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

5
6 **June 10, 2024**

7
8 **THIS MEETING WAS HELD IN A HYBRID FORMAT**
9 **BOTH IN-PERSON AND ZOOM TELECONFERENCE**
10

11
12 **A. CALL TO ORDER:** 7:04 p.m.

13
14 **B. PLEDGE OF ALLEGIANCE**

15
16 **C. LAND ACKNOWLEDGEMENT:** *Before we begin, we would like to acknowledge the*
17 *Ohlone people, who are the traditional custodians of this land. We pay our respects to*
18 *the Ohlone elders, past, present and future, who call this place, Ohlone Land, the land*
19 *that Pinole sits upon, their home. We are proud to continue their tradition of coming*
20 *together and growing as a community. We thank the Ohlone community for their*
21 *stewardship and support, and we look forward to strengthening our ties as we continue*
22 *our relationship of mutual respect and understanding.*
23

24 **D. ROLL CALL**

25
26 Commissioners Present: Bender, Huey, Lam-Julian, Sandoval, Uch, Vice-Chairperson
27 Martinez, Chairperson Menis

28
29 Commissioners Absent: None

30
31 Staff Present: David Hanham, Planning Manager
32 Sanjay Mishra, Public Works Director
33 Erica Gonzalez, City Attorney's Office
34 Justin Shiu, Contract Planner
35

36 Planning Manager David Hanham reported the City's phone lines were down and for this
37 meeting only he provided a telephone number that would forward calls to his cellular phone.
38

39 The Planning Commission welcomed new Planning Commissioners Andrew Uch and
40 Tamiko Huey.
41

42 **E. CITIZENS TO BE HEARD**

43
44 Anthony Vossbrink, a resident of Pinole, thanked Chairperson Menis for reading the public
45 comment introductions and access numbers for the meeting, which was not done at City
46 Council meetings, posted on Pinole Community Television (PCTV) or printed on the
47 television screen as was done in other jurisdictions. He asked the Planning Manager and
48 City Council members not to use acronyms, abbreviations or other names when
49 referencing projects and rather provide the addresses of a project and cross street
50 locations that would better educate the viewing public.

1 Mr. Vossbrink otherwise reported the guard rails had been broken and required repair on
2 Appian Way, the I-80 overpass and at Pinole Valley Road adjacent to the fire station,
3 which was a bad look for the City and devalued properties in Pinole. In addition, street
4 lights up and down Pinole Valley Road and San Pablo Avenue remained out, and newer
5 recyclable trash cans in the Pinole Valley/Adobe Road dog park and adjoining barbeque
6 grove needed to be replaced, were missing covers and attracting vermin. He commented
7 that a former Mayor and Public Works Director had ordered new trash cans years ago but
8 they had never been installed.

9
10 Mr. Hanham asked that the meeting agenda be modified with Item I (1) to be heard prior
11 to the public hearing.

12
13 Responding to the Chair, Erica Gonzalez representing the City Attorney's Office confirmed
14 the meeting agenda could be modified by consensus of the Planning Commission.

15
16 By consensus, the Planning Commission agreed to hear Item I (1) prior to the public
17 hearing.

18
19 Chairperson Menis reported on ex parte communications and stated he had sent out email
20 messages about the meeting to his email list and had brief discussions with
21 Commissioners Lam-Julian and Uch regarding how to receive the agenda packet and
22 some of the agenda items but had not discussed anything in particular.

23
24 **F. MEETING MINUTES**

25
26 1. Planning Commission Meeting Minutes from April 22, 2024

27
28 **MOTION** with a Roll Call vote to approve the Planning Commission Meeting Minutes from
29 April 22, 2024, as submitted.

30
31 **MOTION: Sandoval**

SECONDED: Bender

APPROVED: 5-0-2
ABSTAIN: Huey, Uch

32
33
34 **I. NEW BUSINESS**

35
36 **1. Review of Proposed Preliminary Capital Improvement Plan (CIP) FY2024 -**
37 **2025 through 2028-2029 for Consistency with the General Plan**

38
39 Public Works Director Sanjay Mishra provided a PowerPoint presentation on the Proposed
40 Preliminary Capital Improvement Plan (CIP) for Fiscal Years (FY) 2024-2025 through
41 2028-2029 for consistency with the General Plan, which included an overview of the CIP
42 Five-Year Plan used to identify and implement the City's capital needs, contained 38
43 projects and 5 infrastructure assessments, with 35 capital projects slated for work and 5
44 infrastructure projects for FY 2024/25 in the project categories of facilities, parks, sewer,
45 stormwater, streets and roads and infrastructure assessments.

