MINUTES OF THE REGULAR
PINOLE PLANNING COMMISSION

April 22, 2019

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

B. PLEDGE OF ALLEGIANCE AND ROLL CALL

Commissioners Present: Brooks, Kurrent, Thompson, Chair Wong

Commissioners Absent: None

Staff Present: Daniel Hortert, Interim Planning Manager
               Justin Shiu, Contract Planner

C. CITIZENS TO BE HEARD

There were no citizens to be heard.

D. CONSENT CALENDAR

1. Planning Commission Meeting Minutes from March 25, 2019

   MOTION to approve the Planning Commission Meeting Minutes from March 25, 2019, as shown.

   MOTION: Thompson SECONDED: Kurrent APPROVED: 4-0

E. PUBLIC HEARINGS:

1. Design Review 19-05 New Commercial Construction

   Request: Consideration of a design review and conditional use permit request to construct a new approximately 6,930 square foot one-story medical office building with six new automobile parking spaces and accompanying improvements for an outpatient clinic and ophthalmology center on an approximate 26,048 square foot parcel containing 22 existing automobile parking spaces meeting the required parking standard for the proposed medical office use.

   Applicant: Agape LLC
Interim Planning Manager Daniel Hortert provided a PowerPoint presentation and clarified for the record that the applicant would provide six new automobile parking spaces on an approximate 26,048 square foot parcel containing 22 existing automobile parking spaces, not 21 parking spaces as shown on the meeting agenda and in the April 22, 2019 staff report. He recommended the Planning Commission adopt Resolution 19-06, approving Design Review (DR 19-05), subject to the conditions of approval as shown in Exhibit A to Attachment A of the staff report.

Responding to the Commission, Mr. Hortert explained that the traffic study prepared by Abrams Associates Traffic Engineering had been based on a 10,000 square foot building. The building had been reduced in size to 6,930 square feet and he understood the traffic report had taken into account the entire Gateway Shopping Center, including Sprouts, the other uses and associated square footages, as reflected in Attachment B, Trip Generation and Parking Analysis dated June 16, 2016 attached to the staff report. While not referenced in the staff report, based on his review he found that the traffic study had sufficiently taken into consideration how the applicant’s project fit into the grand scheme of the Gateway Shopping Center.

Mr. Hortert also clarified that the trees along Pinole Valley Road, as shown on the plans, were located on City redevelopment property. Resolution 19-06 included several conditions related to the landscaping and its maintenance. He also noted if the maintenance of the drainage swale had not been reflected in the conditions of approval, it should be so identified and could be discussed further.

As to why the project had been downsized, Mr. Hortert understood the revisions had been based on economics. He acknowledged that while the footprint of the building was a bit different from the original iteration, all setbacks, signage, landscaping, and lighting met the City’s requirements.

PUBLIC HEARING OPENED

DR. SCOTT LEE, Applicant, explained that the application was being resubmitted due to economics and issues with the initial General Contractor. He reported the City Council had been pleased with the proposed surgery center, the services that could be provided to Pinole residents, and the allocation of more space for pediatric ophthalmology.
Dr. Lee advised that the closest similar facilities were located in Walnut Creek and San Francisco. He acknowledged the prior design had been controversial and required a Conditional Use Permit (CUP). All of the elements requiring a CUP had been removed to ensure a simple design with no special parking requirement.

Dr. Lee added that an open space/café amenity, which had been part of the original design, had been very controversial and had not been supported by the former Planning Manager. Given the new eating establishments in the area, he agreed that amenity was no longer necessary although he wanted to ensure the lobby was large enough to be used for public space. All art in his current office was from or had been donated by Pinole residents who had asked that the art be made available for display and/or for sale. As part of the current design, the lobby area was quite large, sufficient to display art, and could be open to Pinole residents for civic events.

Dr. Lee acknowledged that he had taken into consideration all input from the City Council including the comments on the building colors. The initial white for the building had been toned down and muted and a lot of color and landscaping had been incorporated into the design. Much of the building would be hidden from view due to existing trees.

Dr. Lee responded to concerns that the building design was too industrial in appearance, did not fit in with the surrounding area, and there had been a lack of photo simulations from Henry Avenue. He acknowledged a request for green screens to break up the appearance of the building, and while he appreciated the input shared by the City Council, he again noted the design had been revised to incorporate more color, more trees could be planted, or plant material such as ivy planted on the building, and art could be used to beautify the building. He reiterated the intent of the design to be simple and non-controversial.

