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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**

August 10, 2009

THE PLANNING COMMISSION

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

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

18
19 Commissioners Present: Banuelos, Bender, Brooks, McGoldrick, Sekins, Toms,
20 Chair Kurrent

21
22 Commissioner Absent: None

23
24 Staff Present: Planning Manager, Winston Rhodes
25 Associate Planner, Anne Hersch
26 PMC Consulting, Scott Davidson
27 PMC Consulting, Christina Ratcliffe
28 PMC Consulting, Margaret-Kavanaugh-Lynch

29
30 **C. CITIZENS TO BE HEARD:**

31
32 There were no citizens to be heard.

33
34 **D. CONSENT CALENDAR:**

35
36 1. Planning Commission Meeting Minutes of July 13, 2009.

37
38 2. **Design Review 09-05:** Amazing Haircuts New Business Sign:
39 Consideration of a new business sign for Amazing Haircuts. Applicant:
40 Amazing Haircuts, Larry Honorio, 2501 San Pablo Avenue, Pinole, CA
41 94564. Location: 2501 San Pablo Avenue, APN 401-184-012.

42
43 Commissioner Banuelos asked for the removal of Item D2 from the Calendar.

44
45 Commissioner Brooks stated he would abstain from the July 13, 2009 minutes.

1 **MOTION to approve the minutes of the July 13, 2009 meeting, as submitted.**

2
3 **MOTION: Toms**

SECONDED: Bender

APPROVED: 6-0-1

ABSTAIN: Brooks

4
5
6 Commissioner Bender recused himself from the discussion of Item D2 due to its
7 close proximity to his home. He left the dais and the Chambers at this time.

8
9 Commissioner Banuelos noted that the staff report had identified signage for
10 "*Amazing Haircuts*" while the request for approval itself had shown the copy to read
11 "*Amazing Haircut.*" He wanted to make the sign bigger to accommodate the "s." He
12 recommended an extra three inches to do that.

13
14 Associate Planner Anne Hersch advised that the official business name per the
15 business license was "*Amazing Haircuts*". She had spoken to the applicant. The
16 sign would now reflect the actual business name.

17
18 Commissioner Brooks stated that due to the fact that temporary banners were on
19 the façade an appropriate place for the sign would be on the end of the façade
20 (rather than mounting it on the wall) where there would be more room.

21
22 **MOTION to approve Design Review 09-05 subject to:**

- 23
- 24 • Attachment 1, Planning Commission Resolution 09-11, A Resolution of
 - 25 the Planning Commission of the City of Pinole Approving Signage for
 - 26 Amazing Haircuts Located at 2501 San Pablo Avenue. (APN: 401-184-
 - 27 012), Design Review #09-05;
 - 28 • Exhibit A: Conditions of Approval DR 09-05 Amazing Haircuts Sign; and
 - 29 • An additional condition to accommodate the addition of the letter "s" in
 - 30 sign copy reading "*Haircuts*" by extending the sign three inches in width
 - 31 with the height to remain the same, and ensuring that the height from the
 - 32 sidewalk to the other side of the sign was consistent with code
 - 33 requirements.

34
35 **MOTION: Banuelos**

SECONDED: Toms

APPROVED: 6-0

ABSENT: Bender [Recused]

36
37
38 Commissioner Bender rejoined the Commission at this time.

39
40 **E. PUBLIC HEARINGS: None**

41
42
43 **THE PLANNING COMMISSION AS STEERING COMMITTEE FOR**
44 **THE GENERAL PLAN UPDATE PROCESS**
45

1 **F. OLD BUSINESS:**

2
3 1. Discussion of Draft Land Use and Economic Development Element

4
5 Scott Davidson, PMC Consulting, presented a PowerPoint presentation to open the
6 discussion of the Draft Land Use and Economic Development Element. He noted
7 the completion of the background report, the start of the Land Use and Economic
8 Development Element, and the fact that in the interim two subcommittees had met
9 to review the Draft Natural Resources and Open Space and Community Character
10 Elements where concepts had been incorporated into a redline version of those
11 elements.

12
13 Mr. Davidson referred to the land use designations and presented an overview of
14 administrative issues related to reordering the elements in the General Plan to place
15 Community Character as the first element. He stated that General Plan graphics
16 had been discussed and had included a trails plan, noise contours and information
17 that had previously not been readily available.