46
47 Mr. Mishra recommended the Planning Commission adopt Resolution 24-03, finding the
48 Revised Proposed Capital Improvement Plan for Fiscal Years 2024-2025 through 2028-2029
49 in conformance with the City of Pinole General Plan.

1 Responding to questions from the Planning Commission, Mr. Mishra clarified:
2

- 3 • The CIP prioritization matrix had been done internally with four staff members
4 including staff from the Community Development, Public Works and Finance
5 Departments and the Pinole-Hercules Wastewater Treatment Plant who had
6 reviewed the projects and scored them for prioritization. (Huey)
7
- 8 • Project #RO2403, Old Town Traffic Calming, the City was working with a
9 consultant to include some bike and pedestrian elements and a detailed design for
10 the Old Town area but due to limited staff and budget constraints the project would
11 not occur right-away but it would be within the Five-Year period of the CIP. (Uch)
12
- 13 • A request for a matrix system to show the status of CIP projects, a road map of
14 what exactly was being worked on, particularly related to streets and roads and
15 mechanisms for finding funding sources; a request for more information on how
16 different projects integrated together on the CIP and a better understanding of the
17 Burlington Northern Santa Fe (BNSF) bridge replacement between the City of
18 Hercules and Pinole, and whether the City was seeking additional grants to move
19 the project forward sooner than later. (Martinez)
20

21 Responding to the Chair as to whether the Planning Commission may inquire about the
22 status of financial elements of CIP projects, Ms. Gonzalez advised that if it fell within the
23 realm of the CIP budget that would be allowed but the Planning Commission could not go
24 too far off course from what had been shown on the meeting agenda.
25

- 26 • The BNSF bridge replacement project was currently in the preliminary design
27 stage and there were more details and status of the project on the City website.
28 Staff was also following up with Caltrans on the grant for the project, which would
29 be funded mostly by the Highway Bridge Program (HBP), with the City to also
30 contribute funds in the amount of \$5 million. The Electronic Vehicle (EV) storage
31 facility and solar canopy planned for the Senior Center had evolved into a cooling
32 center and emergency hub so it could be used as an emergency hub for the City
33 in the event of a disaster. The project was at the 60 percent design level and the
34 City had requested earmark funding and other grant opportunities, but the project
35 was moving slowly given limited City funds. City roads were in disrepair with a
36 number of roads in poor shape. The City conducted a survey every two years of
37 all streets in Pinole, which had been done through a grant program with the
38 Metropolitan Transportation Commission (MTC) in order to receive gas tax and
39 Senate Bill (SB) 1 funds. (Martinez)
40
- 41 • #RO2401, Road Maintenance Repairs, would consist of some cape seals and
42 repairs but due to limited staff the City Council directed that all new CIP projects
43 be held in abeyance until the staff or the budget was met. (Martinez)
44
- 45 • The City's Grant Writer had been working to secure grants for the City, with all
46 Department Directors meeting each month with the Grant Writer to discuss the
47 City's eligibility and competitiveness for available grants.
48

1 During the May 21, 2024 City Council meeting, the Grant Writer provided a
2 presentation on the status of grants pursued and those where the City had made
3 application. A monthly report from the Grant Writer would be available from the
4 Finance Director. The meetings between the Grant Writer and Department
5 Directors were not public meetings, but the City Council could be asked to make
6 the monthly report available to the public. (Lam-Julian)
7

8 Responding to the Chair as to whether a motion should be made to request that the
9 monthly reports from the Grant Writer and Department Directors be made public, Ms.
10 Gonzalez found the Planning Commission as a body could not direct the City Council but
11 could make a recommendation to the City Council for consideration.
12

13 Mr. Hanham expressed the willingness to work with Mr. Mishra to provide a copy of the
14 report as an informational item to the Planning Commission.
15

