

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

5
6 **May 20, 2019**
7

8
9 **A. CALL TO ORDER:** 7:01 P.M.
10

11 **B.1. PLEDGE OF ALLEGIANCE AND ROLL CALL**
12

13 Commissioners Present: Brooks, Flashman, Kurrent, Moriarty, Murphy, Ojeda,
14 Chair Wong
15

16 Commissioners Absent: None
17

18 Staff Present: Daniel Hortert, Planning Manager
19

20 **B.2. SELECTION OF CHAIRPERSON AND VICE CHAIRPERSON FOR 2019-2020**
21

22 Commissioner Kurrent nominated Tom Brooks as the Chair and Commissioner
23 Brooks nominated Dave Kurrent as the Vice Chair of the Planning Commission for
24 2019-2020.
25

26 There being no further nominations **Tom Brooks** was unanimously selected as the
27 **Chairperson** and **Dave Kurrent** as the **Vice Chairperson** of the Planning
28 Commission for 2019-2020.
29

30 Chair Wong was recognized for his service and tenure as Chair for 2018-2019.
31

32 **C. CITIZENS TO BE HEARD**
33

34 There were no citizens to be heard.
35

36 **D. CONSENT CALENDAR**
37

38 **1. Planning Commission Meeting Minutes from April 22, 2019**
39

40 When asked, Planning Manager Daniel Hortert clarified for the record that since it
41 had been referenced in the April 22, 2019 meeting minutes, the Planning
42 Commission Development Review Subcommittee had met prior to the regular
43 Planning Commission meeting and staff would prepare a letter to memorialize
44 the discussion. He added that staff continued to work with the developer and
45 those involved related to the creek signage adjacent to Sprouts.

1 **MOTION** to approve the Planning Commission Meeting Minutes from April 22,
2 2019, as shown.

3
4 **MOTION: Wong**

SECONDED: Flashman

APPROVED: 6-0-1

ABSTAIN: Ojeda

5
6
7 **E. PUBLIC HEARINGS:**

8
9 **1. West Coast Arborist, Inc.**
10 **Conditional Use Permit (CUP 19-04)**

11
12 **Request:** Consideration of a use permit request for a contractor's
13 yard and tenant improvements of approximately 2,000
14 square feet of office and storage inside an existing metal
15 building. The application also includes the addition of
16 paved parking areas for equipment and vehicles. The
17 total area of the site is approximately one acre.

18
19 **Applicant:** Mahoney Living Trust (d/b/a West Coast Arborists, Inc.)

20
21 **Location:** 760 San Pablo Avenue (APN: 402-220-004-4)

22
23 **Project Planner:** Daniel Hortert, AICP

24
25 Planning Manager Daniel Hortert provided a PowerPoint presentation of the staff
26 report dated May 20, 2019, and recommended the Planning Commission adopt
27 Resolution 19-08, conditionally approving Conditional Use Permit (CUP 19-04) for a
28 Contractor's Yard, subject to the conditions of approval as contained in Exhibit A to
29 Attachment A after conducting a public hearing and consideration of the information
30 provided.

31
32 At this time and at the request of the Chair, each Planning Commissioner stated for
33 the record whether or not there was a conflict of interest or a Commissioner resided
34 within 300 square feet of the project site. There was no reported conflict from any
35 Planning Commissioner but due to inquiries the Planning Commission discussed
36 the requirements of the Brown Act.

37
38 Responding to the Commission, Mr. Hortert confirmed the applicant had submitted
39 a materials and colors board for review; clarified the location of the pavement on
40 the site, around the building and in the parking lot; and clarified the business was
41 for a contractor's yard and the applicant had multiple locations in California.

42
43 **PUBLIC HEARING OPENED**

44
45 **WILLIE PETTUS**, Architect, 1212 Parker Street, Berkeley, provided an overview of
46 the site plan.

