

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

MINUTES

PINOLE PLANNING COMMISSION

Regular Meeting – November 13, 2006

A. CALL TO ORDER: 7:30 P.M.

B. PLEDGE OF ALLEGIANCE AND ROLL CALL:

Commissioners Present: Commissioners Banuelos, Brooks, Long, McFarland,
Toms, Chair Chapin

Commissioner Excused: Commissioner Sekins

Commissioners Absent: None

Staff Present: City Planner, Elizabeth Dunn
Consulting Planner, Margaret Kavanaugh-Lynch

C. CITIZENS TO BE HEARD:

ED SUM, Pinole, Property Owner/Manager of the apartments located at 745-747 San Pablo Avenue, identified his property as being located adjacent to the DeNova Homes property. He commented on the number of items in need of repair on his property as a result of the DeNova Homes development and cited the fence, pavement, sinkholes in the pavement area and impacts to utilities. He also noted that an existing phone line was hanging off the fence. He suggested that inferior materials had been used to repair an existing sewer line, that repaired water lines were never disinfected which could affect the health of his tenants, and that DeNova Homes was liable for that work. He questioned the fact that the Planning Commission would be considering the approval of landscaping plans, as shown on the meeting agenda, when DeNova Homes had already installed grass.

Commissioner Long suggested that the concerns with landscaping could be addressed during the first public hearing. As to the installation of the grass, she asked staff whether or not the grass had already been approved and whether or not there was a separate landscaping plan that had already been approved.

City Planner Elizabeth Dunn explained that the Planning Commission had last considered the landscaping for the project in September 2006, at which time the Planning Commission had asked that the landscaping for Lots 19, 20 and 21 be brought back for consideration.

1 Commissioner Banuelos spoke to the concern with the use of inferior materials for
2 some of the repair work performed by DeNova Homes to the Sum property and was
3 uncertain that PVC sewer pipe was inferior since PVC pipes were usually removed
4 since they were typically older and cracking. He agreed that the connections should
5 be accurate. He otherwise reported that Dickson Sum had e-mailed and faxed him
6 information including photographs of the site. He reported that he had been
7 unsuccessful in repeated attempts to contact Mr. Sum to address his concerns.
8

9 Ms. Dunn explained in response to Commissioner Brooks that after the last meeting
10 of the Planning Commission she had received an e-mail from the Sums and had
11 scheduled a meeting with staff that the Sums had canceled at the last minute. The
12 City Manager had also been unsuccessful in attempts to contact the Sums. She
13 suggested that the issues that had been raised were a civil matter between DeNova
14 Homes and the Sums, particularly since there appeared to be a misunderstanding
15 as to the use of an easement between the two properties which also involved the
16 cross use of utilities and which appeared to have started the problems. She noted
17 that the lead utility for the easement was PG&E and the power for the Sum property
18 was located on the DeNova Homes property. She commented on the likelihood that
19 easement had been in existence for some time.
20

21 Ms. Dunn added that she had been unable to discuss with the City Attorney the
22 items the Sums had identified needed repair, although she would report back to the
23 Planning Commission on any discussions with the City Attorney. The Planning
24 Commission would be updated through e-mail prior to the next Commission
25 meeting.
26

27 Commissioner McFarland requested information from the City Attorney as to what
28 authority the Planning Commission had on the matter. He urged a discussion with
29 the City Attorney in that regard. He too was concerned with the possible impacts to
30 the Sum property and the items that were to have been repaired.
31

32 Commissioner Long suggested that the civil issue was the easement, although if the
33 developer was disturbing the utilities of the adjacent property during construction,
34 the items to be repaired should be repaired in a timely manner. She too urged a
35 discussion with the City Attorney as to what part of the concern was actually a civil
36 issue. She asked that the discussion be continued under public hearing item 1,
37 Design Review 05-19.
38

39 Commissioner Long also spoke to the fence and questioned how the City could sign
40 off on the subdivision absent the completion of the fence between the Sum and
41 DeNova Homes properties. If in disarray, she stated that the fence should be
42 completed.
43

44 Ms. Dunn explained that the project involved financial securities, such as a
45

1 Subdivision Agreement, which involved a series of bonds to be used on the site and
2 which was in place with the City. There was also a process of tract acceptance
3 before a City would take any public features which could be reviewed to ensure that
4 the tract had been successfully completed.
5

6 Commissioner Long suggested that the City had the control now, not when the
7 developer was selling the units. She recalled plans for a good neighbor fence and
8 expected it to be completed, particularly since she found it to be a safety issue since
9 the DeNova Homes property adjoined an apartment complex. Also, the tenants of
10 the apartment complex were entitled to quiet enjoyment and that issue needed to be
11 addressed in a timely manner. She requested that the matter be agendized for
12 discussion on the current agenda.
13

14 PHIL ROWE, 333 Civic Drive, Pleasant Hill, representing DeNova Homes,
15 explained that he had spoken with staff regarding the possibility of installing a fence
16 in front of the existing fence. He stated that early on there had been concerns and a
17 letter had been sent to Mr. Sum addressing the fact that part of the existing fence
18 was on the property line and the other part on DeNova Homes property. DeNova
19 Homes had agreed to move the retaining wall in two feet with a fence in front of the
20 existing fence.
21

22 Mr. Rowe reiterated that DeNova Homes would be more than happy to remove the
23 existing fence and replace it with a fence on the property line for both parties to
24 share. He stated that DeNova Homes attempts to speak to Mr. Sum had been
25 unsuccessful in that scheduled appointments with Mr. Sum had later been
26 canceled.
27

28 Commissioner Banuelos recalled that standard conditions of approval included a
29 condition for the replacement of any items that were broken. He questioned
30 whether or not that would apply in this instance.
31

32 Ms. Dunn commented that the repair of any public infrastructure would be required
33 as part of the project and that the City would not accept the subdivision until those
34 features were replaced or repaired. She would have to review the conditions to
35 determine whether or not there was a specific condition that would address the
36 replacement or repair of any items on the adjacent property.
37

38 Commissioner Banuelos supported the placement of such a condition on future
39 projects.
40

41 Commissioner Long agreed that there should be something where the developer
42 would be required to replace any broken items and she too would support such a
43 condition on the DeNova Homes project as well as all future projects. She pointed
44 out that the map had identified a good neighbor fence, so that must be installed.
45 If an agreement could not be reached with the adjacent property owner,

1 Commissioner Long recognized that the situation would be a civil matter.

2
3 Commissioner Banuelos added it was also possible that due to timing issues, the
4 fence might have been required later, and the worry with the fence not yet being
5 installed could be premature in that there were many items that might not have
6 been done but would be done as part of the project.

