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2  
3 **MINUTES OF THE SPECIAL**  
4 **PINOLE PLANNING COMMISSION**

5  
6 **September 12, 2016**  
7

8  
9 **A. CALL TO ORDER:** 7:04 P.M.

10  
11 **B. PLEDGE OF ALLEGIANCE AND ROLL CALL:**

12  
13 Commissioners Present: Brooks, Hartley, Martinez-Rubin, Tave\*, Thompson,  
14 Wong, Chair Kurrent

15 \*Arrived after Roll Call  
16

17 Commissioners Absent: None

18  
19 Staff Present: Winston Rhodes, Planning Manager  
20 Tamara Miller, Development Services Director/City  
21 Engineer  
22

23 **C. CITIZENS TO BE HEARD:**

24  
25 There were no citizens to be heard.  
26

27 **D. CONSENT CALENDAR:**

28  
29 **1. Planning Commission Meeting Minutes from August 8, 2016**

30  
31 Commissioner Martinez-Rubin requested a revision to Lines 25 and 26 of Page 3,  
32 to read:  
33

34 *The use permit request as conditioned, is consistent with the Zoning Code,*  
35 *in that it furthers the proposed Commercial Mixed Use Zone, by*  
36 *strengthening the commercial services in Pinole and providing local*  
37 *employment opportunities*  
38

39 The same statement which appeared on Lines 19 through 22 as shown on Page 4  
40 was to be similarly modified.  
41

42 **MOTION** to approve the Planning Commission Meeting Minutes of August 8, 2016,  
43 as modified.  
44  
45



1 during the most recent site visit. It was likely the tree removal would have been  
2 approved by the City if a permit had been applied for based on removal criteria  
3 relating to interference with utilities. If the project is approved then and at the time of  
4 issuance of a building permit the City's tree removal fee would be added onto the  
5 building permit cost and the fee could possibly be doubled given that the trees had  
6 been removed without the proper permits from the City.

7  
8 PUBLIC HEARING OPENED

9  
10 NASREEN SALEEM, the Applicant/Property Owner, 2467 Hill View Lane, Pinole,  
11 was present and welcomed any questions from the Planning Commission.

12  
13 GAUTAM R. MANANDHAR, Structural Engineer, 5205 Gordon Avenue, El Cerrito,  
14 explained that the proposed convenience store had been situated on the site given  
15 the proximity to residential uses to the north; acknowledged the building could be  
16 moved three feet to the property line; suggested a zero lot line would be helpful due  
17 to the turning radius for the gas delivery trucks; noted that Light 3, as shown on  
18 Sheet 8, would be approximately 11 feet in height, with a table of the light fixtures  
19 shown on the plans; acknowledged a recommendation that it be below the windows  
20 of the adjacent apartment complex; stated a light/lamp had been proposed near the  
21 trash area; acknowledged a recommendation for stucco above the CMU block on  
22 the trash enclosure to match the primary building; and acknowledged concerns with  
23 gas truck deliveries to the site possibly encroaching onto the ADA parking space  
24 resulting in limited access to the convenience store.

25  
26 Mr. Manandhar clarified the landscaping and bioswale requirements; one bollard  
27 had been intended to protect the building from errant vehicles; if the building was  
28 moved three feet to the property line, the bollard would not be necessary; the three  
29 foot high decorative wall would consist of CMU block and no decision had been  
30 made whether it would be split face or stucco material but could be as the  
31 Commission determined; the steel tubes and metal rods would be black in color;  
32 and employees would use the tandem parking spaces while customers would park  
33 at the pumps.

34  
35 Ms. Saleem commented in response to concerns with truck deliveries potentially  
36 obstructing the ADA parking space that had not been an issue in the past although  
37 she could instruct that nighttime deliveries occur when the property was less active.

38  
39 PUBLIC HEARING CLOSED

40  
41 The Planning Commission discussed the application and offered the following  
42 recommendations and/or direction to staff and the applicant:

- 43  
44 • Recommended the building be relocated and moved to the sightline allowing  
45 an ADA path on the other side of the lot line or adjacent to the gas pumps,

1 eliminating the need for a fence while still having a secure perimeter of the  
2 property, with a fence on the property line beyond the building. (Brooks)  
3

