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

5  
6 **April 25, 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, Martinez-Rubin, Tave, Thompson, Wong,  
14 Chair Kurrent

15  
16 Commissioners Absent: None

17  
18 Staff Present: Winston Rhodes, Planning Manager

19  
20 Chair Kurrent pointed out the meeting agenda was incorrect in that the meeting  
21 was not a special meeting, but a regular meeting of the Planning Commission.  
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 March 14, 2016**

30  
31 **2. Planning Commission Meeting Minutes from March 28, 2016**  
32

33 **MOTION** to approve the minutes of the Planning Commission meeting on March  
34 14, 2016, as submitted.

35  
36 **MOTION: Thompson      SECONDED: Tave      APPROVED: 5-0-1**  
37 **ABSTAIN: Martinez-Rubin**  
38

39 **MOTION** to approve the minutes of the Planning Commission meeting on March  
40 28, 2016, as submitted.

41  
42 **MOTION: Thompson      SECONDED: Martinez-Rubin      APPROVED: 6-0**  
43

44 **E. PUBLIC HEARINGS: None**  
45

1 **F. OLD BUSINESS:** None

2  
3 **G. NEW BUSINESS:**

- 4  
5 **1. Gateway Medical Center Workshop to discuss the project components**  
6 **of a proposed approximately 9,182 square foot ophthalmology**  
7 **surgical center building on an approximately 1.1-acre site.**

8  
9 **Applicant:** Agape LLC  
10 1214 McDonald Drive  
11 Pinole, CA 94564

12  
13 **Location:** Southeast corner of the intersection of Pinole Valley  
14 Road and Henry Avenue

15  
16 **Project Staff:** Winston Rhodes, Planning Manager

17  
18 Planning Manager Winston Rhodes presented the staff report dated April 25,  
19 2016, and explained that the agenda item was a workshop, not a public hearing,  
20 for the Gateway Medical Center, to discuss the project components. Copies of the  
21 PowerPoint presentations provided by staff and the applicant were made available  
22 to the Planning Commission and the public. A color and materials board for the  
23 proposed project was provided and photo renderings were also displayed for the  
24 Planning Commission.

25  
26 Mr. Rhodes' presentation of the proposal included views of the site plan; details of  
27 the Pinole Creek Tributary; the Kinder Morgan/Phillips 66 Pipeline; circulation and  
28 parking; building architecture and design; floor plans; landscape plan; and the  
29 existing historic monument honoring Faria Ranch, which would be preserved.

30  
31 The project had been presented to the Planning Commission Development  
32 Review Subcommittee, which had believed that the two-story building, which was  
33 modern in design, would fit into the site. The Subcommittee had requested the  
34 submittal of more photo renderings which had been provided to the Planning  
35 Commission to better illustrate existing conditions and the proposed project.

36  
37 Mr. Rhodes asked that the Planning Commission consider the submitted  
38 information, take public comment, and provide input to staff and the applicant on  
39 the proposed project design and the amount of parking required to facilitate any  
40 changes prior to a scheduled public hearing on the application.

41  
42 Dr. Scott Lee, 1214 McDonald Drive, Pinole, identified the components of the  
43 medical office and surgical center, and explained that the closest contracted  
44 surgical centers were located in the cities of Oakland and Walnut Creek.

1 Due to the closure of Doctor's Medical Center, Dr. Lee explained that his surgical  
2 center served many patients who were underserved in that non-Kaiser patients  
3 had no place to go, many of his patients had no transportation access to Oakland,  
4 and many were unable to pay for non-contracted services.  
5

6 Dr. Lee suggested the City's medical office parking standard was better suited for  
7 other types of medicine, not ophthalmology patients. He emphasized the time  
8 spent with City staff on the application over the past four years, during which time  
9 the square footage of the building had been decreased and the parking increased  
10 significantly. While the project was six parking spaces short of what was required,  
11 it had been found to be acceptable by many of the involved stakeholders. In  
12 addition, a Travel Demand Management (TDM) Program would be put in place,  
13 which met all the criteria for a Conditional Use Permit (CUP).  
14

