



1  
2 DEBORAH HAIR, 2781 Hamilton Drive, Pinole, explained that she received a flier  
3 from a concerned neighbor, who indicated they were a physician, about the  
4 proposed tower that indicated there would be health issues related to the  
5 installation of the tower. She asked if the City would be responsible for any health  
6 issues related to this project request. She also inquired about the Church and the  
7 City of Pinole receiving financial gain from this development.

8  
9 PLANNING MANAGER WINSTON RHODES, asked Ms. Hair to contact him  
10 during a future time so that he could provide further information to address her  
11 questions.

12  
13 AMY THOMSEN, 2359 Prune St., Pinole, indicated that she is a physician's  
14 assistant and has been distributing fliers in her neighborhood to stop the  
15 proposed monopole. She assured the Commission that she will provide scientific  
16 evidence for the June 14, 2010 hearing to support the statements printed on the  
17 flier. She indicated that the Methodist Church stands to receive revenue for this  
18 development.

19  
20 **PUBLIC HEARING CLOSED. The Commission continued the item to the**  
21 **June 14, 2010 hearing.**  
22

23  
24 **THE PLANNING COMMISSION AS STEERING COMMITTEE FOR**  
25 **THE GENERAL PLAN UPDATE PROCESS**  
26

27  
28 **F. OLD BUSINESS:**

29  
30 None.

31  
32 **G. NEW BUSINESS**

33  
34 **1. Review of the Draft Articles of the Zoning Ordinance Update**

35  
36 Mr. Rhodes presented the staff report dated April 26, 2010. Pam Johns, of  
37 Pacific Municipal Consultants (PMC), presented an accompanying Power Point  
38 presentation and provided a summary overview of the Zoning Ordinance  
39 Subcommittee meetings. The Steering Committee was asked to provide  
40 guidance and consensus for each draft chapter.

41  
42 ***Article 1***

43  
44 Commissioner Kurrent expressed concern about administrative review and asked  
45 to have involvement of the Planning Commission Chair and Vice-Chair to review

1 creative sign programs.  
2

3 Ms. Johns clarified approving authority will remain with the Planning Commission  
4 for creative sign programs. However, the only administrative authority that would  
5 be granted copy changes on signs and minor deviations.  
6

7 Commissioner McGoldrick asked for the Subcommittee to provide a brief  
8 rationale for the proposed administrative review changes.  
9

10 Commissioner Toms explained that this is intended to correct minor problems. As  
11 an example, she noted that sometimes a contractor might be off by 6 inches  
12 encroaching in the setback. This approach allows the construction to resume  
13 rather quickly rather than making the contractor apply for a variance with the  
14 Commission.  
15

16 Commissioner McGoldrick inquired about the sunset clause for legal  
17 nonconforming uses where a business has closed.  
18

19 Commissioner Kurrent explained that a sunset clause of six months is proposed.  
20 If the use lapses after a six month window, a new use permit is required.  
21

22 Commissioner McGoldrick asked about language related to reconstruction of  
23 damaged structures. If the structure is more than 51% damaged, it will need to  
24 be replaced. If the structure is less than 50% damaged, it may be substantially  
25 reconstructed.  
26

27 Ms. Johns explained that this is a legal determination and is used rather  
28 commonly for insurance and reconstruction purposes.  
29

30 The Steering Committee moved by consensus to recommend the following  
31 changes as well as staff recommendations per the staff report:  
32

- 33 • The 300 ft. radius notification for public hearings, to allow for flexibility on  
34 minor projects and allow for greater notification beyond 300 feet on more  
35 complex projects  
36
- 37 • Changing revocation authority for use permits from the Planning  
38 Commission to the City Council  
39
- 40 • Eliminating the sunset clause for non-conforming uses  
41

42 *Consensus was provided to approve these changes to the draft Zoning Code.*  
43  
44  
45

1 **Article 2:**

2  
3 **Permitted Use Tables**

4  
5 Commissioner Martinez-Rubin expressed concerns about uses that may not be  
6 provided in the use tables. She asked that additional language be added to  
7 account for uses which may not be specified within the Code. She noted that she  
8 did not see mental health professional or general consulting services listed as a  
9 permitted use.

10  
11 Ms. Johns noted the “Similar Use Determinations” prescribed in the Code which  
12 gives discretion to staff to determine and classify uses which may be similar to  
13 uses already listed. She also indicated that the “general medical services” is  
14 intended to cover mental health services.