1 Mr. Pettus identified the borders of the new paved areas and the new driveway to
2 access the site off of Pinole Shores Drive with a 24-foot inset gate which would be
3 operable via electric motor. He also identified the location of the employee parking
4 lot, area for larger pieces of equipment to be parked, and noted a paper version of
5 the site plan was available for review.
6

7 JASON PINEGAR, Vice President, Mahoney Living Trust, d/b/a West Coast
8 Arborists, Inc., 191 S. Cobblestone Lane, Anaheim, advised that a standard chipper
9 truck would be 21 feet in length with a 10-foot long chipper, and boom/tree trimming
10 trucks were the same size at 30 feet in length. The gate for the facility would
11 remain open during the day with equipment allowed to come and go as needed,
12 and which would not obstruct the roadway. The company operated 12 offices in
13 Arizona and California and the closest office was in Santa Clara, which location
14 was too far to service the North Bay. The Pinole facility would serve the
15 surrounding area and Alameda County and would involve new hires daily.
16

17 Mr. Pettus clarified the colors and materials and acknowledged a suggestion to
18 reconsider the light green color in that there could be flexibility in revising the color
19 scheme. He also clarified the rear of the site plan with the intention to leave the
20 areas not paved "as is," to be employed as bio-retention swales for the drainage
21 plan. A licensed civil engineer would be hired to prepare the drainage and grading
22 plan since the current plan was preliminary in nature and had been prepared by an
23 architect; however, the preliminary plan was consistent with the Contra Costa
24 County Stormwater Handbook requirements. A planting plan had also been
25 included and some planting would be provided to enhance the bio-retention swale
26 area.
27

28 Mr. Pinegar commented that a firewood business was removing some trees at the
29 rear of the site and the applicant was trying to clarify that situation. The applicant
30 would like to save some of the trees with the exception of a large Acacia tree which
31 had been identified on the plans for removal. He acknowledged a recommendation
32 to remove another large Acacia tree located in the same area.
33

34 As to the planting along Pinole Shores Drive and San Pablo Avenue, Mr. Pettus
35 explained that the planting material would consist of shrubs and grasses and he
36 expected no conflict with existing underground utilities. As to the driveway access
37 on Pinole Shores Drive and the condition of the roadway, he had not inspected that
38 area and could not provide a professional opinion on whether there would be any
39 truck impacts to the roadway.
40

41 Mr. Pinegar emphasized that Underground Service Alert (USA) would be contacted
42 prior to any planting.
43

44 Mr. Hortert recognized the proximity of WestCAT and a Corporation Yard in the
45 same area along Pinole Shores Drive and stated he would discuss the concerns
46 with the roadway with the City Engineer.

1
2 Mr. Pinegar commented that similar sized vehicles already used the roadway. He
3 also clarified the business worked locally, the crew typically left equipment at the
4 job site, there were typically 35 to 40 employees serving the entire area, and up to
5 10 people would be at the office on any given day. The storage of wood cutting and
6 chipping would be left local at the job site. Recycled street trees were recycled to
7 lumber to be reused and on occasion logs would be saved as a transfer to their
8 facility in Stockton. The site was not intended to serve as a dump yard or recycling
9 facility.

10
11 Mr. Pettus acknowledged the trash enclosure had not yet been designed but could
12 be designed in whatever form deemed appropriate. He also clarified that no fence
13 had been proposed between the employee parking and the location of the
14 equipment to be stored. A gate onto San Pablo Avenue would be preserved for
15 emergency access and potential future access but was not intended for daily use.
16 A pedestrian gate on San Pablo Avenue had been included to allow for potential
17 walk-ins/clients. Signage could be considered to identify the main entrance on
18 Pinole Shores Drive.

19
20 Mr. Hortert advised the applicant had agreed to place fenestration on the windows,
21 and with the new color place a storm ribbon matching the columns of the fence
22 around the bottom of the building to improve the appearance of the metal building.
23 Additional windows along the San Pablo Avenue elevation would also be provided.

24
25 IVETTE RICO, Pinole, noted the property had previously been considered for a
26 storage unit facility which would have involved no employees and little interest
27 drawing in the community. She asked whether the plans to modify the site were
28 temporary and whether more permanent plans were expected in the future. She
29 found the metal building to be unattractive and suggested it would be nice to
30 consider a more attractive design at one of the gateways to a residential area. She
31 also expressed concern with the lack of information on potential sales tax and
32 property tax revenue, housing and jobs for the City, and asked that those details be
33 clarified.