7
8 **D. CONSENT CALENDAR:**

- 9
10 1. October 10, 2006 Planning Commission Meeting Minutes
- 11
12 2. **Design Review 05-22:** Extension for one year of the design review approval
13 in November 2005 for the proposed bridge to replace the Prune Street
14 Bridge. The approximate location of the bridge is at the easternmost point of
15 Prune Street, and will span Pinole Creek, and connect to the pedestrian trail
16 adjacent to Pinole Valley Road. The applicant and property owner is the City
17 of Pinole, 2131 Pear Street, Pinole, CA 94564.

18
19 Commissioner Toms stated that she would abstain from the vote on agenda Item D
20 1.

21
22 Commissioner McFarland asked that lines 4 through 7 of Page 11 of the October 10
23 meeting minutes be amended to read:

24
25 *Commissioner McFarland recommended that the City not issue anything to*
26 *DeNova Homes until the issues raised by Mr. Sum had been resolved and*
27 *inspected by the proper entities prior to the showing of any model homes in*
28 *the development.*

29
30 **MOTION** to approve the October 10, 2006 Planning Commission meeting minutes,
31 as amended.

32
33 **MOTION: Long SECONDED: Brooks APPROVED: 4-0-3**
34 **ABSTAIN: Banuelos,Toms**
35 **ABSENT: Sekins**

36
37 **MOTION** to approve Consent Calendar Item D 2, as shown.

38
39 **MOTION: Toms SECONDED: Long APPROVED:6-0-1**
40 **ABSENT: Sekins**

41
42 **E. OLD BUSINESS:**

- 43
44 1. List of Projects Staff is Working On:
45 a. Design Review Guidelines

1
2 Ms. Dunn reported that Pacific Municipal Consultants (PMC) would assist with the
3 Design Review Guidelines based on a scope of work acceptable to the City. She
4 expressed her hope to submit something to the Planning Commission for
5 consideration in early 2007.

6
7 b. Medical Marijuana

8
9 Ms. Dunn advised that she would be working with the City Attorney as to how to
10 move the matter forward given the lack of interest from the medical community on a
11 medical marijuana task force.

- 12
13 2. **Design Review 06-08/SignPermit 06-02:** Consideration of adding new
14 signage for a new business that will share the space where Wendy's
15 operates at 1581 Fitzgerald Drive, Pinole, CA 94564, APN 426-392-011.
16 The applicant is Bikram Randhawa and the property owner is Thomas
17 Fitzgerald, PO Box 2747, Torrance, CA 90509-2747.

18
19 Ms. Dunn presented the staff memorandum dated November 13, 2006. She
20 recommended that the Planning Commission approve the project as submitted with
21 the recommendations as proposed by staff and with the comments from the
22 Planning Commission.

23
24 Commissioner Long asked that a minimum two-year bond be in place. She also
25 asked that the applicant provide assurance that the landscaping would be
26 maintained with the trees staked properly to ensure that the property was better
27 maintained than it had been in the past.

28
29 In response to Commissioner Brooks, Ms. Dunn explained that changes in the
30 National Pollutants Discharge Elimination System (NPDES) requirements would
31 not apply to the site given the lack of significant on site changes with no new
32 impervious surfaces. Wendy's would use half of the space and the other restaurant
33 user the other half of the space. All changes would occur inside the building.

34
35 In response to Commissioner Long as to whether or not improper drainage had
36 previously killed the landscaping, and to Commissioner Brooks as to whether or not
37 an adequate irrigation control plan would be provided as part of the project, Ms.
38 Dunn explained that the Landscape Architect would have to clarify those issues.

39
40 BIKRAM RANDHAWA, the applicant, explained that there was an existing irrigation
41 system although the sprinklers had not worked in the past.

42
43 Mr. Randhawa stated that the former sprinkler system had been impacted by roots
44 from the prior shrubs which had since been removed and which would be replaced
45 with a more open area. The plants had also been impacted by wind from Fitzgerald

1 Drive. He noted that the previous plants that had died had been located on the
2 Appian Way elevation. He noted that the plants had been purchased from Home
3 Depot and there was no knowledge of why those plants had died. While he did not
4 want to plant large trees to obscure the visibility of the site, he stated that he would
5 comply with the staff recommendations.
6

7 Commissioner Long noted that other businesses along Appian Way had nice
8 landscaping. She recommended that a Landscape Architect be consulted to ensure
9 that the landscaping plans were viable, the soil viable for growth and the irrigation
10 adequate. She saw nothing on the site that would hinder the growth of the plants
11 other than possible problems with the soil.
12

13 Mr. Randhawa recognized that the previous plants were not that hardy although he
14 explained that the proposed landscaping plan would include heartier plant material.
15 He added that there was a great deal of crossover pedestrian traffic along that area
16 of Appian Way which had affected the health of the plant material.
17

18 Commissioner Brooks asked that the plans be brought back with a recommendation
19 from a Landscape Architect.
20

21 Commissioner Long requested that staff ensure the submittal of a letter from a
22 Landscape Architect clarifying that the site had been inspected and that the soils
23 conditions were adequate for the plant growth, that the plant material was adequate
24 for the site, and that a two year bond would be required which could be reviewed by
25 the Planning Commission.
26

27 Given the visibility of the site in the community, Commissioner Brooks stated that
28 the landscaping should be done right. While he would be willing to leave that issue
29 to staff's discretion, he would like to see the Landscape Architect review the
30 proposed plans, approve an irrigation control system and make any
31 recommendations to deal with pedestrian traffic.
32

33 With that as the direction from the Commission, Ms. Dunn suggested that the sign
34 could be approved subject to those additional conditions.
35

36 Commissioner Banuelos also recommended a bond requirement and that the
37 Landscape Architect prepare a plan to address the maintenance of the plant
38 material.
39

40 Ms. Dunn summarized the Commission's recommendations, as follows:
41

- 42
- 43 • A requirement for a two-year landscaping bond;
- 44 • A maintenance program addressing existing site conditions, such as
- 45 pedestrians crossing through the area;

- A review of the existing proposal with recommendations on plant material; and
- A review of an irrigation system at the location.

