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3
4 **MINUTES OF THE**
5 **PINOLE PLANNING COMMISSION**
6 **SPECIAL MEETING**

7
8 **April 6, 2015**
9

10
11 **A. CALL TO ORDER: 7:00 P.M.**
12

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

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

18 Commissioners Absent: None
19

20 Staff Present: Winston Rhodes, Planning Manager
21

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

24 There were no citizens to be heard.
25

26 **D. CONSENT CALENDAR:**
27

28 **1. Planning Commission Meeting Minutes from February 9, 2015**
29

30 **2. Planning Commission Meeting Minutes from February 23, 2015**
31

32 Commissioner Toms requested an amendment to Lines 40 and 41 on Page 6 of
33 the minutes of the February 9, 2015 meeting, as follows:
34

35 *In response to the question about the bus turnout at the Library,*
36 *Commissioner Toms reported that it was a high priority of the Oversight*
37 *Committee's Pinole Valley High School Subcommittee.*
38

39 **MOTION** to adopt the Consent Calendar, with an amendment to the minutes of the
40 February 9, 2015 meeting.
41

42 **MOTION: Martinez-Rubin SECONDED: Toms APPROVED: 7-0**
43

44 **E. PUBLIC HEARINGS:**
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46

1 **1. Design Review (DR 14-11), Conditional Use Permits (CUP 14-05, 14-06,**
2 **14-07, and 14-08), a Tentative Parcel Map (MS 651-14) and a**
3 **Development Agreement (DA 14-01); Gateway Shopping Center**
4 **project.**

5
6 **Request:** Consideration of design review request; use permits for a sign
7 program, one drive through, grocery store alcohol sales, outdoor dining and
8 outdoor merchandise display; a tentative parcel map; and a Development
9 Agreement to construct a commercial development with three retail
10 buildings totaling approximately 40,558 square feet; one approximately
11 4,000 square foot office building; an approximate 75-foot pylon sign; and
12 related improvements. The project site is an approximately 5.7-acre site,
13 consisting of three existing parcels totaling 5.5 acres and an approximately
14 0.16-acre portion of the Pinole Creek property.

15
16 **Environmental Review:** The City prepared a draft Mitigated Negative
17 Declaration (MND) to identify the potential environmental impacts of the
18 project. The Planning Commission will consider the draft MND and
19 accompanying Mitigation Monitoring and Reporting Program (MMRP).

20
21 **Applicant:** Thomas Gateway LLC
22 3100 Oak Road, Suite 140
23 Walnut Creek, CA 94597

24
25 **Location:** East and west sides of Pinole Valley Road north of Interstate
26 Highway 80 and south of Henry Avenue, APNs 401-211-032
27 and -034, and 401-410-017

28
29 **Project Planner:** Winston Rhodes

30
31 Mr. Rhodes presented a PowerPoint presentation of the project; described in
32 extensive detail the project components; and introduced the environmental
33 consultants who had prepared the MND, including the traffic analysis, in
34 compliance with the California Environmental Quality Act (CEQA). He also
35 identified a major change to the project since the public workshops related to the
36 medical office building, which had previously been proposed at 9,886 square feet
37 but which had now been reduced to 4,000 square feet in response to public
38 feedback and concerns with respect to parking.

39
40 NICK PAPPANI, Vice President, Raney Planning and Management, provided an
41 overview of the Initial Study prepared in compliance with CEQA; identified the
42 technical studies required for the project including traffic, noise, air quality,
43 Greenhouse Gas Emissions (GHGs), biological resources, cultural resources, and
44 a Phase I Environmental Site Assessment; identified the CEQA review findings for
45 potentially significant environmental impacts pursuant to categories of impacts;
46 and stated that all comment letters received in response to the draft Initial Study

1 had been addressed and certain changes had been made to the CEQA
2 documents, as reflected in the staff report. No new impacts had been identified.