34
35 RAFAEL MENIS, Pinole, supported the project based on the staff report and
36 presentation given that it would benefit the community and would be consistent with
37 the General Plan and the Three Corridors Specific Plan. He found that having
38 arborists in the City would benefit Pinole given the number of trees in the
39 community. He inquired whether the City or the Planning Commission had
40 standardized color guidelines to guide an applicant and recommended some
41 guidelines to benefit the subject and future applications.

42
43 DAVID BOWMAN, Pinole, commented that tree trunks often expanded, exposing
44 concrete and creating tripping hazards, and the notion of improving that situation
45 with a different type of tree or consideration of a more exotic tree species could
46 improve the environment. He suggested there was some opportunity for growth and

1 something more worthwhile.

2
3 PUBLIC HEARING CLOSED

4
5 The Planning Commission discussed CUP 19-04, West Coast Arborists, Inc. and
6 offered the following comments and/or direction to staff:

- 7
8
 - 9 • Thanked the applicant for the jobs that would be brought to Pinole.
10 Recommended a new condition to read: *The owner and applicant shall*
11 *submit a detailed landscape plan for review and approval. The landscape*
12 *plan shall identify the plants, types and sizes as well as irrigation details.*
13 *The plan shall indicate the size and species of existing trees proposed for*
14 *removal and satisfy City replacement tree requirements for any protected*
15 *tree on the project site. The landscape plan shall be submit to review and*
16 *approval by the Development Services Department. Also, suggested*
17 *Condition 5 be modified to reflect the hours of operation as: Monday –*
18 *Saturday 6:00 A.M. to 8:00 P.M. and Condition 16 be modified with an*
19 *additional sentence to read: Dead trees and large landscaping shall be*
20 *replaced within 30 days. (Kurrent)*
 - 21 • Recommended signage be considered for the San Pablo Avenue entrance
22 to ensure clients were aware of the location of the building entrance.
23 (Flashman)
 - 24 • Supported the project but would like the failing street on the approach on the
25 Pinole Shores Drive side to be addressed by the City, and the scope of
26 landscaping to consider underground utilities. (Ojeda)

27
28
29 Mr. Hortert would confer with the City Engineer with respect to the condition of the
30 roadway.

- 31
32
 - 33 • Supported the project and was pleased with the upgrade to a pre-fabricated
34 metal building to increase more lighting inside and dressing up the exterior.
35 Recommended a new condition be added to require the architect to work
36 with City staff to complete the design of the trash enclosure area. (Wong)

37 Mr. Hortert recommended a condition of approval requiring the applicant to submit
38 details for the trash enclosure, to be approved by the City with the building permit
39 application.

- 40
41
 - 42 • Supported the project and agreed with the addition of landscaping conditions
43 as recommended by the Vice Chair, with more details on how the
44 landscaping could be improved, to include the removal of Acacia Tree No.
45 12, which had been shown on the plans to be retained. (Moriarty)

- Recommended Condition 17 be included with Condition 9, although staff recommended the conditions remain as shown. Suggested the reference to “fitness training” be eliminated from Condition 19. (Brooks)

MOTION to adopt Planning Commission Resolution 19-08, with Exhibit A: Conditions of Approval, Resolution of the Planning Commission of the City of Pinole, County of Contra Costa, State of California, Approving a Conditional Use Permit (CUP 19-04) Request to Allow the Operation of Contractor’s Yard on Approximately .95 Acres at 760 San Pablo Avenue, APN 402-220-004-4, subject to the following:

- New condition to be added to read: *The owner and applicant shall submit a detailed landscape plan for review and approval. The landscape plan shall identify the plants, types and sizes as well as irrigation details. The plan shall indicate the size and species of existing trees proposed for removal and satisfy City replacement tree requirements for any protected tree on the project site. The landscape plan shall be submitted for review and approval by the Development Services Department.*
- Condition 5, modified to read: *HOURS OF OPERATION - The operating hours shall be as follows: Monday – Saturday 6:00 A.M. to 8:00 P.M.*
- Condition 16 to be modified with an additional sentence to read: *Dead trees and large landscaping shall be replaced within 30 days.*
- New condition to be added to read: *The applicant to submit details for the trash enclosure to be approved by the City with the building permit application.*
- A sign to be installed at the gate on San Pablo Avenue directing all traffic to the Pinole Shores Drive entrance.
- The applicant to remove Acacia Tree No. 12.
- Staff to confer with the City Engineer regarding the roadway.
- Reference to “fitness training” to be eliminated from Condition 19.

