described the project as existing site relocations within a pre-existing
26 network. With respect to Condition 27, he noted that his firm had been working
27 with the CVS Team to reach an alternative, although the firm had a building permit
28 for the existing installed diesel generator. The intent was to repurpose the
29 equipment at the site as much as possible. He also defined an "Appleton Plug"
30 which was placed on a site in the event of commercial power disruption to allow a
31 portable diesel generator to be brought in for use. He affirmed, when asked, that a
32 diesel generator in a self-contained unit had been found to be more reliable during
33 a seismic event given that it provided a six-hour backup.

34
35 Mr. McIver stated that the centerline of the antennas would be at 62 feet in height,
36 which would allow for additional tenants at a lower height on the 70-foot high pylon
37 tower structure in the future. He could not agree to a lowering of the height of the
38 tower structure at this time given the absence of the RF Engineer to affirm that
39 would be feasible for the required coverage. He acknowledged a request from the
40 Planning Commission for a coverage map to show the height needed with the
41 degradation, if any, if the tower structure were lowered in height, and a request to
42 show why the 70-foot height was needed.

43
44 Chairperson Toms clarified that the welcoming message on the pylon sign had
45 been in response to discussions with the Planning Commission Development

1 Review Subcommittee which sought some sort of placeholder for a welcoming
2 message and to ensure it could be viewed by passing motorists.

3
4 DAVID ELIAS, ZON Architects, Inc., designer of the 70-foot high pylon tower
5 structure, clarified that the location of the tower was not arbitrary and to change it
6 would change the entire RF engineering for the site and affect the azimuths for
7 Verizon and T-Mobile. The 70-foot height was required to prevent shadowing and
8 obstruction to the desired coverage area. The building itself, its design, and the
9 new location of the antennas necessitated the 70-foot height. Both Verizon and T-
10 Mobile and their azimuths needed that height to provide the required coverage
11 area and the tower could not be reduced and still be feasible unless the carriers
12 agreed to the use of smaller antennas. Since most carriers were using the larger
13 antennas, the intent was for the structure to be able to accommodate numerous
14 antennas to avoid the need for additional structures throughout the City.

15
16 OLIVER FONTANA, Verizon Wireless, explained that the size of the antennas had
17 been an RF engineering decision; the greater the number of antennas the more
18 diversity within the frequency. Fewer and smaller antennas had a narrow
19 deployment of frequency. He stated the site had more through-put due to the
20 proximity to I-80 and on-line trafficking.

21
22 JAMES TILLMAN, Pinole, expressed concern with the cell on wheels (COW)
23 facility; reported he had contacted WestCAT this week which had reported no
24 input on the project; he had concerns with the existing bus stops in the area and
25 the potential impacts with line of sight large truck movements and truck traffic in
26 and out of the site; the volume of traffic on Henry Avenue, Ridgecrest Road, and
27 Canyon Drive to the freeway and the potential conflicts with school traffic. He
28 added that the area had been filled in the past with loam, a soft material that could
29 be impacted by the construction of the buildings with a potential for sliding; and
30 expressed concern with the potential RF exposure to nearby residents.

31
32 Mr. Tillman also questioned the planning process and noted that he had provided
33 written comments to both the Planning Commission and the City Council. He
34 asked the Planning Commission to read into the record his comments given his
35 understanding the lot line adjustment would make two parcels, separate and apart
36 for two different property owners, which he suggested was a form of subdivision.
37 He added that the lot line adjustment application was incomplete and needed
38 variance and use permit requests.

39
40 Chairperson Toms defined the four legal lots and the lot line adjustment for four or
41 fewer lots, which involved an administrative action, and which was exempt from
42 the Subdivision Map Act.