- 4 • Expressed concern with the drainage element of the impervious surface  
5 area, which had not been identified on the plans; and questioned how the  
6 water at the rear would be directed to the drainage element at the bottom of  
7 the hill, adding a level of filtration. (Tave)  
8
- 9 • While comfortable moving back the new convenience store building, the  
10 Commission did not have the detailed plans for roofing, but was comfortable  
11 that water could be directed into the rain gutters in the northeast corner  
12 providing adequate infiltration and capacity, if well designed. The additional  
13 new concrete to be laid had not been identified and would have to be  
14 identified on the plans to ensure the impervious surface calculations were  
15 accurate. Sought a new condition of approval requiring a Stormwater  
16 Control Plan. (Hartley)  
17
- 18 • Agreed the convenience store building should be moved back allowing a  
19 better turning radius for delivery trucks. (Kurrent)  
20

21 There was Planning Commission consensus to allow a zero setback for the new  
22 convenience store building and that it be moved back three feet.  
23

- 24 • Stucco above the brick on the trash enclosure needed to be addressed, and  
25 the type of material for the roof of the trash enclosure needed to be  
26 stipulated and should be corrugated metal roofing; it was noted that those  
27 materials had, in fact, been identified on the plans as Detail #4; lighting  
28 needed to be provided for the trash enclosure area; and sought a condition  
29 of approval regarding the hours of operation. (Brooks)  
30

31 Mr. Rhodes clarified that the application was for Design Review and not a  
32 Conditional Use Permit (CUP). The retail sales use was a pre-existing permitted  
33 use and the hours of operation were typically not conditioned as part of design  
34 review request, although given the issues with the truck delivery schedule, he  
35 sought information on the current truck deliveries in terms of their frequency and  
36 how long deliveries would last to help inform the design review discussion.  
37

38 Ms. Saleem reported that truck deliveries occurred every other day, mostly late in  
39 the evening around 10:00 P.M or 1:00 A.M., and the trucks were on-site a  
40 maximum of 15 minutes. The hours of operation for the gas station were 6:00 A.M.  
41 to 9:00 P.M. While some deliveries occurred in the morning, they could occur at any  
42 time.  
43

44 Although the Chair recommended a condition that truck deliveries not occur after  
45 10:00 P.M., Mr. Rhodes reiterated that the application was a Design Review

1 request and the gas station was an existing use. The only way to address the issue  
2 was if the Commission determined that the expansion of the new convenience  
3 store would have a material effect on how often or when deliveries occurred on-site.  
4 The City had no Noise Ordinance, although the Police Department responded to  
5 noise issues through code enforcement.  
6

- 7 • Found that the new convenience store would be larger and could result in  
8 longer delivery times, and recommended a condition to restrict deliveries to  
9 the site. (Thompson)

10  
11 Mr. Rhodes again noted the gas station had been in existence for some time, the  
12 retail portion was a permitted use, and he suggested the hours of operation were  
13 outside the scope of Planning Commission review.  
14

- 15 • Recommended a decorative wall for the new CMU wall be split face block or  
16 something else in the landscape area given the large amount of proposed  
17 stucco on the building. (Brooks)
- 18  
19 • Recommended an off-white or yellow color for the stucco to match the  
20 yellow in the signage used as part of the logo of the gas station, with the  
21 CMU wall to be painted similarly. (Martinez-Rubin)
- 22  
23 • Recommended a beige color and less use of “pink” for the stucco, and  
24 possibly white, although recognized the window frames were also white.  
25 (Wong)

26  
27 Mr. Rhodes understood there was Commission consensus that the CMU block at  
28 the base of the fence be split face block and the block at the trash enclosure be  
29 stucco to match the building.  
30

- 31 • If the building was moved back three feet, suggested the parking spaces  
32 also be moved back three feet allowing better access, which would not  
33 compete with vehicles parked at the pumps; as such, the landscape area by  
34 the bicycle rack would be expanded three feet and the parking moved three  
35 feet. (Kurrent)
- 36  
37 • Noted the ADA parking space must also be van accessible and 96 inches on  
38 the side; with Mr. Rhodes affirming the ADA parking space size and location  
39 would be verified during plan check along with the pathway. (Thompson)

40  
41 Mr. Rhodes suggested a new condition of approval, to read: *Prior to the Issuance of*  
42 *a Building Permit, a Stormwater Control Plan shall be submitted for review and*  
43 *approval by the City Engineer.*  
44

45 There was no consensus to relocate the air and water dispensaries given concerns

1 with haphazard parking conditions which could result in other nuisances.