15 Dr. Lee reported that he had submitted a petition signed by many of his patients  
16 who would be willing to use the facility even if there was a parking hindrance to  
17 avoid having to travel outside the area. He walked through the criteria to approve  
18 a CUP and explained that his medical facility would not involve an underground  
19 parking structure and would not increase the demand for off-street parking. He  
20 was confident his patients would not require any parking accommodation outside  
21 of the parking area on-site. The facility would have a car share agreement with the  
22 company Get Around, and the property site was located within close proximity to a  
23 bus stop on bus routes 16, 19 and the JPX.  
24

25 Dr. Lee anticipated 20 to 50 patients per day; patient visits lasted anywhere from 5  
26 to 10 minutes; his patient demographic would be mainly the elderly, 85 percent  
27 above the age of 60; a third using public transportation, another third using  
28 paratransit, and the remainder using personal vehicles. The medical facility would  
29 also fund 50 percent of the cost for any patient using public transportation; either  
30 the use of the Bay Area Rapid Transit (BART) system or bus.  
31

32 Dr. Lee clarified a misconception that Kaiser owned the lot; a total of 21 parking  
33 spaces were on the property he proposed to develop and the application would  
34 provide 10 parking spaces, for a total of 31 parking spaces. He detailed how his  
35 practice operated; with seven employees on-site; four patients per hour on clinic  
36 days; two patients per hour on surgery days; surgery days on Tuesdays; clinic  
37 days Monday through Thursdays; and two days a week he taught classes at U.C.  
38 Berkeley.  
39

40 Based on his calculations for a worst case scenario for the parking and even if  
41 expanding by greater than 25 percent, Dr. Lee stated the facility would fall well  
42 short of the 31 parking spaces proposed. He also clarified the food service area  
43 that would be provided, detailed the intended use of the interior rooms for the  
44 building, locations for storage, and auxiliary spaces, and noted that much of the  
45 square footage in the building would not be used on a regular basis. He added

1 that local art would be exhibited in the center within the lobby.

2  
3 Responding to the Planning Commission, Dr. Lee identified the requirements for  
4 Medicare and the Office of Statewide Health Planning and Development  
5 (OSHDP). While the square footage for the facility was a large space, and a much  
6 larger space than desired, it was the minimum required to meet OSHDP standards  
7 according to Dr. Lee.

8  
9 Mr. Rhodes highlighted the requirements of the Three Corridors Specific Plan  
10 prepared in 2010, which referenced the Old Town Design Guidelines, and reported  
11 that the subject site was outside the Old Town District. The project met the City's  
12 design standards for height and setbacks but not the parking required for  
13 Professional Medical Office space. There were provisions in the Pinole Municipal  
14 Code (PMC) which allowed a deviation from the required auto parking, such as  
15 through a shared parking agreement with Kaiser; however, Kaiser had shown no  
16 interest in such an agreement. Another option was that the Planning Commission  
17 would need to make three of the four findings to approve a CUP, the close  
18 proximity to transit could be considered, and parking demand strategies could be  
19 considered to allow a reduction in the standards.

20  
21 In response to concerns about recent approved development in the area, such as  
22 Sprouts being under-parked, Mr. Rhodes clarified the parking standard for that  
23 project had been satisfied on-site, and the current intensity of development had  
24 been planned given the proximity to I-80. In addition, the General Plan Update  
25 had considered arterials and transit routes as appropriate locations to focus and  
26 encourage new development.

27  
28 Responding to Planning Commission concerns with respect to food service in the  
29 medical facility, Chair Kurrent stated that issue had been discussed by the  
30 Planning Commission Development Review Subcommittee. He understood the  
31 intent was to provide food for patients coming out of surgery and ensure those  
32 patients did not have to travel off-site.

33  
34 Dr. Lee identified the food preparation area as the smallest space provided for  
35 food service at 205 square feet, although Mr. Rhodes clarified that the food  
36 storage area would expand that space to over 250 square feet, thus triggering  
37 demand for one parking space.