MOTION: Kurrent

SECONDED: Murphy

APPROVED: 7-

0

Chair Brooks identified the 10-day appeal process of a decision of the Planning Commission in writing to the City Clerk.

1 **F. OLD BUSINESS:** None

2
3 **G. NEW BUSINESS:**

- 4
5 1. Discussion/Selection of Development Review Subcommittee Members for
6 2019-2020

7
8
9 The Planning Commission discussed the role, responsibilities, and purpose of
10 the Development Review Subcommittee.

11
12 **MOTION** to appoint Commissioners Flashman, Ojeda, and Chair Brooks to serve
13 on the Development Review Subcommittee for 2019-2020, with Commissioner
14 Wong to serve as the Alternate.

15
16 **MOTION:** Wong

SECONDED: Murphy

APPROVED: 7-

17 0

18 **H. CITY PLANNER'S / COMMISSIONERS' REPORT**

19
20 Mr. Hortert reported that the Joint City Council and Planning Commission meeting
21 to discuss the Pinole Woods Project, 100 units of affordable apartment units, which
22 had initially been scheduled for May 20 had been canceled, and the applicant was
23 willing to revise the plans for consideration of a density bonus. He also reported the
24 City had received interest in multifamily housing and he detailed the potential
25 projects under consideration. He also took the opportunity to introduce Contract
26 Planner Amalia Marino, who was present in the audience and who would be
27 working on the Pinole Square/Appian 80 Project.

28
29 Vice Chair Kurrent encouraged new Planning Commissioners to review the video of
30 the January 28, 2019 Joint City Council and Planning Commission meeting when
31 the Appian 80 Project had been discussed in study session. He requested that a
32 traffic study be considered for the intersection of Appian Way and Tara Hills.

33
34 Commissioner Moriarty requested a status report on the creek signage adjacent to
35 Sprouts, and Mr. Hortert reported on his understanding there were some issues
36 between the County Flood Control District and the developer that were still being
37 discussed. He acknowledged a request that the issue be agendaized for a future
38 meeting.

39
40 Chair Brooks reported the property at 4900 Pinole Valley Road had a home
41 occupation tree business and had previously been brought to the attention of staff.
42 That property continued to be an eyesore at the entrance to the City and he
43 suggested the use should not be permitted in a residential area. He took this
44 opportunity to encourage everyone to conduct weed abatement in preparation of
45 the upcoming fire season.

1 At this time each Planning Commissioner discussed their background and
2 experience.
3

4 Mr. Hortert acknowledged the Planning Commission Handbook was out of date and
5 he hoped to prepare a new and modern handbook when able. He also detailed the
6 various modes of training available to Planning Commissioners including
7 information that could be made available on the Brown Act.
8

9 Commissioner Ojeda referenced the new CVS building with cell tower which he
10 understood was required to match the color of the building. He suggested the cell
11 tower did not match the building color and was very unattractive. He asked
12 whether there was any enforcement mechanism that could be considered, to which
13 Mr. Hortert reported the project plans had been reviewed, the design was as
14 presented, but he would review the color and would have a walk-through with the
15 applicant on May 21, 2019.
16

17 **I. COMMUNICATIONS:** None
18

19 **J. NEXT MEETING**
20

21 The next meeting of the Planning Commission will be a Regular Meeting to be
22 held on Monday, June 24, 2019 at 7:00 P.M.
23

24 **K. ADJOURNMENT:** 9:27 P.M.
25

26 Transcribed by:
27

28
29 Anita L. Tucci-Smith
30 Transcriber
31