15  
16 Commissioner Sekins inquired about the RV storage facility on Tennent Ave. He  
17 did not see the use on the permitted land use table nor the proposed land use  
18 map.

19  
20 Mr. Rhodes noted that the zoning district shown on the map is San Pablo Bay  
21 Area Conservation area. The area is anticipated to experience change over time,  
22 including the potential relocation of Pinole Corporation Yard and that the RV  
23 storage use would be allowed to continue.

24  
25 Ms. Johns noted that if the concern is to make it non-conforming, then the use  
26 will need to be added to the permitted uses table.

27  
28 Commissioner Toms did not support the inclusion of the business use. She noted  
29 that the RV storage yard may remain legal non-conforming.

30  
31 Commissioner Bender and Commissioner McGoldrick also supported  
32 Commissioner Toms’ comments.

33  
34 Commissioner Kurrent noted that he saw uses listed for the Rural and residential  
35 districts that he did not feel comfortable allowing the following identified uses on  
36 p.2 of the “R” designations:

- 37  
38
- 39 • No multi-family
  - 40 • No indoor fitness facilities
  - 41 • No theaters or auditoriums
  - 42 • P.3 of “R”
  - 43 • No convenience stores
  - 44 • No Drive-thru sales
  - 45 • No equipment rental
  - No grocery stores,

- 1           • No home improvement stores
- 2           • No hotels
- 3           • No kennels
- 4           • No retail
- 5           • No restaurants

6  
7           Ms. Johns noted that these classifications are actually reflective of the “Regional  
8           Commercial” zoning classification, not the “Residential” classification. She  
9           explained that this would be corrected by the consultant.

10  
11           Ms. Johns explained that there are two definitions for kennels. The first definition  
12           involves kennels as it relates to hobby uses. The second definition involves  
13           commercial kennels for animals.

14  
15           Commissioner Kurrent requested that animal kennels be conditionally permitted.  
16           He also asked that bus and transit shelters be permitted by right in the “Open  
17           Space” zone. He indicated that markets should be conditionally allowed in the  
18           “Residential” zones.

19  
20           Commissioner Toms disagreed with the recommendation to conditionally allow  
21           markets.

22  
23           Ms. Johns asked for clarification. She asked if the concern of the Steering  
24           Committee is that markets are too close to single-family residential use. She  
25           noted that this can be modified with a footnote to specify a minimum distance for  
26           markets from residential uses.

27  
28           Commissioner Kurrent recommended keeping the use as is in the draft Zoning  
29           Code, and not altering it.

30  
31           Commissioner Kurrent noted that on p.17-22-3 minimum lot size 5,000 sq. ft. is  
32           specified for the “Rural” classification. He recommended a two acre minimum.

33  
34           Mr. Rhodes explained that minimum lot size should be changed. He suggested a  
35           minimum of five (5) acres for consistency with the General Plan.

36  
37           Commissioner McGoldrick asked about zeros being listed in the minimum lot size  
38           requirements for other classifications and what it represented.

39  
40           Ms. Johns explained that she did not prepare that portion of the Code and that  
41           zeros were included due to the pending review of the General Plan. Once  
42           standards were established in the General Plan, the information would be cross  
43           referenced in the Zoning Ordinance.

1        *The Steering Committee moved by consensus modify the table for consistency*  
2        *with the General Plan, including the five (5) acre minimum and to allow for*  
3        *clustering of development where open space preservation is necessary, with*  
4        *Commission level Design Review.*

5  
6        *The Steering Committee moved by consensus to allow the consultant to review*  
7        *the General Plan and make any changes consistent with the discussion.*

8  
9        **Article 3**

10  
11        Commissioner Sekins inquired about A-frame signs and noted that they are a  
12        popular option for a number of businesses. He questioned what standards and  
13        requirements could be applied.

14  
15        Mr. Rhodes noted that there is a performance standard of an 8 ft. minimum clear  
16        placement restriction to post A-frame signs. This standard does not allow signs to  
17        be posted in the public right-of-way and eliminates any City liability.

18  
19        Ms. Johns noted that the Subcommittee's recommendation is prohibit the A-  
20        frame signs altogether. She noted that this could be modified at the direction of  
21        the Steering Committee.

22  
23        Commissioner Toms identified the area off of Appian Way where signs are  
24        posted far away from the actual location of the business.

