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

December 14, 2009

**THE PLANNING COMMISSION**

15 **A. CALL TO ORDER:** 7:00 P.M.

16  
17  
18 **B. PLEDGE OF ALLEGIANCE AND ROLL CALL:**

19  
20 Commissioners Present: Bender, Brooks, Martinez-Rubin, McGoldrick, Sekins,  
21 Toms, Chair Kurrent

22  
23 Staff Present: Winston Rhodes, Planning Manager  
24 Scott Davidson, PMC Project Manager

25  
26 **C. CITIZENS TO BE HEARD:**

27  
28 There were no citizens to be heard.

29  
30 **D. CONSENT CALENDAR:**

31  
32 1. Planning Commission Meeting Minutes of November 9, 2009.

33  
34 Commissioner Kurrent noted that on p.5 line 35, p. 7 lines 2-3, and p. 7 lines 16-18  
35 Measure S was referenced as a utility tax. He asked that this be revised to read the  
36 "The City's Utility Tax" for accuracy.

37  
38 **MOTION: Brooks** **SECONDED: Bender**

39  
40 **APPROVED: 7-0**

41  
42 **E: PUBLIC HEARING**

43  
44 **None.**

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<b>THE PLANNING COMMISSION AS STEERING COMMITTEE FOR THE GENERAL PLAN UPDATE PROCESS</b>
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6 **F. OLD BUSINESS:**

- 7  
8 1. 1106 San Pablo Avenue (File # CUP 08-03) AT&T Faux Tree Update

9  
10 Commissioner Kurrent recused himself from the discussion and exited the room.

11  
12 Planning Manager Winston Rhodes, presented the staff memo dated December 14,  
13 2009.

14  
15 Jacob Hamilton, site acquisition manager for Ericsson, and John Fillion, project  
16 manager for Ericsson, were present.

17  
18 Mr. Hamilton addressed the Commission and acknowledged a “stubby” appearance  
19 of the faux tree. Trees are not built alike and are typically taller than the 35 ft. height  
20 of the tree at 1106 San Pablo Ave. He indicated that spacing below is provided for  
21 future collocation for different providers. He suggested adding branches 5 ft. below  
22 the lowest existing branch line and including longer branches closest to base of the  
23 would enhance the appearance of the faux tree.

24  
25 Commissioner Bender noted that he did not see space reserved for future wireless  
26 providers and asked if there are plans for future collocation.

27  
28 Mr. Hamilton noted that this was not shown on the plans as it is undetermined.

29  
30 Commissioner Bender was not concerned about the height of the tree. He stressed  
31 that additional density of branches to enhance tree appearance.

32  
33 Commissioner Toms asked about possibly rearranging branches if there were future  
34 collocations at the site.

35  
36 Mr. Hamilton noted that this could be accommodated in the event that there is a  
37 future collocation request.

38  
39 Commissioner Sekins noted that he thought the existing fence line is sufficient to  
40 match the branch line.

41  
42 Commissioner Brooks indicated that he preferred the tree be modified to match the  
43 photo simulations provided at the original project approval. He also asked that the  
44 Planning Commission review improved tree appearance prior to final inspection  
45 approval.

1  
2 Commissioner Martinez-Rubin asked about Mr. Hamilton’s statement of “faux trees  
3 taking on a life of their own.”  
4

5 Mr. Hamilton noted that sometimes faux trees are built to plan but look entirely  
6 different than the proposed visual simulation once installed. In that instance, this  
7 leads to aesthetic concerns and additional improvements.  
8

9 *The Planning Commission requested that the tree be modified to include denser*  
10 *branches and the additional branches be installed 5 ft. below the current branch*  
11 *line. Once this work is complete, staff will provide a picture of the improvements to*  
12 *the Commission for a consensus approval prior to staff providing final approval in*  
13 *the field.*  
14

15 **G. NEW BUSINESS:**

16  
17 **1. Review of Draft Growth Management Element**  
18

19 Commissioner Kurrent noted that this element is mandated as a result of the  
20 Measure C gas tax passed in 1988. This tax is a voter approved measure unique  
21 to Contra Costa County where the tax is collected and returned to jurisdictions for  
22 local roadway improvements through the Contra Costa Transit Authority (CCTA).  
23 This measure was reaffirmed by voters in 2004 as Measure J.  
24