3
4 STEVE ABRAMS, Abrams Associates Traffic Engineering, extensively detailed the
5 traffic report including intersection standards, estimated contribution to future traffic
6 percentages, trip generation for the project, and advised that a third of the traffic
7 would be from the local traffic stream. He identified the City of Pinole and Caltrans
8 traffic standards, and noted that queuing was not an impact under CEQA, although
9 the City had requested that the queuing be reviewed and the consultant had
10 concluded that due to the traffic from Starbucks, the left turn pocket at the
11 signalized intersection on Pinole Valley Road closest to the proposed coffee shop
12 should be extended at least 50 feet, with improvements to the westbound
13 Interstate 80 on-ramp recommended. The Traffic Consultant had also
14 recommended that the City pursue a right turn pocket at the main signalized
15 intersection access point for the western portion of the project site to reduce the
16 queuing at the approach to the western portion of the project site. Based on the
17 consultants' review of the operations, there would be no substantial change in
18 emergency response times. He added that traffic calming had been reviewed;
19 speed bumps were not allowed on Henry Avenue and Pinole Valley Road although
20 the City could consider the use of speed tables at the crosswalks to reduce speed
21 within the project site.

22
23 Mr. Rhodes advised that both Police and Fire Departments had been consulted on
24 the preparation of the staff report, and had assured Planning staff that traffic would
25 not affect or impair their ability to provide services within the City. In response to a
26 flyer which had been disseminated in the community, he clarified inaccuracies in
27 the flyer and verified that the project was consistent with the policies of the General
28 and Specific Plans. For the benefit of the audience, he also stated that the
29 requests before the Planning Commission involved recommendations to the City
30 Council allowing another opportunity for public comment.

31
32 When asked by the Commission, Mr. Pappani clarified that the City had an
33 adequate water supply for the project and that drought tolerant landscaping had
34 been proposed.

35
36 Mr. Abrams also noted, when asked, that most improvements that could be made
37 to the existing Pinole Valley Road lane configuration leading to the I-80 westbound
38 on-ramp were infeasible requiring a rebuild of the overpass, which Caltrans was
39 not likely to do, and which might be addressed through ramp metering.

40
41 Mr. Rhodes added that an additional free right turn onto the westbound on-ramp
42 for I-80 would require more right-of-way (ROW), and while the project was
43 conditioned to dedicate ROW for a portion of the right turn lane that would be
44 insufficient to accommodate the turn.

45
46 Development Services Director Dean Allison, acknowledged the hope that when

1 the bowling alley property was developed, the City would receive the balance of
2 the ROW needed. He added that there would be no loss of parking for Kaiser as a
3 result of the project, and Kaiser was supportive of the project.
4

5 Mr. Rhodes clarified the restrictions of truck traffic on Henry Avenue would be
6 enforced by the Police and the Development Services Departments, although if
7 determined by the City Council, the restrictions could be built into the Development
8 Agreement (DA). The City may consider revocation of the use permit if the
9 conditions were not met subject to a public hearing, or consider fines for each
10 occurrence of non-compliance of conditions. In addition, the disposition of the
11 property from the former Redevelopment Agency would be addressed by the City
12 Manager and the City Attorney.
13

14 PUBLIC HEARING OPENED 15

16 STEVE THOMAS, Thomas Properties, the applicant for Thomas Gateway LLC,
17 detailed the components of the project, the extensive review by the Planning
18 Commission, the Planning Commission Development Review Subcommittee, City
19 staff, consultants, and the public workshops since 2013, to create a strong
20 sustainable, economically sound, visually, and well balanced shopping center and
21 a gateway to Old Town. He requested Commission approval to move the project
22 on to the City Council.
23

24 ELLIOTT THOMPSON, Pinole, suggested emergency response times would be
25 impacted by the development, particularly in the valley due to an increase in traffic.
26 He questioned the time period when the traffic study had been done, suggested it
27 had not taken into account the peak periods, and noted that Pinole Valley High
28 School was not at capacity and that when it is rebuilt traffic would increase.
29

30 BOB KOPP, Pinole, found the project would offer healthy choices and much
31 needed revenue to the City. He stated the developer had done a good job with the
32 architectural details, suggested the applicant had done what the City had asked
33 and had made revisions to the project, and expressed concern with the time
34 involved in getting any development approved in the City leading to possible lost
35 business and revenues.
36

