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**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

1 1214 McDonald Drive
2 Pinole, CA 94564
3

4 **Location:** Southeast corner of the intersection of Pinole Valley Road and
5 Henry Avenue
6

7 **Project Staff:** Daniel J. Hortert, AICP
8

9 Interim Planning Manager Daniel Hortert provided a PowerPoint presentation and
10 clarified for the record that the applicant would provide six new automobile parking
11 spaces on an approximate 26,048 square foot parcel containing 22 existing
12 automobile parking spaces, not 21 parking spaces as shown on the meeting
13 agenda and in the April 22, 2019 staff report. He recommended the Planning
14 Commission adopt Resolution 19-06, approving Design Review (DR 19-05), subject
15 to the conditions of approval as shown in Exhibit A to Attachment A of the staff
16 report.
17

18 Responding to the Commission, Mr. Hortert explained that the traffic study
19 prepared by Abrams Associates Traffic Engineering had been based on a 10,000
20 square foot building. The building had been reduced in size to 6,930 square feet
21 and he understood the traffic report had taken into account the entire Gateway
22 Shopping Center, including Sprouts, the other uses and associated square
23 footages, as reflected in Attachment B, Trip Generation and Parking Analysis dated
24 June 16, 2016 attached to the staff report. While not referenced in the staff report,
25 based on his review he found that the traffic study had sufficiently taken into
26 consideration how the applicant's project fit into the grand scheme of the Gateway
27 Shopping Center.
28

29 Mr. Hortert also clarified that the trees along Pinole Valley Road, as shown on the
30 plans, were located on City redevelopment property. Resolution 19-06 included
31 several conditions related to the landscaping and its maintenance. He also noted if
32 the maintenance of the drainage swale had not been reflected in the conditions of
33 approval, it should be so identified and could be discussed further.
34

35 As to why the project had been downsized, Mr. Hortert understood the revisions
36 had been based on economics. He acknowledged that while the footprint of the
37 building was a bit different from the original iteration, all setbacks, signage,
38 landscaping, and lighting met the City's requirements.
39

40 PUBLIC HEARING OPENED
41

42 DR. SCOTT LEE, Applicant, explained that the application was being resubmitted
43 due to economics and issues with the initial General Contractor. He reported the
44 City Council had been pleased with the proposed surgery center, the services that
45 could be provided to Pinole residents, and the allocation of more space for pediatric
46 ophthalmology.

1
2 Dr. Lee advised that the closest similar facilities were located in Walnut Creek and
3 San Francisco. He acknowledged the prior design had been controversial and
4 required a Conditional Use Permit (CUP). All of the elements requiring a CUP had
5 been removed to ensure a simple design with no special parking requirement.
6

7 Dr. Lee added that an open space/café amenity, which had been part of the original
8 design, had been very controversial and had not been supported by the former
9 Planning Manager. Given the new eating establishments in the area, he agreed
10 that amenity was no longer necessary although he wanted to ensure the lobby was
11 large enough to be used for public space. All art in his current office was from or
12 had been donated by Pinole residents who had asked that the art be made
13 available for display and/or for sale. As part of the current design, the lobby area
14 was quite large, sufficient to display art, and could be open to Pinole residents for
15 civic events.
16

17 Dr. Lee acknowledged that he had taken into consideration all input from the City
18 Council including the comments on the building colors. The initial white for the
19 building had been toned down and muted and a lot of color and landscaping had
20 been incorporated into the design. Much of the building would be hidden from view
21 due to existing trees.
22

23 Dr. Lee responded to concerns that the building design was too industrial in
24 appearance, did not fit in with the surrounding area, and there had been a lack of
25 photo simulations from Henry Avenue. He acknowledged a request for green
26 screens to break up the appearance of the building, and while he appreciated the
27 input shared by the City Council, he again noted the design had been revised to
28 incorporate more color, more trees could be planted, or plant material such as ivy
29 planted on the building, and art could be used to beautify the building. He
30 reiterated the intent of the design to be simple and non-controversial.
31