43
44 Mr. Rhodes advised that Mr. Tillman's letter was available on-line and had been
45 included in the record. He explained that there had been direct communication

1 with WestCAT staff about the site and whether a turnout was needed to
2 accommodate one bus or two. WestCAT had stated that would not be necessary
3 based on the volume of the road and ridership. Staff had also sent the
4 environmental document and a copy of the Planning Commission packet for this
5 meeting directly to WestCAT staff.
6

7 Responding to the comments in Mr. Tillman's correspondence, Mr. Rhodes stated
8 an Initial Study/MND had been prepared; staff had outlined in its PowerPoint
9 presentation the planning process for the projects including the lot line
10 adjustment/merger of the parcel lines; copies of the environmental documents had
11 been made available to the public; no comments from the public had been
12 received; the public notice for the public hearing had been expanded and was
13 beyond what was required by the Pinole Municipal Code (PMC); a reciprocal
14 parking cross access agreement would be required as a condition of approval for
15 the project; the variance was only related to the distance from the drive through
16 from a residential area and the findings had been included in the staff report; the
17 building would block any noise from the drive through window; use permits were
18 required for the drive through and wireless communication facilities and the
19 standards had been met for those uses; the temporary COW facility was allowed
20 to be on-site for no more than six months; and the applicant would be required to
21 provide an RF study to ensure compliance with FCC standards. The footprint for
22 the COW would be located on the southeast corner of the site, to be refined based
23 on the RF study.
24

25 Mr. Tillman did not oppose the project but preferred to see the cellular antennas on
26 the building, not on a tower; preferred to see a City of Pinole logo and name of the
27 City on the tower structure; and questioned how citizens could be involved in the
28 Planning Commission Development Review Subcommittee. He asked that the
29 project be tabled to allow the questions from the Planning Commission and the
30 public to be answered, preferably after the holidays.
31

32 Chairperson Toms reported that the Planning Commission Development Review
33 Subcommittee was comprised of two Planning Commissioners who met directly
34 with staff on an as-needed basis. The meetings were not considered to be public
35 meetings under the Brown Act and the results of the meetings had been
36 summarized in the staff report.
37

38 ANTHONY GUTIERREZ, 3805 Pinole Valley Road, Pinole, expressed concern
39 that staff reports for the last two Planning Commission meetings had not been
40 adequately and timely available to the public, and had been in excess of 500
41 pages in length. Although the materials had been available on-line, he stated not
42 everyone had access to a computer. He asked that the staff reports be made
43 available to the public a week before the actual meeting date to allow sufficient
44 time for review. He also expressed concern with the undocumented fill portion of
45 the land, which was currently situated adjacent to the present building, and with

1 the new building to sit directly on top of the fill area raising concerns with the
2 potential for landslides. He questioned whether a soils sample had been done for
3 the previous fill; expressed concern with the lack of a mock-up for the 70-foot high
4 tower structure; referenced studies done in Germany and Israel which had found
5 that residing 400 meters from a cell tower increased one's risk of cancer; noted the
6 FCC had stated the 1996 Telecommunications Act requirements were outdated
7 and based on outdated studies that had only taken into account thermal effects
8 and studies had since found biological effects on humans, plants, and wildlife;
9 expressed concern with the proximity of the temporary COWs to nearby residents;
10 and the proximity of the permanent installation which would be approximately 300
11 feet from residents placing them at risk from electromagnetic field (EMF)
12 emissions.
13

14 VICTOR BERUMEN, 1568 El Toro Way, Pinole, identified his property as located
15 in the cul-de-sac of El Toro Way. He questioned the long-term durability of a
16 wooden fence material and inquired of the length of the fence between the site
17 and the neighbors. He understood the retaining wall would be at ground level,
18 although the neighbors' sought something that would prevent views over the wall
19 into the neighbors' yards, which request had been communicated to CVS.
20