- 16 • #UF030 – Vehicular Bridge Maintenance and in response to the public comment
17 regarding the Appian Way guard rail that had failed, it was clarified that the property
18 was within the Caltrans right-of-way (ROW). Caltrans was working on a
19 repair/design and the City received confirmation from Caltrans that the bridge
20 repair would occur sometime in late 2024 or early 2025. The damaged guard rail
21 at the Pinole Valley bridge had been the result of an accident. The bridge was the
22 responsibility of the City of Pinole and staff was working with a design consultant
23 on the project scope, which would be more than the repair of the guard rail given
24 that the bridge itself had been damaged requiring possible replacement of some
25 structural elements. While in the planning stage, this project was not a top priority
26 given the limited staffing and since some staff positions had been frozen due to
27 budget constraints. (Sandoval)
28
- 29 • The following projects: #FA1901, Senior Center Auxiliary Parking Lot, #PA2402,
30 Mural Preservation, #SS2407, Private Sewer Lateral Program, #SW2401, Storm
31 Drain Creek Discharge Improvements, #IN2301, Facilities & Real Estate Master
32 Plan, #IN2105, Appian Way Complete Streets, and #IN2103, Recycled Water
33 Feasibility did not have priority scores and infrastructure projects had not been
34 provided priority scores. All project priority scores would be checked prior to
35 presentation to the City Council. (Menis)
36
- 37 • #SS2406, WPCP Solar and Battery, was a critical facility where the Water Pollution
38 Control Plant (WPCP) must have alternative plans to run the facility whether
39 through a diesel generator or through green energy in the event of an emergency.
40 Staff would have to verify whether the size of the generator was an issue. Given
41 this was a critical facility, diesel generators had not been completely removed from
42 the Climate Action and Adaptation Plan (CAAP) policies. (Menis)
43
- 44 • #SW2401, Storm Drain Creek Discharge Improvements, was an emergency
45 project, with inspections finding that storm drains were failing and staff was
46 planning to inspect the rest of the storm drains along the creek. It could take five
47 years to repair all storm drains along the creek. Acknowledged a recommendation
48 to modify the estimated completion date for the project to read: *6-30-2025/ongoing*.
49 (Menis)
50

1 PUBLIC COMMENTS OPENED

2
3 Anthony Vossbrink, Pinole, referenced the Park Master Plan and Fernandez Park, as it
4 may relate to a recent project outside the baseball field to center field running parallel to
5 the outfield fence and the Union Pacific Railroad track, where some major work was being
6 done. He asked whether this work was part of the CIP. He expressed concern there had
7 been no mention of renovating the dog park in the Park Master Plan given there had been
8 open meetings with the public where the dog park renovation had scored higher than the
9 skatepark, although no funds had been allocated for the dog park. The area had been
10 littered with debris and was a highly visited area that needed some attention in the near
11 to immediate future.

12
13 As to the Senior Center Auxiliary Parking Lot, Mr. Vossbrink commented the project had
14 originally been approved years ago with a \$250,000 budget, which had ballooned to
15 \$500,000 and may be in excess of that now. He understood Commissioner Bender
16 recommended the project was not a priority and should be given a lower priority given the
17 cost, but he noted when the project had initially been approved, the Senior Center had
18 numerous programs pre-COVID, but many programs were no longer being offered or had
19 been reduced and there was now no need for excess parking. Also, given attrition due to
20 the pandemic and people passing on, possibly the project should be removed from the
21 CIP list.

22
23 PUBLIC COMMENTS CLOSED

24
25 Chairperson Menis reported #FA1901, Senior Center Auxiliary Parking Lot, had shown an
26 estimated cost over the time period at \$1,656,655, of which the majority had been
27 encumbered in the upcoming financial year and the dog park, restroom replacement and
28 resurfacing and fencing improvements had been outlined in #UF005 and #UF006 in the
29 unfunded project section. He detailed the project estimates, stated no funding sources
30 had been identified, and spoke to the project priority scores for those projects.

31
32 As to trees being cut down in Fernandez Park, Mr. Mishra was unsure what the speaker
33 had referenced.

34
35 Mr. Hanham commented the City had an arborist and possibly there were some issues in
36 the park.

37
38 Mr. Mishra was unaware of any trees near the Fernandez Park baseball field being cut
39 down other than a tree on City property near the dental office on the corner, which tree
40 had been removed.

41
42 Commissioner Lam-Julian asked staff whether the City could partner with local elementary
43 schools, Pinole Valley High School and Pinole Artisans to assist with the cost and
44 alternative funding along with local civic organizations and other municipalities with the
45 projects listed under parks, in particular for #PA2402, Mural Preservation. She reported
46 Meadow Park had a teeter totter that was missing seats and was a safety hazard and she
47 wanted to ensure the City was looking at all City parks in terms of equity.

48
49 Mr. Mishra clarified for #PA2402, Mural Preservation, the Grant Writer had applied for an
50 Arts in California Parks Grant, which may provide some funding to restore the murals.