32 NASTARAN MOUSAVI and DANE BUNTON, Principal Architects with Studio |
33 Banaa, architecture, planning, interiors, 165 11th Street, San Francisco, described
34 the changes in the building design from the initial iteration to create a simple form
35 from an economic and design perspective with the use of cement panel material to
36 provide a timeless design. While the design and colors did not match completely
37 with the existing commercial buildings in the area, the residential side of the project
38 had quite a bit of variety in housing colors including the use of white. The design
39 was intended to provide a nice gateway between the two types of designs and
40 colors and with the building design and additional greenery, the building would
41 become more elegant and less intrusive to its surroundings.
42

43 Responding to concerns the design, materials, and colors were not compatible with
44 the existing area, the architects acknowledged concerns the site was prominent in
45 Pinole, particularly views along the corner of Henry Avenue, and agreed that more
46 work could be done to make the northeast corner on Henry Avenue more attractive.

1
2
3 As to how the cement board material that had been proposed on the building would
4 hold up against graffiti, the architects explained that some type of coating material
5 could be considered to ensure it could be cleaned, although it might be difficult to
6 reach the building due to the proposed trees and the use of up-lighting for the
7 building. It was noted that the project renderings could be updated to illustrate the
8 proposed lighting with night views, views down Henry Avenue, and from the homes
9 across the street. The architects also acknowledged a recommendation to break
10 up the east elevation with the use of trellises and vines.

11
12 RAFAEL MENIS, Pinole, explained that he was speaking on his own behalf and at
13 the request of City Councilmember Vincent Salimi, who had personally approved of
14 the white coloration and who desired that the project move forward given the
15 amount of time it had gone through the planning process. He personally approved
16 of the slightly more muted tone of white from the original white tone that was too
17 harsh. He suggested any lighting on the building to offset the colors be operational
18 during the daytime to offer some color differentiation.

19
20 CAROLYN SMITH JAMES, Pinole, a resident of Henry Avenue, agreed with the
21 concerns with respect to the color of the building, particularly at the prominent
22 corner and given the other buildings in the area were neutral in color, and
23 suggested the color of the building be revised. She clarified the views of the
24 building along Henry Avenue, location of the sidewalk, and services to be provided
25 by the comprehensive surgery center, a standalone facility not connected to Kaiser
26 Permanente.

27
28 PUBLIC HEARING CLOSED

29
30 The Planning Commission discussed Design Review 19-05, and offered the
31 following comments and/or direction to staff:

- 32
33
- 34 • Supported the project but acknowledged the concerns expressed by the
35 Planning Commission and the public. (Brooks)
 - 36 • Recognized a more ambitious project had previously been approved for the
37 site and the project had now been reduced in size eliminating special
38 parking requirements and resulting in a reduction in traffic; suggested
39 parking issues be addressed by Kaiser Permanente and not the applicant;
40 supported the application but opposed the solid white color out of character
41 with the existing neighborhood; suggested the back of the building be
42 reconsidered with a color scheme more conducive to the neighborhood;
43 supported the artwork and approval of the project; and opposed a
44 continuance with the caveat that a Planning Commission subcommittee or
45 staff administratively review the color scheme; and recommended a new

1 sentence be added to the beginning of Condition 19 to read: *A Planning*
2 *Commission Subcommittee shall be appointed to review external color*
3 *schemes with applicant and architect once desired upon.* (Kurrent)

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

- 19
20 • Recommended the concerns with the building design could be handled
21 administratively or through the submittal of additional materials that could be
22 reviewed by a subcommittee of the Planning Commission; recommended
23 architectural elements be added to the east façade to break up the mass
24 and create a way to beautify that elevation; recommended the architect
25 submit options for color changes to be reviewed by the Planning
26 Commission Subcommittee; and suggested the landscaping that had been
27 proposed was too small and larger sizes should be considered to mask the
28 building. (Wong)

29
30 By consensus, the Planning Commission agreed to hold a Planning Commission
31 Subcommittee meeting prior to the next regular meeting of the Commission to
32 discuss the issues raised and since there would be a majority of new Planning
33 Commissioners seated when the Planning Commission next met.

34
35 Dr. Lee understood the Planning Commission's concerns but asked the
36 Commission to consider allowing the Planning Commission Subcommittee to grant
37 administrative approval subject to conditions given that time was of the essence
38 since his mother was in failing health and he planned to dedicate the building to
39 her. He emphasized his frustration with the time involved with the City's approval
40 process.

