

1
2
3 **MINUTES OF THE REGULAR**
4 **PINOLE PLANNING COMMISSION**

5
6 **June 27, 2016**
7

8
9 **A. CALL TO ORDER: 7:00 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
16 Commissioners Absent: None

17
18 Staff Present: Winston Rhodes, Planning Manager
19

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

21
22 There were no citizens to be heard.
23

24 **D. CONSENT CALENDAR:**

25
26 [The recording started in the middle of this item, the motion and second was not recorded.]
27

28 **1. Planning Commission Meeting Minutes from June 13, 2016**

29
30 **MOTION** to approve the Planning Commission Meeting Minutes of June 13, 2016,
31 as submitted.

32
33 **MOTION: Martinez-Rubin SECONDED: Hartley APPROVED: 5-0-2**
34 **ABSTAIN: Tave, Thompson**
35

36 **E. PUBLIC HEARINGS:**

37
38 **1. Design Review (DR 16-08) Wendy's / Wingstop Restaurant Exterior**
39 **Remodel**

40
41 **Request:** Consideration of a design review request to modify an
42 existing approximately 4,360 square foot restaurant
43 building

44
45 **Applicant:** Gary Hawkins
46 Gary Hawkins Architect

1 3045 Ceres Avenue, Suite 135
2 Chico, CA 95973

3
4 **Location:** 1581 Fitzgerald Drive, APN 426-392-011

5
6 **Project Planner:** Winston Rhodes, Planning Manager

7
8 Planning Manager Rhodes presented the staff report dated June 27, 2016, and
9 reported that the Planning Commission Development Review Subcommittee had
10 reviewed the proposal on June 9, 2016, and was generally pleased with the exterior
11 changes proposed to the building; recognized the visual importance of the
12 prominent commercial corner of Appian Way; discussed the size and location of the
13 new on-building signage; building colors and materials; and availability of bicycle
14 parking. The applicant had lowered the new Wendy's signs to provide a maximum
15 mounting height of 18 inches below the highest portion of the building; the building
16 colors had been changed based on Wendy's approved color palette with the
17 addition of silver aluminum background panels to improve the visibility of the
18 Wingstop signage on the east and west building elevations; and bicycle parking
19 would be added near the southwest corner of the building.
20

21 Mr. Rhodes recommended that the Planning Commission adopt Resolution 16-06,
22 subject to the findings and Conditions of Approval.
23

24 **PUBLIC HEARING OPENED**

25
26 GARY HAWKINS, Applicant/ Architect, referenced Condition 20 and asked whether
27 the condition could be satisfied with the bicycle parking placed behind the
28 restaurant where it would be in a secure location with a covered canopy. The area
29 was currently being used as storage space for the restaurant.
30

31 BIKRAM RWANDA, Owner, 1581 Fitzgerald Drive, Pinole, explained that the
32 storage space had a back door for employees to access the area; Wingstop
33 employees would be required to walk out of a small gate to access the building; the
34 space was currently being used for employee bicycle parking; the space included a
35 ramp with a large gate for deliveries; bicycles were parked well away from electrical
36 panels and gas meters, and would not obstruct deliveries to the property. Two
37 existing trash enclosures were located on-site; one in the storage area, and one
38 outside trash enclosure area for cardboard boxes.
39

40 Mr. Hawkins referenced Condition 16 and questioned the requirement to place trim
41 at the Wendy's entrance, with the element on the south elevation not on the entry to
42 the front door, and staff expressed comfort withdrawing or modifying that condition
43 based on the applicant's clarification. Mr. Hawkins also referenced Condition 15 to
44 modify the blade wall to a grey color, but asked that it be kept red in color
45 consistent with the colors at the drive-thru.
46

1 PUBLIC HEARING CLOSED

2
3 The Planning Commission offered the following comments and/or direction to staff:

- 4
- 5 • Requested a better rendition and maintenance of the landscape plan as a
6 condition, with conifers to be chosen with care since many in the community
7 were dying;
 - 8
 - 9 • Bicycle parking should not obstruct the required clearance space for the
10 existing electrical panel and gas meters in the storage area currently being
11 used by Wendy's for storage and bicycle parking; and
 - 12
 - 13 • The additional signage proposed should be allowed given that the building
14 had four faces, was a unique site and building orientation on a prominent
15 corner, and although it would be 20 percent over what was normally allowed
16 by the City's Sign Ordinance, there was consensus it would not be in
17 violation of the spirit or intent of the Sign Ordinance to allow the added
18 signage totaling a maximum of 360 square feet rather than 300 square feet.