18
19 Planning Manager Winston Rhodes reported that figures related to Land Use and
20 Open Space had been provided and would be included on the City's website from
21 the 1995 General Plan.

22
23 Mr. Davidson detailed the seven mandatory elements required in a General Plan
24 pursuant to the Government Code. He explained that the current General Plan
25 was very site specific in many instances. Instead of configuring land uses to direct
26 design, he recommended that development standards be designated to express the
27 intent and design of a project. He referred to the breakdown of the recommended
28 and proposed land use designations and described a consolidation of a number of
29 mixed use land use designations in the plan. He offered a sketch intended to
30 convey the concepts that were being recommended in the land use designations.

31
32 As to whether or not the corridor could be expanded in response to the Chair, Mr.
33 Davidson noted that the Corridor Specific Plan could be extended or one of the
34 other uses on the property could be considered and addressed as one of the
35 alternatives.

36
37 Commissioner Brooks expressed concern about the open space, to which Mr.
38 Davidson stated that the General Plan appeared to use General Plan policies in
39 place of design standards and that there were some inconsistencies between the
40 General Plan designations and the Zoning Ordinance. He referred to property
41 along Pinole Valley Road that had been referred to as Open Space in the General
42 Plan while the Zoning Ordinance identified that property as residential with a density
43 of one unit per acre.

1 Mr. Davidson advised that a land use designation had been proposed with design
2 standards through General Plan policies that would be consistent in the Zoning
3 Ordinance. Planned Unit Development (PUD) would continue to be used as a tool
4 in the development of those areas.
5

6 In further response to Commissioner Brooks, Mr. Davidson stated that the map
7 identified a number of public or private open spaces that would remain regardless
8 of the General Plan land use designation. He stated the General Plan could identify
9 those areas as open space. He described the intent to preserve the open space
10 where it existed and explained that the land use maps could accomplish that
11 objective in a variety of ways. Where open space did not exist, the designation
12 could require a PUD with policies for ridgelines, creeks, resource protections and
13 the like. He added that the Steering Committee should identify how it wanted to
14 identify open space.
15

16 Mr. Rhodes described the effort to correct inconsistencies between the General
17 Plan and current zoning map and added that the zoning map could be modified as
18 part of the Zoning Ordinance Update. He explained that there were a number of
19 ways to identify how much space should be open space and how much should be
20 other uses, and there were other methods to constrain residential density on
21 undeveloped properties.
22

23 Commissioner Banelos referred to the notion of ridgeline restrictions of
24 development and suggested that other things could be taken into account to
25 preserve open space. Referring to the land use sketch, he asked of the relationship
26 between the new designations and the existing designations.
27

28 Mr. Davidson stated that commercial uses would be consolidated within either the
29 mixed use or with Old Town categories, with one exception. The regional serving
30 commercial would remain. The neighborhood serving commercial would be
31 contained within the mixed use or Old Town categories. The industrial would be
32 located within the service area and the balance would remain static. The current list
33 of General Plan Land Use Designations would essentially be cut in half.
34

35 Mr. Rhodes stated that after the meeting on July 27 there had been major topics of
36 discussion regarding the order of elements, and a request for direction as to the
37 treatment of the Corridor Specific Plan. He referred to a handout from the current
38 1995 Land Use Element which referred to the San Pablo Avenue Land Use Plan
39 and noted the concern for cross referencing the Specific Plan. Referring to the last
40 two pages of the handout, he stated that it illustrated the different land uses along
41 San Pablo Avenue within the 1995 document. He asked the Steering Committee to
42 consider that in terms of treatment and suggested that the handout would be one
43 way to do that. He sought direction on the treatment of the Corridor Specific Plan.
44 He also referred to the deletion of the height requirement, the creation of a rural
45 density designation, a low density designation with a different density designation

1 and the creation of a suburban residential category.
2

3 Another land use map recommendation from the subcommittee was to provide
4 consistency between the Corridor Specific Plan and the General Plan and explore
5 the potential to consolidate a number of land use categories.
6