37 CAROL THOMPSON, Pinole, speaking on behalf of Ellissa Thompson, her
38 daughter, spoke to a recent vehicle/pedestrian accident in front of Kaiser and its
39 correlation to the Corridor Specific Plan. She questioned the conclusions of the
40 traffic study, asked for traffic calming measures, disagreed that the project met
41 CEQA requirements; referenced statements from the East Bay Municipal Utility
42 District (EBMUD) in response to the Initial Study MND, particularly as related to
43 steelhead trout and the lack of a setback from the creek; and understood the drive
44 through analysis had been based on a 2004 traffic study, which should be
45 reanalyzed. She urged a current traffic study to take into consideration existing
46 conditions and peak traffic periods.

1
2 JIM BROWNLEE, Pinole, expressed concern with what he described as an
3 inappropriate parking formula used by the City; stated that Sprouts Markets
4 typically had over 100 employees which would impact the parking
5 accommodations, and the bus stop provided no parking which would add to the
6 parking constraints that could impact future developments.
7

8 JULIAN KRAYNIK, Pinole, also found the project to be inadequately parked,
9 suggested Sprouts employees would take up much of the parking, and suggested
10 the potential for shared parking at the bowling alley should not be included in the
11 total parking count.
12

13 BETH RODRIGUES, Pinole, expressed concern with safety, particularly with the
14 proposed truck deliveries in relation to sporting events in the area; suggested the
15 traffic and parking considerations were incomplete; and was disappointed with
16 another Starbucks when the community was already saturated.
17

18 NASSER KASHAVI, Pinole, also expressed concern with large truck traffic
19 affecting Henry Avenue; recommended that Henry Avenue be expanded to three
20 lanes with a center lane for truck traffic; recommended an area for school drop-offs
21 to relieve the traffic constraints; was concerned with the parking conditions; and
22 expressed concern with increased light pollution from the 75-foot high pylon sign
23 and suggested that the illumination be turned off after 9:00 P.M.
24

25 LORINA TURINAI, Pinole, suggested the development was too close to the creek;
26 emphasized the goal of the creek to maintain water quality and habitat, with
27 investments to protect steelhead trout; urged the use of native plant material; and
28 encouraged the creek to be a destination location. She suggested the project was
29 too large, too close to the creek, should be sustainable, and should preserve the
30 Pinole environment for future generations.
31

32 CAROL THOMPSON, spoke on behalf of Ryan McCann who had raised concerns
33 with safety, the existing traffic conditions and speed along Pinole Valley Road, and
34 urged traffic calming options along Henry Avenue and Pinole Valley Road, and
35 lowering the speed of traffic to 15 MPH near schools. She questioned whether
36 Henry Avenue could accommodate the weight of tractor trailers on a daily basis.
37

38 Recognizing that some of the audience members had left the meeting and that Ms.
39 Thompson desired to speak for some of those individuals, Mr. Allison advised that
40 written testimony would be accepted.
41

42 SAL SPATARRO, Pinole, objected to a drive through Starbucks and suggested
43 that the commercial components of the project be situated on one side of the road
44 with the medical uses on the other. He suggested traffic to Starbucks would
45 impact ingress/egress to Kaiser, and was convinced traffic would come off the
46 freeway to access Starbucks,

1
2 FRED LILES, Pinole, a commercial driver familiar with the freeway traffic along
3 580 and I-80, questioned the traffic analysis that had been prepared, and
4 encouraged more home development as opposed to commercial development.
5 He urged the preparation of a new traffic analysis to replace the 2004 study.
6

7 STACEY MARTIN-BONADUCE, Pinole, suggested traffic would be an issue
8 regardless of any traffic study, particularly due to Collins Elementary and Pinole
9 Valley High Schools. She suggested the City did not need more fast food
10 businesses and Starbucks and urged more local businesses such as those in Old
11 Town. She also expressed concern with safety for those trying to cross the street,
12 the proliferation of shopping carts, and the sale of alcohol given the close proximity
13 of the school.
14