38  
39 Dr. Lee again clarified the services to be provided; the details of the Get Around  
40 car share program; his current medical facility was also located in Pinole where  
41 none of his patients could easily use public transportation due to the TDM  
42 program; many of his patients were residents of surrounding communities; and  
43 clarified that the first floor administrative office space was actually intended for  
44 storage of medical supplies for a registered non-profit business he operates  
45 consistent with 501-C3 regulations. The non-profit was a registered IRS non-profit

1 that was used for medical missions in a homeless shelter in the City of Richmond,  
2 and in other parts of the world to teach eye surgery and provide free medical  
3 services. Currently, the non-profit materials are being stored in his home.  
4

5 Dr. Lee stated he would be the only physician on-site which had been the reason  
6 for his calculations for the maximum theoretical demand for the parking  
7 requirements, although he acknowledged an Optometrist had come into his current  
8 medical center once a month.  
9

10 Mr. Rhodes stated the Environmental Impact Report (EIR) that had been prepared  
11 for the Kaiser project had envisioned a single story 5,000 square foot building on  
12 the subject site. The Mitigated Negative Declaration (MND) environmental review  
13 document for the Gateway Shopping Center Project had assumed a 10,000  
14 square foot sized building which had been factored into the traffic analysis for the  
15 Gateway Shopping Center. The traffic analysis had analyzed cumulative  
16 development as part of the Gateway Shopping Center project, and the subject site  
17 had been included and analyzed in the traffic analysis for the environmental  
18 document. The environmental document would be updated based on the current  
19 information about the proposed eye surgery center building and a site specific  
20 parking analysis would be prepared based on what has been proposed.  
21

22 Dr. Lee also verified the location of the trash enclosure which would take up one  
23 and a half parking spaces, and while in an awkward location, Mr. Rhodes clarified  
24 the trash enclosure would displace parking and landscaping but must be placed in  
25 such a way where it could be accessed by the solid waste service vehicles, which  
26 was the reason for its location and size.  
27

28 Dr. Lee again detailed the requirements of the OSHPD and the fact the facility was  
29 the smallest square footage allowed pursuant to OSHPD criteria; the purpose of  
30 an off-site area for carpooling in response to employees' requests to use BART  
31 and commute together; acknowledged that signage could be considered to identify  
32 the location of employee parking; and an assumption that Kaiser would want to  
33 retain the rest of the parking lot for its employees. He had spoken to Kaiser and  
34 was confident it would have excess parking spaces. He intended to practice for  
35 another 10 to 20 years, but it may be possible in the future when he retired to think  
36 how the building would be used which was why he had prepared a theoretical  
37 practical demand for parking. He supported a two-hour time limit for the parking  
38 spaces with the posting of appropriate signage; his current office displayed artwork  
39 from his patients; walk-ins did not come to view the artwork; and he had no  
40 intention of opening a gallery or having artisan events at the facility. At the request  
41 of a Councilmember, one of the parking spaces would be a designated drop-off  
42 area for materials delivered to the medical facility.  
43

44 Mr. Rhodes acknowledged a request for an analysis of the potential impacts with  
45 Kaiser losing the 21 parking spaces and a request that staff have direct

1 discussions with Kaiser regarding utilization of all of its parking spaces, not just  
2 employee parking. He noted that a parking study would determine how the nearby  
3 on-street parking spaces were currently being utilized, but noted that there was on-  
4 street public parking spaces currently used by those taking transit. He added that  
5 the applicant was not responsible for the parking behavior of transit users and  
6 other existing conditions.  
7

8 Donna Vingo, Envision Construction & Design, 3711 Sierra Court, Dublin, General  
9 Contractors for the Gateway Medical Center Surgical Center, suggested the  
10 design was consistent with the Pinole General Plan and Three Corridors Specific  
11 Plan, which called for an intensity of use along Pinole Valley Road. The two-story  
12 building had been moved closer to the street, creating a signature building, modern  
13 in design, with significant articulation and color changes, for a building that would  
14 be a true gateway to Pinole.  
15

16 The Planning Commission Development Review Subcommittee's review of the  
17 plans had resulted in the following comments and recommendations:  
18