25 Mr. Rhodes presented the staff report dated December 14, 2009.  
26

27 Commissioner Bender inquired about Section 4.0-5 where it was noted that traffic  
28 is at Level of Service (LOS) threshold “F” is proposed for the Old Town portion of  
29 San Pablo Ave. If LOS F did not happen, would there be funding or other  
30 implications to the City?  
31

32 Mr. Rhodes noted that the Action Plan for the West Contra Costa Transportation  
33 Advisory Committee (WCCTAC) presently includes a LOS E threshold for the Old  
34 Town portion of San Pablo Ave. If the City of Pinole sets the threshold at LOS F,  
35 an amendment to the WCCTAC Action Plan would be needed to provide  
36 consistency between the City’s General Plan and the Action Plan. For a variety of  
37 reasons including economic development, safety, and greenhouse gas  
38 emissions, changing the LOS F threshold makes sense.  
39

40 Commissioner Kurrent stated that 18% of the sales tax collected is returned to  
41 jurisdictions in Contra Costa County. San Pablo Ave. is a route of regional  
42 significance. If the LOS is changed, the City and the WCCTAC Action Plan will  
43 need to be consistent to insure that the City’s funding is not jeopardized.  
44

45 Mr. Rhodes indicated that it is anticipated that San Pablo Avenue will experience

1 LOS F based on through traffic from future development and population  
2 increases outside of Pinole. To be eligible for CCTA funding, the City must show  
3 that we work cooperatively with the County and adjacent cities on our General  
4 Plan as well as development projects.

5  
6 Commissioner Bender noted that on pg. 12 of Attachment B items 3 & 4 were  
7 stricken. He asked for a brief explanation why this occurred.

8  
9 Mr. Rhodes stated that the language noted below in revised items 3 & 4 is  
10 intended to substitute the previously prepared language and is consistent with  
11 CCTA language.

12  
13 Commissioner Martinez-Rubin inquired about the LOS operations detailed in  
14 Action Item GM 3.2.1 and asked if specific street identification will be included.

15  
16 Mr. Rhodes noted that Action GM 3.2.1 should be consistent with the Circulation  
17 Element. When the Circulation Element is reviewed, an exhibit showing  
18 roadways and their proposed LOS designations will be provided.

19  
20 Commissioner Kurrent noted that this information was not imperative to include in  
21 the Growth Management Element and that it could be omitted if the Commission  
22 so directed.

23  
24 Mr. Rhodes agreed that this information could be excluded from the Growth  
25 Management Element. However, for the purposes of assessing traffic impacts  
26 and related development impact fees, this information is helpful as it quantifies  
27 impacts and allows the City to better establish traffic level of service  
28 expectations.

29  
30 Commissioner Martinez-Rubin noted that on pg. 14 GM 3.3.1 showed the word  
31 "automobile" she asked that this be changed to "vehicle."

32  
33 PUBLIC HEARING opened. No citizen comments.

34  
35 Commissioner Toms noted that on pg.9 GM 1.1.1 regional transit agencies which  
36 are listed need to be spelled out instead of only providing acronym identification  
37 and renumber the action as there are two GM 1.1.1 Actions listed.

38  
39 The Planning Commission affirmed the staff recommended changes as noted in  
40 the report.

- 41  
42 1. *The Growth Management Subcommittee added Action 1.1.1 relating to regional*  
43 *planning. The Steering Committee may wish to add several other regional*  
44 *planning agencies to the action and distinguish transit providers from planning*

1 agencies to clarify the action. Staff suggested the Action be revised to read as  
2 follows with acronyms added to the General Plan glossary:

3  
4 **ACTION GM.1.1.1 Regional Planning.** Work with regional planning agencies  
5 (e.g. MTC, ABAG, CCTA, WCCTAC, BCDC, and BAAQMD) and transit providers  
6 (e.g. WestCAT, AC Transit, and BART) to address regional land use,  
7 transportation, and environmental issues.

