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**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  
Walnut Creek, CA 94597

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

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

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

18  
19                  Mr. Rhodes presented the March 13, 2017 staff report and PowerPoint  
20                  presentation and clarified the current request included design review for an  
21                  enlarged medical office building from the approved 4,000 to 11,135 square feet; a  
22                  use permit request for a 6-space reduction as reconfigured (Alternative C) in the  
23                  normally required number of parking spaces; and a use permit request to replace  
24                  the approved center identification sign and relocate the monument sign. He  
25                  highlighted the details of Parking Alternatives A, B, C and D.

26  
27                  CHRIS KINZEL, Vice President, TJKM Transportation, provided a recap of access  
28                  and parking for the project; detailed his analysis of the four garage parking  
29                  alternatives, with Alternative C being the preferred alternative by providing the best  
30                  distribution of standard and full sized parking stalls; and suggested the elimination  
31                  of one more parking stall on the easternmost end of Alternative C to enable a  
32                  three-point turn in the most optimum fashion. He suggested the parking garage  
33                  would rarely be filled, and if 20 parking stalls on the right end of the entrance were  
34                  designated patient parking that could be accomplished and arranged in such a  
35                  way to be self-enforcing. He acknowledged that with the removal of the  
36                  easternmost compact parking spaces, the other compact parking spaces could be  
37                  modified to be standard parking spaces. In addition, two compact parking stalls  
38                  near the elevator were in the wrong area and could be in an area that would allow  
39                  employee parking so that patients would not have to park in the smaller parking  
40                  stalls requiring more difficult maneuvering.

41  
42                  Responding to the Commission, Mr. Kinzel explained that most parking garages  
43                  located in residential areas had been designed with dead ends similar to what had  
44                  been proposed. He spoke to his experience with employee parking which required  
45                  the full cooperation of management. In this case, if the employee parking was  
46                  primarily used by the DaVita Dialysis clinic, there should be active management

1 and observations since employees tended to park as close to the building  
2 entrances as possible.

3  
4 Mr. Rhodes clarified the requirement for three handicap parking spaces and a  
5 drop-off stall on the surface parking for paratransit vehicles, to be provided and  
6 evaluated pursuant to the 2016 California Building Standards Code along with  
7 compliance with local standards. He also identified the location of the trash  
8 enclosure. In terms of the employee parking, based on the input from TJKM the  
9 area west of the compact spaces would be the ideal location for employee parking,  
10 to be so designated in a Parking Demand Management Plan (PDMP) with a  
11 condition of approval to ensure that parking would be enforced. He again detailed  
12 the history of the 14 Kaiser Permanente parking spaces, with patient or Kaiser  
13 Permanente parking spaces not proposed to be designated at this point in time.  
14 DaVita Dialysis Clinic had indicated that a maximum of 16 employee parking  
15 spaces would be needed.

16  
17 Mr. Kinzel suggested it was more important to designate patient as opposed to  
18 employee parking to ensure that people did not park in those areas. He again  
19 detailed his recommendation to eliminate one more parking stall on the  
20 easternmost end of Alternative C to enable a three-point turn rather than eliminate  
21 a parking stall in the middle; acknowledged a recommendation for signage at the  
22 entrance of the parking garage to identify the location of employee and patient  
23 parking spaces; and detailed the traffic flow on the left side of the parking garage  
24 which was currently one-way and not wide enough to satisfy the City's standards  
25 for a two-way flow but which could be reversed from the current clockwise pattern  
26 if well marked.

27  
28 Mr. Rhodes recommended parking garage Alternative C, modified to remove a  
29 compact parking space immediately west of the turnaround area resulting in a  
30 reduction of seven parking spaces from the normally required amount.

31  
32 Mr. Rhodes clarified the California Environmental Quality Act (CEQA) analysis and  
33 approved Initial Study / Mitigated Negative Declaration (IS/MND) for the Gateway  
34 Shopping Center, as previously presented to the Planning Commission by Raney  
35 Planning & Management on February 27, 2017, and added that the IS/MND for the  
36 Gateway Shopping Center had studied a building between 9,500 and 10,000  
37 square feet although later action had approved a 4,000 square foot building with  
38 surface parking and no garage parking.

39  
40 In an attempt to provide clarification about past environmental review of the area,  
41 Mr. Rhodes highlighted the 2004 Gateway East EIR prepared for the Kaiser  
42 Permanente property and the more recent IS/MND for the Gateway Shopping  
43 Center. A Program EIR had been prepared in 2010 for the General Plan. Based  
44 on the Program EIR, a the IS/MND had been prepared for the entire Gateway  
45 Shopping Center in 2015, and had been used to approve Sprouts, retail shops  
46 space, Starbucks, and a 4,000 square foot medical office building on the subject

1 property being considered at this time for a dialysis clinic. Between 2004 and  
2 2015, a great deal had changed in the physical conditions, the ownership pattern,  
3 and proposed land use with reliance on the 2015 analysis for the project.  
4

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

10 PUBLIC HEARING OPENED  
11

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

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

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

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

45 Mr. Rhodes also clarified the creek enhancement conditions of approval, which  
46 applied to the Gateway West property, would be resolved between the City of

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

10  
11 Mr. Thomas stated that when Thomas Gateway LLC had agreed to some paving  
12 and adding a bench, as an example, as a good will gesture to the City, it had no  
13 nexus to the Gateway West project.

