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DRAFT

**MINUTES OF THE SPECIAL
PINOLE PLANNING COMMISSION**

March 13, 2017

A. CALL TO ORDER: 7:10 P.M.

B. PLEDGE OF ALLEGIANCE AND ROLL CALL:

Commissioners Present: Brooks, Hartley, Tave, Thompson, Wong, Chair
Kurrent

Commissioners Absent: Commissioner Martinez-Rubin

Staff Present: Winston Rhodes, Planning Manager
Tamara Miller, City Engineer
Eric Casher, Assistant City Attorney

C. CITIZENS TO BE HEARD:

There were no citizens to be heard.

D. CONSENT CALENDAR:

There was no Consent Calendar.

E. PUBLIC HEARINGS:

1. Design Review Request 16-29 and Conditional Use Permits 17-01 and 17-02: Gateway Medical Office Dialysis Clinic (*Continued from February 27, 2017*)

Request: Consideration of a design review request to enlarge a previously approved 4,000 square foot medical office building to 11,135 square feet; consideration of a conditional use permit request for a reduction in the required auto parking spaces; and consideration of a conditional use permit request to amend a previously approved sign program for the Gateway Shopping Center.

Applicant: Thomas Gateway LLC
3100 Oak Road, Suite 140

1 Walnut Creek, CA 94597

2
3 **Location:** 1335 Pinole Valley Road, APN 401-211-034

4
5 **Project Staff:** Winston Rhodes, Planning Manager

6
7 Mr. Rhodes reported that additional information had been provided by the
8 applicant including three additional photo simulations, information on the
9 accessible path of travel, a handout prepared by Commissioner Thompson related
10 to line of sight, a copy of the staff PowerPoint presentation, and a revised
11 resolution of approval including edits from the City Attorney. He also reported that
12 he had spoken with Catherine Reilly, Senior Land Use Manager with Kaiser
13 Permanente this date, who had asked that a reference in the staff report to a
14 private agreement being the reason why 14 parking spaces had been set aside to
15 Kaiser Permanente be clarified in that the agreement affected two parties; Thomas
16 Gateway LLC and Kaiser Permanente. The agreement had originally been
17 approved by the City Council, initially between the City of Pinole and Kaiser
18 Permanente.

19
20 Mr. Rhodes presented the March 13, 2017 staff report and PowerPoint
21 presentation and clarified the current request included design review for an
22 enlarged medical office building from the approved 4,000 to 11,135 square feet; a
23 use permit request for a 6-space reduction as reconfigured (Alternative C) in the
24 normally required number of parking spaces; and a use permit request to replace
25 the approved center identification sign and relocate the monument sign. He
26 highlighted the details of Parking Alternatives A, B, C and D.

27
28 CHRIS KINZEL, Vice President, TJKM Transportation, provided a recap of access
29 and parking for the project; detailed his analysis of the four garage parking
30 alternatives, with Alternative C being the preferred alternative by providing the best
31 distribution of standard and full sized parking stalls; and suggested the elimination
32 of one more parking stall on the easternmost end of Alternative C to enable a
33 three-point turn in the most optimum fashion. He suggested the parking garage
34 would rarely be filled, and if 20 parking stalls on the right end of the entrance were
35 designated patient parking that could be accomplished and arranged in such a
36 way to be self-enforcing. He acknowledged that with the removal of the
37 easternmost compact parking spaces, the other compact parking spaces could be
38 modified to be standard parking spaces. In addition, two compact parking stalls
39 near the elevator were in the wrong area and could be in an area that would allow
40 employee parking so that patients would not have to park in the smaller parking
41 stalls requiring more difficult maneuvering.

42
43 Responding to the Commission, Mr. Kinzel explained that most parking garages
44 located in residential areas had been designed with dead ends similar to what had
45 been proposed. He spoke to his experience with employee parking which required
46 the full cooperation of management. In this case, if the employee parking was

1 primarily used by the DaVita Dialysis clinic, there should be active management
2 and observations since employees tended to park as close to the building
3 entrances as possible.
4

5 Mr. Rhodes clarified the requirement for three handicap parking spaces and a
6 drop-off stall on the surface parking for paratransit vehicles, to be provided and
7 evaluated pursuant to the 2016 California Building Standards Code along with
8 compliance with local standards. He also identified the location of the trash
9 enclosure. In terms of the employee parking, based on the input from TJKM the
10 area west of the compact spaces would be the ideal location for employee parking,
11 to be so designated in a Parking Demand Management Plan (PDMP) with a
12 condition of approval to ensure that parking would be enforced. He again detailed
13 the history of the 14 Kaiser Permanente parking spaces, with patient or Kaiser
14 Permanente parking spaces not proposed to be designated at this point in time.
15 DaVita Dialysis Clinic had indicated that a maximum of 16 employee parking
16 spaces would be needed.
17