8  
9 Commissioner Martinez-Rubin inquired about specific language related to park  
10 and open space standards to insure that future developers adhere to park  
11 requirements.

12  
13 Mr. Rhodes indicated that this language is included the draft element in Goal  
14 GM.2 and Action Item GM 2.2.1.

15  
16 He also emphasized that “Make provision for” gives staff additional leverage to  
17 take future actions and policies forward to help implement the General Plan  
18 goals.

19  
20 *The Commission moved by consensus to modify the language as it was written in*  
21 *the staff memo to read:*

22  
23 *Parks:* *Make provision for 3.0 acres of neighborhood or regional parks, or 5.0*  
24 *acres of dedicated open space per 1,000 residents.*

25  
26 Commissioner Kurrent referenced the language under the “Fire” header on pg.  
27 4.0-10. He noted that in the draft “Community Services & Facilities Element” “5  
28 minute response time for 90% of calls” was stated. He asked that that same  
29 language be modified here for consistency.

30  
31 *The Commission agreed by consensus to keep the language consistent.*

32  
33 Commissioner Kurrent referenced Action 3.2.1 He asked that a text reference be  
34 used to reference LOS. He proposed “apply the traffic circulation objective  
35 established in the Circulation Element.”

36  
37 *The Commission moved by consensus to modify the language change as*  
38 *proposed by Commissioner Kurrent.*

39  
40 Commissioner Kurrent raised the fourth issue highlighted in the staff memo  
41 related to Action GM 3.2.2.

42  
43 The Commission moved by consensus to delete the language related to “basic  
44 routes” be deleted.

1 Commission Kurrent raised the fifth issue identified in the staff report related to  
2 Goal GM3 and Policy 3.6.

3  
4 The Commission moved by consensus to approve staff recommendation as  
5 noted in the memo.

6  
7 **GOAL GM.3 Efficient and Safe Transportation.** *Support land use patterns that*  
8 *make efficient use of the transportation system and enhance public safety.*

9  
10 **POLICY GM.3.6 Mobility-Impaired.** *Support efforts to provide safe and*  
11 *convenient transportation systems for all citizens of Pinole, particularly mobility*  
12 *impaired individuals.*

13  
14 Commissioner Sekins noted that “Background” could omitted from the tale of  
15 content and replaced with “Local Requirement” for consistency with language  
16 and headers on p. 4.0-2.

17  
18 The Commission agreed with Commissioner Sekins’ comments and requested  
19 that the language be changed.

## 20 21 **2. Review of the Draft Sustainability Element**

22  
23 Mr. Rhodes presented the staff report dated December 14, 2009. He noted that  
24 the City received a letter from San Francisco Baykeeper dated December 8,  
25 2009, with recommendations to incorporate low impact development studies as  
26 part of the General Plan. He noted that proposed actions SE 9.1.4 and 9.1.8  
27 address C-3 issues and low impact development.

28  
29 Commissioner Martinez-Rubin noted that there are some references to “compact  
30 development” throughout the draft Sustainability Element. She asked if “compact  
31 development” and “low impact development” were in conflict with each other.

32  
33 Mr. Rhodes explained that “compact development” is intended to minimize  
34 development impacts and preserve open space. Both concepts are coordinated  
35 with each other and not in conflict.

36  
37 PUBLIC HEARING opened.

38  
39 ROSALIND BECKER, representing San Francisco Baykeeper, promoted the  
40 holistic inclusion of low impact development policies within the General Plan. She  
41 indicated that San Francisco Baykeeper advocates for low impact development  
42 to reduce storm water pollution control in the Bay Area. She complimented the  
43 draft language in the draft Sustainability Element as being progressive and  
44 consistent with her organization’s objectives. She summarized the details  
45 contained in the letter dated December 8, 2009.