21 Mr. Rhodes explained that the environmental documents had been available to the
22 public for 30 days in hard copy and electronic formats; no public comments had
23 been received nor had there been a request for hard copies from the public during
24 the 30-day review period; information could be provided sooner but would require
25 a reschedule of the meetings with more lead time and at the discretion of the
26 Planning Commission; the information was required to be provided in advance of
27 the meeting date, which had been done electronically and in a hard copy format; a
28 mock-up of the cell site had not been prepared since it was not a new cell site but
29 a relocation of an existing cell site; and a mock-up of a 70-foot high structure would
30 be difficult to assemble and then remove for a temporary period of time to allow
31 the public a sense of bulk.
32

33 Mr. Pappani clarified that geology and soils had been addressed in Section 6 of
34 the Initial Study and the report had identified undocumented fill on the site, which
35 was not uncommon on sites that had been previously developed. The
36 geotechnical report had included recommendations to be followed during
37 construction to ensure no adverse impacts to proposed structures, with mitigation
38 measures identified for the undocumented fill. On-site samples and borings had
39 been conducted on-site. RF emissions had been addressed in the hazard section
40 of the Initial Study, and relied on an analysis prepared by Hammett & Edison.
41

42 REBUTTAL:

43

44 Ms. Martin advised that CVS would like to work with the neighbors on their
45 concerns with the retaining wall but it would be difficult to identify where the wall

1 would run at this time. CVS was committed to a privacy fence and had
2 recommended wood fencing to avoid the creation of a larger structure given the
3 retaining wall and secondary block wall.
4

5 Mr. Rhodes affirmed, when asked by the Chair, that the public hearing could be
6 closed and the item could be continued to a date certain if that was the consensus
7 of the Planning Commission. The public hearing could be re-opened when the
8 item was next considered.
9

10 Chair Toms closed the PUBLIC HEARING at this time.
11

12 The Planning Commission discussed the application and offered the following
13 comments, concerns, and/or direction to staff:
14

- 15 • Concern expressed with the proposed wood fencing material since there
16 had been some agreement during the Planning Commission Development
17 Review Subcommittee discussions that the fence would not consist of a
18 wood material due to the maintenance factor;
19
- 20 • Recommendation for the applicant and the neighbors to continue a
21 dialogue on the fencing material to reach mutual agreement;
22
- 23 • Request for clarification that the fence would screen the lights of vehicles on
24 the road;
25
- 26 • Chair Toms outlined the concerns and recommendations of the Planning
27 Commission Development Review Subcommittee;
28
- 29 • Commissioners were not convinced school drop-off would occur on the site;
30
- 31 • Recognition of the concerns with respect to truck traffic, particularly 18-
32 wheeler trucks which would occur three times a week; [Toms, Kurrent] were
33 of the opinion that would not be an issue in that there would be sufficient
34 room to maneuver, and there was confidence with the Engineering
35 Department that component of the project design met the City's code;
36
- 37 • Hours of truck delivery had been stated by the applicant to occur between
38 7:00 A.M. and 7:00 P.M.;
39
- 40 • Recommendation for more discussion and review for a fence at the top of
41 the retaining wall which had not been discussed by the Planning
42 Commission Development Review Subcommittee, and which would need to
43 meet the needs of the neighbors;
44
- 45 • Support for the design of the 70-foot pylon tower structure to be left, as

1 designed [Brooks], although the majority of the Commission raised concern
2 with the height and aesthetics, as proposed, on a promontory hill;