19
20 Mr. Rhodes recommended Condition 14 be revised to reflect that the total sign area
21 not exceed *360 square feet*; with a new condition to read *No temporary signage*
22 *shall exceed more than 20 percent of a window space.*

23
24 RON ANDERSON, 37 Belimine, Chico, representing Wendy's, when asked about
25 one of the proposed signs, stated the proposed signage consisted of raised metal
26 lettering attached to the building about half an inch to three quarters of an inch in
27 size; the signage was consistent with Wendy's corporate logos; and although the
28 sign copy on the east elevation consisted of two different fonts it too was consistent
29 with Wendy's corporate logos.

- 30
- 31 • By consensus, the Planning Commission allowed the applicant/owner
32 discretion as to how to use the maximum total sign area of 360 square feet.

33
34 The following modifications were recommended to Resolution No. 16-06:

35
36 Modify the last sentence of Condition 14:

37
38 *Proposed sign sizes shall be adjusted to ensure that total sign area does not*
39 *exceed 360 square feet consistent with Chapter 17.52 of the Zoning Code.*

40
41 Modify the last sentence of Condition 20:

42
43 *The bicycle parking shall include a minimum of four bicycle parking spaces,*
44 *one of which shall be a secure semi-enclosed and covered space for an*
45 *employee bicycle.*

1
2 Modify Condition 32:

3
4 *BICYCLE PARKING – The applicant shall ensure that a bicycle rack that*
5 *can accommodate at least three bicycles is installed at the project site on the*
6 *east side of the restaurant building and shall include provisions for one*
7 *secure semi-enclosed and covered bicycle parking space.*

8
9 Eliminate Conditions 15 and 16;

10
11 Modify the last sentence of Condition 18:

12
13 *The plan shall include motion sensitive lighting within the trash enclosures.*

14
15 Modify the last sentence of Condition 9:

16
17 *Any landscaping planting material that dies shall be promptly replaced within*
18 *seven business days and at no time shall any landscaping weed barrier*
19 *fabric be visible.*

20
21 Responding to a recommendation for a landscape maintenance bond, Mr. Rwanda
22 stated that given the location of the building on the corner, it was difficult to maintain
23 the landscape due to the path of pedestrian traffic and given the recent drought
24 where the landscaping could not be regularly irrigated. The current landscape plan
25 had been designed by a Landscape Architect, with the intent the landscaping would
26 be properly maintained. He identified a handicap pathway on the Appian Way
27 elevation which he hoped would be used for access as opposed to people walking
28 down the hillside through landscape areas. A level pathway off of Fitzgerald Drive
29 could also be considered. Modifications to the parking lot lighting had not been
30 included in the current project due to budgetary constraints. He verified with staff
31 the trash enclosures were required to be covered pursuant to C.3 requirements.

32
33 The Planning Commission recommended an additional condition that the trash
34 enclosures be covered with the same material as the proposed cover for the west
35 side area of the building, and discussed the issue of the long-term maintenance of
36 landscaping at length, particularly the issues with the lack of maintenance on
37 properties Citywide; the lack of code enforcement; and whether to impose a
38 condition to consider a landscape maintenance bond.

39
40 By consensus, the Planning Commission determined that a condition for a
41 landscape maintenance bond was not appropriate in this case. Any maintenance
42 issues would be reviewed by the City once a complaint had been brought to the
43 attention of City staff. The last sentence of Condition 9 was modified further, to
44 read:

1 *Any landscaping planting material that dies shall be replaced within 14*
2 *business days.*

3
4 **MOTION** to adopt Resolution 16-06, with Exhibit A; Conditions of Approval, a
5 Resolution of the Planning Commission of the City of Pinole Approving a Design
6 Review Request for Exterior Modifications and New Business Signage for a
7 Wendy’s / Wingstop Restaurant at 1581 Fitzgerald Drive, (APN 426-392-011)
8 subject to modifications to Conditions 9, 14, 18, 20, and 32, with the deletion of
9 Conditions 15 and 16, and with the addition of a new condition to read:

10
11 *The project plans shall be revised to include covers on both trash enclosures*
12 *with the same material and design as the covered area on the west*
13 *elevation.*

14
15 **MOTION: Martinez-Rubin SECONDED: Thompson APPROVED: 7-0**

16
17 Chair Kurrent identified the 10-day appeal process of a decision of the Planning
18 Commission in writing to the City Clerk.

19
20 Commissioner Wong recused himself from the discussion of the next item due to
21 a potential conflict of interest and left the meeting at this time.

22
23 **G. NEW BUSINESS:**

24
25 **1. Design Review Workshop (DR 16-15): San Francisco Bay Trail: Pinole**
26 **Shores to Bayfront Park**

27
28 **Request:** Consideration of a design review request to construct an
29 approximately 0.5-mile long and 14-foot wide segment of
30 the San Francisco Bay Trail extending a non-motorized
31 paved recreational trail along the San Pablo Bay
32 Shoreline in Pinole from a hillside bluff across from Hazel
33 Drive in Pinole Shores east over the Union Pacific
34 Railroad (UPRR) tracks to connect to an existing path in
35 Bayfront Park.