MOTION to approve Design Review 06-08/Sign Permit 06-02, subject to the following additional conditions:

- *A requirement for a two-year landscaping bond;*
- *A maintenance program addressing existing site conditions, such as pedestrians crossing through the area;*
- *A review of the existing proposal with recommendations on plant material; and*
- *A review of an irrigation system at the location.*

MOTION: Long

SECONDED: Brooks

APPROVED: 6-0-1

ABSTAIN: Sekins

F. PUBLIC HEARINGS:

1. **Design Review 05-19:** Consideration of a final landscaping plan for Lots 19, 20 and 21 of Subdivision 8746 at 759 San Pablo Avenue, original APN 402-166-034. The applicant and property owner is DeNova Homes, represented by Phil Rowe, 333 Civic Drive, Pleasant Hill, CA 94523.

Consulting Planner Margaret Kavanaugh-Lynch presented the staff memorandum dated November 13, 2006. She suggested that the current submittal met the conditions of approval identified at the September 12, 2005 Planning Commission meeting. For that reason, she recommended that the landscaping and fencing plan be approved.

Ms. Kavanaugh-Lynch reported that staff had received an e-mail this date from a Pinole resident, Laura Ramos. Copies of that e-mail, which had raised a number of concerns with respect to the landscaping plan, had been provided to the Planning Commission.

Commissioner Toms spoke to the timing of the approval of the Final Plan versus the implementation of the landscape plan. While she understood that some of the improvements had been completed, she inquired of the timing for all of the improvements to be accomplished.

Ms. Dunn reported that staff had met with DeNova Homes, which had informed the City that some of the landscaping plans, although not all, had been installed. Since the matter had yet to come to the Planning Commission, Ms. Dunn stated that she and the City Manager had recommended that the interim installation process be placed on hold pending a Commission decision on the landscaping plans for Lots

1 19, 20 and 21.
2

3 Commissioner Toms spoke to the erosion control methods and questioned whether
4 or not that would be placed on hold as well or be allowed to proceed. She also
5 questioned whether or not the City would impose a bond or a condition that the
6 landscaping be completed prior to final occupancy of the remaining homes for sale.
7

8
9 Ms. Dunn recommended that erosion control methods move forward due to the
10 coming winter period. She suggested that if the jute netting was placed sooner
11 rather than later, there could be a phased process. She added that a bond could be
12 imposed to ensure that the landscaping was installed. She noted, however, that
13 once a developer was in the home sale process, the homebuyer could be affected,
14 not the developer.
15

16 Commissioner Long understood that a bond was already in place for the
17 development, to which Ms. Dunn clarified that there was a two-year landscaping
18 bond on the development. She read into the record the language stipulated in that
19 landscaping bond.
20

21 Commissioner Long understood that the two-year landscaping bond also applied to
22 the three lots under discussion. She was uncertain whether or not the bond applied
23 to the homeowners' landscaping. She sought an assurance or some sort of
24 stipulation that would guarantee the health of the plant material after planting.
25

26 Ms. Dunn suggested that language could be crafted for the three lots to ensure that
27 the landscaping was maintained, and that the bond could be extended to a
28 maximum of five years.
29

30 Commissioner Long suggested that a maintenance plan be provided to
31 homeowners to ensure that plant material thrived, with a requirement for a periodic
32 review.
33

34 Ms. Dunn recommended that the property owners of the three lots be advised that
35 the landscaping had to be maintained for a specified number of years, with a
36 potential six month review to ensure that the landscaping was well maintained.
37

38 In response to the Chair, Ms. Dunn noted that the Commission had the authority to
39 place another bond on the landscaping. She clarified that the landscaping was only
40 for Lots 19, 20 and 21 and a Certificate of Occupancy could be tied to the
41 installation of thriving landscaping for those lots.
42

43 PUBLIC HEARING OPENED
44

45 PROPONENT:

1
2 PHIL ROWE, DeNova Homes, 333 Civic Drive, Pleasant Hill, referred to Ms.
3 Ramos' e-mail. He referenced plan MC-1 and the plant material in Ms. Ramos' rear
4 yard and advised that he had met with Ms. Ramos to discuss her concerns. He
5 stated that all of the landscaping for the subdivision had been approved with the
6 exception of Lots 19, 20 and 21. He added that the Landscape Architect, in
7 response to recommendations from Ms. Ramos, had identified potential ideas on
8 the plan to incorporate into her rear yard. He clarified the intent that would not be
9 incorporated into the landscaping plan.

10
11 Mr. Rowe read into the record an e-mail he had sent to Ms. Ramos in late
12 September 2006. He explained that when the landscaping plan had originally been
13 approved, Ms. Ramos had agreed to those plans and the intent of the plans to
14 ensure that Ms. Ramos and another adjacent property owner, the Monahans, were
15 pleased. Based on an agreement with those residents, DeNova Homes had
16 proceeded with the landscaping plans for the three lots. He added however that in
17 discussions with staff and since the plans had not yet been approved by the
18 Planning Commission, staff had asked DeNova to stop work on the landscaping.

19
20 Mr. Rowe explained that the Landscape Architect had agreed to place the plant
21 material at the rear of the lots to show Ms. Ramos how that might appear. He
22 detailed the extensive history of the background of the development and the
23 landscaping, discussions between Ms. Ramos, himself and the Landscape
24 Architect, and concerns by Ms. Ramos that some of the trees were not being
25 properly watered. He explained that due to problems with the East Bay Municipal
26 Utility District (EBMUD), the trees had been watered by hand, although the intent
27 was for a drip irrigation system to water the plant material.

28
29 Mr. Rowe reiterated that not all of the plant material had been installed since the
30 City had asked them to stop the planting. He clarified that some bark had been
31 placed on the hillside to provide dust control. He would otherwise be happy to work
32 with the City on a bond.

33
34 Mr. Rowe also identified an adjacent fence between the DeNova Homes property
35 and the Ramos property that would be maintained by the project Homeowner's
36 Association (HOA), and other changes that had been made in the project design for
37 the three lots in response to the recommendations and concerns raised by Ms.
38 Ramos. He suggested that they had achieved the goals of the City and had
39 addressed the concerns of the Ramos' and Monahans. While the Monahans had
40 expressed concern with gaps in the planting of the trees, he was confident that the
41 trees would fill in nicely. He emphasized that DeNova Homes was ready to move
42 forward pending approval from the Planning Commission.