15 IRMA RUPORT, Pinole, expressed concern with diesel trucks traveling left onto
16 Henry Avenue; questioned the adequacy of the time restrictions for truck
17 deliveries; and referenced a recent presentation to the City Council by the Contra
18 Costa Transportation Authority (CCTA) for improvements to I-80 that were
19 intended to ease the traffic conditions into Pinole.
20

21 DAVID RUPORT, Pinole, spoke to the animal corridors parallel to the proposed
22 Sprouts property and Gateway West, and suggested that some of the mitigations
23 proposed could place that wildlife in jeopardy. He urged consideration of more
24 efficient mitigations, and attention to the potential impacts from garbage/trash from
25 the project site and its proximity to a Clean Water Area.
26

27 MATT BIELBY, Pinole, expressed concern for all of the potential impacts and
28 urged the City to listen to the concerns of the residents and do what was right for
29 Pinole.
30

31 MIKE STOTT, Pinole, disagreed with the conclusions of the traffic study;
32 suggested the project would not benefit the majority of Pinole; suggested that
33 Sprouts would add to the existing traffic conditions throughout the day and impact
34 school traffic and emergency vehicle responses; and asked for clarification of the
35 boundary of, and allowable businesses in Old Town.
36

37 TERESA STOTT, Pinole, asked whether noise pollution had been taken into
38 consideration and suggested that both noise and light pollution would impact
39 wildlife in the creek.
40

41 THOMAS FLORIN, Pinole, referenced the former uses on the project site and
42 supported new development in the City.
43

44 ANTHONY GUTIERREZ, Pinole, questioned the allowable height of the pylon
45 sign; the proximity of Sprouts to Collins Elementary School with respect to the sale
46 of alcohol; whether the applicant had a legal right to the properties vis a vis a legal

1 lease or sales agreement; and whether the traffic study had been prepared when I-
2 80 was heavily congested and during a worst case scenario.

3
4 MICHAEL BAUM, Pinole, spoke to the potential impacts from the left hand turn
5 pocket and objected to waiting to resolve that situation until the future development
6 of the bowling alley site; suggested a left hand turn into Sprouts was not feasible
7 with little area to accommodate that movement; and cited a number of concerns
8 with traffic movements into and out of the site.

9
10 PAUL JOSEPH MARIOTTI, Pinole, liked the project and commended all of the
11 work involved; supported a 100-foot setback from the creek; and expressed his
12 hope that the existing trees would be retained and that more would be planted.

13
14 **REBUTTAL:**

15
16 Mr. Thomas clarified that the Pinole Police Department had been involved with the
17 project in relation to the required distance from the sales of alcohol to a school,
18 and he understood there were no problems.

19
20 Mr. Abrams described the extensive Level of Service (LOS) calculations that had
21 been provided for each intersection; studies conducted during the entire day and
22 traffic counts two hours in the morning and afternoon with the highest peak hour
23 from each intersection which had determined that the conditions would not change
24 significantly with continued congestion now and in the future; the analysis based
25 on traffic generated during the peak periods and peak hours with overlap of school
26 and other traffic on Pinole Valley Road; accident patterns along the route; and
27 stated that no data from the 2004 traffic study had been used in that the analysis
28 of the drive through was new and no queuing analyses had been carried over.
29 The safety problem referenced was not a safety problem but a recommendation to
30 follow Caltrans standards which already applied to major intersections with
31 vegetation and landscaping to be maintained to avoid blocking oncoming traffic.
32 As an option, the traffic consultant had recommended a restricted right turn only
33 movement into the project only if a problem were to develop, but which had not
34 occurred; there was no pattern of accidents or concern of additional traffic added
35 to the outbound right turn movement; and speed feedback signs required radar
36 surveys and the City had limited funds and locations to place such signs.

37
38 Mr. Abrams added that the worst case scenario with congestion on the freeway
39 had been analyzed during the traffic counts with the hope that metering would
40 lessen the congestion. An additional lane inbound had not been considered in this
41 case since single lanes would feed into the site, and would clear out fast enough.
42 If an additional lane was necessary for Starbucks in the future some landscaping
43 could be removed. KEEP CLEAR markings would also help to prevent vehicles
44 from obstructing through traffic while waiting in the drive through queue.