41
42 Mr. Hortert acknowledged there was no Planning Commission consensus to
43 continue the item. He recommended that the Commission take action at this time
44 and condition the project accordingly which would allow the application to move
45 forward. He could also bring the newly appointed Planning Commissions up to

1 speed on the discussions in the event the application was required to be heard
2 again. He stated he would monitor each of the conditions imposed, any revisions
3 could be reviewed by the Planning Commission Subcommittee, and in the event of
4 any issues the application could be returned to the full Planning Commission.
5

6 The Planning Commission summarized the following revisions to Resolution 19-06
7 and conditions for the Planning Commission Subcommittee to consider:
8

- 9 • Clarification to be provided on the traffic study in place.
- 10
- 11 • Alternative color scheme for the color of the building and a softening
12 approach to be considered for all sides of the building, particularly the east
13 side.
14
- 15 • Addition of green screens to break the mass of the building.
- 16
- 17 • Additional photo simulations to be provided from Henry Avenue and the
18 homes located across the street to provide a 360-degree image.
19
- 20 • Update the landscaping plan to identify the types of trees to be planted and
21 tree sizes, with larger sized box trees to be considered.
22
- 23 • The first, second and third sentences of Condition 19 to be modified to read:
24 A Planning Commission Subcommittee shall be appointed to review the
25 color and integration of building to area. Once decided, all exterior materials
26 and colors are to be consistent with approved project color/material boards.
27 Once installed, all improvements are to be maintained in accordance with
28 the approved plans. Any changes which materially affect the exterior
29 character shall be resubmitted to the Development Services Department for
30 review and approval.
31
- 32 • The last sentence of Condition 29 to be modified to read: *The landscape*
33 *plan shall be subject to review and approval by the Development Services*
34 *Department and the Planning Commission Subcommittee.*
35
- 36 • Condition 31 to be modified to read: Add a new sentence to read: The
37 existing riparian tributary must be considered.
38
- 39 • The last sentence of Condition 25 to be modified to read: *Any landscaping*
40 *planting material that dies shall be replaced within 30-days.*
41
- 42 • Add an additional condition to read: *Staff shall confirm the Traffic Study to*
43 *ensure the most current and relevant information is included. If not*
44 *applicant, shall update.*
45

1 **MOTION** to adopt Planning Commission Resolution 19-06, with Exhibit A:
2 Conditions of Approval, Resolution of the Planning Commission of the City of
3 Pinole, County of Contra Costa, State of California, Approving a Design Review
4 Request (DR 19-05) for an Approximately 6,930 Square Foot Medical Office
5 Building (APN 401-021-033) Located Southeast of the Intersection of Pinole Valley
6 Road and Henry Avenue, subject to the revisions to the conditions of approval as
7 documented.

8
9 **MOTION: Kurrent SECONDED: Brooks APPROVED: 4-
10 0**

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

13
14 **MOTION** to appoint Chair Wong and Commissioners Brooks and Kurrent to serve
15 on the Planning Commission Subcommittee to review Design Review 19-05, New
16 Commercial Construction.

17
18 **MOTION: Kurrent SECONDED: Brooks APPROVED: 4-
19 0**

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

21
22 **Request:** Consideration of a design review request to construct a new
23 approximately 3,130 square foot 7-Eleven convenience store
24 building and covered fueling area and demolish the existing
25 structures on the approximately 70,741 square foot lot.

26
27 **Applicant:** Karly Stephens
28 Smith Development and Construction
29 11281 Pyrites Way
30 Gold River, CA 95670

31
32 **Location:** 2401 Appian Way (APN: 430-310-022)

33
34 **Project Staff:** Justin Shiu

35
36 Contract Planner Justin Shiu provided a PowerPoint presentation and reported the
37 Planning Commission had been provided an update of the photo simulations at the
38 dais with the only changes the location of removed utility poles as reflected on the
39 plans, with the utilities to be underground. Since the site would maintain 24-hour
40 operations, the applicant had requested that be incorporated into the conditions of
41 approval. A sample colors and materials board was presented to the Planning
42 Commission for review.

43
44 Mr. Shiu recommended that the Planning Commission adopt Resolution 19-07,
45 subject to the conditions of approval as shown in Exhibit A to Attachment A of the
46 April 22, 2019 staff report.

