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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 8, 2008

<b>PLANNING COMMISSION REGULAR MEETING</b>
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**A. CALL TO ORDER:** 7:00 P.M.

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

Commissioners Present: Banuelos, Bender, Brooks, Kurrent, McGoldrick,  
Sekins, and Chairperson Toms

Commissioners Absent: None

Staff Present: Planning Manager, Winston Rhodes  
Associate Planner, Anne Hersch

**C. CITIZENS TO BE HEARD:**

There were no citizens to be heard.

**D. CONSENT CALENDAR:**

Chairperson Toms considered each item on the Consent Calendar separately.

1. Meeting Minutes of October 27, 2008 Planning Commission Meeting

Chairperson Toms referred to Page 8 and noted the reference to the City of Rodeo should be corrected to read "the community of Rodeo."

Commissioner McGoldrick referred to Page 4, Line 20 and asked for a clarification as to whether or not the discussion referenced the San Pablo Avenue Corridor.

Commissioner Kurrent suggested that discussion would apply to multiple specific plans, although Chairperson Toms noted the reference to the Service District the middle section of San Pablo Avenue and the Live/Work District.

1 Chairperson Toms suggested that the first sentence of Line 20 on Page 4 could be  
2 amended to refer to San Pablo Avenue only.

3  
4 Planning Manager Winston Rhodes noted the intent to reference the three Specific  
5 Plan Corridors and within each of those corridors there were three districts. He  
6 suggested that the first two sentences of that fourth paragraph on Page 4 could be  
7 amended to read:

8  
9 *Mr. Davidson explained that the three Specific Plan Corridor areas had been*  
10 *broken into three sub-areas. That breakdown had been repeated in the*  
11 *other corridors as well.*

12  
13 **MOTION** to approve the minutes of the October 27, 2008 meeting, as amended.

14  
15 **MOTION: Brooks**                      **SECONDED: Banuelos**                      **APPROVED: 5-0-2**  
16 **ABSTAIN: Kurrent, Sekins**

17  
18 2. Meeting Minutes of November 17, 2008 Planning Commission Meeting

19  
20 **MOTION** to approve the minutes of the November 17, 2008 meeting, as submitted.

21  
22  
23 **MOTION: Kurrent**                      **SECONDED: McGoldrick**                      **APPROVED: 5-0-2**  
24 **ABSTAIN: Banuelos, Toms**

25  
26 3. **Extension: Design Review 07-35 First Street Café Design Review:**  
27 Consideration of an extension request for previously approved roof-top  
28 mechanical equipment screens for First Street Café restaurant, the new  
29 building tenant. Applicant: City of Pinole Redevelopment Agency, 2131 Pear  
30 Street, Pinole, CA 94564. Location: 2300 San Pablo Avenue, APN 401-150-  
31 013.

32  
33 When asked by Commissioner Brooks if the applicant had withdrawn the proposal,  
34 Associate Planner Anne Hersch reported that the proposal had been withdrawn last  
35 March and the Redevelopment Agency (RDA) had entered into negotiations with  
36 another tenant. Last week the RDA had negotiated with another restaurant tenant.

37  
38 Commissioner Brooks verified with staff that the same configuration would apply to  
39 the new tenant.

40  
41 As to when the project would move forward, Francine Kuykendall, Redevelopment  
42 Analyst, reported that the City had been working with Colliers International to fill the  
43 space with a restaurant tenant, although this was not the best economic time to do  
44 so. Short term interim options were being considered although a restaurant tenant  
45 remained the top priority.

1 **MOTION** to approve an Extension of Design Review 07-35, First Street Café Design  
2 Review, subject to:

- 3  
4
  - Attachment 1, Findings of Fact;
  - 5 ● Attachment 2, Location Map, 2300 San Pablo Avenue, Pinole, CA 94564;
  - 6 ● Attachment 3, Meeting Minutes: DRB Hearing November 15, 2007;
  - 7 ● Attachment 4, Resolution 07-35, a Resolution of the Planning Commission  
8 of the City of Pinole Approving Design Review for the First Street Café Roof  
9 Screening;
  - 10 ● Attachment 5, Standard Conditions of Approval; and
  - 11 ● Project Plans for DR 07-35, First Street Café Roof Screening Equipment.

12

13 **MOTION: Toms**

**SECONDED: Sekins**

**APPROVED: 6-1**  
**ABSTAIN: Banuelos**

14  
15  
16 **E. OLD BUSINESS:** None

17  
18 **F. PUBLIC HEARINGS:**

19  
20 Commissioner Banuelos advised of a conflict of interest with respect to the next  
21 item and recused himself at this time from the dais and left the Council Chambers.

- 22  
23 1. **2700 Appian Way Mixed-Use Project - GPA 07-01, RZ 07-03, DR 07-**  
24 **30:** *Continued from November 17, 2008 Planning Commission hearing.*

25 The applicant sought approval for the following entitlements:

- 26
  - General Plan Amendment: from a Neighborhood Commercial land  
27 use designation to a new General Plan land use designation of “Infill  
28 Development”
  - Rezone request from C3-General Commercial to PD-Planned  
29 Development
  - Design Review for a new mixed-use retail/office and residential  
30 building

31  
32  
33

34 Applicant: DB Western Properties, Eric Meyers, 940 San Pablo Avenue,  
35 Pinole, CA 94564. Location: 2700 Appian Way, southwest corner of  
36 Appian Way and Dalessi Drive; APN 426-402-001. Environmental  
37 Review: A Mitigated Negative Declaration has been prepared assessing  
38 project impacts.

39  
40 Associate Planner Anne Hersch presented the staff report dated December 8, 2008,  
41 and advised that the item had been continued from the November 17 hearing when  
42 the project architect had identified an inconsistency between the floor plans and the  
43 Uniform Building Code (UBC).