45
46 Mr. Pappani reiterated that the project was compliant with CEQA; there were

1 requirements for the protection of special status fish species; the project did not
2 include any in-channel improvements; the proximity of the development to the site
3 had been reviewed; the project was compliant with C.3 Water Infiltration
4 Standards; and the stormwater system had been designed to prevent any water
5 from entering the creek area. Operational noise associated with truck deliveries
6 had been evaluated by the Noise Consultant which had found that truck noise
7 levels on average would be less than the City's standards due to the distance from
8 the nearest residential receptors; and the illumination from the proposed 75-foot
9 high pylon sign would be addressed through the proposed project mitigations.

10
11 Mr. Allison added that C.3 Water requirements would improve with the project, and
12 if the speed of traffic was found to be an issue it could be addressed by the Traffic
13 and Pedestrian Safety (TAPS) Committee.

14
15 Mr. Rhodes detailed ABC regulations and the process to be followed pursuant to
16 the City's Zoning Ordinance; clarified that a Creek Setback Ordinance had not
17 been prepared nor did the City have an adopted ordinance requiring a specific
18 setback from the creek although there were policies to address sensitive
19 resources; the proposed fence was to prevent trash from entering the creek but
20 not trap wildlife or prevent deer from jumping over; there was at least 20 feet from
21 the creek center line to the trail; the parking met the City's standards and goals of
22 the General and Specific Plans, and a Parking Demand Management Plan was
23 required as a condition of approval which would identify the location of employee
24 parking. There was also adequate parking for each parcel, and reciprocal parking
25 had been conditioned to keep the parking field intact for both buildings in the
26 future.

27
28 **PUBLIC HEARING CLOSED**

29
30 The Planning Commission discussed the project components and offered the
31 following comments and/or direction to staff:

- 32
33 • Encourage the applicant to identify the parking spaces located
34 perpendicular to the entry driveway on the east end closer to Pinole Valley
35 Road as employee parking in the Parking Demand Management Plan;
36
37 • Encourage the applicant to post signage stipulating the parking was for
38 shoppers only;
39
40 • Reevaluate the lanes on Pinole Valley Road and consider a right turn lane,
41 and a stop sign on Henry Avenue to mitigate any potential future traffic
42 issues;
43
44 • Memorialize the truck delivery hours in the conditions of approval for design
45 review as an ongoing condition and in the use permit conditions of approval
46 related to the use permit for Sprouts Market;

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- Memorialize a condition of approval regarding the LED lights on the 75-foot high pylon sign to be controlled by a dimmer, with staff to craft language to ensure that the brightness of the lights did not infringe on the nearby residents and be turned down after 9:00 P.M.;
- Add a condition for the left turn pocket for the median into the main driveway access point for Gateway West to be lengthened by approximately 50 feet; with the same condition included in the Development Agreement;
- Recommend that the Pinole Fire Chief address concerns with fire/emergency response during the April 21, 2015, City Council meeting;
- Recommend vertical roofing material on the front/south elevation for Sprouts to be replaced with an awning;
- Support the staff recommended modifications to the architecture and landscaping, as outlined in the conditions of approval in the staff report;
- Identify the 750 square foot sign area cap on the 75-foot high pylon sign as the maximum which should provide a variety of ways to identify the City;
- Require Sprouts to use locks on its shopping carts to prevent removal from the property boundaries;
- Add a condition that the parking spaces located at the rear of the Sprouts building be made available for electric charging stations or pre-wired for electric vehicles;
- Recognize the applicant's contribution to the maintenance and enhancement of the creek and the trail community;
- Recognize that if the City Council approves the project, it would be contingent upon the Long Range Property Management Plan, as related to the former Redevelopment Agency;
- Recommend the applicant consider the use of Green technology; and
- Recommend that staff and the applicant address the backflow preventers in a pleasing manner.