2  
3 Mr. Rhodes summarized the Planning Commission direction to the applicant as  
4 follows:

- 5
- 6 • Move the new convenience store building three feet to the north resulting in  
7 a shift of improvements such as the movement of the landscaping and  
8 parking spaces three feet.
  - 9
  - 10 • The CMU block wall at the base of the north fence to be split face block.
  - 11
  - 12 • The trash enclosure CMU wall to be stucco covered to match the primary  
13 building.
  - 14
  - 15 • Acknowledged the Commission discussion on the colors, with the  
16 Commission to give specific direction on the colors or allow staff the  
17 discretion to approve the colors that had been proposed.
  - 18
  - 19 • Eliminate Conditions 15 and 16, and modify Condition 17, as identified by  
20 staff during the staff presentation for the landscape plan, to include not three  
21 but a total of *seven* trees, with trees to be selected that may not be as large  
22 as the prior Liquidambar trees.
  - 23
  - 24 • On the discussion, there was no consensus to change the colors of the  
25 building beyond what had been proposed.
  - 26

27 Mr. Manandhar clarified that the colors to be used would be those shown on the  
28 color board.

29  
30 The Commission made further modifications to the Conditions of Approval, as  
31 follows:

- 32
- 33 • Condition 8 revised to read: *Any proposed future outdoor merchandise sales*  
34 *shall require a separate development request and is not currently proposed.*
  - 35
  - 36 • Condition 26, the second sentence of paragraph A be revised to read:  
37 *Interior construction may occur between 9:00 A.M. and 6:00 P.M. on*  
38 *Saturday unless a modification of construction hours is requested and*  
39 *granted by the City as allowed under Chapter 15.02 of the City Municipal*  
40 *Code.*
  - 41
  - 42 • Condition 25 revised to read: *Inspections – The applicant shall notify the*  
43 *Development Services Department at least forty-eight (48) hours prior to*  
44 *starting any work pertaining to on-site drainage facilities, grading, or paving,*  
45 *as well as all any work in the City’s right-of-way per Section 15.36.230 of the*







1  
2 **MOTION: Brooks**

**SECONDED: Thompson**

**APPROVED: 7-0**

3  
4 **H. CITY PLANNER'S / COMMISSIONERS' REPORT:**

5  
6 Mr. Rhodes reported that a Special Meeting may be scheduled for the second  
7 Monday of October, and upcoming Planning Commission training opportunities  
8 included a training session scheduled for December 3 at Sonoma State  
9 University with information available on the University website; the Annual  
10 League of California Cities Planning Commission Conference had been  
11 scheduled for March 1 through 3, 2017 with more information on the location to  
12 be provided to the Commission once available, with the City able to fund the  
13 attendance of one to two Planning Commissioners.

14  
15 Mr. Rhodes added a tenant improvement application had been received for  
16 another tenant in the retail shop space for the Gateway Shopping Center for a  
17 salon to face Sprouts adjacent to a proposed Orange Theory Fitness studio,  
18 which would be presented to the Planning Commission later this month. Future  
19 applications included residential projects for single-family homes on Nob Hill, to  
20 be presented to the Planning Commission Design Review Subcommittee prior to  
21 Planning Commission review; and CVS Off-Premises Alcohol Sales.

22  
23 Mr. Rhodes updated the Planning Commission on the CVS project which was in  
24 plan check for the building and the temporary wireless communication cell-on-  
25 wheels (COWs), with staff awaiting the submittal of the clock face design; the  
26 Eden Housing East Bluff Apartments development was underway with additional  
27 inspections needed to ensure compliance with building code requirements, and  
28 with the applicant having installed bicycle parking on a temporary basis until a  
29 final design could be determined, with different ways being considered to  
30 rehabilitate the building during the winter.

31  
32 Chair Kurrent and Commissioner Hartley provided an overview of a recent East  
33 Bay Municipal Utility District (EBMUD) presentation on the City's water supply,  
34 EBMUD reclamation project, water savings efforts, and EBMUD pipe  
35 replacement requiring coordination with the cities in the service area.

36  
37 Responding to Commissioner Brooks, Mr. Rhodes reported that Jack in the Box  
38 located on Pinole Valley Road had not proposed any modifications for re-  
39 landscaping but had installed a sign absent building permits. The applicant  
40 recently applied for building permits and staff could discuss the removal of  
41 existing landscaping and the need to install new drought tolerant plant material in  
42 the front.

43  
44 **I. COMMUNICATIONS: None**

45  
46 **J. NEXT MEETING:**

1  
2 The next meeting of the Planning Commission will be a Regular Meeting to be  
3 held on Monday, September 26, 2016 at 7:00 P.M.  
4

5 **K. ADJOURNMENT: 10:01 P.M**

6  
7 Transcribed by:

8  
9  
10 Anita L. Tucci-Smith  
11 Transcriber  
12