NASTARAN MOUSAVI and DANE BUNTON, Principal Architects with Studio | Banaa, architecture, planning, interiors, 165 11th Street, San Francisco, described the changes in the building design from the initial iteration to create a simple form from an economic and design perspective with the use of cement panel material to provide a timeless design. While the design and colors did not match completely with the existing commercial buildings in the area, the residential side of the project had quite a bit of variety in housing colors including the use of white. The design was intended to provide a nice gateway between the two types of designs and colors and with the building design and additional greenery, the building would become more elegant and less intrusive to its surroundings.

Responding to concerns the design, materials, and colors were not compatible with the existing area, the architects acknowledged concerns the site was prominent in Pinole, particularly views along the corner of Henry Avenue, and agreed that more work could be done to make the northeast corner on Henry Avenue more attractive.
As to how the cement board material that had been proposed on the building would hold up against graffiti, the architects explained that some type of coating material could be considered to ensure it could be cleaned, although it might be difficult to reach the building due to the proposed trees and the use of up-lighting for the building. It was noted that the project renderings could be updated to illustrate the proposed lighting with night views, views down Henry Avenue, and from the homes across the street. The architects also acknowledged a recommendation to break up the east elevation with the use of trellises and vines.

RAFAEL MENIS, Pinole, explained that he was speaking on his own behalf and at the request of City Councilmember Vincent Salimi, who had personally approved of the white coloration and who desired that the project move forward given the amount of time it had gone through the planning process. He personally approved of the slightly more muted tone of white from the original white tone that was too harsh. He suggested any lighting on the building to offset the colors be operational during the daytime to offer some color differentiation.

CAROLYN SMITH JAMES, Pinole, a resident of Henry Avenue, agreed with the concerns with respect to the color of the building, particularly at the prominent corner and given the other buildings in the area were neutral in color, and suggested the color of the building be revised. She clarified the views of the building along Henry Avenue, location of the sidewalk, and services to be provided by the comprehensive surgery center, a standalone facility not connected to Kaiser Permanente.

PUBLIC HEARING CLOSED

The Planning Commission discussed Design Review 19-05, and offered the following comments and/or direction to staff:

- Supported the project but acknowledged the concerns expressed by the Planning Commission and the public. (Brooks)

- Recognized a more ambitious project had previously been approved for the site and the project had now been reduced in size eliminating special parking requirements and resulting in a reduction in traffic; suggested parking issues be addressed by Kaiser Permanente and not the applicant; supported the application but opposed the solid white color out of character with the existing neighborhood; suggested the back of the building be reconsidered with a color scheme more conducive to the neighborhood; supported the artwork and approval of the project; and opposed a continuance with the caveat that a Planning Commission subcommittee or staff administratively review the color scheme; and recommended a new
sentence be added to the beginning of Condition 19 to read: A Planning Commission Subcommittee shall be appointed to review external color schemes with applicant and architect once desired upon. (Kurrent)

- Suggested the building design was incompatible with the existing neighborhood particularly due to its location on a high profile corner; requested the submittal of photo simulations from the other side of the building; installation of green screens; and consideration of a rock façade similar to what had been used for the DaVita Dialysis Center to tie in with the existing neighborhood to break up the appearance of the building possibly through the use of landscaping; expressed concern the proposed trees would be deciduous and the building would be more visible in the winter; recommended the project be continued to a future date given that the makeup of the Planning Commission would change; could not support the project at this time given the concerns raised; and reiterated the request for additional photo simulations, clarification whether or not the trees would be deciduous, and whether the traffic study had considered the Gateway Shopping Center. Even with additional conditions, she was not comfortable approving the project in its current form. (Thompson)

- Recommended the concerns with the building design could be handled administratively or through the submittal of additional materials that could be reviewed by a subcommittee of the Planning Commission; recommended architectural elements be added to the east façade to break up the mass and create a way to beautify that elevation; recommended the architect submit options for color changes to be reviewed by the Planning Commission Subcommittee; and suggested the landscaping that had been proposed was too small and larger sizes should be considered to mask the building. (Wong)

By consensus, the Planning Commission agreed to hold a Planning Commission Subcommittee meeting prior to the next regular meeting of the Commission to discuss the issues raised and since there would be a majority of new Planning Commissioners seated when the Planning Commission next met.