1 Mr. Mishra stated there could be other funds the City Council may assign beyond the grant
2 to have students participate, with the Community Services Department to take the lead on
3 the project. He was unaware there was equipment in City parks that needed repair, and
4 urged the community to contact him via email with any concerns with City parks.
5

6 Vice-Chairperson Martinez spoke to #R02303, Pinole Smart Signals and commented with
7 respect to the Vista Woods development whether the project would be operational prior to
8 the completion of the development.
9

10 Mr. Hanham reported occupancy of the buildings for Vista Woods would not occur for the
11 next two to three months and the developer was considering phased occupancy. There
12 were some issues the developer must also rectify and he could not foresee occupancy
13 until October/November at the earliest, and only for Buildings A and B. Full occupancy of
14 the buildings may not occur until 2025 and he was unsure how that aligned with the Pinole
15 Smart Signals project, although the crosswalk had been repainted as part of the
16 development.
17

18 Mr. Mishra clarified #R02303, Pinole Smart Signals, was a project the City was partnering
19 with the County given that San Pablo Avenue was a route of regional significance. The
20 County had secured a \$25 million grant for the project for the San Pablo Corridor, which
21 would involve upgrading all signals on San Pablo Avenue and some on Appian Way and
22 Pinole Valley Road. The County would drive the project and complete the project to
23 ensure traffic was moving smoothly through the corridor.
24

25 In terms of the safety improvements around the Vista Woods development and along the
26 San Pablo Avenue Corridor, the City had secured a grant for safety improvements on
27 arterial roadways on San Pablo Avenue, Third Street, Quinan Street, Pinole Valley Road
28 and Savage Avenue where High Visibility Crosswalks and other pedestrian improvements
29 would be installed. Once the design was complete, construction bids would go out and
30 the project would be completed this fiscal year.
31

32 Commissioner Bender confirmed he had attended the last two City Council meetings and
33 had discussed items on the CIP. He had spoken with legal counsel and reported he had
34 spoken to the City Council as a citizen, and therefore did not need to report out on ex parte
35 communications. He cited #FA2302, Plum Street Parking Lot Improvements and
36 commented the project called for a chain link fence for a small parking area and he
37 understood the Police Department wanted to fence off some parking. He had mentioned
38 to the City Council that chain link fencing for security fencing was useless and unattractive
39 even though it was allowed in that location under various City documents, and he was
40 curious about the removal of a third of the parking spaces.
41

42 Commissioner Bender remained opposed to the chain link fence given the costs, the City's
43 budget considerations and given the property was not located in a high crime area that
44 would call for chain link fencing.
45

46 As to #FA1901, Senior Center Auxiliary Parking Lot, Commissioner Bender commented
47 he lived in the area, viewed the parking lot daily and other than special events pre-COVID,
48 filling the parking lot had been sporadic during the weekends with plenty of parking during
49 the week even with the railroad having fenced off its lot.

1 Commissioner Bender found the project cost to be too expensive for a parking lot and
2 pointed out in order to make it work, single drive aisles with diagonal parking would be
3 required along with removal of some of the parking spaces. While the project would
4 provide bicycle parking at the Senior Center, which currently did not exist and would
5 include solar panels and EV parking, he found the project to be too expensive.
6

7 Commissioner Bender otherwise found that many of the CIP projects in the Old Town area
8 could have been consolidated and he would have liked to have seen a vision for San Pablo
9 Avenue rather than a patchwork quilt approach.
10

11 Commissioner Bender was also suspicious about #RO2303, Pinole Smart Signals project,
12 since when Civil Engineers become involved, they want traffic to flow as efficiently as
13 possible, but those who lived and walked along the streets do so at their own risk. He
14 again suggested some of the CIP projects including some in the unfunded category could
15 have been consolidated.
16

17 Chairperson Menis referenced #FA2302 Plum Street Parking Lot Improvements, and
18 asked Commissioner Bender if he was saying the project did not meet the General Plan
19 Policies, as outlined in the June 10, 2024 staff report.
20

21 Commissioner Bender confirmed that was his opinion and although a public parking lot,
22 he recognized the project was the will of the City Council.
23

24 Chairperson Menis read into the record General Plan Goal, CS.2, Policy CS 2.6 and Goal
25 CE.5, as shown in Appendix I of the June 10, 2024 staff report. He understood that
26 Commissioner Bender was challenging the General Plan consistency of #FA2302 Plum
27 Street Parking Lot Improvements with Goal CE.5, and also challenging the other policies
28 listed.
29

30 Commissioner Bender found the project would not meet Goal CE.5, reiterated that
31 #FA2302, Plum Street Parking Lot Improvements were unnecessary and again highlighted
32 why chain link fencing was not preferred or supported.
33

34 Chairperson Menis found Commissioner Bender was asserting the project was not
35 consistent with Goal CS.2 and Policy CS 2.6. Given the statements from Commissioner
36 Bender, he asked whether or not there were sufficient grounds to strike those General
37 Plan goals and policies in support of FA#2302.
38