18 Mr. Kinzel suggested it was more important to designate patient as opposed to
19 employee parking to ensure that people did not park in those areas. He again
20 detailed his recommendation to eliminate one more parking stall on the
21 easternmost end of Alternative C to enable a three-point turn rather than eliminate
22 a parking stall in the middle; acknowledged a recommendation for signage at the
23 entrance of the parking garage to identify the location of employee and patient
24 parking spaces; and detailed the traffic flow on the left side of the parking garage
25 which was currently one-way and not wide enough to satisfy the City's standards
26 for a two-way flow but which could be reversed from the current clockwise pattern
27 if well marked.
28

29 Mr. Rhodes recommended parking garage Alternative C, modified to remove a
30 compact parking space immediately west of the turnaround area resulting in a
31 reduction of seven parking spaces from the normally required amount.
32

33 Mr. Rhodes clarified the California Environmental Quality Act (CEQA) analysis and
34 approved Initial Study / Mitigated Negative Declaration (IS/MND) for the Gateway
35 Shopping Center, as previously presented to the Planning Commission by Raney
36 Planning & Management on February 27, 2017, and added that the IS/MND for the
37 Gateway Shopping Center had studied a building between 9,500 and 10,000
38 square feet although later action had approved a 4,000 square foot building with
39 surface parking and no garage parking.
40

41 In an attempt to provide clarification about past environmental review of the area,
42 Mr. Rhodes highlighted the 2004 Gateway East EIR prepared for the Kaiser
43 Permanente property and the more recent IS/MND for the Gateway Shopping
44 Center. A Program EIR had been prepared in 2010 for the General Plan. Based
45 on the Program EIR, a the IS/MND had been prepared for the entire Gateway
46 Shopping Center in 2015, and had been used to approve Sprouts, retail shops

1 space, Starbucks, and a 4,000 square foot medical office building on the subject
2 property being considered at this time for a dialysis clinic. Between 2004 and
3 2015, a great deal had changed in the physical conditions, the ownership pattern,
4 and proposed land use with reliance on the 2015 analysis for the project.
5

6 Mr. Rhodes recommended that the Planning Commission adopt Resolution 17-04,
7 recommending approval to the City Council of a Design Review request (DR 16-
8 29) and Conditional Use Permit requests (CUP 17-01 and 17-02), subject to
9 redline edits from the City Attorney's Office.
10

11 PUBLIC HEARING OPENED

12
13 STEVE THOMAS, Thomas Gateway LLC, referenced the initial 2004 EIR for
14 Kaiser Permanente, the documents prepared as part of the Three Corridors
15 Specific Plan; the IS/MND; and the fact that the building would be 7 feet from back
16 of sidewalk with the curb another 6 feet out, and with most vehicles 3 to 4 feet from
17 the curb. He was confident the building could be 15 feet from any point of back of
18 curb with a vehicle further out, improving the line of sight concerns.
19

20 Mr. Thomas suggested adding a stop sign to the right at the bottom of the parking
21 garage to facilitate a safe right turn, and found Parking Garage Alternative C to be
22 the best plan but did not want to lose another parking stall given the agreement
23 with the City of Pinole and Kaiser Permanente. He suggested moving that stall
24 over a couple of spaces, to be used for backing up, and suggested that adding a
25 compact stall in the area would allow improved maneuverability. It would not need
26 to be striped and no parking would be lost. The property was at 17 percent
27 compact parking spaces, which could be increased to 19 percent.
28

29 Mr. Thomas clarified that the project would be at 53 parking stalls, and with the 14
30 parking spaces for Kaiser Permanente the requested reduction would be kept at 6
31 parking spaces. He added that the Building Code required three handicap parking
32 spaces, although four handicap spaces would be provided; two below and two on
33 top of the parking garage. He also clarified why the building size had been
34 increased from 4,000 to 11,135 square feet, the history of the approval of the
35 Kaiser Permanente project, the involvement of the City's Redevelopment Agency
36 (RDA) as it related to the project, and advised that he had a signed lease with
37 DaVita Dialysis Clinic for some time. He suggested the modifications to the project
38 had resulted in a much better project.
39

40 Mr. Thomas detailed the proposed implementation of the PMP; his experience with
41 a parking garage in the City of Walnut Creek, which also had a dead end and
42 where there were no parking complaints; did not recommend designated employee
43 or patient parking; but would agree that signage or painted arrows indicating
44 employee and patient parking to the right or left would be beneficial.
45

46 Mr. Rhodes also clarified the creek enhancement conditions of approval, which

1 applied to the Gateway West property, would be resolved between the City of
2 Pinole, the property owner/applicant, and the Contra Costa County Flood Control
3 District. He noted some progress and ongoing dialogue occurring on those efforts.
4 Assistant City Attorney Eric Casher stated all the issues related to the creek
5 enhancement conditions related to the same Development Agreement (DA); the
6 subject project in Gateway East had no clear nexus between that prior condition
7 and the current proposal being evaluated by the Planning Commission; there
8 would be other ways for the City to enforce those conditions; and it was not
9 appropriate to include those conditions on this project as a condition of approval
10 given the lack of a nexus.