43 In response to Commissioner Toms, Mr. Rowe advised that they had sold five of the
44 homes. Lots 19, 20 and 21 would be occupied last, which he expected would occur
45 in the spring of 2007. As to the completion of some items, such as the repair of

1 potholes, repair to pavement with sinkholes, utilities and the like, as mentioned by
2 Mr. Sum, he reiterated that Mr. Sum had been sent a letter earlier in the year and
3 DeNova Homes had been unable to have a dialogue with Mr. Sum. Additionally, as
4 he had mentioned earlier, some meetings between the developer and Mr. Sum had
5 been canceled by Mr. Sum.
6

7 Mr. Rowe was unaware of any sinkholes or whether or not any of the issues raised
8 by Mr. Sum were valid given that the developer had received no correspondence in
9 that regard. He suggested that any work the developer had done was professional
10 and correct. He added that work in the utility area was difficult due to the
11 constrained area. He emphasized that DeNova Homes had been diligent in its work
12 although it was difficult to respond to the concerns lacking any dialogue with Mr.
13 Sum.
14

15 Commissioner Long affirmed with Mr. Rowe that the developer had photographs of
16 the site prior to construction. In terms of any potential damage, she stated that the
17 developer was responsible for the completion of the work on the site. She
18 questioned when the project was expected to be complete.
19

20 Mr. Rowe advised that the retaining wall along the back wall had been completed.
21 The intent was to have all improvements installed prior to selling the homes. Other
22 than the retaining walls, he could not speak to the specifics of the other
23 improvements. He suggested that the work already done had been done properly.
24 He clarified his earlier comments that the developer had received a letter or two
25 from Mr. Sum and that DeNova Homes had responded to that correspondence.
26

27 Commissioner Long did not want the bond placed on the HOA as a third party. She
28 preferred that the bond remain with DeNova Homes, which Mr. Rowe suggested
29 would be acceptable.
30

31 Commissioner Long also asked that the homes along Meadow Avenue be included
32 in the bond. She spoke to the drainage of the property and questioned whether or
33 not there were any drains in place to address runoff.
34

35 Mr. Rowe identified the location of a V-ditch out to the street which ran into the
36 storm drain system. He presented plans to identify the drainage proposal and
37 stated that Lot 19 had a corner that still drained into the corner of a City owned
38 parcel, although the lines were directed into the street and public storm drain
39 system. He explained that what little water was not collected in the V-ditch would
40 naturally flow out of the area. He noted that Ms. Ramos had asked that the corner
41 be tied in with a retaining wall, which line would have to go under the retaining wall
42 at the corner through the McMullen property and out into the City lot.
43

44 Mr. Rowe advised that the developer was working with a Council committee on the
45 best way to handle that situation. Two City Councilmembers had agreed to
consider an easement across the City parcel to carry the water out to the street into

1 the storm drain system. The issue was either to take that water across the McMullin
2 property or under a walnut tree, a portion of which was under the Ramos fence and
3 City property. The developer had asked the City for direction on that issue.
4

5 Commissioner Long noted the various factors involved with the lot and expressed a
6 desire for a bond to address potential flooding and erosion issues associated with
7 the site.
8

9 Mr. Rowe commented that because of the new V-ditch system, the amount of water
10 from the site would be miniscule as compared to what had occurred in the past.
11

12 Commissioner Long emphasized that with new homeowners, new landscaping and
13 runoff from the site she would need assurance through a bond that the corner of the
14 landscaping, which had the potential to be a problem for the McMullin property and
15 a nearby vacant lot, would not be allowed to create future problems. As to the
16 Monahan property, she suggested that if any trees on that property were to be
17 replaced, the developer should identify that fact in writing.
18

19 Mr. Rowe emphasized that most of the water to the street would be directed into the
20 storm drain system, as approved by the City. The issue was how to deal with the
21 small gap earlier described.
22

23 LAURA RAMOS, 840 Meadow Avenue, Pinole, supported the landscaping plan,
24 although she did not have the details. She noted that staff had provided her with a
25 copy of the staff report which had been helpful. She stated that she had
26 misunderstood the statement in the staff report that the plans had shown
27 improvements to the neighboring properties and was unsure if it meant it was part of
28 the landscape agreement. She now understood it was not part of what was being
29 approved at this time other than being shown as comments on the plans.
30

31 Ms. Ramos requested clarification of the drip irrigation since she understood that
32 pipes were in place and as long as the drip irrigation was shown on the plans she
33 had no issue. She acknowledged that she had spoken with the Landscape
34 Architect who had commented that jute netting would be appropriate and would
35 reduce the amount of runoff on the 2:1 slope. She added that the developer had
36 recently installed the jute netting and gorilla hair which was acceptable although she
37 was under the impression there would be actual plant material as ground cover.
38
39

40 Ms. Ramos also noted her understanding that the HOA for the development would
41 be responsible for the maintenance of the landscaping and that there would be a
42 written agreement in place. She inquired of the length of time for the agreement
43 and asked for a copy of that document when prepared.
44

45 Ms. Ramos commented that she had a copy of the April or June 2004 special

1 conditions for the project which had mentioned that there should be a \$10,000 bond
2 in place to protect the established plants along the property line of the DeNova
3 Homes property and to replace those plants, if damaged. She noted that there
4 were few established plants along the Monahan property although there were many
5 plants along her property line.
6

7 Ms. Ramos also suggested that the bond be in place for a specified period of time
8 given the amount of damage to the roots of the walnut tree in the past. She asked
9 that the bond be in place for at least three to four years since it could take a walnut
10 tree at least that time to die as a result of root damage. She also sought protection
11 of her Japanese Maple tree.
12

13 Ms. Ramos further asked for proof that the HOA would be responsible for the
14 maintenance of the property since she understood that the HOA would have
15 insurance. She noted that the fences in place now were wonderful and that the
16 open rail fence appeared nice. She requested a guarantee that the fence style or
17 height for Lot 19 would not be changed.
18

19 Ms. Ramos finally asked for a copy of the conditions of the project approval to
20 ensure compliance. She otherwise recognized that some of the plant material that
21 now appeared to be dying might return in the spring.
22

23 FRANK MONAHAN, 860 Meadow Avenue, Pinole, expressed concern with the
24 trees along his property line. He explained that the Landscape Architect had
25 indicated to him that seven trees would be planted although there was 55 feet to
26 cover and there could be large gaps. He requested more trees to ensure privacy to
27 his property.
28

29 Mr. Rowe stated that the gap between the trees would be eight feet and he would
30 clarify that issue before the trees were planted. He suggested that the spacing
31 would be eight feet center to center and that the trees would actually cover any
32 gaps.
33

34 DARLENE MONAHAN, 860 Meadow Avenue, Pinole, noted that her mother-in-
35 law's home would also be impacted. She understood based on her discussions
36 with the Landscape Architect that their block wall could go two blocks more.
37

38 Mr. Rowe suggested that he and the Landscape Architect meet with the Monahans
39 to discuss the wall and the width of the trees.