39 Ms. Gonzalez suggested rather than sufficient grounds to strike, it could be considered an
40 emotion and could be a "basis" to oppose any motion to approve the present plan.
41

42 Chairperson Menis suggested the simplest approach would be a motion to amend the plan
43 and strike Goal CS.2, Policy CS2.6 and Goal CE.5 from #FA2302.
44

45 Ms. Gonzalez advised that would be outside the scope and the Planning Commission
46 could not amend General Plan Policies. She explained the Planning Commission was
47 being asked to move whether or not the proposed CIP fell within the General Plan. If the
48 Planning Commission did that it would be the basis to oppose the entire plan.
49

1 Mr. Hanham explained once the Planning Commission determined that an item was not
2 consistent with the General Plan, the entire item was not consistent with the General Plan.
3 The Planning Commission did not have the ability to remove items it did not like or those
4 types of things, and either the CIP was consistent with the General Plan or not. If the two
5 policies were sufficient to make the entire plan inconsistent with the General Plan that was
6 the motion that would have to be made.

7
8 Ms. Gonzalez confirmed staff's explanation and noted that while nuanced, she understood
9 what the Chair was trying to do, but if it failed, staff would have the feedback of what would
10 not fall under the General Plan or what was believed to not fall within the plan based on
11 the Planning Commission's decision should that be the consensus of the entire Planning
12 Commission.

13
14 When asked by the Chair if he wished to make a motion finding the CIP was not in
15 conformance with the General Plan based on #FA2302 not being in compliance with the
16 General Plan for the reasons he had stated, Commissioner Bender clarified his issue was
17 with the Plum Street fence, but overall, the CIP was in conformance with everything but
18 that project.

19
20 Mr. Hanham clarified Commissioner Bender's opposition was with the appearance of the
21 fence and not the fence itself, and Commissioner Bender clarified his main point was the
22 appearance of the fence.

23
24 Mr. Hanham acknowledged that while the chain link fence may not be the most attractive,
25 it was permitted by the Zoning Ordinance and the objection was to a zoning measure and
26 not General Plan consistency. He noted that staff could work with the Public Works
27 Department on possible alternative fencing material.

28
29 Mr. Mishra commented on the discussion that the City Council asked that #FA2302 be
30 deferred and the project would be moved to FY 2025/26 since the City Council was of the
31 opinion the project was not a priority. During that time, the project could be revisited and
32 the scope may change.

33
34 Chairperson Menis asked whether the CIP could be approved with a notation the Planning
35 Commission had issues with #FA2302 because of the way it implemented the stated
36 policies. He asked whether that could be addressed before rejecting the CIP entirely.

37
38 Mr. Hanham suggested the Planning Commission could note as part of the design concept
39 for #FA2302, that the Planning Commission wanted to see a better design for the fence,
40 which would have to be amended through the Public Works Department for a better
41 fencing style/material that would better complement the downtown area.

42
43 Ms. Gonzalez commented the question to her was whether the Planning Commission had
44 the authority to direct the project change under this agenda item and the short answer
45 would be no, project specificities were not before the Planning Commission.

46
47 Chairperson Menis suggested #FA2302 was not consistent with the General Plan since
48 chain link fences were fundamentally insecure and therefore it did not meet Goal CS.2.
49

1 Ms. Gonzalez explained the Planning Commission may not approve or disapprove
2 conditioned upon certain details of a project. Any member of the Planning Commission
3 may approve or disapprove and those specific facts for the individual projects may be a
4 Commissioner's basis on whether or not to vote in conformity with a motion before the
5 Planning Commission.
6

7 Mr. Mishra advised he would provide the feedback when the CIP was presented to the
8 City Council.
9

10 Vice-Chairperson Martinez understood a few years ago a person tried to sleep under
11 police vehicles and that was likely where the fencing issue had come about given that the
12 Police Department was desirous to secure police vehicles in the parking lot. He
13 understood the need based on a safety standpoint. As such, he suggested Goal CS.2
14 applied and suggested they should keep that in mind and that Pinole Police Officers had
15 made this request, which should be respected.
16

17 Ms. Gonzalez advised as a supplement and in the nuance distinction, the Planning
18 Commission may not change a particular project, but she had confirmed with her legal
19 colleagues that a motion could be made to approve, although one or more projects were
20 not found to be in conformity with the General Plan.
21

22 The Planning Commission, staff and legal counsel continued to discuss this matter at
23 length, with Mr. Hanham advising that Policy CS2.6 was consistent with the General Plan.
24 The action could not be added since it was not part of the regulatory review and was an
25 implementation of the policy and goals, but it could be deemed to be consistent since there
26 were implementation actions calling for the security of the parking lot.
27

