

1 **MINUTES OF THE REGULAR MEETING OF**
2 **THE PINOLE PLANNING COMMISSION and**
3 **PLANNING COMMISSION ACTING AS THE STEERING COMMITTEE FOR THE**
4 **GENERAL PLAN UPDATE PROCESS**

5
6 **November 9, 2009**
7

8
9 **THE PLANNING COMMISSION**
10

11
12 **A. CALL TO ORDER: 7:00 P.M.**
13

14 **B. PLEDGE OF ALLEGIANCE AND ROLL CALL:**

15
16 Commissioners Present: Bender, McGoldrick, Brooks, Martinez-Rubin, Chair
17 Kurrent, Sekins, Toms

18
19 Staff Present: Winston Rhodes, Planning Manager
20 Christina Ratcliffe, PMC
21 Scott Davidson, PMC
22

23 **C. CITIZENS TO BE HEARD**

24
25 None.
26

27 **D. CONSENT CALENDAR:**

28
29 None.
30

31 **E. PUBLIC HEARINGS**

32
33 None.
34

35
36 **THE PLANNING COMMISSION AS STEERING COMMITTEE FOR**
37 **THE GENERAL PLAN UPDATE PROCESS**
38

39
40 **F. OLD BUSINESS:**

41
42 1. Review of Draft General Plan Land Use Map
43

44 Planning Manager Winston Rhodes presented the staff report dated November 9,
45 2009. He summarized the changes that were made to the map based on the

1 direction provided by the Steering Committee at its October 26, 2009 hearing.
2

3 **Commissioner Sekins:** For existing properties which are currently developed
4 around the 270 ft. contour sea level line that front on Appian Way near Duncan
5 Canyon, how are such properties recognized and treated?
6

7 **Mr. Rhodes:** Only future development would be subject to the new development
8 standards, if ultimately approved. Based on the proposed regulations, 90% of a
9 property would be left undeveloped, allowing for up to 10% development of a
10 site.
11

12 **Commissioner Sekins:** Action involving further information is not necessary
13 regarding a potential senior housing development at 2669 Appian Way.
14

15 **Mr. Rhodes:** This item was included as an example of how future development
16 would be impacted with the Subcommittee recommended line. There is no action
17 to be taken on this item for this evening.
18

19 **Commissioner Martinez-Rubin:** No comments at this time.
20

21 **Commissioner Toms:** Crown Ridge Development (Goularte Drive & Appaloosa
22 Drive area) shown as "Low Density Residential." The parcels in this
23 neighborhood are not one acre in size. She expressed concern about zoning
24 property at a lower density than what it actually is. She requested that staff
25 review the lot sizes and designate it as "Suburban Residential."
26

27 **Commissioner Brooks:** Agrees with the use of 270' elevation line. However,
28 there needs to be cautious with respect to the accuracy of the topographical
29 information of certain contour maps.
30

31 **Mr. Rhodes:** The information was provided through a civil engineer that shows
32 the 250 ft. and 270 ft. elevation lines. The map is for illustrative purposes. The
33 lines shown on the map were provided through a topographical survey that was
34 included in the GIS file. The lines are accurate.
35

36 **Commissioner Brooks:** GIS maps typically include a disclaimer about the
37 accuracy of information. The map provided does not have this disclaimer.
38

39 **Mr. Rhodes:** The map can be referenced to the proper topographical line to
40 reflect the Steering Committee's action. What you are reviewing this evening can
41 be referenced to insure that the line is accurately captured.
42

43 **Commissioner Brooks:** Additional elaboration needed in addition to a contour
44 line including slope and topography is needed to provide more detailed policy
45 direction.

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Commissioner McGoldrick: No comments.

Commissioner Bender: Figure 5.5 shows Fernandez Mansion property listed as a park. It is a private property with a residential structure.

The Steering Committee indicated that the Fernandez Mansion should be designated as Low Density Residential. The Historic Preservation provisions of the Community Character Element shall be used to protect the integrity of the historic residential character.

Commissioner Bender: On page. 2 of item F-1, colors were easy to differentiate. This does not necessarily have to be changed.

Commissioner Toms: Include the acronym for the land use designations on the map itself.

CHRISTINA RATCLIFFE, PMC, spoke about the map and indicated that PMC would be able to make the changes requested by Commissioner Toms.

Commissioner Kurrent: Automotive storage on Tennent Ave. near the bay front shown as part of the San Pablo Bay Conservation Area. Can this legally be done?

Commissioner Toms: Expressed concern about inverse condemnation. Does this action strip the property owner of the ability to develop it at a later date?

Mr. Rhodes: The category is intended to be flexible. The definition can be modified to expand permitted uses or the property may be provided with a different classification.