40 When asked by Commissioner Toms, Mr. Rowe affirmed that the landscape plans
41 had shown a two to three foot keystone wall on the Monahan property. He
42 reiterated the desire to meet with the Monahans and the Landscape Architect to
43 ensure no misunderstanding. He did not oppose a deed restriction for Lot 19 that
44 the fence height and style not be changed.
45

1 Commissioner Long requested assurance that the landscaping behind Lots 19, 20
2 and 21 would be maintained by the HOA and that responsibility would remain even
3 after the expiration of the bond. She also asked that the area behind the Ramos
4 property be deed restricted as a scenic easement.
5

6 Mr. Rowe advised that the area behind the Ramos property would be irrigated and
7 maintained by the HOA permanently. He otherwise suggested that a deed
8 restriction requiring that the approved landscaping and fencing be maintained,
9 where approved, would be acceptable although he objected to the term scenic
10 easement.
11

12 ED SUM, 747 San Pablo Avenue, Pinole, explained that they had always supported
13 the development of the site and had tried to be good neighbors, however they
14 wanted the City to inspect and ensure compliance with the approved plans,
15 particularly given his experience with the initial grading plans on file with the City
16 that had not always been followed. He reiterated that the fencing between his
17 property and the DeNova Homes property was not being removed.
18

19 OPPONENTS: None
20

21 Mr. Rowe acknowledged that there had been dust as a result of grading at one time
22 although the developer had agreed to pay for any cleaning of affected properties as
23 a result.
24

25 PUBLIC HEARING CLOSED
26

27 Commissioner Toms spoke to the timing of installation and a guarantee to install all
28 of the landscaping versus a guarantee on the bond and deferring the final
29 occupancy. She recommended holding final occupancy on the three lots until the
30 landscaping had been installed, particularly since there were questions with the jute
31 netting and the landscaping. Since those units would be developed towards the end
32 of the project she suggested there was time to install the landscaping, although she
33 acknowledged the upcoming rainy period. She again recommended that the final
34 occupancy on the three units be deferred until the landscaping had been installed.
35

36 Commissioner Long agreed.
37
38

39 Commissioner Toms also spoke to the \$10,000 bond for landscaping to protect the
40 established trees and inquired whether or not that bond had been a condition.
41

42 Having reviewed the 2004 staff reports on the project, Ms. Dunn explained that
43 there was a minimum of two, not five years on the bond, which was for the
44 proposed project itself and not the existing landscaping.
45

1 Commissioner Long recalled that she had discussed the need to have a bond to
2 protect the existing landscaping.

3
4 Commissioner Toms inquired whether or not the bond could be expanded to apply
5 to the three lots. She suggested that the condition be modified to include the three
6 lots.

7
8 Ms. Dunn stated that she would have to review the special conditions. She
9 explained that there had been many meetings between Ms. Ramos and DeNova
10 Homes with agreements made by DeNova Homes where language could be
11 created to formalize that situation.

12
13 Commissioner Long recommended a condition for a one year guarantee on the
14 health of the plants at the rear of the three lots to ensure that the plants would be
15 replaced during that time period if they did not survive. She sought a way to protect
16 the new and existing landscaping and recommended that the developer receive no
17 Certificate of Occupancy until the rear of the three lots had been landscaped. While
18 she did not want another bond, she wanted assurance from staff and the City
19 Engineer that the drainage system would be appropriate and proper to address the
20 drainage issues, particularly since drainage had been a problem in the past.

21
22 Commissioner Long also asked that the fence referenced by Ms. Ramos be
23 preserved and maintained at its current height and style with no structures allowed
24 in that one portion.

25
26 Mr. Rowe clarified with staff that the reference to not receiving a Certificate of
27 Occupancy until the rear of the three lots had been landscaped would not preclude
28 the developer from using the three units as models.

29
30 Commissioner Toms made a motion to approve the project subject to:

- 31
- 32 • Holding final occupancy of Lots 19, 20 and 21 until all landscaping from the
33 plan had been approved;
 - 34 • A two-year maintenance period for the plants on the Meadow Avenue site;
 - 35 • The \$10,000 landscaping bond to be expanded to include the three
36 properties on Meadow Avenue; and
 - 37
 - 38 • A deed restriction for Lot 19 so that the fences remain at the height and style
39 as built, and the landscaping shall remain, as proposed, with no structures.
 - 40

41 Ms. Dunn explained that Condition No. 8 from the June 2004 conditions of approval
42 had included a requirement that a bond be posted at \$10,000 to ensure the repair or
43 replacement of any adjacent landscape improvements damaged during the course
44 of construction.

1 Commissioner Toms requested that the landscape bond include the three homes
2 on Meadow Avenue and include a guarantee.

3
4 Ms. Dunn clarified that Condition No. 8 would carry over to the subject approval.
5

6 Commissioner Toms noted the discussions of increasing the number of Italian
7 Cypress trees on the Monahan property, as needed, and agreed that a letter from
8 the Landscape Architect attesting to the adequacy of screening would be
9 appropriate.

10
11 Ms. Dunn also understood that the homeowners along Meadow Avenue would like
12 a copy of the performance bond, which she affirmed was public record information
13 and would be made available to those homeowners.
14

15 Commissioner Brooks asked that there also be a condition that the drainage issues
16 at the corner of Lot 19 be resolved.
17

18 Ms. Dunn summarized the additional conditions of approval:
19

- 20 • Lots 19, 20 and 21 to be sold last;
- 21 • A Performance/Landscaping Bond submitted by DeNova Homes shall be
22 tied to the Certificate of Occupancy for the three lots;
- 23 • The completion of the drainage at Lot 19 shall be sufficient to existing
24 engineering science;
- 25 • A bond shall be placed for three to four years for the walnut tree;
- 26 • Proof of HOA insurance;
- 27 • The Landscape Architect to provide a letter verifying the visual screening for
28 860 Meadow Avenue; and
- 29 • A deed restriction shall be filed for Lot 19 to require that the fences remain at
30 the height and style as built, and that the landscaping property remain as
31 landscaped with no structures, with perpetual HOA maintenance of that area.
32