1  
2 Commissioner Brooks asked if Ms. Becker could make recommendations for  
3 policing and properly monitoring storm water control.  
4

5 Ms. Becker indicated that low impact development is intended to be sustainable  
6 over the long term. Other jurisdictions also install interpretive signage to help the  
7 public better understand what drains to the Bay.  
8

9 Commissioner Bender indicated that on pg. 11.0-20, number Action SE 4.5.2 is  
10 missing. He asked for reasoning behind this decision.  
11

12 Commissioner Kurrent acknowledged that he asked at the Subcommittee level  
13 that the language be struck. He explained that an exclusive solar power  
14 approach excludes other sustainable development practices. He indicated that  
15 LEED standards are broader and encompass multiple sustainable development  
16 methods.  
17

18 Commissioner Toms suggested that staff incorporate Baykeeper ideas to the  
19 maximum extent possible in the Sustainability Element.  
20

21 *The Commission moved by consensus to incorporate comments from the*  
22 *Baykeeper letter dated December 8, 2009 in the Sustainability Element and*  
23 *Zoning Code update.*  
24

25 Scott Davidson, PMC, suggested that language be kept at the policy level and  
26 suggested that the Commission review other jurisdictions' approach to adopt  
27 recommendations from Baykeeper.  
28

29 Commissioner Martinez-Rubin noted that the opening statement of "Social  
30 Systems" on pg. 11-0.4 emphasized historic preservation and the accompanying  
31 bullets did not relate to historic preservation. She proposed language to include  
32 "The City will support policies that foster and sustain preservation of safe  
33 neighborhoods, services, and . . ."  
34

35 Commissioner Toms expressed reticence to change the language until proper  
36 draft language is prepared for future review by the Steering Committee. She  
37 suggested that the draft Sustainability Element could be reviewed again by the  
38 Steering Committee which could consider a language change at a later date.  
39

40 Commissioner Martinez-Rubin noted that on pg. 11.0-5 under "Economic  
41 Systems" additional language could be included about supporting training  
42 programs to prepare the local workforce for local employment opportunities.  
43

44 Commissioner Kurrent noted that the first two bullets related to jobs/housing  
45 balance and adequate housing to create human capital and address

1 Commissioner Martinez-Rubin's concern.  
2

3 Mr. Rhodes noted that the additional language to address human capital could  
4 be added but the focus of the Sustainability Element is intended primarily to  
5 address environmental policy rather than education policies relating to job  
6 training.  
7

8 Commissioner Sekins complimented the use of a Sustainability icon in the  
9 element. He asked if the icon would be included in other elements.  
10

11 Mr. Davidson noted that this would be included in the Circulation Element.  
12

13 Commissioner Martinez-Rubin asked that language of "community garden" be  
14 included in parentheses on Action SE 9.2.3. Commissioner Toms asked about  
15 what is considered locally grown organic foods. Commissioner Sekins suggested  
16 revising this Action to better define the locally grown concept.  
17

18 *The Commission moved consensus to include additional language for Action SE*  
19 *9.2.3 and asked staff reword the Action for review at a later date.*  
20

21 Commissioner Kurrent emphasized the importance of researching and creating a  
22 Green Building Ordinance.  
23

24 The Commission requested that the item be discussed further on the January 11,  
25 2010 Steering Committee meeting to address further language changes including  
26 the addition of further Low Impact Development policy language.  
27

### 28 **3. Review of 2010 Meeting Schedule** 29

30 Mr. Rhodes presented the proposed 2010 Planning Commission Meeting  
31 schedule.  
32

33 Commissioner Sekins asked why two meetings are scheduled for September and  
34 October 2010.  
35

36 Mr. Rhodes indicated that he expects the General Plan to be acted upon in the  
37 fall and is not certain how many meetings may be required to complete the  
38 review and adoption. He also indicated there could be many members of the  
39 public who may speak towards the end of the review process and thought it  
40 prudent schedule more meetings to accommodate further input and comments.  
41

42 Commissioner Kurrent acknowledged the joint workshop meetings between the  
43 Council and Commission and encouraged Commissioners to participate and  
44 share their experiences from the Subcommittee and key Steering Committee  
45 issues.

1  
2 Commissioner Bender asked about current planning project submittal and  
3 expectations for 2010.

4  
5 Mr. Rhodes acknowledged that the meeting schedule could be adjusted if there  
6 were not enough items for discussion.

7  
8 Commissioner McGoldrick asked if packets would still be prepared and  
9 distributed four days in advance.