- 19 • The height of the building had been reduced from 36 to 32 feet, well under  
20 the maximum 50-foot four-story limit in the Three Corridors Specific Plan;
- 21 • The second floor had been stepped back and shifted in order to lower the  
22 massing along Henry Avenue;
- 23 • The square footage had been reduced by 800 square feet, eight percent of  
24 the proposed building;
- 25 • The architectural design had been simplified;
- 26 • The use of stonework had been reduced;
- 27 • The original window which had been proposed to be tinted blue is now  
28 proposed to be tinted green, with a green tint added to the stucco with slate  
29 green lines in the stonework to soften the look of the building and allow it to  
30 blend more into the landscaping to reduce the visual effects. The  
31 Subcommittee also requested complementary colors to the Kaiser building  
32 and the green tint had been added to match the first floor of the Kaiser  
33 building;
- 34 • The project shall comply with Title 24 Energy Efficient Guidelines;
- 35 • The building footprint had been reduced, and recycled materials would be  
36 used wherever possible;
- 37 • The insulation had been increased and the building would be positioned to  
38 make the best possible use of solar energy;
- 39 • The operation of the food service area had also been scaled back, with  
40 local vendors to bring in food already prepared, with the exception of coffee,  
41 tea, and beverages;

- 1 • During construction, Kaiser would be notified and informed of the  
2 construction schedule with a signing and striping plan provided for the 21  
3 parking spaces to be used by Dr. Lee, and with Kaiser informed that Dr.  
4 Lee would honor the ingress and egress agreement, although the 21  
5 parking spaces were to be used by Dr. Lee's patients;
- 6 • The staging area during construction would be fenced off;
- 7 • Landscaping would be enhanced to make the building aesthetically  
8 pleasing;
- 9 • The second floor would be brought out and over the parking, reducing the  
10 impervious area; and
- 11 • Photo simulations from Pinole Valley Road were provided, including views  
12 of the building, existing oak trees, and detailing of the architecture and  
13 design, and the building height had been lowered. As an alternative,  
14 stonework could be placed on top and along the middle band of the  
15 building.

16 In response to the Commission, Ms. Vingo identified the location of the mechanical  
17 units pursuant to the renderings, which had shown metal screening along the front  
18 over the parking spaces intended to screen mechanical equipment which would  
19 not be on the roof. A balcony on the second floor would hide all mechanical  
20 equipment in a cost-effective manner. The placement of the generator and other  
21 associated equipment would be addressed in the landscape plan to ensure the  
22 equipment was shielded from the road.

23  
24 Ms. Vingo identified access through the outside seating area to the bus stop, with  
25 a walkway off of Henry Avenue and the walkway to the bus stop. There was a  
26 small portion where they could have concrete over a pipeline easement as long as  
27 pipeline operators including Kinder Morgan could access the pipe. The property  
28 owner would be responsible for the removal and replacement.

29  
30 Dr. Lee identified a low lying bench at the request of planning staff, where patients  
31 could sit, and on the other side of that bench would be a mosaic or other form of  
32 public art to beautify the corner. He acknowledged that the building design had  
33 been presented to, and had been discussed at length by, the Pinole City Council.  
34 While there had been concerns with the design, he understood many  
35 Councilmembers had now accepted the design. He preferred to stay in Pinole but  
36 wanted the medical facility to be state-of-the-art in order to retain his patients.

### 37 38 PUBLIC COMMENTS OPENED

39  
40 JIM BROWNLEE, Pinole, expressed concern with the parking for the project, as  
41 well as parking throughout Pinole, and stated if adequate parking was not  
42 provided, the project should not be approved. He clarified with staff his  
43 understanding that Kaiser had been awarded a variance from the City's parking

1 requirements based on the standards in effect at that time, and expressed concern  
2 the parking requirements would be short of the current requirements, a situation  
3 that also occurred with other nearby developments. He was not confident the  
4 parking issue would be resolved even with ride sharing. He described the area as  
5 all day parking at all times in the neighborhood, and questioned how that situation  
6 would be cured. He added that although bus stops had been provided, parking  
7 spaces for those using cars to drive to the bus stop en route to their ultimate  
8 destination had not been provided.

9  
10 Mr. Brownlee stated that if the 21 parking spaces belonged to the subject  
11 applicant, Kaiser would be short parking. He otherwise found that the building  
12 architecture had too much hard surface and should include some lumber since the  
13 building looked more like a warehouse. Also, if the applicant had no plans to use  
14 the downstairs area, it should not be included, since it could be occupied by  
15 multiple doctors in the future. He would like the project to be conditioned that only  
16 one doctor be allowed in the medical facility.