33 Commissioner Toms made a motion to that effect. Commissioner Long seconded
34 the motion.
35

36 Commissioner Brooks spoke to Sheet L-2 of the landscaping plans which had
37 provided a guarantee for the plant material. He inquired whether or not that would
38 meet Commissioner Long's concerns.
39

40 The Chair noted his understanding that the motion would override that statement.
41

42 **MOTION** to approve Design Review 05-19 subject to the following additional
43 conditions:
44

- 45 • *Lots 19, 20 and 21 to be sold last;*

- *A Performance/Landscaping Bond submitted by DeNova Homes shall be tied to the Certificate of Occupancy for the three lots;*
- *The completion of the drainage at Lot 19 shall be sufficient to existing engineering science;*
- *A bond shall be placed for three to four years for the walnut tree;*
- *Proof of HOA insurance;*
- *The Landscape Architect to provide a letter verifying the visual screening for 860 Meadow Avenue; and*
- *A deed restriction shall be filed for Lot 19 to require that the fences remain at the height and style as built, and that the landscaping property remain as landscaped with no structures, with perpetual HOA maintenance of that area.*

MOTION: Toms

SECONDED: Long

APPROVED: 6-0-1

ABSTAIN: Sekins

2. **Tentative Subdivision Map 8758:** Consideration of an eight-lot subdivision, with four common area lots for parking and open space purposes. The site is 850 San Pablo Avenue, Pinole, CA 94564, APN 402-230-001 through 004 and 402-240-015 with a total parcel area of approximately 15.75 acres. The applicant is AN West, Inc., Consulting Engineers, 3095 Richmond Parkway, Suite 201, Richmond, CA 94706, representing the developer, Panattoni Development Company, 8401 Jackson Road, Sacramento, CA 95826. The property owner is the City of Pinole Redevelopment Agency, 2131 Pear Street, Pinole, CA 94564.

Ms. Dunn presented the staff report dated November 13, 2006. She recommended that the Planning Commission approve the Tentative Subdivision Map 8758, subject to the required findings and conditions.

Commissioner Toms inquired whether or not the Bay Trail was located on the subject property and if so, whether or not it had been incorporated into the plans. She suggested if that had not been done, it should be. She recalled that around Pinole Shores, the Bay Trail was located on the inland side of the railroad tracks.

Ms. Dunn noted that the end of Pinole Shores to Bay Front Park was the area designated for the continuation of the Bay Trail although there were no funds with the East Bay Regional Park District (EBRPD) or at the City level to construct the trail. She stated that the City continued to work with EBRPD on that issue. As to whether or not the City might be missing an opportunity for any dedications or improvements to the Bay Trail, she suggested that the City would have a better chance of dedication than construction from a limited segment of the trail, although the approximate location of where that would be was unknown.

Commissioner Toms suggested it would be located on the subject property, not the railroad property, although Ms. Dunn understood that had to do with how the Bay

1 Trail would fit on the plans. General language could address that situation.
2

3 Commissioner Toms also spoke to the California Environmental Quality Act (CEQA)
4 requirements and her understanding that the previously adopted Mitigated Negative
5 Declaration could be used with a finding of no new environmental impacts. She
6 suggested that finding could be made in this instance.
7

8 Ms. Dunn explained that the environmental impacts to the project had already been
9 considered when the project had last been considered by the City. She
10 characterized the matter before the Commission as just a paper process.
11

12 In response to Commissioner Brooks as to the removal of the seating area from the
13 plans, to be relocated elsewhere on the site, Ms. Dunn was uncertain that could be
14 accomplished due to the constraints of the site.
15

16 PUBLIC HEARING OPENED

17 PROPONENTS:

18 A representative for AN West, Inc., Consulting Engineers, 3095 Richmond Parkway,
19 Suite 201, Richmond, CA, pointed out that the project was far along in the process
20 and for a commercial subdivision to place a Bay Trail along the strip would be
21 difficult unless there was a dedicated strip for the trail.
22
23
24

25 Commissioner Toms commented that Policy C-7-2 of the General Plan had
26 included a statement for the Establishment of Trail Linkages “to establish a link for
27 Pinole Creek trail and continuous loop trail connecting EBRPD lands to the San
28 Pablo Bay Shore line and encourage the EBRPD to construct and maintain the Bay
29 Trail as a regional trail and link to Point Pinole on the west and Hercules and Rodeo
30 on the east. Also, to encourage the acquisition of lands for trails through various
31 means the development of land through which trail identified in the Circulation
32 Element passed may require dedication of land or easements, or improvements
33 needed to build the trails.” She noted that the subdivision could provide an
34 easement and the improvements.

35 Commissioner Toms was uncertain whether or not staff needed to review that issue
36 with the Redevelopment Agency or if the Commission could impose that condition.
37 If deemed inappropriate, she suggested it could return to the Commission for
38 reconsideration or be appealed to the City Council. She would only support the
39 Tentative Map with both the easement and the improvements.
40

41 Commissioner Toms also noted that the General Plan had not identified the
42 standards although the trail would likely be a Class 1 separated trail or share
43 pavement between the driveways.
44

45 The representative for AN West again was uncertain where a separated 10-foot trail

1 would be placed due to the constraints of the site and the parking needs.
2

3 Commissioner Toms commented that the City of Hercules had not received an
4 alignment for the Bay Trail where a gap occurred and where the linkage might not
5 occur without any dedication, condemnation of property or acquisition of rights after
6 the fact. She saw this as a chance to get that done.
7

8 Ms. Dunn suggested that the project could be continued and staff could meet with
9 the developer and the Redevelopment Agency to discuss the issue and determine
10 whether or not the Bay Trail could be sited on the plan. With an overlap on private
11 property, she stated that the item would have to be returned and the Commission
12 would have to consider the map. She would like to avoid an appeal situation
13 pending the possibility of establishing the Bay Trail connection. She asked that the
14 item be continued to a date certain to the next meeting of the Planning Commission
15 on December 11, 2006.
16

17 Commissioner Toms recognized that the alignment might be too far inland although
18 she would like the issue discussed with the Redevelopment Agency. On the
19 discussion and based on clarified information of the site presented by staff, she later
20 acknowledged that she was thinking of the wrong railroad line and the issue with the
21 Bay Trail was no longer a concern.
22

23 **OPPONENTS:** None
24

25 **PUBLIC HEARING CLOSED**
26

27 Commissioner Long affirmed with staff that the approval of the Tentative
28 Subdivision Map was only for the creation of the lots.
29