1 Ms. Hersch reported that the applicant and architect had revised the drawings to  
2 provide two three-bedroom, three-bath units as opposed to the originally proposed  
3 three residential units, which would change one of the conditions of approval related  
4 to affordable housing. Due to the size of the units and the change in number, the  
5 Economic Development and Housing Advisory Committee (EDHAC) would evaluate  
6 the change related to housing affordability, make a recommendation to the City  
7 Council, and the matter would be considered for action by the City Council in  
8 January. She noted that the project had been in process for over two years and  
9 had been reviewed by the Planning Commission and the RDA Subcommittee after  
10 which there had been a meeting with the neighboring Homeowner's Association  
11 (HOA). She noted that the neighboring property owners were supportive of the  
12 proposal since it would clean up the site.  
13

14 The Planning Commission had reviewed the proposal conceptually on two  
15 occasions due to the complexity of the entitlements. A traffic study had been  
16 prepared and a Mitigated Negative Declaration had been circulated for the 20-day  
17 comment period. Two letters had been received; one from the El Sobrante Valley  
18 Planning Committee that had expressed support, and another from the East Bay  
19 Municipal Utility District (EBMUD) which had asked the applicant to coordinate with  
20 EBMUD with respect to water services. EBMUD had also asked that the Landscape  
21 Conservation Ordinance Measures be implemented for the project which had  
22 already been specified in the conceptual landscape plan.  
23

24 Ms. Hersch referred to the land use and the floor area ratio (FAR) and noted that  
25 the new land use category of Infill Development had been created with a maximum  
26 building height of 35 feet and an FAR of 0.5, which would be included in the Specific  
27 Plans and which could be used for other parcels in the Appian Way Corridor.  
28

29 A recent request from C-3 General Commercial to PD Planned Development had  
30 come at the direction of the Commission to avoid the need for a conditional use  
31 permit and variance. Proposed uses for the project were compatible with the  
32 surrounding area of residential and office uses. Any retail services would require a  
33 conditional use permit. Due to the size and the limited parking spaces office uses  
34 had been proposed for the first floor spaces. The building height had been fixed at  
35 30 feet to provide compatibility with adjacent structures.  
36

37 Ms. Hersch stated with respect to trip generation that supplemental information had  
38 been provided as an attachment to the staff report as requested by Commissioner  
39 Kurrent.  
40

41 Commissioner Sekins asked if the number of parking spaces had changed with the  
42 change in number of residential units, Ms. Hersch replied that the number of  
43 proposed parking spaces had not changed. The requirement remained the same.  
44 Ms. Hersch referred to the Pinole Municipal Code (PMC) and advised that for  
45 housing units with two bedrooms or more there would have to be two parking

1 spaces plus a guest parking space for a total of three residential parking spaces as  
2 previously configured.

3  
4 Commissioner Kurrent clarified that the plans had changed given the compliance  
5 with the UBC requirements related to disabled access. He suggested that the  
6 dynamic with the change in the total number and size of units would change the  
7 expected household size. He asked if the Commission could override the UBC  
8 requirements related to disabled regulations.

9  
10 Ms. Hersch stated that building codes were set by State law and the Commission  
11 and local authority could not override those codes.

12  
13 Commissioner Kurrent clarified his concern given that a three-bedroom apartment  
14 would now bring in the element of families where studio apartments and one  
15 bedroom units would likely not. If there were to be children on the property he  
16 asked what type of issues could be generated.

17  
18 Commissioner Brooks asked whether or not in-lieu fees would be considered to  
19 satisfy the affordable housing obligation for the project. Ms. Hersch stated that  
20 would not be the case given that there was currently no policy in place to allow for  
21 in-lieu fees, and that the EDHAC would consider this policy matter in the future.  
22 The project would still require the dedication of one unit affordable to a Moderate  
23 Income Household.

24  
25 Commissioner Brooks was concerned about in-lieu fees given his concern that in-  
26 lieu fees would not help the City meet its affordable housing goals.

27  
28 PUBLIC HEARING OPENED

29  
30 MICHAEL WOLDEMAR, Woldemar & Associates, 12226 San Pablo Avenue,  
31 Richmond, Project Architect, commented that the Commission had been presented  
32 the project on numerous occasions. He stated that the change from three units to  
33 two units would not change the exterior and the windows and doors configuration  
34 would remain the same. He added that there was a color board in the file.

35  
36 Mr. Woldemar presented a rendering of the general representation and colors of the  
37 building. The building would comply with the guidelines in the Design Review  
38 Ordinance. He described the tile that would run around the entire bottom of the  
39 building with bay windows, pop outs, and a covered arcade on the ground floor on  
40 Appian Way as well as the residential entrance on the parking lot side of the  
41 building.

42  
43  
44 Mr. Woldemar stated that the colors had been articulated by the use of several  
45 different colors on the body of the building and the use of a series of light fixtures

1 surrounding the ground floor windows at a low intensity providing pedestrian and  
2 security lighting for the walkway which traveled around the building. He also noted  
3 that the refuse area would be surrounded by a six-foot wall and be the same color  
4 as the body of the building. The refuse area would have a roof over it and be  
5 consistent with the Clean Water Act, with the drainage to be filtered prior to  
6 distribution to the public storm system, although it would be less than 10,000 square  
7 feet and would not be required to meet C.3 requirements.

8  
9 Mr. Woldemar expressed agreement with all the staff recommended conditions of  
10 approval.

11  
12 Commissioner Kurrent noted his concern for the change in dynamics with three-  
13 bedroom apartments as opposed to studio apartments. He asked how that would  
14 change the ability to market the units to potential families.

15  
16 Mr. Woldemar stated that from an architectural point of view and having designed  
17 similar buildings in West County, there were few three-bedroom apartments  
18 available. He suggested therefore that there would be a certain market for those  
19 units. Given the current housing market it was reasonable to propose three-  
20 bedroom units. He noted that each unit would have two bathrooms offering a higher  
21 marketability. He commented that the bedrooms in the units were not very large but  
22 were intended to satisfy the small family market.

23  
24 Commissioner Kurrent asked if an environment with no play area or back yard  
25 would be a concern. He also asked whether or not some amenities should be  
26 provided.

27  
28 Mr. Woldemar stated that in the spirit of mixed use infill projects, and with upstairs  
29 units, the proposal would be consistent with tenancies with no children.

30  
31 Commissioner Kurrent noted that the master bedrooms would be sharing a wall and  
32 he suggested that could create noise interference.

33  
34 Mr. Woldemar stated that from a constructability point of view, the UBC stipulated a  
35 unit to unit acoustic rating. The wall referenced would be double stud, double plate,  
36 resilient channel sheetrock construction that would go towards creating  
37 soundproofing beyond the requirements of the UBC.

38  
39 ERIC MEYERS, D&B Western Properties, 950 San Pablo Avenue, Richmond,  
40 noted that initially the proposal involved one-bedroom, one-bath and two studio  
41 units. He emphasized that there could be no discrimination as to who may occupy  
42 those units. He noted that other studios had previously been rented to single and  
43 multiple occupants, sometimes with children. Mr. Meyers commented that having  
44 two three-bedroom units following fair housing laws would not intimate how many  
45 children would be associated with those units.

1  
2 Commissioner Kurrent stated that Mr. Meyers had addressed his concerns.