17  
18 JAMES SHATTUCK, 1525 Buckeye Court, Pinole, expressed concern with  
19 parking, not the proposed parking for the medical facility, but in the City in general.  
20 He also expressed concern with the access to Kaiser's parking area, which  
21 occurred through the proposed project. If parking for Kaiser was taken by the  
22 subject property, it would make the parking situation considerably different and  
23 access more difficult.

24  
25 BILL LOW, 841 E. Meadow Avenue, Pinole, suggested the project would be an  
26 asset to the community with a building design as nice as Kaiser. As a patient of  
27 Dr. Lee, he could attest to the difficulties having to travel outside the area for  
28 treatment; the time for treatment or examinations in the doctor's office; and the  
29 transportation opportunities provided by Dr. Lee for his patients. He expressed  
30 concern the project could be denied based on the parking situation, and  
31 encouraged consideration of a two-hour time restriction for the use of the parking  
32 spaces to address the parking concerns. He also recommended the City consider  
33 building a parking structure to provide more parking spaces. He urged approval of  
34 the application.

35  
36 JOSE SORIA, 2531 Henry Avenue, Pinole, spoke to his experience as an  
37 architect, and his opinion the building design was not in compliance with structures  
38 in Pinole. Although it might be compliant with those buildings on the portion of  
39 Pinole Valley Road closest to Pinole High School, it was not compliant with the  
40 buildings along Henry Avenue. He suggested the Kaiser employee parking lot  
41 entrance should never have been approved on Henry Avenue. He referenced the  
42 number of people who parked in the neighborhood to take the bus to El Cerrito,  
43 stated that Kaiser employees had been parking on Henry Avenue, and suggested  
44 the parking demand of the medical facility would impact residents along Henry  
45 Avenue.

1  
2 Mr. Soria understood that No Parking signs would be posted along the street to  
3 prohibit parking from 7:00 A.M. to 9:00 A.M. based on conversations he had with  
4 the Assistant City Manager, although Mr. Rhodes clarified that the area near the  
5 school drop-off area on Henry Avenue would include some signage limiting parking  
6 during Collins School pick-up and drop-off, and red striping would be added on  
7 each side of the Sprouts Market Henry Avenue driveway to ensure adequate  
8 space for delivery trucks to Sprouts. There had been no discussion of No Parking  
9 signage on Henry Avenue east of Pinole Valley Road.

10  
11 Mr. Soria expressed concern with the limited parking, with commercial  
12 development occurring in residential areas changing the character of Pinole, and  
13 suggested the building would be too close to Henry Avenue and would make the  
14 area darker for the existing homes across the street.

15  
16 Mr. Rhodes advised that the Three Corridors Specific Plan encouraged the  
17 building to be as close to the street as possible, and there was a precedent for  
18 commercial development on this leg of Henry Avenue. He expressed the  
19 willingness to meet with Mr. Soria after the meeting, or at another time, to address  
20 his issues with the development of some of the other properties in the proximity of  
21 the project site. He would also speak with the Assistant City Manager to address  
22 Mr. Soria's concerns regarding signage and code enforcement.

23  
24 MARGARET FARIA PRATHER, 1247 Pinole Valley Road, Pinole, referenced her  
25 family's history with the Faria property, and expressed a preference to see a one-  
26 story versus a two-story building. She suggested the bus parking was also bad  
27 and the project would bring more traffic and parking problems to the neighborhood.  
28 She was not confident people would pay attention to any designated parking  
29 areas, emphasized the problems with parking and the speed of traffic along Pinole  
30 Valley Road, and suggested it could be better enforced by the City.

31  
32 Dr. Lee thanked everyone for the feedback, acknowledged the concerns with  
33 parking, and offered a suggestion that parking on Henry Avenue could be  
34 restricted to two-hour parking, or be permitted parking with residential parking  
35 passes. He emphasized his commitment to making his parking lot all two-hour  
36 parking which could address some of the frustrations that had been raised about  
37 parking.