1
2 Responding to the Commission, Mr. Shiu clarified Valero Gas Station currently
3 operated 24/7. He suggested the applicant clarify the hours of operation although
4 he understood the fueling stations only would operate 24/7.

5
6 PUBLIC HEARING OPENED

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

11
12 CASEY SNELL, Smith Development and Construction, explained that the elevation
13 on Sarah Drive had a sidewalk and landscape buffer between the sidewalk and
14 driveway. He suggested the landscaping buffer remain in place rather than include
15 any additional articulation such as a green screen on the building façade.
16 Additional plantings or low shrubs would be more appropriate along that elevation.
17 The traffic circulation in and out of the driveway was also clarified with the building
18 around 15 feet from the driveway. Acknowledging a bit of a blind spot in that area
19 from the traffic side, he stated cautionary signage such as a stop sign could be
20 considered.

21
22 Mr. Snell commented that the photo simulation rendering for Sarah Drive had been
23 updated and better reflected the green screen concept that had been proposed.
24 He suggested the white wall on the Sarah Drive elevation could be broken up a bit
25 by bringing the veneer in a bit or across the top from the interior side of the lot
26 rather than reducing the width of the planting strip in the middle. He also clarified
27 the colors and materials board with more articulation on the building through color
28 and material diversification.

29
30 PUBLIC HEARING CLOSED

31
32 The Planning Commission discussed Resolution 19-07, 7-Eleven Convenience
33 Store and Fuel Station and offered the following comments and/or direction to staff:

- 34
35
- 36 • Supported the application, as proposed. (Brooks)
 - 37 • Recommended Condition 8 be modified to include a new statement to read:
38 *Consideration should be given to the driveway exit at Sarah Drive where*
39 *visibility limitation could create safety issues. A stop sign shall be added to*
40 *address this potential issue.* (Kurrent)
 - 41 • Recommended Condition 11 be modified with an additional statement to
42 read: *(f) any dead plants to be replaced within 30 days*, and recommended
43 the same condition on future applications as a standard condition.
44 (Thompson).
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- 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.

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

16
17 **MOTION: Thompson SECONDED: Brooks APPROVED: 4-**
18 **0**

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

21
22 **F. OLD BUSINESS:** None

23
24 **G. NEW BUSINESS:** None

25
26 **H. CITY PLANNER'S / COMMISSIONERS' REPORT**

27
28 Chair Wong requested the selection of Chair and Vice-Chair be agendaized for the
29 next meeting agenda.

30
31 Mr. Hortert reported the next meeting of the Planning Commission would be a joint
32 workshop with the City Council to discuss a proposal for a 100-unit senior housing
33 development at San Pablo Avenue and Roble Avenue. The Planning Commission
34 would be notified of the meeting location and time.

35
36 Mr. Hortert also took the opportunity to recognize and introduce newly appointed
37 yet to be sworn-in Planning Commissioners who were present in the audience, and
38 thanked outgoing Planning Commissioner Thompson.

39
40 Commissioner Kurrent welcomed the new Planning Commissioners and
41 encouraged them to watch the recorded Planning Commission meetings on-line to
42 become educated on matters submitted to the Planning Commission.

43
44 Commissioner Thompson also welcomed the new Planning Commissioners and
45 expressed her appreciation for the opportunity to serve the City of Pinole as a

1 Planning Commissioner.
2
3 Chair Wong and the Planning Commission thanked Commissioner Thompson for
4 her service to the City.
5
6 Commissioner Thompson asked about the status of the creek signage adjacent to
7 Sprouts, and Commissioner Brooks expressed concern with the patch paving done
8 on Shea Drive, and Mr. Hortert advised he would forward the concerns to the
9 Development Services Director.
10
11
12 Chair Wong thanked the Planning Commission for the opportunity to serve as the
13 Chair for the past year.
14
15 **I. COMMUNICATIONS:** None
16
17 **J. NEXT MEETING**
18
19 The next meeting of the Planning Commission will be a Regular Meeting to be
20 held on Monday, May 20, 2019 at 7:00 P.M.
21
22 **K. ADJOURNMENT:** 9:33 P.M
23
24 Transcribed by:
25
26
27 Anita L. Tucci-Smith
28 Transcriber
29