36
37 **Applicant:** East Bay Regional Park District
38 P.O. Box 5381
39 Oakland, CA 94605-0381

40
41 **Location:** East Bay Regional Park District (EBRPD) property
42 between Union Pacific Railroad and Burlington Northern
43 Santa Fe Railroad tracks, Union Pacific Railroad right of
44 way, and Bayfront Park along the San Pablo Bay
45 Shoreline (APN 402-140-007, 402-140-001, 401-010-
46 009, and 401-010-007)

1
2 **Project Staff:** Winston Rhodes, Planning Manager
3

4 Mr. Rhodes presented the staff report dated June 27, 2016, and reported that the
5 City Council had received an informational presentation on the project on June 7,
6 2016; the Planning Commission Development Review Subcommittee had met on
7 June 16, 2016 to discuss the project when the history, scope, and constraints of the
8 project had been discussed. The Subcommittee had expressed concern with
9 potential visual impacts, the construction activity process, and project features
10 including the proposed railing, elevated trail [overcrossing trail design and proposed
11 overlook], vertical clearance above the railroad tracks for the grade separation trail
12 overcrossing, overcrossing support design, construction time where encroachment
13 was allowed within an actively used railroad right-of-way, need to utilize design
14 components that were exceedingly durable and required little maintenance,
15 accessibility requirements that affected the trail slope, and various public safety
16 issues and design details that should be considered. An Environmental Impact
17 Report (EIR) had previously been certified, with the EBRPD as the lead agency.
18

19 Mr. Rhodes recommended the Planning Commission consider the information,
20 public input, and provide feedback to the applicant and staff.
21

22 SEAN DOUGAN, EBRPD Trails Development Program Manager, presented a
23 PowerPoint on the San Francisco Bay Trail, Pinole Shores to Bayfront Park,
24 identified the alternatives for consideration, concerns raised during the
25 environmental review process, project schedule, and responded to questions from
26 the Planning Commission.
27

28 Mr. Dougan clarified that no lighting of the trail or security cameras had been
29 proposed; security cameras were typically located at the staging area; any medical
30 emergencies on the bridge would be addressed with small vehicles that could
31 access the bridge; interpretive signage was anticipated at the lookout with the
32 EBRPD and Pinole would work together on the message to be displayed;
33 construction trucks would not travel through the Pinole Shores area; easements
34 would be obtained from UPRR for the construction of the temporary construction
35 access; and both Pinole and Hercules had worked on the project since the 1970s in
36 partnership with the EBRPD with the goal of providing safe public access to the
37 shoreline. The EBRPD maintained the staging area and the trail at Wilson Point all
38 the way to the dead end and had a maintenance agreement with Pinole for the park
39 with shared responsibilities and with the area to be patrolled by EBRPD rangers.
40

41 SAMI KALANTARI, Senior Engineer, AECOM, Technology Corporation, provided
42 details on the proposed railing material.
43

44 Mr. Dougan presenting a sample color and materials board to the Planning
45 Commission of the railing which would appear like wrought iron; clarified the Bay
46 Trail would pick up in Hercules at the bridge over Pinole Creek on the east side of

1 the railroad tracks; improvements to the existing at grade rail crossing were not part
2 of the scope of the project; maintenance of the bridge structure and the trail itself
3 would be the responsibility of the EBRPD; an existing maintenance agreement for
4 Bayfront Park specified the responsibilities of the park under the purview of Pinole,
5 although the maintenance of the easements involved future discussions before the
6 Pinole City Council; weed abatement of the trail was the responsibility of the
7 EBRPD; and Pinole Shores Drive was a private street with no parking permitted in
8 that area, although there was limited automobile parking along San Pablo Avenue
9 as well as Bayfront Park.

10
11 Mr. Kalantari clarified the bridge structure had been designed consistent with
12 current Caltrans standards for seismic design criteria which had been updated in
13 2014; and consistent with Caltrans and federal standards. Caltrans had reviewed
14 and concurred with the design of the structure.

15 16 PUBLIC COMMENTS OPENED

17
18 LINDA JANE KOLE, 1140 Hazel Drive, Pinole, objected to the project and
19 suggested the residents of Hazel Drive would have views of an ugly freeway
20 overpass sticking into the marsh, a structure that was not in the spirit of the Bay
21 Trail; there would be environmental impacts to wildlife and vegetation; the project
22 would become an attractive nuisance and the railing would be an attractive
23 nuisance to skateboarders; there was limited parking at the Pinole Shores entrance
24 to the Bay Trail requiring users to hike in from San Pablo Avenue, and no access
25 from Pinon Avenue.