30 **MOTION** to approve Tentative Subdivision Map 8758, subject to:
31

- 32 • Attachment 1, Special Conditions;
- 33 • Attachment 2, Findings of Facts, Tentative Subdivision Map 8758;
- 34
- 35 • Attachment 3, Resolution 06-24, Recommendation for Approval of Tentative
36 Subdivision Map 8758, A Resolution of the Planning Commission of the City
37 of Pinole Approving Tentative Subdivision Map 8758 to Subdivide Four
38 Parcels of Approximately 16 Acres to Create Eight Parcels, and Four Lots for
39 Parking, and Open Space use. The site is 850 San Pablo Avenue, Pinole,
40 CA 94564, APNs 402-230-001 through 004 and 402-240-015 with a total
41 parcel area of approximately 15.75 Acres. The Applicant is AN West, Inc.,
42 Consulting Engineers, 3095 Richmond Parkway, Suite 201, Richmond, CA
43 94806, Representing the Developer, Panattoni Development Company,
44 8401 Jackson Road, Sacramento, CA 95826, The Property Owner is the City
45 of Pinole Redevelopment Agency, 2131 Pear Street, Pinole, CA 94564; and

- An additional finding that subdividing the property has no new environmental impacts not previously addressed in the adopted Mitigated Negative Declaration.

MOTION: Toms

SECONDED: Banuelos

APPROVED: 6-0-1

ABSTAIN: Sekins

3. **Conditional Use Permit 06-06/Design Review 06-10:** Consideration of a sign program, including a pole sign requiring a Use Permit and two monument signs at the Del Monte Shopping Center at 600-630 San Pablo Avenue, APN 402-200-012, 403-040-005 and 006. The applicant is Sanjiv Bhandari of BKBC Architects, Inc., 1371 Oakland Boulevard, Suite 101, Walnut Creek, CA 94596. The property owner is Dinesh Sawhney of Sawhney Properties, LP, 418 Jefferson Street, Oakland, CA 94607.

Ms. Kavanaugh-Lynch presented the staff report dated November 13, 2006. She recommended that the Planning Commission approve Conditional Use Permit 06-06 for a new pylon sign at the main entrance of the Del Monte Shopping Center located at 600-630 San Pablo Avenue, Pinole, based upon the conditions of approval and findings of fact as provided in the staff report.

Ms. Kavanaugh-Lynch also proposed the approval of the second design option for the new pylon sign which was less bulky than the first design and more reflective of a pole sign as defined in the sign regulations set forth in the zoning code. Further, she recommended approval of the proposed Planned Sign Program for the Del Monte Shopping Center based upon the conditions of approval and findings of fact as provided in the staff report.

Commissioner Toms inquired who determined what businesses would be located on the larger sign, to which Ms. Kavanaugh-Lynch understood that the applicant determined which tenants would be placed on the larger sign.

In response to Commissioner Banuelos, Ms. Kavanaugh-Lynch reiterated that staff had supported the alternative, second option with a height of 22 feet dropping down to 18 feet in height for the new pylon pole sign.

Commissioner Banuelos noted that would change the base of the sign which might or might not be an issue.

Commissioner Toms suggested that the reduction dispersed evenly with four feet off of the bottom, half a foot above the Del Monte Center sign and a half foot below, and being dispersed evenly should resolve that issue.

Ms. Kavanaugh-Lynch suggested that staff limit the overall height to 18 feet, with

1 the applicant to address the sign proportion with the sign contractor.

2
3 Commissioner Banuelos agreed. He otherwise liked the new signage.

4
5 Commissioner Long inquired whether or not the landscaping, parking re-striping and
6 paving would be addressed as part of the project. She emphasized that she was
7 not prepared to address the sign proposal at this time lacking a resolution of some
8 of those other issues

9
10 Ms. Dunn advised that the application would be before the DRB this week along
11 with a request for the sign program, landscaping and site improvements to the
12 parking lot. She anticipated it would be returned to the Planning Commission in
13 December.

14
15 Commissioner Long sought a guarantee that the other improvements would be
16 done and that they would be tied into the approval of the sign.

17
18 Ms. Dunn suggested that tying everything to the issuance of a building permit to the
19 signage would address that concern.

20
21 PUBLIC HEARING OPENED

22
23 PROPONENT:

24
25 SANJIV BHANDARI, BKBC Architects, Inc., 1371 Oakland Boulevard, Suite 101,
26 Walnut Creek, explained that an entire packet had been prepared for the building
27 colors, signage and the site improvements and had been submitted to the City in
28 August and deemed by staff to be incomplete. As a result, the colors had been
29 approved by the DRB at its last meeting and the signage was now being considered
30 by the Planning Commission. He would like to proceed with the plans so that they
31 could be completed prior to the upcoming holidays. He asked that the entire
32 package be approved at this time to avoid delays in the work being done.

33
34 Mr. Bhandari suggested that the only difference between the two signs were the
35 holes in the boxes. The first option for the sign at 18 feet would be appropriate and
36 the cantilever portion would be unique and asymmetrical with a column on the other
37 side. He disagreed with the staff recommendation for the second option. He noted
38 the need that the address of the center be visible to passing traffic and suggested
39 that the second option would not capture the vehicle traffic.

40
41 Mr. Bhandari also suggested that the second sign option would take away the entire
42 purpose of the sign with the main address of the Del Monte Center visible only at a
43 long distance which he did not see would work graphically. He suggested that 18
44 feet was the correct height for its proportion. He added that he had an option for
45 four tenant signs.

1
2 Commissioner Toms inquired whether or not the applicant anticipated problems with
3 the sign at the driveway, with either of the designs, to which Mr. Bhandari did not
4 see that would be an issue.

5
6 Commissioner Long questioned whether or not the tenants had an option to pay to
7 locate on the sign.

8
9 Mr. Bhandari advised that they had offered the signage exposure to the largest
10 tenants.

11
12 Commissioner Long noted that the auto upholstery shop should not have customer
13 vehicles parked for long periods of time in the parking lot since the parking was not
14 there to accommodate vehicle storage while waiting for upholstery work.

15
16 DINESH SAWHNEY, Sawhney Properties, LP, 418 Jefferson Street, Oakland,
17 explained that the upholstery shop was in the center on a temporary basis. Once a
18 new tenant had been designated for that location the upholstery business would
19 vacate the center.

20
21 Ms. Dunn explained that Code Enforcement had investigated the upholstery shop in
22 response to concerns raised by Commissioner Long given a recurring issue in that
23 case where the parking area was used for storage. She would ask Code
24 Enforcement to review the site again.