Commissioner Toms: The San Pablo Bay Conservation definition allows for a reasonable range of uses.

Commissioner McGoldrick: Are there boats stored on-site? That would constitute a marine use.

Commissioner Sekins: Yes, there are boats stored at that location.

Mr. Rhodes: The City does not store City-owned equipment at that site. There has been talk of the Corp Yard possibly relocating on that site. There are no formal plans for relocation at this site.

Commissioner Kurrent: The areas within the City's Sphere of Influence are included in the County's General Plan and do not need to have zoning or land

1 use addressed as part of the City's document update.
2

3 **Mr. Rhodes:** This becomes an issue when the City is asked to comment on a
4 project or application in the County. This also becomes an issue in the event of
5 an annexation where pre-zoning must be reviewed. The designations also guide
6 future development.
7

8 **Commissioner Toms:** Noted to PMC that the former site of Seaview Elementary
9 in the Bayview neighborhood is now used as School District offices and not a
10 school. The map shows a Land Use Classification of "Transportation." This
11 should be changed to "Public Facilities."
12

13 **Mr. Rhodes:** The East Bay Regional Park District managed lands along the Bay
14 front should be changed from San Pablo Bay Conservation to "Parks and
15 Recreation" for consistency with how these areas are treated within the Sphere
16 of Influence Land Use Map and for consistency with how parks are treated
17 elsewhere in the City.
18

19 **Committee consensus was reached regarding the Draft General Plan Land
20 Use Map.**
21

22 **G. NEW BUSINESS**
23

24 1. Review of the Draft Community Services & Facilities Element
25

26 Mr. Rhodes presented the staff report dated November 9, 2009. The Subcommittee
27 reviewing this element met on October 23, 2009. This Subcommittee is composed
28 of Commissioner Toms & Commissioner McGoldrick. The copy included in the
29 Commission packets reflects their input as well as City staff.
30

31 **Commissioner Bender:** P. 14 denoted "Future Library Facilities" possibly in Old
32 Town Pinole. What facilities exist in Old Town Pinole that could accommodate a
33 library?
34

35 **Commissioner Toms:** The former Mechanics Bank site (795 Fernandez Ave.) was
36 at one time considered for a public library.
37

38 **Commissioner Kurrent:** Expressed concern about memorializing uncertain facility
39 relocation in the General Plan.
40

41 **The Steering Committee concurred with this concern and consensus was
42 reached to strike tentative facility relocation from the Draft Community
43 Services & Facilities Element.**
44

45 **Commissioner McGoldrick:** Medical support facilities on page 8.0-13 AMR

1 (American Medical Response) was not included in the Element or the background
2 report. This information needed to be included and a clearer picture of medical
3 response services needs to be included in the Draft Community Services &
4 Facilities Element. This information should also be included on page 4.0-4. On
5 page 4.0-11 cites the City as providing ambulance service. This should be modified
6 to reflect AMR.
7

8 There have been approximately four (4) different dates showing the open date for
9 Fire Station 74. On page 4.0-3, it reads that the location for Station 73 does not
10 provide optimal coverage for West Contra Costa County. It does not specifically
11 address Pinole's needs. There is no referenced report or studies to supporting
12 location review for a future firehouse. This information should be deleted from the
13 report.
14

15 **Pinole Fire Chief Jim Parrott**, spoke about AMR and indicated that their contract
16 services are provided through an arrangement with Contra Costa County. They
17 must go through a competitive bidding process and review, before receiving a ten
18 year contract. The City does not retain local authority for selecting a provider.
19

20 A second location in the vicinity of Appian Way would allow the Fire Department to
21 serve a larger area of the City as well as the Tara Hills neighborhood in
22 unincorporated Contra Costa County, which is part of a 40-year contract agreement
23 between the City and the County for shared coverage. The Old Town Fire Station
24 provides adequate cover for portions of Hercules and Pinole, but not the City as a
25 whole.
26

27 The current level of fire services provided in the City is not sustainable. This has
28 driven the need to review other options and options with the County for shared
29 coverage.
30

31 **Commissioner Kurrent:** Language explaining the contract services with the
32 County should be included in the draft element. He referenced the Municipal
33 Service Review report from LAFCO and indicated that fire services will not be
34 sustainable without Measure "S"; a voter approved utility service tax that has helped
35 to pay for fire services in recent years. Comments related to station closure should
36 not be included in the General Plan.
37

38 **Commissioner Martinez-Rubin:** Noted that on page 34 language related to
39 response time is provided. She noted that that if the response time is to be less than
40 five (5) minutes, the language should be changed. Since the studies related to fire
41 services and stations has not been fully completed, what is really feasible for
42 response times?
43