- 3
4 • Disappointment expressed by Commissioners that there had not been more
5 validation of the 70-foot high pylon tower structure, with a specific request to
6 review the coverage; a recommendation for a condition that the applicant
7 present to the Commission evidence that the 70-foot high pylon tower
8 structure was justified; and that a shorter height of the tower would not be
9 adequate for the desired coverage;
- 10
11 • The proposed diesel generator was close to the intersection of the freeway
12 and some Planning Commissioners saw no problem with its use in the
13 proposed location;
- 14
15 • Concern expressed for relying on natural gas for the generator in the event
16 of a disaster [Martinez-Rubin, Toms];
- 17
18 • Concern with the right turn pursuant to the plans and the potential
19 reoccurrence with what had happened with the Pinole Valley Shopping
20 Center and modifications to the existing curb cuts;
- 21
22 • Concerns with respect to the landscape plan and the potential need to
23 relocate trees;
- 24
25 • Recommendation to revise Condition 21 to add language that either the
26 Planning Commission or the Department of Development Services shall
27 determine adequacy of landscaping and fencing to shield retaining walls
28 and buildings from surrounding residential properties;
- 29
30 • Commissioners were in agreement that documentation related to projects,
31 particularly environmental documents, be provided in a timely manner as
32 early as possible prior to the scheduled meeting date;
- 33
34 • Acknowledgement of the public concerns with respect to RF emissions
35 although the law was clear as to what the Commission and the City may
36 consider when discussing wireless telecommunication facilities; and

37
38 Mr. Rhodes clarified that the first resolution to be considered by the Commission
39 dealt with the CVS-requested land use entitlements, while the second resolution
40 addressed the wireless communications facilities. The Commission could take
41 action on the use permit portion of the wireless application and require that design
42 review for the tower come back to specifically address the height issue.

- 43
44 • Recommendation to change the welcome message on the pylon tower
45 structure to read *Welcome to Pinole*, rather than "Welcome to Appian Way;"

- Recommendation for the vertical trellis elements on the pylon tower structure to be more uniform and consistent on the tower and the CVS portion of the tower structure;
- Support for Option 1 for the design of the pylon tower structure;
- Recommendation for consideration of public art or a specific color for the proposed bollards;
- Clarification with the applicant the temporary COW would have permanent power, be self-contained, a mobile unit used to supplement the system if the main system was down, would have its own battery back-up in the event of an emergency, the primary purpose of the COW was to be used on a temporary basis for disasters, and the COW was owned by the carrier;
- Concern with truck traffic ingress/egress congestion and the proximity to the existing bus stop area;
- Recommendation for the pylon tower structure to match the building with an open trellis look to ensure consistency;
- Request for a cross section of the grading for the project, and request that staff provide such materials for future projects;
- Recommendation to restrict the delivery hours for trucks given the LOS D+ for one of the nearby intersections and the potential impacts from the future corridor freeway project;
- Request for a cross section for the proposed and existing grading line for the project;
- Request for a cross section to show the transition from the project to the neighbors' homes;
- Request for a photo simulation from the telephone pole looking up the hill, and from the freeway both at 60 and at 70 feet to allow a better illustration to show the mass of the design from the freeway;
- Staff identified the General Plan policies to encourage emergency communication cell sites and for ability to provide more information to the public; co-location of carriers was encouraged; and
- There was no consensus from the Commission to use natural gas as opposed to a diesel generator for the wireless communication facility,

1 although it was recommended that a natural gas option be considered.
2 The following revisions were discussed and made to the resolutions under
3 consideration:
4

- 5 • Resolution 15-16: Condition 29 to be revised to add a sentence at the end
6 of the last sentence, to read:

7
8 *Subject to review by the Development Services Department in*
9 *conjunction with the Planning Commission Development Review*
10 *Subcommittee.*

- 11
12 • Resolution 15-16: Two conditions had been shown for Condition 27, to be
13 revised to read *Condition 27A and 27B*;

- 14
15 • Resolution 15-16: Typographical error identified on Condition 35;

- 16
17 • Resolution 15-16: Condition 47 revised to read:

18
19 *The facility shall be reviewed for consistency with the approved building*
20 *plans, and these conditions of approval, by the Planning Manager and*
21 *affected City staff.*

- 22
23 • Resolution 15-17: Eliminate Condition 27.