25
26 Mr. Sawhney stated that he would work to ensure that vehicles were not being
27 stored for long periods of time.

28
29 Commissioner Long also asked that another trash enclosure be provided at the site
30 given that the existing trash enclosures did not appear to be adequate and the
31 storage of the embers was unsightly. She also asked that the width of the parking
32 stalls be addressed.

33
34 Mr. Sawhney advised that the storage area would be enlarged.

35
36 Mr. Bhandari noted that the parking lot would be revised to comply with Americans
37 with Disabilities Act (ADA) requirements and that revision had already been
38 reviewed by staff.

39
40 Ms. Dunn explained that the site had some regular compact parking spaces.

41
42 Commissioner Long suggested that some of the compact parking spaces were
43 actually motorcycle parking spaces and not true compact spaces. She suggested
44 that there were issues with the width of the overall parking spaces.

1 Mr. Sawhney stated that plans to restripe the parking lot had been provided to staff.
2 He again asked for approvals to be allowed to proceed. He expressed his hope not
3 to have to return to the Commission after review by the DRB and asked that the
4 changes for the other aspects of the site be approved subject to review by the DRB.
5 He also asked that the first option for the sign be considered since it was the
6 preferred option.

7
8 OPPONENTS: None

9
10 PUBLIC HEARING CLOSED

11
12 In response to Commissioner Long, Ms. Kavanaugh-Lynch and Ms. Dunn
13 suggested that the second sign had better lines and did not appear as bulky or as
14 massive as the first sign, which had been the reason for the staff recommendation
15 for the second option.

16
17 Commissioner Banuelos tended to lean towards support of the first sign for the new
18 pylon sign since the second option could be problematic in terms of the proportion.

19
20 Chair Chapin also noted his preference for the first sign.

21
22 Commissioner Brooks supported the first sign option with a shorter base.

23
24 Commissioner Long also found the first sign to be more appropriate and more solid
25 than the second option.

26
27 Ms. Dunn spoke to the front elevation of Sign Type D, the applicant's version, where
28 she had concerns with the column that appeared to be a one-sided feature and was
29 another reason she had supported the second option as asymmetrical, more
30 balanced and less bulky. If the column was eliminated and filled in with the color of
31 the stucco material, she stated that would be acceptable to staff.

32
33 As to the reduction in the base, Commissioner Banuelos would support it either
34 way. He also clarified the color of the metal roof of the center with the applicant.

35
36 Commissioner Long liked the new signs over the existing signage and suggested
37 that both signs had pros and cons. If the applicant liked the first sign option, she
38 was supportive of that choice. She suggested that the base could be addressed
39 through the landscaping.

40
41 Commissioner Toms asked that the signage be approved subject to verification by
42 the Public Works Director that the signage would not impede sight distance
43 requirements.

44
45 Ms. Kavanaugh-Lynch also asked for a condition that the site and landscaping plans

1 were to be submitted and approved by the City prior to the issuance of a building
2 permit for the pylon sign.

3
4 In response to Commissioner Brooks as to the illumination of the signs, Ms. Dunn
5 explained that there were standard conditions regarding the illumination of the signs.
6

7
8 **MOTION** to approve Conditional Use Permit 06-06/Design Review 06-10, subject
9 to:

- 10
11
- 12 • Attachment 1, Conditions of Approval Conditional Use Permit 06-06;
 - 13 • Attachment 2, Findings of Fact for Conditional Use Permit 06-06;
 - 14 • Attachment 3, Resolution 06-25, Approval of Conditional Use Permit 06-06,
15 A Resolution of the Planning Commission of the City of Pinole, Approving
16 Conditional Use Permit 06-06 to Allow the Erection of a New Pylon Sign at
17 the Main Entrance of the Del Monte Shopping Center Located at 600-630
18 San Pablo venue, APN 402-200-012, 402-040-005, and 006. The Applicant
19 is Sanjiv Bhandari of BKBC Architects, Inc., 1371 Oakland Boulevard, Suite
20 101, Walnut Creek, CA 94596. The Property Owner is Dinesh Sawhney, of
21 Sawhney Properties, LP, 418 Jefferson Street, Oakland, CA 94607;
 - 22 • Signage approved subject to verification by the Public Works Director that
23 the signage would not impede sight distance requirements; and
 - 24 • Site and landscaping plans to be submitted and approved by the City prior to
25 the issuance of a building permit for the pylon sign.

26 **MOTION: Banuelos**

SECONDED: Long

APPROVED: 6-0-1

ABSENT: Sekins

27
28
29 The Chair noted for the benefit of the applicant that the Planning Commission could
30 not address any other component of the project that had not been agendized at this
31 time.

32 **G. NEW BUSINESS/WORKSHOPS:** None

33
34 **H. CITY PLANNER'S/COMMISSIONER'S REPORT:**

35
36 The Commission applauded the defeat of Proposition 90.

37
38 When advised by Ms. Dunn that the Citizen Oversight Committee had ultimately not
39 been supported by the City Council, Commissioner Long suggested that the current
40 process lacked checks and balances and was not working. She was disappointed
41 that the oversight committee had not been supported by the City Council. She cited
42 as an example the removal of an existing eucalyptus tree from her street. She was
43 uncertain whether or not that had been done appropriately or with permits. She also
44 cited a number of other examples where checks and balances were not in place.
45

1 Commissioner Toms expressed concern that the committee could have required
2 additional staff time that would take away from other projects. She noted that the
3 County collected a \$500 deposit for condition compliance to fund its staff time and
4 materials and also required an applicant to submit a report on the conditions of
5 approval. She recommended a condition requiring a compliance report and
6 recognized that the collection of any deposits would require modification to the
7 City's fees. She would provide the County's requirements to staff for review.
8

9 Ms. Dunn advised that the City Council would be reviewing the City's fees in the
10 near future. A fee increase could be considered.
11

12 Commissioner Brooks stated that the County also required conditions to be met
13 before a permit was finalized.
14

15 In response to the Chair, Ms. Dunn noted that site plan modifications to the parking
16 lot, façade and a planned sign program for the Pinole Valley Shopping Center would
17 be brought to the DRB this week. Two national drug retailers, two national food
18 retailers and a bank were expected to locate in the center.
19

20 **I. COMMUNICATIONS:** None
21

22 **J. NEXT MEETING:** Monday, December 11, 2006.
23

24 **K. ADJOURNMENT:** 11:05 P.M.
25

26 Transcribed by:
27

28
29 Anita L. Tucci-Smith
30 Transcriber