7 Mr. Rhodes referred to the San Pablo Bay Conservation Area and sought direction
8 on the approach to identify the need for future planning effort for that special
9 planning area and a non-prioritized policy directive to guide future planning in the
10 area with an accompanying map of the area; and whether or not it should go out to
11 the city limits. Additionally, currently, the General Plan Land Use Map showed
12 unincorporated areas within the Sphere of Influence (SOI) outside the City limits.
13 The General Plan Map commonly used did not show that, although he noted that
14 part of the Land Use Map had never been amended.
15

16 Mr. Rhodes referred to the areas of Montalvan Manor, Tara Hills, Bay View and
17 portions of El Sobrante Manor south of the city limits which have been included in
18 the planning area. He added that the planning area was an important decision to
19 contemplate since the area could be made as big as desired to identify the area of
20 future planning. He referred to areas of within the Pinole Creek watershed and
21 noted the question of whether or not areas to the east of the current city limits but
22 also in the Pinole Creek watershed should be included in the City's Planning Area
23 as open space. In addition, since wastewater service was provided to the City of
24 Hercules he suggested it could make sense to include that area in the Planning
25 Area. Another area would be the unincorporated areas where fire service is
26 routinely provided by the City of Pinole.
27

28 PUBLIC COMMENTS OPENED 29

30 MARCIA KALIPUS, Pinole, asked if the land was to be designated as open space
31 or as housing. She referred to a specific area and Mr. Rhodes noted the intent to
32 keep open space within that area undeveloped.
33

34 Mr. Rhodes referred to the area in question and the need for further policy direction
35 to show which areas were not to be developed at all or where potential residential
36 development could be clustered. He stated that the extent of future development
37 potential needed to be part of the General Plan update process.
38

39 In response to the Chair, Mr. Davidson explained that the property was zoned for
40 residential use and was allowed to develop at a density of one unit per acre under
41 the current zoning. The General Plan identified the area to be undeveloped, and did
42 not change the density location but where it should be sited. The proposed land
43 use designations would reduce density on some properties, and development
44 standards would be added to indicate where development could occur. He noted
45 that some of the properties were in open space easements. The Steering

1 Committee had the potential to designate land as open space although if the land
2 was private property that could become a taking.

3
4 Mr. Davidson stated there was a strong interest in protecting the open space
5 resources that existed. Where there was no easement or covenant in place other
6 design controls would have to be identified.

7
8 Ms. Kalipus appealed to the Steering Committee for open space, noted that
9 remaining open space is what makes Pinole special, and stated she did not want to
10 see more houses placed in that area.

11
12 JACK MEEHAN, Pinole, noted the work that had been done in preparing some of
13 the documents, none of which had a cover date or source. He urged the City and
14 the consultants to include a cover letter with the source, the date and a title, such as
15 "pending," "tentative," "to be resolved" and the like. He recognized that there was a
16 wealth of information in the reports. He referred specifically to the Circulation
17 Element and the inclusion of transportation and transportation corridors in the
18 General Plan. He requested that the two railroads be identified along with their use,
19 along with the pipelines (petroleum, gas and water) because they constituted a land
20 use that presented hazards that must be recognized and addressed. He stated that
21 the freeway should also be identified as a significant transportation corridor.

22
23 Mr. Meehan also asked about where Historic Preservation would be addressed in
24 the General Plan. Chair Kurrent mentioned that the Circulation Element would be
25 developed later. He noted that the freeways and rail lines had been discussed and
26 would probably be included in the Safety Element.

27
28 Mr. Rhodes advised that the Community Character Element would include historic
29 preservation policies.

30
31 Chair Kurrent explained that members of the Commission had designated
32 Commissioners to work on separate subcommittees to address each element in
33 greater detail. The Circulation Element had not yet been prepared for
34 subcommittee review.

35
36 DON KELLEBREW, D & K Development Construction/Development Company, 11
37 Kellebrew Ct., Napa, stated that he had submitted a project to the City in 2004 with
38 a land use and density designation permitting a total of 24 to 53 units and a zoning
39 designation of 26 to 44 units. He wanted to make certain of being able to retain
40 prospective rights. He described his property as the Duncan Canyon property and
41 expressed concern for the potential taking of that property.