14  
15 Mr. Rhodes clarified that the Sprouts Gateway West project had not been finalized.  
16 Staff had explained the situation to the City Council. The City Council was  
17 comfortable deferring those conditions, which were still required under the DA and  
18 the conditions of approval for the project.

19  
20 LESTER MEU, George Meu Associates, 499 Embarcadero #6, San Francisco,  
21 stated that Alternative C would eliminate a sixth parking space; the loss of the  
22 parking spaces allowed for more mid-sized vehicle spaces; four handicap parking  
23 spaces would be provided including two van accessible parking spaces; and  
24 because the code was not clear that the handicap parking spaces must be  
25 provided in the garage, the handicap spaces had been split inside the garage and  
26 above resulting in an increase in the interior height of the garage to accommodate  
27 accessible vans.

28  
29 Mr. Meu detailed the one-way parking which was more critical when the spaces  
30 were compact, and in a clockwise pattern to allow vehicles to move as quickly as  
31 possible. An immediate right turn would slow vehicles and block the drive aisles,  
32 and it would be faster for the vehicles to come straight in. The exiting had been  
33 designed to allow more room to make turns to the right hand side of the gate.

34  
35 Mr. Meu commented on the consistency with the Three Corridors Specific Plan  
36 with the improvements on the other side of the street with a zero setback on the  
37 street; understood the concerns with visibility and line of sight and suggested  
38 maintaining 15 feet from the face of the curb at any portion of the building, which  
39 would fall within and enhance a visibility triangle. He described modifications he  
40 proposed to the stairwell and electric room and reported he had discussed those  
41 possibilities with DaVita Dialysis Clinic's architect who was comfortable those  
42 changes could be made.

43  
44 Mr. Meu also described the ADA accessible path of travel given the topography  
45 and location of the existing bus stops; detailed the design of the parking garage to  
46 a single floor which had been widened with a bottom floor broader than the upper

1 floor; and stated the roof of the garage would not be visible from the roadway other  
2 than for a short period of time when traveling down the ramp.  
3

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

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

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

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

- 44 • Suggested the facility would be an asset to the City; recognized the need  
45 for a dialysis clinic in the City, but sought better clarification on the actions  
46 required of the commission, which staff again provided. (Hartley)

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- Appreciated the applicants' efforts on the building design and willingness to make modifications to address line of sight issues; and supported moving the project forward. (Wong)
  - Supported a condition for a good faith effort on the part of the applicant and staff to place benches along the ADA path of travel. (Tave)
  - Suggested the entire ADA path of travel was unsafe absent seat benches; the relocation of the monument sign could be an obstruction to pedestrian crossing and could block the line of sight, and the monument sign would be unsightly with potential blank sign copy reserved for future tenants. (Thompson)
  - Recommended Condition 31 of Resolution 17-04 be revised to read: Driveway Site Distance – *The applicant shall a) access and relocate as necessary any utility or improvement that obstructs required sight distance southeast of the un-signalized access driveway to the satisfaction of the Development Services Department; and b) applicant shall reconfigure southwest corner to ensure 15-foot setback from the face of curb.* (Kurrent)

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

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

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

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**MOTION** to adopt Resolution 17-04, with Exhibit A: Conditions of Approval, A Resolution of the Planning Commission of the City of Pinole, Recommending Approval to the City Council of a Design Review Request (DR 16-29) and Conditional Use Permit Requests (CUP 17-01 and 17-02) for an approximately 11,135 Square Foot New Medical Office Building and Associated Improvements

1 Located Northeast of the Intersection of Interstate Highway 80 and Pinole Valley  
2 Road, (APN 401-211-034), subject to the redline edits provided by the City  
3 Attorney; and with the modifications to Conditions 21, 31, and 41, as discussed.  
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5 **MOTION: Brooks**

**SECONDED: Hartley**

**APPROVED: 5-1-1**

**NOES: Thompson**

**ABSENT: Martinez-Rubin**

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9 **F. OLD BUSINESS:** None

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11 **G. NEW BUSINESS:**

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13 **1. Formation of East Bay Regional Park District Bay Trail Bridge Design**  
14 **Planning Commission Subcommittee**

15  
16 Commissioner Brooks and Chair Kurrent were appointed to serve on the (EBRPD)  
17 Trail Design Planning Commission Subcommittee.  
18

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

20  
21 Mr. Rhodes provided an overview of the recent League of California Cities  
22 Planning Commission Academy and mentioned links will be provided to the  
23 Academy PowerPoint presentations from some of the sessions, and  
24 Commissioner Brooks also provided an update on his attendance at the  
25 Planning Commission Academy and provided copies of written materials.  
26

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

32 Chair Kurrent reported he would not be present for the March 27 Planning  
33 Commission meeting.  
34

35 **I. COMMUNICATIONS:** None

36  
37 **J. NEXT MEETING:**

38  
39 The next meeting of the Planning Commission will be a Regular Meeting to be  
40 held on Monday, March 27, 2017 at 7:00 P.M.  
41

42 **K. ADJOURNMENT:** 10:40 P.M

43  
44 Transcribed by:

45  
46 Anita L. Tucci-Smith



1 Transcriber