11
12 Mr. Thomas stated that when Thomas Gateway LLC had agreed to some paving
13 and adding a bench, as an example, as a good will gesture to the City, it had no
14 nexus to the Gateway West project.

15
16 Mr. Rhodes clarified that the Sprouts Gateway West project had not been finalized.
17 Staff had explained the situation to the City Council. The City Council was
18 comfortable deferring those conditions, which were still required under the DA and
19 the conditions of approval for the project.

20
21 LESTER MEU, George Meu Associates, 499 Embarcadero #6, San Francisco,
22 stated that Alternative C would eliminate a sixth parking space; the loss of the
23 parking spaces allowed for more mid-sized vehicle spaces; four handicap parking
24 spaces would be provided including two van accessible parking spaces; and
25 because the code was not clear that the handicap parking spaces must be
26 provided in the garage, the handicap spaces had been split inside the garage and
27 above resulting in an increase in the interior height of the garage to accommodate
28 accessible vans.

29
30 Mr. Meu detailed the one-way parking which was more critical when the spaces
31 were compact, and in a clockwise pattern to allow vehicles to move as quickly as
32 possible. An immediate right turn would slow vehicles and block the drive aisles,
33 and it would be faster for the vehicles to come straight in. The exiting had been
34 designed to allow more room to make turns to the right hand side of the gate.

35
36 Mr. Meu commented on the consistency with the Three Corridors Specific Plan
37 with the improvements on the other side of the street with a zero setback on the
38 street; understood the concerns with visibility and line of sight and suggested
39 maintaining 15 feet from the face of the curb at any portion of the building, which
40 would fall within and enhance a visibility triangle. He described modifications he
41 proposed to the stairwell and electric room and reported he had discussed those
42 possibilities with DaVita Dialysis Clinic's architect who was comfortable those
43 changes could be made.

44
45 Mr. Meu also described the ADA accessible path of travel given the topography
46 and location of the existing bus stops; detailed the design of the parking garage to

1 a single floor which had been widened with a bottom floor broader than the upper
2 floor; and stated the roof of the garage would not be visible from the roadway other
3 than for a short period of time when traveling down the ramp.
4

5 Mr. Meu also addressed concerns expressed for the potential for glare from the
6 roof and his commitment to Title 24; the rooftop mechanical equipment would be
7 located on the upper two-story portion to be surrounded by a parapet; the doors for
8 the electric room would be in the interior of the garage, with a remote meter with
9 no door access required for the utility company; again identified the location of
10 handicap parking spaces; the location of the Caltrans fencing with a minimal curb
11 on the subject property side with a grade change and embankment; and noted
12 some type of decorative pipe guard structure could be considered in that area with
13 the addition of pedestrian lights to prevent vehicles from accessing that area.
14

15 BILL LOW, 843 E. Meadow Avenue, Pinole, detailed his experience as a patient at
16 a DaVita Dialysis Clinic in the City of Vallejo and noted that he had experienced no
17 problems finding handicap parking spaces. He described the paratransit services
18 provided to dialysis patients, suggested there could be traffic congestion with
19 paratransit vehicles attempting to drop off patients, and asked the Planning
20 Commission to consider that Kaiser Permanente patients would also use the
21 facility. There was another medical office building in the City of Pinole which also
22 had a dead end in its parking but he did not see that issue should stop the project
23 from moving forward. He also detailed the scheduling process for dialysis patients,
24 and urged consideration of designated employee and patient parking on the lower
25 end of the parking garage, with the upper level open to everyone else but
26 recommended that the upper level be covered.
27

28 Mr. Meu suggested a canopy could extend all the way along the north side of the
29 building, wrap the corner, and continue to wrap far enough to protect the elevator
30 lobby, which could cover the main entry to DaVita Dialysis Clinic as well as the side
31 exits. In response to concerns that the canopy would not cover someone being
32 brought to the clinic via paratransit vans in a gurney, as an example, he explained
33 that while the canopy could be extended to cover the drop-off area care had to be
34 taken to avoid vehicles. As previously indicated, paratransit vans would be able to
35 access the handicap parking areas and the turnaround areas. Paratransit gurneys
36 could also be accommodated in the gurney sized elevator. Also, as part of a
37 request from DaVita Dialysis Clinic, any non-handicap parking spaces would have
38 a posted 20-minute maximum parking limit. He added that the applicant was not
39 opposed to adding benches near the main entrance to the building.
40