Dr. Lee understood the Planning Commission’s concerns but asked the Commission to consider allowing the Planning Commission Subcommittee to grant administrative approval subject to conditions given that time was of the essence since his mother was in failing health and he planned to dedicate the building to her. He emphasized his frustration with the time involved with the City’s approval process.

Mr. Hortert acknowledged there was no Planning Commission consensus to continue the item. He recommended that the Commission take action at this time and condition the project accordingly which would allow the application to move forward. He could also bring the newly appointed Planning Commissions up to
speed on the discussions in the event the application was required to be heard again. He stated he would monitor each of the conditions imposed, any revisions could be reviewed by the Planning Commission Subcommittee, and in the event of any issues the application could be returned to the full Planning Commission.

The Planning Commission summarized the following revisions to Resolution 19-06 and conditions for the Planning Commission Subcommittee to consider:

- Clarification to be provided on the traffic study in place.
- Alternative color scheme for the color of the building and a softening approach to be considered for all sides of the building, particularly the east side.
- Addition of green screens to break the mass of the building.
- Additional photo simulations to be provided from Henry Avenue and the homes located across the street to provide a 360-degree image.
- Update the landscaping plan to identify the types of trees to be planted and tree sizes, with larger sized box trees to be considered.
- The first, second and third sentences of Condition 19 to be modified to read: A Planning Commission Subcommittee shall be appointed to review the color and integration of building to area. Once decided, all exterior materials and colors are to be consistent with approved project color/material boards. Once installed, all improvements are to be maintained in accordance with the approved plans. Any changes which materially affect the exterior character shall be resubmitted to the Development Services Department for review and approval.
- The last sentence of Condition 29 to be modified to read: The landscape plan shall be subject to review and approval by the Development Services Department and the Planning Commission Subcommittee.
- Condition 31 to be modified to read: Add a new sentence to read: The existing riparian tributary must be considered.
- The last sentence of Condition 25 to be modified to read: Any landscaping planting material that dies shall be replaced within 30-days.
- Add an additional condition to read: Staff shall confirm the Traffic Study to ensure the most current and relevant information is included. If not applicant, shall update.
MOTION to adopt Planning Commission Resolution 19-06, with Exhibit A: Conditions of Approval, Resolution of the Planning Commission of the City of Pinole, County of Contra Cosa, State of California, Approving a Design Review Request (DR 19-05) for an Approximately 6,930 Square Foot Medical Office Building (APN 401-021-033) Located Southeast of the Intersection of Pinole Valley Road and Henry Avenue, subject to the revisions to the conditions of approval as documented.

MOTION: Kurrent SECONDED: Brooks APPROVED: 4-0

Chair Wong identified the 10-day appeal process of a decision of the Planning Commission in writing to the City Clerk.

MOTION to appoint Chair Wong and Commissioners Brooks and Kurrent to serve on the Planning Commission Subcommittee to review Design Review 19-05, New Commercial Construction.

MOTION: Kurrent SECONDED: Brooks APPROVED: 4-0

2. Design Review 17-18 - 7-Eleven Convenience Store and Fuel Station

Request: Consideration of a design review request to construct a new approximately 3,130 square foot 7-Eleven convenience store building and covered fueling area and demolish the existing structures on the approximately 70,741 square foot lot.

Applicant: Karly Stephens
Smith Development and Construction
11281 Pyrites Way
Gold River, CA 95670

Location: 2401 Appian Way (APN: 430-310-022)

Project Staff: Justin Shiu

Contract Planner Justin Shiu provided a PowerPoint presentation and reported the Planning Commission had been provided an update of the photo simulations at the dais with the only changes the location of removed utility poles as reflected on the plans, with the utilities to be underground. Since the site would maintain 24-hour operations, the applicant had requested that be incorporated into the conditions of approval. A sample colors and materials board was presented to the Planning Commission for review.

Mr. Shiu recommended that the Planning Commission adopt Resolution 19-07, subject to the conditions of approval as shown in Exhibit A to Attachment A of the April 22, 2019 staff report.
Responding to the Commission, Mr. Shiu clarified Valero Gas Station currently operated 24/7. He suggested the applicant clarify the hours of operation although he understood the fueling stations only would operate 24/7.