28 Chairperson Menis suggested striking Goal CS.2 and Goal CE.5 and leaving Policy CS2.6
29 as the basis for the General Plan conformity. He reiterated he found #FA2302 was not
30 consistent with Goal CS.2 based on the design or Goal CE.5 based on what it
31 fundamentally did.
32

33 Mr. Hanham explained the process for the goals and policies of the General Plan. He
34 read into the record Goal CS.2, with the goals and policies of the action measures allowing
35 that goal to happen. When looking at Policy CS2.6, it spoke to why the project was within
36 the CIP and the City had the ability to fund the project, with the actions as shown calling it
37 out. Goal 2 was also read into the record and he suggested the project met that goal by
38 the Policies and Actions in Goal CS.2. While the goal may not say the right thing, it was
39 an overarching statement with the goal for public safety.
40

41 Ms. Gonzalez explained a project did not need to meet every single goal and specified
42 policy in order to conform with the General Plan. A Planning Commissioner may move to
43 approve the entire CIP as in conformity with the General Plan, or state it was in conformity
44 except for a specific project and state the reasons why.
45

46 Commissioner Sandoval acknowledged the direction offered by legal counsel and asked
47 whether the Planning Commission could signal what needed to be corrected, and whether
48 the CIP had to return to the Planning Commission prior to being forwarded to the City
49 Council.
50

1 Ms. Gonzalez advised the CIP would be forwarded to the City Council with the final
2 findings of conformity, either as a whole or in part.

3
4 Chairperson Menis offered a motion to find the Capital Improvement Plan (CIP) in
5 conformance with the General Plan, with the exception of #FA2302, Plum Street Parking Lot
6 Improvements, for the reasons stated in the staff report and associated with the various
7 items.

8
9 Mr. Hanham explained that as the maker of the motion, the Chair needed to state why the
10 project was not consistent with Policy CS.2.6, and not consistent with the General Plan.

11
12 Chairperson Menis suggested the Planning Commission vote on all of the other CIP projects
13 for consistency and come back to #FA2302 since it was generally agreed the other CIP
14 projects were consistent with the General Plan.

15
16 Ms. Gonzalez recommended a motion that the CIP conformed to the General Plan, except
17 for a specified project and state the basis for that exception and then the Planning
18 Commission could vote on the motion.

19
20 Chairperson Menis offered a motion, seconded by Commissioner Bender, that all projects
21 listed under the CIP were in conformity with the General Plan, as listed under staff notes,
22 except for #FA2302, Plum Street Parking Lot Improvements, because it did not meet Goal
23 CE.5 due to the reductions it causes in parking, causing it to fall below the necessary level
24 of parking to meet that element and that it failed to meet and did not fall within the action item
25 under Policy CS2.6, due to the design of the item not being able to provide the necessary
26 public safety improvements and it did not, in fact, meet Goal CS.2 and therefore could not
27 fall under Policy CS2.6 or the actions associated with said policy.

28
29 On the motion, Ms. Gonzalez confirmed the motion was acceptable on the basis for non-
30 conformity.

31
32 **MOTION** that all projects listed under the Capital Improvement Plan (CIP) are in conformity
33 with the General Plan, as listed under staff notes, except for #FA2302, Plum Street Parking
34 Lot Improvements, because it did not meet Goal CE.5, due to the reductions it causes in
35 parking, causing it to fall below the necessary level of parking to meet that element and that
36 it failed to meet, although it fell within the action item under Policy CS2.6, due to the design
37 of the item not being able to provide the necessary public safety improvements and it did not,
38 in fact, meet Goal CS.2 and therefore could not fall under Policy CS2.6 or the actions
39 associate with said policy.

40
41 **MOTION: Menis**

SECONDED: Bender

APPROVED: 7-0

42
43 **G. PUBLIC HEARINGS**

44
45 **1. Comprehensive Design Review and Conditional Use Permit (PL23-0080,**
46 **DR23-12, CUP23-05) Pinole Shores II Redesign**

47
48 Mr. Hanham provided an extensive PowerPoint presentation for Comprehensive Design
49 Review and Conditional Use Permit (PL23-0080), DR23-12, CUP 23-05) Pinole Shores II
50 Redesign.