3  
4 **PUBLIC HEARING CLOSED**

5  
6 Commissioner Kurrent suggested that the applicant had taken the time to go  
7 through all of the hurdles required. In his opinion the project would lend itself to  
8 smaller apartments although since that was not possible he could support the  
9 proposal as presented.

10  
11 Commissioner Sekins commented that the project was one that would work well  
12 and had evolved over time to be a nice product. He commended all involved.

13  
14 **MOTION** to approve:

- 15  
16
- 17 • Attachment 1A, Resolution 08-27, Mitigated Negative Declaration for 2700  
18 Appian Way Mixed-use Project, Findings and Determination of the Planning  
19 Commission of the City of Pinole, Recommending the City Council of the City  
20 of Pinole Approve the Mitigated Negative Declaration Prepared for the  
21 General Plan Amendment (GPA) 07-01 and Rezoning 07-03, to Rezone .22  
22 Acres at 2700 Appian Way, Assessor Parcel Number 426-402-001, from C-3  
23 (General Commercial), PD (Planned Development) to Allow a Mixed-Use  
24 Building with Office/Retail Uses and Residential Uses;
  - 25 • Attachment 1B, Resolution 08-25, A Resolution of the Planning Commission  
26 of the City of Pinole Approving Design Review for 2700 Appian Way Mixed-  
27 Use Project, Project #07-30;
  - 28  
29 • Resolution 08-26, GPA 07-01 & REZONING 07-03, Findings and  
30 Determination of the Planning Commission of the City of Pinole  
31 Recommending the City Council of the City of Pinole Approve General Plan  
32 Amendment 07-01 Establishing a new "Infill Development" Land Use  
33 Designation and Changing the land use from "Neighborhood Commercial" to  
34 "Infill Development" for the .22 Acres at 2700 Appian Way, Assessor Parcel  
35 Number 426-402-001 and Rezoning 07-03, to Rezone .22 Acres at 2700  
36 Appian Way, Assessor Parcel Number 426-402-001, from C-3 (General  
37 Commercial), PD (Planned Development) to Allow a Mixed-Use Building with  
38 Office/Retail Uses and Residential Uses;
  - 39  
40 • Attachment 2, Exhibit A for Design Review Resolution Project Conditions of  
41 Approval;
  - 42  
43  
44 • Attachment 3, Exhibit A to MND Resolution, Exhibit B to Design Review  
45 Resolution, Mitigation Monitoring and Reporting Program;

- Attachment 4, Mitigated Negative Declaration; and
- Attachment 5, Supplemental Information for Trip Generation

**MOTION: Kurrent**

**SECONDED: Sekins**

**APPROVED: 6-0**  
**ABSENT: Banuelos**

Commissioner Banuelos returned to the dais at this time.

2. **Design Review 08-16 - Pet Food Express Condition of Approval Amendment:** Consideration to amend a special Condition of Approval related to Conditions, Covenants, and Restrictions (CC&Rs). Applicant: Jim Moore, 2131 Williams Street, San Leandro, CA 94577. Location: 1430 Fitzgerald Drive, APN 426-080-021. Environmental: Exempt per California Environmental Quality Act (CEQA) Guidelines Section 15301.

Associate Planner Hersch presented the staff report dated December 8, 2008, and advised that the Planning Commission had approved a 632 square foot expansion of the existing Pet Food Express on July 14, 2008, at which time it had been brought to staff's attention that CC&Rs through the project management firm required consent from adjoining property owners of the changes. As a result, a condition had been imposed that the applicant needed to provide clarification to the satisfaction of staff prior to the issuance of a building permit.

Ms. Hersch noted that the City did not typically get involved in CC&Rs. In August the applicant submitted for plan check and had worked to get the required signatures. Signatures from four of the five adjacent uses in the center had been obtained. The applicant's attorney asked for the deletion of the condition related to CC&Rs since the City did not typically get involved in CC&Rs between private property owners and because the building permits were otherwise ready to be issued.

Commissioner Kurrent spoke to the parking for the use and noted that a large part of the parking lot was taken up by temporary uses such as Christmas tree sales, pumpkin patches and the like. He asked about the arrangements for the use of those parking spaces for temporary uses.

Ms. Hersch reported that was coordinated between ABC Tree Farms and the property management firm. ABC Tree Farms would work with the City to get a permit for the Christmas trees and the pumpkin patch. She noted that the City was not involved in the particulars of the parking in the center used for those special seasonal uses.

1 Commissioner Kurrent referred to the use of the compact spaces and asked if there  
2 was anything to enforce larger vehicles from using those compact spaces.

3  
4 Ms. Hersch stated that the City did not enforce parking requirements in private lots.

5  
6 Commissioner Sekins referenced the request to remove the specific condition and  
7 asked if it was permanent and whether or not it would change the CC&Rs, reported  
8 by Ms. Hersch that the removal of that condition would be for this specific project  
9 only.

10  
11 Mr. Rhodes stated in further response that by eliminating the condition of approval it  
12 would mean that the condition would no longer be a barrier to get a building permit.  
13 The private parties through the CC&Rs could still work through a civil process to  
14 prevent changes to the common areas based on the CC&Rs which would not  
15 involve any City enforcement.

16  
17 PUBLIC HEARING OPENED

18  
19 JOHN MOORE, General Legal Counsel for Pet Food Express, stated that the  
20 applicant had entered into a lease extension for the property and as part of that  
21 lease extension had agreed to spend monies to improve the building and the  
22 parking areas. The property had CC&Rs, which was essentially a contract amongst  
23 the various owners of the shopping center. The work the applicant proposed  
24 triggered a consent requirement in the CC&Rs which also provided that consent  
25 could not be withheld unreasonably. As part of the conditions of approval imposed  
26 by the Planning Commission, consent from the adjacent properties had been  
27 required. Four of the five signatures had been solicited and obtained although the  
28 fifth had not been provided.

29  
30 Mr. Moore advised that staff had been informed of that issue and although staff had  
31 worked with the applicant the project had stalled as a result. He suggested that the  
32 consent process was a means to ransom money as opposed to addressing  
33 legitimate parking stalls or other issues related to the building addition. He explained  
34 that the use was well over a football field distance away from the fifth tenant who  
35 had raised issues. He had asked staff to eliminate that condition of approval to  
36 allow the private parties to resolve their issues with the CC&Rs.

37  
38 JIM MOORE, Project Manager for Pet Food Express, was present to respond to  
39 questions.

40  
41 Commissioner Kurrent asked the applicant to clarify the use of the parking lot for the  
42 Christmas tree lot and the pumpkin patch as well as the issue of compact spaces.