42
43 PUBLIC COMMENTS CLOSED

44
45 On the Steering Committee's discussion of Mr. Rhodes' memo regarding the Draft

1 Land Use and Economic Development Element and the major issues identified, the
2 Steering Committee made the following determinations:

- 3 • Determined the following order of elements in the General Plan:

- 4
- 5 ○ Community Character
- 6 ○ Growth Management
- 7 ○ Land Use and Economic Development
- 8 ○ Housing
- 9 ○ Circulation
- 10 ○ Community Services & Facilities
- 11 ○ Health and Safety
- 12 ○ Natural Resources and Open Space
- 13 ○ Sustainability
- 14

- 15 • On the treatment of the Corridor Specific Plan, determined that the maps
16 would be brought into the General Plan relying on the Zoning Ordinance to
17 further define the allowable uses. Staff clarified that the Specific Plan and
18 the General Plan were moving forward concurrently and had to be internally
19 consistent. The land use categories were more generalized in the General
20 Plan than the Corridor Specific Plan. If one of the Specific Plan corridors
21 was not adopted there would be underlying zoning from the existing Zoning
22 Ordinance. The General Plan and the Specific Plan were intended to be
23 adopted at the same time. If separated by time, a second map could
24 potentially be added in back of the General Plan Map. It was also clarified
25 that the General Plan could be amended four times each year while there
26 was no limit on amendments to the Specific Plan.

- 27
- 28 • For the utilization of broader General Plan land use designations:

- 29
- 30 ○ Include pipelines and other land uses;
- 31 ○ Clarify open space areas and avoid the confusion of such
32 designations as “residential” and “rural residential,” and use the
33 physical constraints of the site to dictate whether or not the open
34 space designation should apply with the open space to be written in
35 such a way to allow limited uses to ensure the protection of property
36 rights. It was noted that the economic value of open space
37 easements had already been addressed.
- 38

- 39 • For the requested policy related to the San Pablo Bay Conservation Area,
40 determined that the area should go out to the City limits with no special map
41 required beyond the Land Use Map.

- 42
- 43 • For the areas within the City’s Sphere of Influence, determined that the
44 property be identified and included in the City’s General Plan Planning Area
45 to communicate future land use. As a clarification, where the County’s

1 General Plan designation was different from the City's designation, the
2 closest designation to current use shall apply, with the density ranges to be
3 included and with equivalent density to apply.
4

5 Chair Kurrent emphasized the good work of the subcommittee and noted that the
6 Pinole Historical Society had recently published a book called the *Images of*
7 *America: Pinole* which should offer good guidance for the Community Character
8 and Land Use Elements.
9

10 Commissioner Brooks suggested that the Walking Tour Guide should also be
11 utilized to identify the buildings in the community.
12

13 Ms. Ratcliffe clarified with respect to the land use and the zoning in the Specific Plan
14 that if the Specific Plan was not adopted, the underlying zoning would be the old
15 1994 zoning. The update did not include the corridors. The Specific Plan included
16 the tools for the three corridors. With no adoption, the existing zoning and not the
17 new zoning would apply. She reiterated the intent that everything including the
18 Environmental Impact Report (EIR), the Specific Plan, the Zoning Ordinance and
19 the General Plan would be adopted at the same time.
20

21 Mr. Rhodes noted that not all of the designations had been included in the 1994
22 Zoning Ordinance and might have been incorporated after that time. The Zoning
23 Ordinance was the document in most need of update. The intent was to ensure that
24 the package to be submitted to the City Council for action include everything. As
25 such, it was important to address all major issues at this time. Inconsistencies
26 between the existing zoning and the new General Plan would have to be addressed
27 within at least one year to ensure that the Zoning Ordinance was consistent with the
28 General Plan. A situation of referring back to the existing Zoning Ordinance would
29 therefore be problematic.
30

31 A Joint Meeting with the City Council was recommended by the Committee.
32

33 Mr. Rhodes suggested that the Commission could create a subcommittee of two
34 Commissioners to look at the Specific Plan in more detail with a focus of ensuring
35 that the Specific Plan was consistent with the General Plan.
36

37 **G. NEW BUSINESS:**
38

39 1. Discussion of Draft Natural Resources and Open Space Element
40

41 Mr. Rhodes identified information that had been submitted to the Steering
42 Committee on the dais, including additional comments.
43