44 **Mr. Rhodes:** Action on page 38 the Fire Department will strive to respond to
45 accidents within 5 minutes. Policy on the same page the City will develop a Fire

1 Action Safety Assessment Plan that will identify and compare different approaches
2 and facilities research. This allows for adjustments as new information and
3 approaches become available.
4

5 **Commissioner Martinez-Rubin:** Suggested that CS.2.3.5 on page 8.0-38 should
6 be moved to a policy statement and striving to meet that goal 90% of the time.
7

8 **Committee consensus was reached regarding changing CS2.3.5 to a policy**
9 **statement with a goal of achieving response time of five minutes or less 90%**
10 **of the time.**
11

12 **Commissioner Martinez-Rubin:** Suggested that a new action be included under
13 Goal CS.4 to include language to work with alternative educational institutions
14 including private schools, charter schools, etc.
15

16 **Mr. Rhodes:** Concern was expressed about this approach as the City does not
17 want to appear to favor private education when there are obligations to work
18 cooperatively the West Contra Costa Unified School District.
19

20 **The Steering Committee was not comfortable with this approach and**
21 **suggested that there are outside interests which would be able to facilitate**
22 **such dialogue. However, encouraging this as an explicit policy would be**
23 **difficult as there would be a public use of dollars for private services.**
24 **Additionally, the majority of private schools in Pinole are parochial. This**
25 **could call into question church and state issues.**
26

27 **Commissioner Sekins:** Commended the Subcommittee, staff, and PMC for
28 creating a nice document.
29

30 **Commissioner Toms:** Action CS 4.3.2: Does this refer to school busses or
31 WestCAT public transit? As an alternative, language should be modified for more
32 flexibility to read as “transportation options.”
33

34 **Committee consensus was reached regarding a language modification for**
35 **Action CS 4.3.2 to read as “transportation options.”**
36

37 At this time, the Chair deliberated for a five minute recess.
38

39 **Commissioner Kurrent:** Noted that page 8.0-6 should be rewritten. He noted that
40 comments had been provided to Mr. Rhodes in advance of the meeting. He disliked
41 the idea of consolidating fire services to one station and recommended that this
42 language be omitted as a bullet from item 2. He requested an action item to be
43 labeled as 4 to read as follows:
44

45 “Solidify funding for fire services by seeking an extension of the

1 Redevelopment Agency and Measure S Utility Tax. If the Redevelopment
2 Agency and Measure S Utility tax are not renewed, alternative funding
3 sources shall be researched to insure funding of the City Fire services.”
4

5 An Action item should accompany this language if the Steering Committee supports
6 this language inclusion.
7

8 The Steering Committee expressed concern about including the Redevelopment
9 Agency as a funding source since this is not a proper use of funds.
10

11 **Steering Committee consensus was reached to include the following**
12 **language under “Future Fire facility Needs”, omitting references to the**
13 **Redevelopment Agency.**
14

15 “Solidify funding for fire services by seeking an extension of the Measure S
16 Utility Tax. If the Measure S Utility tax are not renewed, alternative funding
17 sources shall be researched to insure funding of the City Fire services.”
18

19 **Steering Committee consensus was reached to omit the two bullets listed**
20 **under item 2 of the Future Fire Facility Needs.**
21

22 **Commissioner Kurrent:** Noted concern about language on page 8-12 related to
23 park dedication requirements as well as the statement that areas of the City of
24 Pinole are underserved and do not have a park within walking distance. How is this
25 defined and what areas of the City are undeserved?
26

27 **Scott Davidson, PMC,** noted that the numbers were derived from a 2007 Master
28 Parks Plan, prepared by Amy Wooldridge, Parks and Recreation Director. The total
29 active acreage was reviewed in relationship to the population of Pinole to create the
30 1.8 acres/1000 people. The Quimby Act bases their number based on active
31 recreation space.
32

33 **Steering Committee consensus was reached to modify language related to**
34 **park dedication and the previous research that was prepared. Confirm with**
35 **Parks & Recreation about the accuracy of the acreage, compare active vs.**
36 **total acreage, and indoor active facilities.**
37

38 **Commissioner Kurrent:** Suggested that additional language be provided to
39 address regular medical practice offices which exist in the City. This language
40 should be included after “Future Health-Related Facility Needs.” He suggested the
41 following language be included
42

43 “Pinole has a high number of medical offices including doctors, dentists, and other
44 medical professionals that help serve the medical needs of the City. Most
45 noteworthy is the new Kaiser Medical Facility on Pinole Valley Rd. and high

1 concentration of medical offices around the Tara Hills/Appian intersection. These
2 facilities were built around the now closed Doctors' Hospital. While these facilities do
3 not provide emergency services, they are valuable asset supporting Pinole's
4 medical needs."