Commissioner Kurrent offered a motion to approve the staff recommended resolutions as identified on Page 2 of the April 6, 2015 staff report, subject to the conditions of approval, and subject to additional conditions as recommended by the Planning Commission.

1 Mr. Gutierrez expressed concern that correspondence had not been included in
2 the record in an un-redacted form, although it was confirmed that his submitted
3 correspondence had been included as part of the record.
4

5 On a discussion of the motion, Commissioner Kurrent modified his initial motion to
6 approve the staff recommended resolutions as identified on Page 2 of the April 6,
7 2015 staff report with the exception of Resolution 15-06.
8

9 **MOTION** to adopt **Resolution 15-02** recommending approval to the City Council
10 of a Mitigated Negative Declaration and accompanying Mitigation Monitoring
11 Reporting Program for the Gateway Shopping Center Project; **Resolution 15-03**
12 recommending conditional approval to the City Council of the design review
13 request (DR 14-11) for development of the Gateway Shopping Center including
14 four new commercial buildings and an approximately 75 foot pylon sign and
15 accompanying improvements; **Resolution 15-04** recommending approval to the
16 City Council of a conditional use permit (CUP 14-08) for the Gateway Shopping
17 Center Sign Program; **Resolution 15-05** recommending approval to the City
18 Council of a conditional use permit (CUP 14-05) for alcohol sales, outdoor
19 merchandise sales, and outdoor dining at the proposed market; **Resolution 15-07**
20 recommending approval to the City Council of a conditional use permit (CUP 14-
21 06) allowing outdoor dining at the proposed retail shop space building; **Resolution**
22 **15-08** recommending approval to the City Council of a Parcel Map (MS 651-14) to
23 divide the single parcel (APN 401-410-017) of approximately 4.53 acres west of
24 Pinole Valley Road within the Gateway Shopping Center into two parcels; and
25 **Resolution 15-09** recommending approval of a draft Development Agreement for
26 the Gateway Shopping Center project (DA 14-01), subject to conditions, as
27 modified and as discussed by the Planning Commission.
28

29 **MOTION: Kurrent** **SECONDED: Toms** **APPROVED: 7-0**
30

31 Speaking to Resolution 15-06, Mr. Rhodes acknowledged a recommendation to
32 either phase in the request for a drive through and outdoor dining for Starbucks
33 or eliminate that component from the project, and advised that a
34 recommendation on this component was required, although the Planning
35 Commission could recommend modification to the resolution, if so desired.
36

37 Commissioners discussed the pros and cons for the drive through and outdoor
38 dining for Starbucks and made no modifications to the resolution.
39

40 **MOTION** to adopt **Resolution 15-06** recommending approval to the City Council
41 of a conditional use permit (CUP 14-07) allowing a drive through and outdoor
42 dining at the proposed coffee shop building (Suite E1-A), subject to conditions.
43

44 **MOTION: Tave** **SECONDED: Kurrent** **APPROVED: 7-0**
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46 **F. OLD BUSINESS: None**

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G. NEW BUSINESS: None

H. CITY PLANNER'S / COMMISSIONERS' REPORT:

Commissioner Kurrent offered his condolences to Mr. Rhodes on the recent loss of his mother and asked that the meeting be adjourned in her memory.

Chair Brooks reported that Congressman Mike Thompson had designated Commissioner Maureen Toms as Woman of the Year.

Mr. Rhodes welcomed new Planning Commissioner Anthony Tave. He reported that a regular Planning Commission meeting would be held on April 27, 2015 to consider the Draft Housing Element, the reorganization of the Planning Commission, and the makeup of the Development Review Subcommittee. The City Council would consider the Gateway Shopping Center Project during its next meeting on April 21, 2015.

I. COMMUNICATIONS: None

J. NEXT MEETING:

The next meeting of the Planning Commission will be held on Monday, April 27, 2015 at 7:00 P.M.

K. ADJOURNMENT: The meeting adjourned at 12:04 A.M. *In Memory of Marietta Rhodes.*

Transcribed by:

Anita L. Tucci-Smith
Transcriber