43  
44  
45 Mr. Moore stated that the parking spaces in question were the farthest parking

1 spaces from the one landlord whose signature could not be obtained. During the  
2 busiest time of the year, most of the parking lot area had been dedicated to the use  
3 of a Christmas tree lot, although he did not see that was an issue. He explained he  
4 had been a tenant a little over 10 years and the use of the parking lot for seasonal  
5 uses predated him. He was not involved in any approval of that seasonal use and it  
6 was not a problem for his business.  
7

8 Commissioner Banuelos verified with the attorney representing Pet Food Express  
9 that approximately \$1,000 per day in sales had reportedly been lost as a result of  
10 the condition of approval imposed by the Commission since July 2008.  
11

12 TERRY PRIES, 393 Hamilton, Campbell, identified himself as one of the owners of  
13 the property that housed the Michael's Store and the only owner that had not signed  
14 the letter of consent for the applicant to obtain a building permit. He commented  
15 that Orchard Supply had only supplied a letter after it had been sued by the  
16 applicant. He stated that Mr. Moore had indicated that they would do the same to  
17 him if he did not provide the required signature. He was willing to sign an  
18 amendment to the CC&Rs as called out in Section 17.01 of the CC&Rs, which  
19 stated that the declaration, provisions, covenants, restrictions or exhibits could be  
20 amended or modified only with the unanimous written consent of the owners and  
21 major tenants which written consent must be recorded in the Office of the Recorder  
22 of Contra Costa County. He was not against the expansion of Pet Food Express  
23 but did object to the City waiving the condition jeopardizing the CC&Rs.  
24

25 Mr. Pries noted that he had been sent a letter on November 4, 2008 from the  
26 applicant's attorney which he had been asked to sign to allow Pet Food Express the  
27 ability to get a building permit, with a notation that "Pet Food Express shall  
28 reasonably cooperate with Mr. Pries in obtaining the signatures from all the owners  
29 and major tenants in the center." He pointed out that it was not his responsibility to  
30 obtain those signatures for Pet Food Express. He had sent Mr. Moore a request for  
31 compensation of attorney and lending agents fees. In order for him to agree to the  
32 amendment of the CC&Rs, the lending agency would have to give the okay.  
33

34 Mr. Pries stated that the amount being requested might be a bit much and he had  
35 asked Mr. Moore to cover the amount of attorney fees but they had said no and  
36 suggested it was extortion. He stated that the process of getting the plans approved  
37 had been done incorrectly in that the first time he had learned of the expansion was  
38 when the City had sent out the notice of the expansion. At that time he had  
39 contacted the management company which had not been aware of the plans.  
40

41 Mr. Pries stated that he should have been approached at the same time that Mr.  
42 Moore had hired his architect to work on the drawings.  
43

44 While Mr. Moore had reached out to him in July, Mr. Pries had no contact with the  
45 applicant until November. In reviewing a letter dated November 6, 2008, from Mr.

1 Moore, he suggested if he had been contacted earlier Michael's and Orchard  
2 Supply would have been allowed more time to get the necessary approvals. He  
3 noted it had taken the applicant six months to get to the City Council and he  
4 suggested that the applicant could have reached out to the other tenants during that  
5 time.  
6

7 Mr. Pries asked the Commission to deny the request to avoid jeopardizing the  
8 CC&Rs. He added that the CC&Rs should be amended since the expansion of Pet  
9 Food Express would result in the CC&Rs being incorrect. He asked for some kind  
10 of a condition to be placed on the final approval of the expansion to require the  
11 applicant to work with all the owners prior to attaining a certificate of occupancy.  
12

13 When asked by Commissioner Kurrent about the Christmas tree lot, Mr. Pries did  
14 not know the background of that situation. He stated he had owned Michael's for  
15 three or four years. He noted that there was no security company in place to  
16 enforce the parking requirements.  
17

18 Commissioner McGoldrick clarified that Mr. Pries did not oppose the expansion and  
19 that Mr. Pries only wanted the CC&Rs to be corrected.  
20

21 Mr. Pries reiterated that he was in support of the building permit but wanted the  
22 CC&Rs to be corrected.  
23

24 Chairperson Toms verified with Mr. Pries that all the tenants were party to any  
25 amendment to the CC&Rs.  
26

27 Mr. Moore stated that when the Project Manager [Jim Moore] had contacted Mr.  
28 Pries, Mr. Pries had concerns related to the Project Manager and making sure there  
29 was a compensation provision in the CC&Rs related to the common area. Mr. Pries  
30 had reported no objection to the project. He stated that an amendment to the  
31 CC&Rs had been presented to Mr. Pries although that had not been signed. He  
32 stated that Mr. Pries had initially asked for \$100,000 to sign the amendment, which  
33 was extortion. Having no recourse to satisfy the condition, he had sued Orchard  
34 Supply on behalf of his client and Orchard Supply had submitted a letter in support  
35 of the project. He stated that they also had no recourse but to ask the Planning  
36 Commission to get the condition removed so that the project could move forward,  
37 the store could reopen and merchandise could be restocked for the business.  
38  
39

40 Chairperson Toms asked what process could be used to make the necessary  
41 amendments to the CC&Rs, to which Mr. Moore commented that there was no  
42 leverage available to require signing the amendment to the CC&Rs.  
43

44 PUBLIC HEARING CLOSED  
45

1 Chairperson Toms asked if it would be advisable to consider a new condition that  
2 there be no certificate of occupancy until the CC&Rs were amended to reflect the  
3 Pet Food Express expansion, although she questioned whether or not the  
4 Commission should stay out of a situation with respect to private CC&Rs.  
5

6 Mr. Rhodes stated that staff had considered that option and it would be even harder  
7 to enforce withholding a certificate of occupancy if there were outstanding issues on  
8 the CC&Rs. In this case, there was a commercial project for a business that  
9 already existed and it would be difficult to limit occupancy of a portion of an existing  
10 store.  
11

12 Chairperson Tomas asked if staff would like to withhold approval of temporary uses  
13 on the site, such as the sales of Christmas tree or pumpkin patch uses on the  
14 property pending the clarification of the CC&Rs.  
15

16 Mr. Rhodes stated that the common area under common ownership should require  
17 the consent of all owners in the center in terms of the temporary uses which  
18 impacted the number of available parking spaces in the center.  
19

20 Commissioner Sekins suggested that would change if the prior Levitz space was  
21 occupied by another tenant.  
22

23 Commissioner Brooks asked if the property manager could be compelled to work  
24 out those issues.  
25

26 Mr. Rhodes commented that the staff's recommended position was that it was a  
27 private matter and it was in the long-term interest of all property owners to make  
28 sure that the CC&Rs reflected all of their interests.  
29