41 The Planning Commission discussed Design Review 16-29 and Conditional Use
42 Permits 17-01 and 17-02, and offered the following comments and/or direction to
43 staff:
44

- 1 • Suggested the facility would be an asset to the City; recognized the need
2 for a dialysis clinic in the City, but sought better clarification on the actions
3 required of the commission, which staff again provided. (Hartley)
4
- 5 • Appreciated the applicants' efforts on the building design and willingness
6 to make modifications to address line of sight issues; and supported
7 moving the project forward. (Wong)
8
- 9 • Supported a condition for a good faith effort on the part of the applicant
10 and staff to place benches along the ADA path of travel. (Tave)
11
- 12 • Suggested the entire ADA path of travel was unsafe absent seat benches;
13 the relocation of the monument sign could be an obstruction to pedestrian
14 crossing and could block the line of sight, and the monument sign would
15 be unsightly with potential blank sign copy reserved for future tenants.
16 (Thompson)
17
- 18 • Recommended Condition 31 of Resolution 17-04 be revised to read:
19 Driveway Site Distance – *The applicant shall a) access and relocate as*
20 *necessary any utility or improvement that obstructs required sight distance*
21 *southeast of the un-signalized access driveway to the satisfaction of the*
22 *Development Services Department; and b) applicant shall reconfigure*
23 *southwest corner to ensure 15-foot setback from the face of curb.*
24 (Kurrent)
25

26 Staff recommended the first sentence of Condition 21 of Resolution 17-04 be
27 revised to read: *Driveway Site Distance – The following restrictions on project*
28 *landscaping shall be implemented and maintained south of the medical office*
29 *building Pinole Valley Road driveway, and shall apply within a clear vision*
30 *triangle as required by the City's Municipal Code.*
31

32 It was also recommended that Condition 41 of Resolution 17-04 be modified to
33 *include two seat benches near the main entrance to be identified in the*
34 *landscape plan; and the applicant make good faith effort to encourage the*
35 *provision of additional seating along the ADA path of travel to the bus stop at*
36 *Pinole Valley Road and Henry Avenue.*
37

38 Staff clarified that Thomas Gateway LLC could not be conditioned to install seat
39 benches on land it did not own, and described the Reciprocal Access Agreement
40 (RAA) between Kaiser Permanente and the Gateway Shopping Center and
41 explained how signage and striping changes could be implemented. It was
42 noted there were two seat benches in the parking area between the bus stop and
43 Kaiser Permanente's building.
44

45 **MOTION** to adopt Resolution 17-04, with Exhibit A: Conditions of Approval, A
46 Resolution of the Planning Commission of the City of Pinole, Recommending

1 Approval to the City Council of a Design Review Request (DR 16-29) and
2 Conditional Use Permit Requests (CUP 17-01 and 17-02) for an approximately
3 11,135 Square Foot New Medical Office Building and Associated Improvements
4 Located Northeast of the Intersection of Interstate Highway 80 and Pinole Valley
5 Road, (APN 401-211-034), subject to the redline edits provided by the City
6 Attorney; and with the modifications to Conditions 21, 31, and 41, as discussed.
7

8 **MOTION: Brooks**

SECONDED: Hartley

APPROVED: 5-1-1

NOES: Thompson

ABSENT: Martinez-Rubin

11
12 **F. OLD BUSINESS: None**

13
14 **G. NEW BUSINESS:**

15
16 **1. Formation of East Bay Regional Park District Bay Trail Bridge Design**
17 **Planning Commission Subcommittee**

18
19 Commissioner Brooks and Chair Kurrent were appointed to serve on the (EBRPD)
20 Trail Design Planning Commission Subcommittee.
21

22 **H. CITY PLANNER'S / COMMISSIONERS' REPORT:**

23
24 Mr. Rhodes provided an overview of the recent League of California Cities
25 Planning Commission Academy and mentioned links will be provided to the
26 Academy PowerPoint presentations from some of the sessions, and
27 Commissioner Brooks also provided an update on his attendance at the
28 Planning Commission Academy and provided copies of written materials.
29

30 Mr. Rhodes confirmed, when asked, that business cards could be provided to
31 Planning Commissioners. He added that the selection of Chair, Vice-Chair and
32 members of the Planning Commission Development Review Subcommittee
33 would be scheduled for the Planning Commission meeting in April.
34

35 Chair Kurrent reported he would not be present for the March 27 Planning
36 Commission meeting.
37

38 **I. COMMUNICATIONS: None**

39
40 **J. NEXT MEETING:**

41
42 The next meeting of the Planning Commission will be a Regular Meeting to be
43 held on Monday, March 27, 2017 at 7:00 P.M.
44

45 **K. ADJOURNMENT: 10:40 P.M**
46

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Transcribed by:

Anita L. Tucci-Smith
Transcriber