44 On the discussion, the Steering Committee made the following recommendations:
45

- 1 • Modify the fifth bullet on Page 7.0-15, to read: *“Ridgelines should be*
2 *protected from development so they may serve the residents of Pinole as*
3 *recreational and open space resources, community and visual resources;”*
4
- 5 • Remove reference to “Parks and Recreation Department” on Page 7.0-14, to
6 reflect *Recreation Department* only;
7
- 8 • Do not pursue references to a Tree Preservation Ordinance;
9
- 10 • Clarified with PMC there was a need to develop or adopt wetland mitigation
11 standards;
12
- 13 • Address such items as obnoxious weeds, habitat protection and the like as
14 actions or policies under landscaping as opposed to pursuing the process of
15 developing an ordinance;
16

17 The information provided on the dais relating to policy suggestions to support Goal
18 8 was referred to the Subcommittee for further review.
19

20 Chair Kurrent commended the subcommittee for a job well done. He declared a
21 recess at 9:20 P.M. The Commission reconvened with all Commissioners present
22 at 9:25 P.M.
23

24 2. Discussion of Draft Community Character Element

25
26 Mr. Rhodes supported the subcommittee’s work and sought direction on that work.
27

28 The Steering Committee made the following recommendations:
29

- 30 • The picture shown on Page 10.0-4 was identified as being located in the
31 unincorporated area of the County. Another picture more representative of
32 ranch style developments was recommended to replace that picture;
33
- 34 • Provide a graduated list of buildings of historic significance and identify
35 historic properties;
36
- 37 • Remove reference to the “building that contains the hobby shop” since that
38 use had been closed;
39
- 40 • Accurately reference the properties on the National Register of Historic
41 Places. Noted that the waterfront might have historic significance;
42

43 The Steering Committee commended the subcommittee for its work.
44

45 On the meeting schedule, Mr. Rhodes noted that the subcommittee to discuss the

1 Natural Resources and Open Space Elements would meet one more time. On
2 August 24, he planned to bring forward the Draft Housing Element with the desire to
3 submit that document to the State after Steering Committee review. He mentioned
4 that it may not be necessary for subcommittee review prior to receiving State
5 comments on the draft. The Circulation and Community Service Elements, which
6 were not completed, would be submitted in late September. Circulation would most
7 likely take two meetings and the Growth Management Element would come after
8 the Circulation Element.

9
10 In late October, it was anticipated that the Steering Committee would discuss any
11 remaining issues on the General Plan and transition into the Zoning Ordinance
12 discussion. The Zoning Ordinance would be submitted all at once with review on a
13 chapter by chapter basis. It would be a public document all at one time.

14
15 The Commission identified the following subcommittee meeting dates:

- 16
17 • Natural Resources and Open Space: Commissioners Bender, McGoldrick
18 and Toms (Commissioner Bender not able to attend that meeting). August
19 13 at 3:00 P.M.;
- 20 • Sustainability Element: Commissioners Banuelos, Toms, and Chair Kurrent,
21 August 17 at 3:00 P.M.;
- 22 • Health and Safety Element: Commissioners McGoldrick and Toms,
23 September 8 at 3:00 P.M.

24
25 The Traffic and Circulation Elements subcommittee to include Chair Kurrent and
26 Commissioner Brooks. The Community Services Element to include Commissioner
27 Toms and McGoldrick. The Housing subcommittee to be formed when comments
28 returned from the State. The Growth Management Element to include Chair Kurrent
29 with more volunteers to be considered at the next meeting.

30
31 **H. CITY PLANNER'S / COMMISSIONER'S REPORT:**

32
33 Mr. Rhodes reported that a building permit for Chuck E. Cheese had been issued
34 this date. Staff was working with the King Valley restaurant on satisfaction of the
35 project conditions of approval and some progress had been made with County
36 Environmental Health and with PG&E in terms of the timing and service.

37
38 Commissioners asked about the new Smart Buys sign and the status of the AT&T
39 tree pole

40
41 Mr. Rhodes noted that further information would be provided about the sign prior to
42 the next meeting and AT&T had acknowledged an error in what had been ordered.

43
44 **I. COMMUNICATIONS: None**

- 1 **J. NEXT MEETING:** Planning Commission/Steering Committee Meeting, August
2 24, 2009
3 Planning Commission Regular Meeting September 28, 2009
4
- 5 **K. ADJOURNMENT:** 10:00 P.M.
6
7 Transcribed by:
8
9
10 Anita L. Tucci-Smith
11 Transcriber
12