30 Commissioner Kurrent spoke again to the seasonal use of the parking lot and  
31 suggested that the property owner should compel the property manager to curtail or  
32 limit the seasonal use of the property if there was a concern with the parking. He  
33 was concerned if the Commission were to eliminate the condition, as recommended  
34 by staff, that the issue would remain unresolved which would only postpone a  
35 resolution of the problem.  
36

37 Mr. Rhodes commented that with any shopping center with separate owners there  
38 was a potential for dispute, particularly if property management did not take  
39 preventative steps to address any issues.  
40

41 In this particular case, Mr. Rhodes stated that staff did not want the City to be in the  
42 position to prevent any business that wanted to expand in the community because  
43 there was a private matter that blocked the project. He stated that the proposal was  
44 consistent with development plans. Given the economy, he wanted to be able to  
45 streamline the process and welcome an expansion in the community. Four out of

1 five property owners had given consent and the reason why the consent had not  
2 been provided by the fifth property owner was because that owner had not been  
3 approached in an appropriate manner which was not something the City regulates.  
4

5 Mr. Rhodes agreed that it would be desirable to have the CC&R issue resolved,  
6 although he stated that was not something the City should be involved in.  
7

8 Commissioner Kurrent clarified Mr. Rhodes' suggestion that the City remove itself  
9 from that issue.

10 Commissioner Brooks suggested it was a legal matter to be resolved and was not  
11 something where the Planning Commission should be involved.  
12

13 Commissioner Sekins suggested that since the Commission had imposed the  
14 condition, it had the power to remove it. He made a motion to approve the staff  
15 recommendation.  
16

17 Commissioner Sekins seconded the motion.  
18

19 Commissioner Banuelos suggested it was important for the Commission to stick to  
20 land use policy. He noted that given the size of the addition and the minimal  
21 impacts in terms of use and parking and due to the fact that the seasonal use  
22 appeared to offer minimal impacts, and given the Commission's charge to deal with  
23 general land use, if the tenants and property owner could not reach an agreement  
24 that was not the responsibility of the Commission.  
25

26 Chairperson Toms commented that one tenant was being asked to amend the  
27 CC&Rs and another tenant was being asked to review them at a cost. She  
28 suggested that the property manager must resolve those issues. She stated it  
29 would be in everyone's best interest to amend the CC&Rs and she would like to see  
30 more interest from the property manager to get that done, which was a private  
31 issue. She supported the motion.  
32

33  
34 **MOTION** to approve:  
35

- 36 ● Attachment 1, Resolution 08-29, A Resolution of the Planning  
37 Commission of the City of Pinole Deleting Condition of Approval #7 for a  
38 623 Sq. Ft. Addition to the Pet Food Express Located at 1430 Fitzgerald  
39 Drive (APN: 426-080-021);
- 40 ● Attachment 2, Narrative from Project Representatives;
- 41 ● Attachment 3, Property Owner Consent Letters; and
- 42 ● Attachment 4, Resolution 08-13, A Resolution of the Planning  
43 Commission of the City of Pinole Approving an Addition and Paint  
44  
45

1 Changes for Pet Food Express, Project #08-07.

2  
3 **MOTION: Brooks**

4 **SECONDED: Sekins**

5 **APPROVED: 7-0**

6 Chairperson Toms advised that any person may appeal an action of the Planning  
7 Commission by filing an appeal with the City Clerk, in writing, within ten days of  
8 such action.

9 Commissioner Sekins commented that with the potential of the City of Pinole getting  
10 out of the Pinole Vista and Pinole Valley Shopping Centers, the same issue could  
11 occur for those properties as well since they could ultimately involve multiple  
12 property owners.

13  
14 Mr. Rhodes stated that the City typically reviews CC&Rs to ensure consistency  
15 between zoning requirements and the CC&Rs.

16  
17 Commissioner Sekins verified that the City Attorney had not reviewed the item. He  
18 suggested in the future that the City Attorney should review potential options prior to  
19 the Commission's consideration.

- 20  
21 3. **Design Review 08-17 and Conditional Use Permit 08-04, 1989 Ebsen**  
22 **Court Second Unit.** Consideration of a 335 square foot attached  
23 second unit at 1989 Ebsen Court. Applicant: Jim Parkhurst, 1989 Ebsen  
24 Court, Pinole, CA 94564. Location: 1989 Ebsen Court, APN 430-472-  
25 009. Environmental: Categorically Exempt per CEQA Guidelines  
26 Section 15303, New Construction or Conversion of Small Structures.

27  
28 Associate Planner Anne Hersch presented the staff report dated December 8, 2008,  
29 and advised that the request was for a 335 square foot attached studio unit that  
30 would contain a kitchen and a bathroom on a 21,000 square foot lot adjacent to  
31 open space on Ebsen Court. Parking would be provided on an existing asphalt path  
32 adjacent to the home. The unit met the setback requirements and with the parcel  
33 configuration there was an excess of five feet on either side to the north and south.  
34 The addition would be painted the same color as the home, with a composition  
35 shingle roof and a building height of 16 feet. The conditional use permit required  
36 owner occupancy of at least one of the units.

37  
38  
39 Ms. Hersch clarified that there would be an interior connection from the efficiency  
40 unit to the main house. She stated that there was nothing that would restrict having  
41 additional access to the main residence. City code required a separate entrance  
42 and did not limit interior access. The unit would be occupied by the property  
43 owner's son.

44  
45 Commissioner Kurrent asked if neighbor consent was required, reported by Ms.

1 Hersch that a second unit required public notice and a 1,000 square foot noticing  
2 had been provided. To date there had been no inquires from neighbors.

3  
4 Commissioner Brooks asked if staff recommended consideration of an addition as  
5 opposed to a second unit.

6  
7 Ms. Hersch stated that the applicant had considered other options and had decided  
8 to pursue a second unit to accommodate his college-age son.

9  
10 Commissioner Brooks also asked about access to the parking pad, to which Ms.  
11 Hersch advised that the parking pad was located adjacent to the entrance. She  
12 noted that there was an existing paved hammerhead turnaround on the property for  
13 refuse access and fire services. The property was an alley-loaded development.  
14 Parking would be accessed from the alleyway.

15  
16 Commissioner Banuelos asked if there was anything in the original Planned Unit  
17 Development that did not allow second units.

18  
19 Ms. Hersch advised that the property had been developed as a PUD to allow  
20 alleyway access. The site still met the standard R-1 Single Family Residential  
21 District requirements for a 6,000 square foot lot.

22  
23 Chairperson Toms noted that the parking pad appeared to be within the seven foot  
24 setback easement. She verified that the easement was only 13 feet and not 20 feet  
25 where the parking would be within the easement.