1 Mr. Hanham recommended the Planning Commission adopt Resolution 24-02, approving
2 the Comprehensive Design Review, Conditional Use Permit and California Environmental
3 Quality Act (CEQA) exemption for the Pinole Shores II Project at 836 to 848 San Pablo
4 Avenue, subject to the Conditions of Approval in Exhibit A to the June 10, 2024 staff report.
5

6 Chairperson Menis reported Vice-Chairperson Martinez had to leave the meeting due to
7 health concerns.
8

9 Responding to questions from the Planning Commission, Mr. Hanham, Oliva Ervin, Principal
10 Environmental Planner, Metropolitan Planning Group (MGroup) and Ms. Gonzalez clarified:
11

- 12 • The intersection would be designed with a traffic signal. Pursuant to the project
13 conditions of approval the applicant would be conditioned to provide maintenance.
14 The maintenance of the public road fell under the responsibility of the City and the
15 applicant would be required to pay some maintenance fees as part of the
16 Transportation Fee to go towards some of the improvements to be made. Once the
17 project had been dedicated back to the City, the City would be responsible for
18 maintenance. (Sandoval)
19
- 20 • A bus shelter would be constructed in front of Pinole Shores. (Uch)
21
- 22 • As part of the project, a Traffic Study had been prepared, which had recommended
23 a number of options that were highlighted. In discussions between the applicant and
24 the City, it had been decided that some of those options would be foregone with a
25 traffic signal to be installed. One of the options was the extension of the left turn lane
26 that would be done awaiting the installation of the traffic signal due to the truck traffic.
27 Acknowledged adding a pedestrian island across San Pablo Avenue could be worked
28 into the design of the intersection. (Uch)
29
- 30 • The reference in the plans to “WB-67” referred to an 18-wheel truck. (Bender)
31
- 32 • Community outreach had been done as part of the original project with no public
33 comments received. Additional public outreach had not been warranted at this point
34 given the overall square footage and the reduction of the initial two buildings to one
35 building. Had community outreach not been done as part of the original project, it
36 would have been done for the subject project. (Bender)
37
- 38 • The traffic signal would be installed prior to approval of the occupancy permit of the
39 building. (Menis)
40
- 41 • The project was consistent with Policy LU7.3, with the project providing job
42 opportunities and with the City currently developing affordable housing projects.
43 (Menis)
44
- 45 • Exhibit A, Planning Commission Resolution 24-02, Conditions of Approval, Condition
46 26, Construction Activities (e) would be addressed during pre-concept meetings
47 intended only to discuss the scheduling of construction activities. (Menis)
48
49

- Condition 39, Transportation Demand Management, and a reference to Transportation Management Associations (TMA) referred to ride sharing and transit used for both large and small employers. (Menis)
- Condition 51, Geotechnical Report and Foundation Design, had been included since in most cases, the City did not want developers to use driven piles for the creation of a deep foundation system. Prior to the issuance of a building permit and when a grading plan was submitted, another soils report would be submitted by the applicant along with another geotechnical report, to be reviewed as part of the process. The applicant had been informed that driven piles could not be used, particularly for the Pinole Shores II site since the property had a fill level of about 12 feet prior to reaching the natural soil. The intent was that the applicant be aware that alternatives to the driven pile method would be required. (Menis)
- Condition 69, Soils Report, and the reference to pier holes in the condition; pier holes were relatively deep and they could not go past 6 to 12 feet, and that term had been used to prevent the use of pier holes. (Menis)
- The criteria in both Condition 75, Construction and Nuisance Prevention (c) and Condition 26 (d), as written, would prevent less of a dust up on the property before the grading permit. (Menis)
- Condition 96, COA BIO-1, 1. Tree Protection Zone, the first sentence could be rewritten to be clearer and 2. Tree Removal Permit was a standalone and standard condition of approval. While no trees were to be removed as part of the project, if trees were to be removed a Tree Removal Permit would be required. (Menis)
- Condition 109, ENV-NOI-3, would be an ongoing activity monitored by the Community Development Department. (Menis)
- Page 60 of Exhibit A had some formatting errors to be corrected. (Menis)
- Page 8 of 106 of the Environmental Checklist, the warehouse area, would be unconditioned which was typical for warehouse spaces. (Menis)
- Page 20 of 106 of the Environmental Checklist and the information on this page related to the project *being consistent with the zoning action or designated the parcel on which the project would be located to accommodate a particular density of development.* (Menis)
- Page 54 of 106 of the Environmental Checklist, the reference to the CAAP in the first sentence of the page clarified the CAAP had not yet been formally adopted by the City Council. (Menis)
- The applicant wanted to construct on Saturdays and the applicant would have to go through the process of requesting construction outside of the regulations of the Pinole Municipal Code (PMC). (Menis)
- Page 33, Figure 1 of the Noise Report, had shown how a portion of the building swooped around protecting the residents immediately to the north, with the Acoustical