10  
11 Mr. Rhodes acknowledged that packets will still remain available for pick-up the  
12 Friday before a Planning Commission hearing.

13  
14 **H. CITY PLANNER'S / COMMISSIONER'S REPORT:**

15  
16 **1. 11/25/09 Monica Shaw Letter**

17  
18 Mr. Rhodes provided a summary overview of the letter dated 11/25/06. He  
19 explained that Ms. Shaw has attempted to establish a group home but was  
20 unable to obtain financing due to zoning issues. She requested that her property  
21 be reclassified in the San Pablo Avenue Specific Plan as Residential Mixed Use.  
22 He also explained that the current zoning and proposed zoning will allow for a  
23 group home. Staff would be more than happy to prepare a letter to Ms. Shaw's  
24 lender explaining this information.

25  
26 MONICA SHAW explained that the lenders she has worked with see the zoning  
27 purely as commercial and have not granted a loan for her proposed group home  
28 as a result. She mentioned that three of the ten properties near her support a  
29 change for residential mixed use and most of the existing uses in the immediate  
30 vicinity.

31  
32 Commissioner Toms asked that this letter be noted and included as part of EIR  
33 alternative.

34  
35 Mr. Rhodes noted that this change could be included as part of the EIR  
36 alternative that includes more residential development than the proposed project  
37 alternative to provide the Commission with the flexibility to make a land use  
38 change to residential mixed use.

39  
40 **2. 12/8/09 Rosalind Becker Letter**

41  
42 Commissioner Kurrent noted that Ms. Becker's letter had been previously  
43 discussed in the meeting.

44  
45 **3. 12/7/09 970 Appian Way County Project Comment Letter**

1  
2 Mr. Rhodes provided a summary overview of the letter and noted that he is  
3 scheduled to meet with the project architect and County planner on Thursday  
4 12/17/09. He noted that the project was continued to the County Planning  
5 Commission hearing scheduled for January 26, 2010.

6  
7 Commissioner Kurrent asked if the City was within its rights to file a lawsuit for  
8 failure to circulate the CEQA document.

9  
10 Mr. Rhodes explained that a lawsuit would not be warranted as this was an  
11 oversight on the part of the County and not intentional. The county planner  
12 assigned to the project was making a concerted effort to circulate the document  
13 for additional review.

14  
15 **4. 12/7/09 215 Skelly Road Hercules Project Comment Letter**

16 Mr. Rhodes provided a summary of the letter dated 12/7/09. He acknowledged  
17 that Commission Bender attended the Hercules Planning Commission hearing.

18  
19 Commissioner Bender noted there was a Design Review Subcommittee which  
20 reviewed the tree design. He also noted that landscaping will be provided but  
21 only for the Hercules side. Equipment would be visible from Pinole. He expressed  
22 concern at the Hercules public hearing. The Hercules Commission overall was  
23 supportive of the project and required the some recommended conditions  
24 identified in the letter dated 12/7/09.

25  
26 Mr. Rhodes noted that a comment letter for the draft Downtown El Sobrante  
27 Specific Plan will be prepared by staff and provided to the Commission.

28  
29 **I. COMMUNICATIONS:**

30  
31 Commissioner Martinez-Rubin noted that she sent an informational e-mail to  
32 EDHAC and the Commission about Bay Regional Housing Equities Initiative.

33  
34 Mr. Rhodes noted that on Thursday December 17, 2010 that the Pinole Chamber of  
35 Commerce will hold public meeting at Kaiser Medical Offices to discuss the draft  
36 Specific Plan/General Plan.

37  
38 Commissioner Martinez-Rubin asked if summary information from the meeting  
39 could be provided to the Commission after the meeting.

40  
41 Commissioner Bender explained that he attended a community center  
42 groundbreaking in San Jose which utilized low impact development practices similar  
43 to what San Francisco Baykeeper recommends. He said he would try to bring  
44 pictures at the next meeting.

1 J. **NEXT MEETING:** Planning Commission Regular Meeting January 11, 2010

2

3 K. **ADJOURNMENT:** 10:15 P.M.

4

5 Transcribed by: Anne Hersch, Associate Planner

6

7