24
25 **MOTION** to adopt Resolution 15-16, With Exhibit A, Conditions of Approval and
26 Exhibit B, Mitigation Monitoring and Reporting Program, A Resolution of the City of
27 Pinole Approving a Mitigated Negative Declaration and Mitigation Monitoring and
28 Reporting Program, and the errata to the Initial Study/Mitigated Negative
29 Declaration as provided at the dais on December 14, 2015, and Approving a
30 Conditional Use Permit Request (CUP 14-09) Design Review Request (DR 14-19),
31 and Variance Request (VAR 14-01), for an Approximately 14,806 square foot CVS
32 Pharmacy Building with a Drive-Through Window (APNs 401-273-043, -044, -045,
33 and -046) Located Southeast of the Intersection of Appian Way and Canyon Drive,
34 subject to revisions to Conditions 27, 29, 35, and 47, as discussed.

35
36 **MOTION: Kurrent**

37 **SECONDED: Brooks**

38 **APPROVED: 6-1**
39 **NOES: Thompson**

40 **MOTION** to **continue** the adoption of Resolution 15-17, With Exhibit A,
41 Conditions of Approval, A Resolution of the City of Pinole Approving by Reference
42 a Mitigated Negative Declaration and Mitigation Monitoring and Reporting
43 Program, and Approving a Conditional Use Permit Request (CUP 14-10 and CUP
44 14-15) and a Design Review Request (DR 14-20) For the Relocation of Two
45 Existing Co-Located Wireless Communications Facilities to a 70-foot Pylon
 Structure Located on Property South of a New CVS Pharmacy Southeast of the

1 Intersection of Appian Way and Canyon Drive (APNs 401-273-043, -044, -045,
2 and -046), subject to the submittal of more information as to the necessity of the
3 70-foot high pylon tower structure, to a date certain of January 25, 2016.
4

5 **MOTION: Kurrent** **SECONDED: Thompson** **APPROVED: 7-0**
6

7 Chair Toms identified the 10-day appeal process in writing to the City Clerk
8 subject to the applicable appeal fee.
9

10 **MOTION** to continue the Planning Commission meeting beyond 11:00 P.M. to
11 address the remaining public hearing agenda item.
12

13 **MOTION: Toms** **SECONDED: Kurrent** **APPROVED: 7-0**
14

15 Chair Toms declared a recess at 11:10 P.M. The Planning Commission meeting
16 reconvened at 11:15 P.M. with all Commissioners present.
17

18 **2. Conditional Use Permit 15-04: BoxFit Cardio Boxing Training Facility**
19

20 **Request:**

21 Consideration of a use permit request to open an approximately 2,700
22 square foot cardio boxing training facility located within two vacant suites
23 within an existing commercial building.
24

25 **Applicant:** Dan Dunaway
26 Dunaway & Associates
27 27 Overhill Road
28 Orinda, CA 94563
29

30 **Location:** 701 Belmont Way Suites D and E, APN 403-070-034
31

32 **Project Planner:** Winston Rhodes
33

34 Mr. Rhodes presented the staff report dated December 14, 2015, and corrected
35 a typographical error on Page 6 of the staff report which had mentioned a karate
36 facility which was not part of the application. He recommended adoption of
37 Resolution 15-18 to approve the application.
38

39 Responding to the Commission, Mr. Rhodes clarified the parking accommodations
40 and noted that shared parking agreements had been encouraged by the Pinole
41 Municipal Code.
42

43 The Planning Commission identified a typographical error on Condition 4 of
44 Resolution 15-18, to be corrected by staff.
45

1 PUBLIC HEARING OPENED

2
3 DAN DUNAWAY, Dunaway & Associates, 27 Overhill Road, Orinda, identified the
4 one accessible parking space pursuant to the plan with an additional van
5 accessible parking space to be located in the shared parking lot between 701 and
6 751 Belmont Way, in addition to the loading at the back of 751 Belmont Way. He
7 explained that the facility would likely average between 30 and 35 students per
8 day; the facility would not involve boxing matches or spectator sports; there would
9 be a boxing/sparring ring for students or qualified athletes to spar with the
10 instructors and each other; one to two professional boxers would be present every
11 one to two hours; on average there would be four to six students per day; and no
12 parking issues were anticipated.