25  
26        *The Subcommittee moved by consensus to prohibit A-frame signs.*

27  
28        Commissioner McGoldrick noted that there is language and exceptions for the  
29        installation of curb, gutter, and sidewalks, and asked if there was a specific  
30        example where this would not be required.

31  
32        Ms. Johns noted that a specific example would need to be provided.

33  
34        Commissioner Kurrent asked if the recommendations provided San Francisco  
35        Baykeeper had been incorporated into the Draft Code.

36  
37        Mr. Rhodes noted that the Baykeeper comments were incorporated into the draft  
38        General Plan policies. He noted that low impact development issues would be  
39        addressed during site specific development review.

40  
41        Commissioner Kurrent asked about the provisions contained with Section  
42        17.44.60 and asked why there was a 40% maximum threshold for pervious  
43        surface in residential front yards.

44  
45        Mr. Rhodes explained that this needs to be corrected to read that no more than

1 40% of front yards shall include impervious surfaces.  
2

3 Commissioner Kurrent noted Section 17.48-1 and asked about including  
4 language for visitor parking on a private street. He noted Hazel St. parcel map as  
5 a specific example.  
6

7 Ms. Johns summarized the direction provided by the Subcommittee as identified  
8 in Attachment C.  
9

10 **Article 4**  
11

12 Commissioner McGoldrick noted Section 17-66-1 and asked who is the third  
13 party who reviews massage licensing requirements.  
14

15 Mr. Rhodes explained that the State of California now review massage therapist  
16 qualifications and therapist applications.  
17

18 Commissioner McGoldrick asked why massage was listed as an adult oriented  
19 business. She noted that therapeutic massage would not fall under that  
20 classification and that this should be modified.  
21

22 Ms. Johns noted that this would be corrected.  
23

24 Commissioner Martinez-Rubin identified Section 17.64-2 Performance Standards  
25 for Home Occupations and asked about the Subcommittee's comments and  
26 direction.  
27

28 Commissioner Toms noted that the performance standards were crafted and  
29 included so that residential neighborhoods do not lose their character.  
30

31 *The Steering Committee moved by consensus to allow one employee per*  
32 *homes-based business and grant staff discretion to make findings for an*  
33 *administrative use permit if there are more employees than the threshold.*  
34

35 Mr. Rhodes asked the Steering Committee for clarification on the language  
36 referring to three visits per day to a home based business. He asked if this was a  
37 sufficient threshold or if needed to be modified to read visitors.  
38

39 *The Steering Committee moved by consensus to modify the language to "visitor"*  
40 *instead of "visit" for clarification.*  
41

42 **Article 5 & Article 6 & Land Use Map**  
43

44 Ms. Johns explained that there are no recommendations from the Steering  
45 Committee for changes.

1  
2 The Steering Committee had not comments.

3  
4 **2. Selection of Planning Commission Chair and Vice Chair for 2010-2011**  
5 **effective April 30, 2010.**

6  
7 Commissioner Toms nominated Commissioner McGoldrick to be Planning  
8 Commission Chair.

9  
10 Commissioner Brooks nominated Commissioner Bender to be the Planning  
11 Commission Vice-Chair.

12  
13 *The Commissioner moved unanimously to the new Chair and Vice-Chair*  
14 *appointments.*

15  
16 **H. CITY PLANNER'S/COMMISSIONER'S REPORT:**

17  
18 **1. C-3 General Commercial Interpretations**

19  
20 Mr. Rhodes presented a brief staff memo and asked for feedback on a Zoning  
21 Code interpretation relating to a dog grooming business use and a second hand  
22 clothing store use in the C-3 General Commercial zone. The dog grooming  
23 facility was proposed for the Del Monte Shopping Center. The secondhand  
24 clothing store was proposed for the former Hollywood Video store on Fitzgerald  
25 Drive. Both of these uses are permitted in the SC-Service Commercial district,  
26 though no land exists within the City with that classification.

27  
28 The Planning Commission expressed no concerns about permitting the dog  
29 grooming business as a permitted uses. However, they did request that a  
30 secondhand store be conditionally permitted subject to obtaining a use permit.

31  
32 Commissioner Kurrent noted that AB 1234 training is scheduled for April 20,  
33 2010.

34  
35 **I. ADJOURNMENT: 10:00 P.M.**

36  
37 Transcribed by: Associate Planner Anne Hersch