PUBLIC HEARING OPENED

KARLY STEPHENS, Smith Development and Construction, 11281 Pyrites Way, Gold River, clarified THAT both the gas station and convenience store planned to operate 24/7.

CASEY SNELL, Smith Development and Construction, explained that the elevation on Sarah Drive had a sidewalk and landscape buffer between the sidewalk and driveway. He suggested the landscaping buffer remain in place rather than include any additional articulation such as a green screen on the building façade. Additional plantings or low shrubs would be more appropriate along that elevation. The traffic circulation in and out of the driveway was also clarified with the building around 15 feet from the driveway. Acknowledging a bit of a blind spot in that area from the traffic side, he stated cautionary signage such as a stop sign could be considered.

Mr. Snell commented that the photo simulation rendering for Sarah Drive had been updated and better reflected the green screen concept that had been proposed. He suggested the white wall on the Sarah Drive elevation could be broken up a bit by bringing the veneer in a bit or across the top from the interior side of the lot rather than reducing the width of the planting strip in the middle. He also clarified the colors and materials board with more articulation on the building through color and material diversification.

PUBLIC HEARING CLOSED

The Planning Commission discussed Resolution 19-07, 7-Eleven Convenience Store and Fuel Station and offered the following comments and/or direction to staff:

• Supported the application, as proposed. (Brooks)

• Recommended Condition 8 be modified to include a new statement to read: Consideration should be given to the driveway exit at Sarah Drive where visibility limitation could create safety issues. A stop sign shall be added to address this potential issue. (Kurrent)

• Recommended Condition 11 be modified with an additional statement to read: (f) any dead plants to be replaced within 30 days, and recommended the same condition on future applications as a standard condition. (Thompson).
- Add a new condition to reflect that 7-Eleven may operate 24 hours a day, seven days a week subject to standard language used for such operations, and with staff directed to review the language used for the approval of Pear Street Bistro with the final language to be included in the final draft of the resolution. Staff was also directed to include a condition with language regarding gas delivery and 7-Eleven product delivery consistent with language used for similar applications.

**MOTION** to adopt Planning Commission Resolution 19-07, with Exhibit A: Conditions of Approval, Resolution of the Planning Commission of the City of Pinole, County of Contra Cosa, State of California, Approving a Design Review Request (DR 17-18) to Construct a Convenience Store Building and Covered Fueling Area at 2401 Appian Way, APN 430-310-022, subject to the revisions to the conditions as discussed.

**MOTION:** Thompson  **SECONDED:** Brooks  **APPROVED:** 4-0
Chair Wong identified the 10-day appeal process of a decision of the Planning Commission in writing to the City Clerk.

**F. OLD BUSINESS:** None

**G. NEW BUSINESS:** None

**H. CITY PLANNER'S / COMMISSIONERS' REPORT**

Chair Wong requested the selection of Chair and Vice-Chair be agendized for the next meeting agenda.

Mr. Hortert reported the next meeting of the Planning Commission would be a joint workshop with the City Council to discuss a proposal for a 100-unit senior housing development at San Pablo Avenue and Roble Avenue. The Planning Commission would be notified of the meeting location and time.

Mr. Hortert also took the opportunity to recognize and introduce newly appointed yet to be sworn-in Planning Commissioners who were present in the audience, and thanked outgoing Planning Commissioner Thompson.

Commissioner Kurrent welcomed the new Planning Commissioners and encouraged them to watch the recorded Planning Commission meetings on-line to become educated on matters submitted to the Planning Commission.

Commissioner Thompson also welcomed the new Planning Commissioners and expressed her appreciation for the opportunity to serve the City of Pinole as a
Chair Wong and the Planning Commission thanked Commissioner Thompson for her service to the City.

Commissioner Thompson asked about the status of the creek signage adjacent to Sprouts, and Commissioner Brooks expressed concern with the patch paving done on Shea Drive, and Mr. Hortert advised he would forward the concerns to the Development Services Director.

Chair Wong thanked the Planning Commission for the opportunity to serve as the Chair for the past year.

I. COMMUNICATIONS: None

J. NEXT MEETING

The next meeting of the Planning Commission will be a Regular Meeting to be held on Monday, May 20, 2019 at 7:00 P.M.

K. ADJOURNMENT: 9:33 P.M

Transcribed by:

Anita L. Tucci-Smith
Transcriber