26  
27 Ms. Hersch affirmed there could be parking within the setback if no other options  
28 could be met.

29  
30 **PUBLIC HEARING OPENED**

31  
32 PEDRO SANCHEZ, 1990 Shea Drive, Pinole, a neighbor who lived across the  
33 street from the applicant, commented that he had previously submitted plans for a  
34 second unit and had not been able to put in another bathroom at that time. He  
35 asked how the addition could be considered as a second unit and he asked if  
36 someone else could rent the addition. He commented that he owned two properties  
37 across from the project.

38  
39 Mr. Sanchez stated that the alley was a concern given that there was no exit and he  
40 suggested that there could be problems as a result given the need to make U-turns.  
41 His main concern was when the property would be sold in the future where a future  
42 property owner might rent the second unit at that time.

43  
44 Chairperson Toms verified the requirement that title to the property would have to  
45 be recorded with the County Recorder and where the property owner would have to

1 occupy one of the units, which was a deed restriction required of any future owners.

2  
3 Mr. Sanchez described the snaking configuration of the alley and expressed  
4 concern with what would occur with the construction of a second unit. He also  
5 expressed concern with drainage issues from a nearby hill.

6  
7 Chairperson Toms clarified that the easements were clearly identified on maps.  
8 She recommended that Mr. Sanchez contact the Public Works Director to address  
9 any drainage issues.

10  
11 JIM PARKHURST, 1989 Ebsen Court, Pinole, explained that he had paid for a  
12 survey where it had been determined that the property line ran down the middle of  
13 the alley, 13 feet on one side and 13 feet on the other. As a result the alleyway was  
14 actually 26 feet wide.

15  
16 PUBLIC HEARING CLOSED

17  
18 Commissioner Brooks commented that the plans did not reflect the second unit. He  
19 suggested that the plans were incomplete per the building code.

20  
21 Ms. Hersch explained that the plans presented were conceptual drawings. If the  
22 item is approved, detailed construction plans would be submitted for plan check.

23  
24 Commissioner Brooks asked how the handrails of the stairs would be designed.

25  
26 Ms. Hersch explained that handrails were not generally considered as part of the  
27 design guidelines. She noted that there had been some code changes in the  
28 building code and she asked Commissioner Banuelos for a clarification.

29  
30 Commissioner Banuelos noted that guardrail regulations had changed to 30 inches  
31 and guardrail height depended on the elevation.

32  
33 Commissioner Brooks wanted to make certain that the handrail would blend in and  
34 be compatible with the design of the building.

35  
36 Ms. Hersch asked if the Commission would like to add a condition that the handrail  
37 design be evaluated to staff's satisfaction.

38 Chairperson Toms noted that the handrail would be at the rear of the property and  
39 she could accept a staff review of that design element.

40  
41 On the inquiry as to whether or not a second unit project had been approved on the  
42 same street, Chairperson Toms stated that there had been an addition on Sarah  
43 Drive where there had been some concerns. She referred to a second unit on  
44 Jeffrey Court which had met the City's requirements and which had blended well  
45 with the homes in the neighborhood.

1  
2 Ms. Hersch stated that a second unit on Primrose Lane had also been a concern  
3 given its excessive size.  
4

5 **MOTION** to approve:  
6

- 7 • Attachment 1, Resolution 08-28, A Resolution of the Planning Commission of  
8 the City of Pinole Approving Design Review 08-17 and Conditional Use  
9 Permit 08-04, for a New Attached Second Unit at 1989 Ebsen Court, APN  
10 430-472-009; and
- 11 • The guardrail detail to be evaluated by staff.  
12

13 **MOTION: Banuelos                      SECONDED: Bender                      APPROVED: 7-0**  
14

15 Commissioner Bender recused himself from the next item due to a potential conflict  
16 of interest and left the Chambers at this time.  
17

- 18 4. **Text Amendment to Chapter 17.36 “Use Permits.”** Consideration of a  
19 proposed text amendment to Section 17.36 of the Pinole Municipal Code  
20 adding hazardous or volatile gas and/or liquid pipeline development to the  
21 list of special uses within Section 17.36.020 of the Municipal Code  
22 requiring a use permit. Applicant: City of Pinole. Location: All zoning  
23 districts within the City of Pinole. Environmental Review: Exempt per  
24 CEQA Guidelines Section 15061(b) (3).  
25

26 Planning Manager Winston Rhodes presented the staff report dated December 8,  
27 2008, and advised that the text amendment related to use permits. Because of the  
28 City’s close proximity to regional energy facilities in West Contra Costa County, the  
29 City was susceptible to manmade hazards. He referred to the Safety Element of  
30 the General Plan and noted some of the goals and policies mentioned. He stated  
31 that the item was being brought forward to better protect public health, safety and  
32 welfare by specifically identifying hazardous gas and/or liquid pipeline development  
33 as a use to be added to the list of special uses that would require a use permit. By  
34 doing so, that would enable the Commission to have a tool to implement the goals  
35 and policies of the Safety Element, specifically related to the risks of manmade  
36 hazards from a pipeline development or where hazardous materials may be  
37 transported through the City of Pinole.  
38

39 Mr. Rhodes stated that the actual text amendment would have no significant effect  
40 on the environment. The City could find that the text amendment would have no  
41 impact on the environment. The item was a proactive step to give the City a tool  
42 that did not currently exist to regulate pipeline development for transporting volatile  
43 gases or hazardous liquids.  
44

45 Commissioner Sekins noted the mention of future hazardous gas or liquid materials

1 and asked if the replacement of existing pipelines would require a permit if it  
2 constituted a repair.

3  
4 Mr. Rhodes reported that if related to an existing facility that did not require a use  
5 permit no new permit would be required. The amendment dealt with development  
6 of new pipeline facilities.

7  
8 Commissioner Kurrent commented that since pipelines primarily were situated  
9 along railroad lines, he asked if there were federal or state regulations involved that  
10 would supersede local controls.

11  
12 While there were federal and state regulations, Mr. Rhodes stated that in addition to  
13 those regulations local jurisdictions had the ability to require use permits to regulate  
14 such developments.

15  
16 In response to Commissioner Kurrent as to the reference to a Pipeline Safety  
17 Ordinance, Mr. Rhodes advised that when the General Plan had been adopted it  
18 had been envisioned that a Pipeline Safety Ordinance would be brought forward.  
19 He could not find that ordinance had ever been drafted. The proposed text  
20 amendment would make it clear that any new pipeline development would require  
21 approval of a use permit from the Planning Commission.