5
6 **The Steering Committee noted that there is existing language referencing
7 Kaiser under the "Medical Support Facilities and Programs" header. They
8 moved by consensus to include the new language and omit references to
9 Kaiser under the "Medical Support Facilities and Programs" header.**

10
11 **Commissioner Toms:** Will the General Plan Background Report be modified?

12
13 **Ms. Ratcliffe:** Comments about the background report and elements will be
14 included in errata that will be created at a later date.

15
16 **Commissioner Toms:** Table 4.2 in the General Plan Background Report
17 provides figures for student enrollment. A middle school outside of Pinole
18 recently closed (Adams Middle School) and some students are now attending
19 Pinole Middle School. The errata should be prepared to reflect the enrollment
20 change.

21
22 **Commissioner Bender:** On page 8.0-32 the statement listed under "Future
23 Roadway Facilities and Operational Needs" identifies the need for future roadway
24 expansion. It is unclear where this additional roadway would come from and what
25 roads would be affected.

26
27 **Mr. Rhodes:** The City may look into acquiring right of way to accommodate
28 expansion including turn pockets and upgraded intersections. Expanding
29 roadways will come from private property.

30
31 **Commissioner Kurrent:** Also uncomfortable with this language. It is also in
32 conflict with the idea of narrowing lanes on San Pablo Ave.

33
34 **Mr. Rhodes:** This is not limited exclusively to automobile traffic. Expansion may
35 also include bicycle lanes and pedestrian improvements.

36
37 **The Steering Committee moved by consensus to modify the sentence to read
38 as follows: "This will likely result in the need for roadway expansion to
39 maintain levels of service. Opportunities for expanding roadway
40 infrastructure are limited. Alternatives to expansion shall be considered."**

41
42 2. Discussion of the Draft General Plan Alternatives

43
44 Mr. Rhodes presented the staff memo dated November 9, 2009. He introduced Ms.
45 Ratcliffe and Mr. Davidson who provided a Power Point presentation of the material.

1 Alternative ideas will be refined and brought back to the Steering Committee for
2 discussion at its December 14, 2009 meeting.

3
4 **Commissioner Toms:** Asked a question about the preferred project alternative.

5
6 **Ms. Ratcliffe:** Preferred project will be the proposed project “tweaked”. The
7 proposed project will not move forward as is and will be slightly modified.

8
9 **Commissioner Toms:** Where would the opportunities for a public health discussion
10 be described? This should fall under the Health & Safety Element. It could also fall
11 under the Sustainability section of the General Plan Update Objectives. Public
12 Health could be a point of sustainability.

13
14 **Commissioner Martinez-Rubin:** The Alternative categories seem broad. Are these
15 the correct topics too broad to accurately capture policy issues?

16
17 **Ms. Ratcliffe:** The categories are intended to be broad to allow for flexibility.

18
19 **The Steering Committee moved by consensus to affirm General Plan**
20 **Environmental Impact Report Alternatives.**

21
22 **H. CITY PLANNER’S/COMMISSIONER’S REPORT:**
23

- 24 1. Sewer lateral ordinance from Contra Costa County.
25 2. Growth Management Subcommittee Meeting on 11/18/09 at 3 pm
26 Sustainability Subcommittee Meeting on 11/20/09 at 3 pm
27 3. King Valley Menu sign: the City does not have a great deal of
28 enforcement authority to address the menu sign. However, this does raise
29 issues to discuss as part of the Zoning Ordinance update.
30 4. AT&T Cell Site at 1106 San Pablo Ave.: more branches are being
31 fabricated and are expected to be installed this month.
32 5. Draft EIR for the El Sobrante Specific Plan: Staff received the EIR and will
33 prepare a comment letter.

34
35 **Commissioner Sekins:** Perhaps Code Enforcement could look into dumpster
36 blight at various locations in the City including Embers and Arco gas station.

37
38 **Commissioner Toms:** Christmas tree lots currently operating in the City locate
39 temporary restroom facilities in clear public view along major arterials. Can staff
40 please direct, as a condition of approval, the facilities be located out of the public
41 view and properly screened.

42
43 **Commissioner Brooks:** Veterans’ Day Flag Ceremony at Fernandez Park on
44 11/11/09 at 10 am.
45

1 **Commissioner Kurrent:** The Steering Committee should work in good faith with
2 other transit agencies and neighboring jurisdictions on proposed roadway issues
3 including the potential narrowing of San Pablo Ave.
4

5 **I. ADJOURNMENT:** 10:20 P.M.
6 Transcribed by: Associate Planner Anne Hersch