38  
39 PUBLIC COMMENTS CLOSED

40  
41 The Planning Commission discussed the proposed Gateway Medical Center  
42 project and offered the following comments and/or direction to staff:

- 43  
44 • Thanked the applicant for the preservation of the Faria Ranch historic  
45 monument. (Martinez-Rubin)

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- Supported the work of local artisans displayed on the wall although that could impact the parking if locals were looking at the artwork; agreed that the parking spaces include time restrictions; sought better renderings to show the location of the rooftop mechanical equipment and how it would be screened from view; since the building had been reduced in height it now appeared too flat, recommended consideration of more articulation; and supported the building height at 32 feet. (Wong)
- Requested an analysis of Kaiser’s loss of 21 parking spaces; staff encouraged to have direct discussions with Kaiser about the utilization of all of its parking spaces, not just the employee parking; recognition that Kaiser appeared to be resistant to reciprocal parking, although there were alternatives to separate the Kaiser property from the subject property that could be considered; recognition the subject project was not the cause of the parking problems in Pinole, which was an issue the City Council should address and could be a topic of a future Joint City Council/Planning Commission meeting; and encouraged the use of public transportation which was also not related to the subject project and could be addressed as part of the joint City Council/Planning Commission meeting. (Kurrent)
- Suggested the building design was too modern, its character was not appropriate for Pinole given the proximity to, and lack of integration into, Old Town, and was more in keeping with designs in the City of Berkeley. (Thompson)
- Preferred tandem parking for employees; suggested consideration of outside lighted display cases for the display of artwork; and encouraged staff to raise the broader traffic concerns and issues with the Traffic and Pedestrian Safety Committee (TAPS), at which time some solutions could be discussed. (Tave)

**2. Selection of Development Review Subcommittee Members for 2016-2017**

Mr. Rhodes presented the staff report dated April 25, 2017; and recommended the Planning Commission select Development Review Subcommittee Members for 2016-2017. He added that a full seven-member Planning Commission would be seated at the May 23, 2016 meeting.

Chair Kurrent recommended that action on the selection of Development Review Subcommittee Members be deferred until the entire Planning Commission was seated.

**H. CITY PLANNER’S / COMMISSIONERS’ REPORT:**

1  
2 Mr. Rhodes reported that the Planning Commission packets included a list titled,  
3 Suggestions for Planning Commissioner Greatness, which had been presented  
4 at the recent Sonoma State University Planning Commissioner Seminar. He  
5 walked through each of the suggestions with the Planning Commission, and  
6 reported that a Planning Ethics and Legal Seminar had been scheduled for  
7 Saturday, April 30, sponsored by the American Planning Association (APA), with  
8 more details on the seminar to be provided to Commissioners via e-mail. He  
9 added that electronic information would be provided to new Commissioners to be  
10 used as a reference and guide to provide context on the Planning Commission  
11 Rules and Regulations.  
12

13 Upcoming projects included the remodel of an existing gas station, removing and  
14 adding a new convenience store; and the remodel of Wendy's/Wingstop, with  
15 both projects to be presented to the Planning Commission Development Review  
16 Subcommittee. Follow-up items included the bike rack issue at the East Bluff  
17 Apartments, and the clock tower design details at the CVS site, with the  
18 requested photo simulations still to be submitted by the applicant.  
19

20 Commissioner Brooks encouraged Commissioners to participate in Community  
21 Service Day scheduled for May 21.  
22

23 Chair Kurrent reported that the next meeting of the Planning Commission would  
24 be a joint meeting with the City Council scheduled for May 23, with the meeting  
25 location yet to be determined.  
26

27 Mr. Rhodes advised that he would speak with the City Manager to explore the  
28 possibility that one of the agenda items at the joint meeting may include a  
29 discussion of the parking concerns on Henry Avenue specifically and throughout  
30 the City generally.  
31

32 **I. COMMUNICATIONS:**  
33

34 **Suggestions for Planning Commissioner Greatness**  
35

36 **J. NEXT MEETING:**  
37

38 The next meeting of the Planning Commission will be a Joint City Council and  
39 Planning Commission meeting to be held on Monday, May 23, 2016.  
40

41 **K. ADJOURNMENT: 10:26 P.M**  
42

43 Transcribed by:  
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45

1 Anita L. Tucci-Smith  
2 Transcriber