22  
23 Commissioner Brooks asked whether or not a typical application requiring an  
24 Environmental Impact Report (EIR) of Negative Declaration would have addressed  
25 such issues.

26  
27 Mr. Rhodes explained that through the use permit process California Environmental  
28 Quality Act (CEQA) requirements must be met and environmental documents  
29 prepared. If the project was within the City limits, the City would be the lead agency  
30 on such a document which would have to be reviewed and approved by the City.  
31 For a larger project encompassing various agencies, one of the agencies would  
32 have to be identified as the lead agency and each jurisdiction would have to  
33 approve the environmental document for each respective agency's use permit.

34  
35 As to the new pipeline at Fernandez Park, Mr. Rhodes stated that if the Commission  
36 recommended approval of the text amendment to the City Council and the Council  
37 approved the text amendment, a permit would be required for that project.

38  
39 **PUBLIC HEARING OPENED**

40  
41 There was no one to speak.

42  
43 **PUBLIC HEARING CLOSED**

44  
45 **MOTION** to approve:

- Attachment 1, Planning Commission Resolution No. 08-30, A Resolution of the City of Pinole Planning Commission Recommending that the City Council Amend Chapter 17.36 of the Pinole Municipal Code by Adding Hazardous or Volatile Gas and /or Liquid Pipeline Development to the List of Special Uses within Section 17.36.020 Requiring a Use Permit (ZOA 08-03);
- Attachment 2, General Plan Health and Safety Element Excerpt; and
- Attachment 3, Chapter 17.36 Use Permits

**MOTION: McGoldrick                      SECONDED: Brooks                      APPROVED: 6-0**  
**ABSENT: Bender**

Chairperson Toms declared a five minute recess at this time. The meeting reconvened at 8:35 P.M. with all Commissioners present.

**G. NEW BUSINESS:** None

**PLANNING COMMISSION ACTING AS THE STEERING COMMITTEE  
FOR THE GENERAL PLAN UPDATE PROCESS**

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

1. Discussion and preliminary feedback on administrative draft permitted land use table information for San Pablo, Appian Way, and Pinole Valley Road Specific Plans.

Mr. Rhodes stated that at the October 27, 2008 Planning Commission meeting and the workshop of the Steering Committee for the Specific Plan, the Commission had requested that a land use matrix of the permitted uses be brought forward to the Commission for review and feedback prior to release in a public draft. He referred to a transmittal memo and the attachments including an excerpt of the Administrative Draft related to the maps of each Specific Plan Corridor Area; San Pablo Avenue, Appian Way, Pinole Valley Road and the accompanying land use matrix including permitted uses, conditionally permitted use and uses not allowed.

Mr. Rhodes asked the Commission to clarify what it might want to include to better advise the consultants during preparation of the public draft. He stated that the Commission should also be aware that there would be other opportunities to consider the information in the public draft and for the Steering Committee to review the entire draft in greater detail over a longer period of time.

Commissioner Kurrent referred to the subscripts in the land use matrix and asked for a clarification of a use not permitted if the same use was pre-existing within 300

1 feet.

2  
3 Mr. Rhodes noted that with certain uses there was a desire not to have a  
4 concentration of those uses, such as a liquor stores, a massage parlor, or similar  
5 uses.

6  
7 Commissioner Kurrent suggested that could be rephrased to ensure a concentration  
8 of certain businesses did not materialize where the same use was not permitted if  
9 preexisting or within 300 feet.

10  
11 Commissioner Banuelos referred to the color coding and noted a confusion of the  
12 menu for that color coding with other areas. He noted another concern where  
13 medium residential was proposed in areas of very small lots and asked that to be  
14 further clarified.

15  
16 Mr. Rhodes suggested that would be a matter of how to define the medium density  
17 residential category.

18  
19 Chairperson Toms agreed that the color coding on the map should match the color  
20 coding on the matrix, and that it would be helpful in the land use map legend to  
21 identify the number of units allowed for each residential type. With respect to family  
22 daycare homes, she noted the County's General Plan had a need for childcare and  
23 suggested that the City's General Plan have a similar policy supporting small family  
24 daycares which should not be restricted.

25  
26 Mr. Rhodes advised that State law superseded any local regulation for small family  
27 daycare facilities which would be permitted by right. Large family daycare proposals  
28 could be regulated locally through a conditional use permit.

29  
30 Chairperson Toms commented that she had not had an opportunity to review the  
31 material in depth. She asked if comments could be provided in the next few days.

32  
33 Mr. Rhodes stated that in order to release the public draft, all the City comments  
34 were requested so that they could be forwarded to the consultant this week. Even  
35 after the Specific Plan Steering Committee meeting scheduled for December 11 this  
36 week there would be an opportunity after the release of the public draft to evaluate  
37 the information in much more detail.

38  
39 Mr. Rhodes added that the meeting on December 11 would be a full Steering  
40 Committee meeting. The Planning Commission would host the meeting. The full  
41 City Council was invited to attend the meeting to be facilitated by PMC, which would  
42 provide information along with the economic consultant. There would be several  
43 key pieces of policy direction that the consultants would solicit from the Steering  
44 Committee. After public comment the Steering Committee would asked to provide  
45 that policy direction. When asked, Mr. Rhodes stated that the meeting was not

1 planned to be recorded.  
2

3 Chairperson Toms reported that she and Commissioner Kurrent had a conflict for  
4 the meeting on December 11 and would not be present. She clarified that the other  
5 members of the Commission would be present at that time. Commissioner  
6 Banuelos was designated as the Chairperson Pro Tem for that meeting.  
7

8 Commissioner Kurrent asked if there could be a recording of the Steering  
9 Committee meeting, particularly so that he and Chairperson Toms would be able to  
10 learn of the discussions.  
11

12 Ms. Hersch stated that arrangements could be made for a video recording of the  
13 December 11 meeting. The current meeting was being recorded on DVD and it  
14 was possible that a DVD could be made for the December 11 meeting as well.  
15

16 With respect to the Appian Way Land Use Map, Commissioner Brooks referred to  
17 the area shown as High Density Residential which he suggested was currently  
18 planned for Commercial use, but which Mr. Rhodes reported was being considered  
19 for Mixed Use and added that both Residential and Commercial uses could be  
20 included in that area to make sure of the opportunity to do both types of  
21 development was provided.  
22

23 Commissioner Kurrent expressed his concern for high density housing, such as the  
24 Sunnyview Apartments and Alvarez Apartments, which had experienced a high rate  
25 of crime. He was therefore concerned about high density housing along the San  
26 Pablo Avenue Corridor and asked that the issue be addressed at the December 11  
27 meeting. He commented that he had always favored an owner-occupied  
28 townhouse environment as opposed to rental units.  
29