26
27 ANN TARABINI, 2239 Orleans Drive, Pinole, also expressed concern with the
28 visual impacts in that the structure would obstruct her views of the Bay; the area
29 had been an attractive nuisance for teenagers, and although the City had erected a
30 fence at Pinon Avenue preventing some access to the area the homeless
31 population had also been an issue; and skateboarders, dirt bikers, and
32 motorcyclists regularly used the trail although those activities were not permitted in
33 the area.

34
35 Mr. Dougan clarified that skateboarders were allowed on EBRPD trails; the EBRPD
36 had worked with the City of Pinole and the residents of Pinole Shores
37 Homeowner's Association (HOA) for many years and had heard similar concerns; a
38 visual assessment had analyzed the visual impacts and mitigation required as part
39 of the EIR; enforcement of the area would increase; and the structure would serve
40 as a deterrent since it would be completely fenced.

41
42 STEVE MORROW, 1140 Hazel Avenue, Pinole, echoed the concerns expressed;
43 expressed disappointment that residents had not been made aware of the project
44 sooner; agreed the structure would appear more like a freeway overpass; sought
45 more details on the colors and materials for the structure, recommending an
46 alternate color to the proposed black railing to make it less obvious; and urged

1 some mitigation to address littering in the area, which could become an issue.

2
3 JOHN MORAN, 2235 Orleans Drive, Pinole, stated he had not been informed of the
4 project for a structure that would impact his property most since the proposed
5 overlook would be across from his property; he asked whether the bluff would be
6 reinforced with a retaining wall; and expressed concern that construction traffic
7 could result in vibration to his home and the eroding bluff which had been a concern
8 for years. He suggested the trail should be a straight walkway with no overlook
9 given the potential to be an attractive nuisance.

10
11 JEN MATHERS, 1200 Hazel Drive, Pinole, requested more details on the west
12 portion of the project where the bridge would not be located and where she
13 assumed a fence would be located on both sides with landscaping. She otherwise
14 liked the project, found the black railing to be attractive compared to a grey color
15 which would appear more like a freeway, and she felt the project would improve safe
16 bicycle access in the community.

17
18 Mr. Dougan and Mr. Kalanitari responded to the comments from the public, and
19 with respect to the bluff and vibration concerns explained there were two active
20 railroads in the subject area which produced daily vibration; the hillsides were
21 unstable, which was one of the many reasons the structure was being placed in the
22 proposed location; the temporary ramp for construction access would be much
23 further towards the west and construction access would be restored to its original
24 condition once construction had been completed; the trail along the bluff would
25 include retaining walls and fencing on both sides of the trail; some retaining walls
26 would be installed between BNSF and the trail; the trail would not be that different
27 from the current Pinole Shores trail other than needing a fence on the railroad
28 property. Mr. Dougan mentioned while there had been a request for a retaining
29 wall structure design similar to what had been provided at near the Bio-Rad location
30 in Hercules, that structure would be too costly.

31
32 PUBLIC COMMENTS CLOSED

33
34 The Planning Commission offered the following comments and/or direction to staff
35 and the applicant:

- 36
37
- 38 • Requested that additional trash receptacles be provided along the trail as
39 well as Mutt Mitts;
 - 40 • Recommended signage to prevent the illegal use of the trail by
41 skateboarders and motorized vehicles;
 - 42 • Requested additional details for the temporary construction road to ensure it
43 was environmentally sound;
44
45

- 1 • Requested a better visual perspective information from Orleans Drive to
2 illustrate the views of the proposed structure on the subject site, although the
3 applicant noted the difficulty given cost and a requirement for specific
4 software to provide such a rendering;
5
- 6 • Requested better security given the area was an attractive nuisance to the
7 homeless and young people, with staff asked to discuss with the Chief of
8 Police the possibility of adding security to the area, and with staff affirming
9 ongoing discussions between the EBRPD and the Pinole Police
10 Department; and
11
- 12 • The Chair encouraged Commissioners to view similar bridges in the area
13 with respect to design and to visit the subject neighborhood to view the site
14 of the project.
15

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

17
18 Mr. Rhodes reported that a special meeting of the Planning Commission had
19 been scheduled for July 11, and would include a commercial development
20 project involving an existing gas station, and the formal consideration of the San
21 Francisco Bay Trail Pinole Shores to Bayfront Park project. He also updated the
22 Commission on the status of the Gateway Shopping Center project that is under
23 construction, as well as the approved CVS project.
24

25 **I. COMMUNICATIONS: None**

26
27 **J. NEXT MEETING:**

28
29 The next meeting of the Planning Commission will be a special meeting to be
30 held on Monday, July 11, 2016 at 7:00 P.M.
31

32 **K. ADJOURNMENT: 10:55 P.M**

33
34 Transcribed by:

35
36
37 Anita L. Tucci-Smith
38 Transcriber
39