13
14 The Chair recommended that if parking became an issue the applicant could
15 modify the hours of training sessions to avoid the same hours used by the nearby
16 karate studio, and to avoid any in and out traffic conflicts.

17
18 Mr. Dunaway stated the operator of the karate facility expected no conflicts given
19 that the karate facility closed at 3:00 P.M. There were no plans for the facility to be
20 open on the weekends, although that may be possible in the future, and Condition
21 4 could be modified to allow the hours of operation Monday through Saturday
22 rather than Monday through Friday.

23
24 Mr. Rhodes identified Condition 8 which would address potential changes to the
25 hours of operation.

26
27 Mr. Dunaway affirmed that windows would be added to the San Pablo Avenue
28 elevation of the building and the work was in progress, although it was not part of
29 the proposed use permit.

30
31 PUBLIC HEARING CLOSED

32
33 **MOTION** to adopt Resolution 15-18, with Exhibit A, Conditions of Approval, A
34 Resolution of the City of Pinole, County of Contra Costa, State of California,
35 Approving a Conditional Use Permit (CUP 15-04) To Allow the Operation of an
36 Approximately 2,700 Square Foot Boxing Fitness / Training Facility Within Suites D
37 and E at 701 Belmont Way, APN 403-070-034, subject to a correction to the
38 typographical error shown on Condition 4.

39
40 **MOTION: Kurrent** **SECONDED: Thompson** **APPROVED: 7-0**

41
42 Chair Toms identified the 10-day appeal process in writing to the City Clerk
43 subject to the applicable appeal fee.

44
45 **F. OLD BUSINESS:** None

1
2 **G. NEW BUSINESS:** None

3
4 **H. CITY PLANNER'S / COMMISSIONERS' REPORT:**

5
6 Commissioner Brooks reported that he and Commissioners Martinez-Rubin and
7 Tave had attended the Planning Commission Conference at Sonoma State.

8
9 Chair Toms reported that there were You Tube presentations available on land
10 use law and updates for interested Commissioners.

11
12 Mr. Rhodes reported that there was money in the budget for local Planning
13 Commission training opportunities that made the Sonoma State training
14 opportunity possible. He updated the Commission on upcoming projects in 2016
15 including text amendments related to the implementation of the Housing
16 Element, and Medical Marijuana Cultivation. Future development projects
17 included an eye surgery center to be located at the southeast corner of Henry
18 Avenue and San Pablo Avenue near Kaiser. He also reported the Verizon
19 Wireless project proposed for Pfeiffer Lane had been appealed to the City
20 Council and a public hearing date had tentatively been scheduled for January 14,
21 2016. In addition, the Gateway Shopping Center plans were in plan check with
22 a grading permit to be issued in the near future.

23
24 Commissioner Kurrent commended staff for the preparation of the meeting
25 minutes which had summarized the Planning Commission denial findings for the
26 Verizon Wireless application on Pfeiffer Lane.

27
28 Mr. Rhodes recommended that a Planning Commission discussion on the
29 availability of Planning Commission packets be agendized for a future meeting
30 as a New Business item to solicit feedback from Commissioners on how to
31 improve the flow of information.

32
33 Chair Toms asked that hard copies be made available to the public and that a
34 telephone number for staff be made available given the limited hours City Hall
35 was open to the public.

36
37 **I. COMMUNICATIONS:** None

38
39 **J. NEXT MEETING:**

40
41 The next meeting of the Planning Commission will be held on Monday, January
42 25, 2016 at 7:00 P.M.

43
44 **K. ADJOURNMENT:** 11:43 P.M.

1 Transcribed by:
2
3 Anita L. Tucci-Smith
4 Transcriber