30 Commissioner Banuelos suggested that the area in question could be both owner-  
31 occupied and rental units. He commented that there were some areas where the  
32 property sizes did not reflect the density.  
33

34 Mr. Rhodes stated that the submission of more information and the local knowledge  
35 would be very important. He expressed his appreciation for the institutional memory  
36 represented on the Planning Commission. He emphasized that for the Specific  
37 Plans to be implemented effectively, it will need to recognize the history of the  
38 properties, what currently exists and what the property owner intentions are for the  
39 future. All of this information would be important as the Specific Plans are discussed  
40 and formulated over the next several months.  
41

42 Commissioner Banuelos stated that at the same time PMC had been associated  
43 with the City for some time and should also be very familiar with the areas in  
44 question.  
45

1 Speaking to the San Pablo Avenue Specific Plan at San Pablo and Tenant Avenues  
2 (2301 San Pablo Avenue), Commissioner Bender referred to the property shown as  
3 Residential Mixed Use and verified with Mr. Rhodes that the map did not reflect the  
4 fact that the contemplated project had been redesigned to exclude Residential,  
5 which was the type of thing the consultants should have caught.  
6

7 Commissioner Bender also referred to an adjacent block and the areas designated  
8 as Quasi Public/Institutional and the former St. Joseph's Convent. He suggested  
9 that would imply that the street which had been there would be coming back.  
10

11 Ms. Hersch stated there was a strong possibility that at some point that street would  
12 go back to being a street with some on-street parking and the RDA, Planning, and  
13 Public Works Departments have discussed some configurations. She noted that  
14 with the development of 2101 San Pablo that would be the time when the street  
15 may be considered for on-street parking.  
16

17 Commissioner Banuelos referred to the various headings for the zones and noted  
18 the previous comment that the abbreviations be spelled out for clarity.  
19

20 Chairperson Toms commented that the reference to "PQI" (Public/Quasi  
21 Institutional) was not shown on the map. She also suggested that there was  
22 sufficient room on the matrix to rotate the wording and fit in the whole word for  
23 easier readability.  
24

25 Mr. Rhodes stated it was also important to make it easier for prospective property  
26 owners and developers to understand the Specific Plan document and make  
27 decisions accordingly. The more understandable the document, the better it would  
28 be as a tool for all future users.  
29

30 Commissioner Banuelos asked if the designations were in other areas of the City, to  
31 which Mr. Rhodes stated that the question of the same labels and descriptions  
32 outside the Specific Plan could be considered by the Commission at the time of  
33 General Plan and Zoning Ordinance review unless the Commission wanted the  
34 labels and descriptions to be unique to the Specific Plan area.  
35

36 Ms. Hersch referred to minor use permit and conditional use permits being called  
37 out, although she did not understand the differences. She noted that minor use  
38 permits had been listed with bed and breakfast, home improvement supplies and  
39 random but permanent types of businesses where a conditional use permit should  
40 apply.  
41

42 Mr. Rhodes explained that in some jurisdictions minor use permits were  
43 administered at the staff level and not at the Commission level.  
44

45 Ms. Hersch suggested that situation be made clear in the document.

1  
2 Mr. Rhodes stated that would be an important consideration when moving forward.  
3 He noted for instance that a conditional use permit would allow the Commission  
4 more ability to evaluate specific uses. Referring to the Appian Way Land Use  
5 Matrix, he stated that it listed private schools, special studios, theaters and  
6 auditoriums as permitted uses where conditional use permits might best be  
7 required. He added that including definitions for some of the use categories might  
8 be a good way to provide greater clarification for future Specific Plan interpretation.  
9 Mr. Rhodes stated that staff and the Commission would evaluate those  
10 categorizations in more detail as the process commenced.

11  
12 Chairperson Toms commented that Park and Ride facilities were not allowed in  
13 many areas but would be consistent with the City's transportation policies where  
14 those kinds of uses might want to be considered. She urged Commissioners to  
15 forward any other comments to staff.

16  
17 Mr. Rhodes noted that the workshop on December 11 would not go into the same  
18 level of detail on the land use matrix although the maps would be discussed.

19  
20 On other matters, Ms. Hersch reported that during the November 17 meeting, a  
21 concern had been raised with the lighting along the median at Kaiser on Pinole  
22 Valley Road. The Council had specifically requested that the lights be brighter. She  
23 noted that the Cobra overhead lights on either side of Pinole Valley Road would be  
24 removed. The other point raised by the Commission during its previous meeting,  
25 had to do with the signal timing along Pinole Valley Road during peak times. She  
26 reported that the traffic engineer in the Public Works Department was working with  
27 Caltrans to address that issue.

28  
29 Chairperson Toms expressed her hope that the lights near Kaiser would be  
30 synchronized.

31  
32 Speaking to the security flashing light at Walgreen's in response to the Chair, Mr.  
33 Rhodes stated that the City was working to have that issue addressed as part of the  
34 Pinole Valley Shopping Center CC&Rs. The Police Department had also been in  
35 discussion with Walgreen's to confirm that the flashing light was not needed for the  
36 existing security camera.

37  
38 Chairperson Toms also clarified that the flashing light did not comply with the  
39 lighting plan for the Pinole Valley Shopping Center and she asked that it be  
40 addressed.

41  
42  
43 Mr. Rhodes stated that because of the City's tight budget situation one of the things  
44 that he wanted to pass on to the Planning Commission was for members to help  
45 identify any areas of cost savings given the need for the City to seek out ways to

1 operate more efficiently and cost-effectively. He asked for input and suggestions  
2 from the Commission in that regard.

3  
4 Commissioner Brooks asked about the status of the Del Monte project, reported by  
5 Ms. Hersch that there were currently no open permits. She was not aware why the  
6 applications had not materialized. She noted that her last communication with the  
7 property owner related to the administrative approval regarding benches and the  
8 trash receptacles. She was not aware when the property owner would return with  
9 additional applications.

10  
11 Ms. Hersch stated that the T-Mobile pylon and external signs had been evaluated  
12 with the approved sign program for the center.

13  
14 Commissioner McGoldrick thanked staff for the list of building permits included in  
15 the Commission packet.

16  
17 **I. COMMUNICATIONS:**

18  
19 There were no communications.

20  
21 **J. NEXT MEETING:** Specific Plan Steering Committee, December 11, 2008 and  
22 then a regular meeting of the Planning Commission scheduled for January 12,  
23 2009.

24  
25 **K. ADJOURNMENT:** 9:10 P.M.

26  
27 Transcribed by:

28  
29 Anita L. Tucci-Smith  
30 Transcriber