1 Engineer finding the highest noise exposure in the line-of-sight calculation due to the
2 activity of the trucks in the bay. (Menis)

- 3
- 4 • Sheet A3.1, Figure 20, of Exhibit C, Plan Set dated March 18, 2024, the mezzanine
5 area within the building had shown the stairs/stairwells down to the first floor and
6 Figure 29 had shown some non-vision glazing for the windows, to be clarified by the
7 Architect. (Menis)
- 8

9 PUBLIC HEARING OPENED

10
11 Hector Vinas, GRP Shores, LLC, 2350 N. University Drive, #848300, Pembroke Pines, FL,
12 commented that staff had provided a detailed presentation. He explained the applicant
13 had appeared before the Planning Commission in 2023, and the initial project had evolved
14 through a long process due to the terrain, which sloped down. Two buildings had originally
15 been designed due to the terrain, although due to tenant demands and market changes,
16 the applicant was now proposing to design one building and incorporate changes from the
17 Planning Commission Ad-Hoc Subcommittee.

18
19 Nick Goodwin, Business Manager, representing UA Local 159: Plumbers & Steamfitters,
20 representing dozens of households in Pinole and members representing the International
21 Brotherhood of Electrical Workers, (IBEW) Local 302, Sheet Metal Workers Local 104,
22 Sprinkler Fitters Local 483, and Ironworkers Union Local 378, advocated for the creation
23 of sustainable and vibrant communities for their members to thrive.

24
25 Mr. Goodwin explained that the project would provide the City substantial economic
26 benefits with increased tax revenue, jobs would be created with the construction of the
27 project, with warehouse and logistics and potential other industries to also provide
28 economic revitalization for the City. The project would follow sustainable design
29 principles, incorporate energy efficient technology, EV charging stations and Light Emitting
30 Diodes (LED) lighting and the developer had signed an agreement with the unions that
31 would bring additional benefits to the community. Construction wages would be
32 recirculated into the local community and the economy, apprenticeship training programs
33 would be associated with the project resulting in more opportunity for Pinole youth and at-
34 risk workers to gain entry into the programs and the project was right for the community
35 and would bring sustainable community benefits. The Planning Commission was asked
36 to approve the project.

37
38 Cole Batchelder, representing IBEW Local 302, and a Pinole resident, emphasized the
39 City of Pinole needed a balance of jobs and housing. The project would provide for
40 workers in the area, allow him to spend more time with his family rather than sit in traffic
41 and work outside of the area. He appreciated that the union and the developer had signed
42 an agreement to ensure skilled workers would complete the project and appreciated the
43 developer had addressed the environmental impacts the project could have on residents.
44 He urged the Planning Commission to approve the project.

45
46 PUBLIC HEARING CLOSED

47
48 Commissioner Bender commented there had been a breakdown where the traffic would flow
49 on Appian Way and San Pablo Avenue and he asked where the percentages and
50 assumptions had come from in the traffic study.

1
2 Ms. Ervin explained the percentages had been based on traffic volumes, predominant flow,
3 and use and an assumption had been made based on the prominent use based on trucks
4 and deliveries.

5
6 Commissioner Uch asked whether the building would include an elevator for those with
7 accessibility needs.

8
9 Michael Wunderle, HDO Architects Planners, Walnut Creek, explained that HDO Architects
10 Planners had taken over from the architects after the first iteration of the project had been
11 approved for two buildings. The goal was to take the elements of the two-building design
12 and design one single building. He clarified the mezzanine space would be an overlook
13 space absent walls and since it had no specific use that would necessitate accessibility it was
14 not required to have an elevator. The specifics of what would go into the mezzanine space
15 would be looked at more closely as part of the building permit, with the goal to have it included
16 as general warehouse and storage as part of the warehouse.

17
18 Commissioner Lam-Julian asked that Condition 40, Transit, be amended to require a Green
19 Bus Stall versus a standard bus stall, which would be environmentally friendly, add
20 community character and sustainability.

21
22 Mr. Hanham explained the bus shelter design had been put forth by WestCAT who used a
23 standard design; however, the City could work with WestCAT to see whether something
24 could be added to the design of the bus shelter, such as lights.

25
26 Commissioner Lam-Julian sought green elements with drought tolerant plants on top of the
27 bus shelter as part of a green and sustainable design.

28
29 Mr. Hanham acknowledged green bus shelters had been provided in the Southern California
30 and coastal areas between San Diego and Los Angeles with drought tolerant plantings on
31 top. He would check with WestCAT to see whether that could be accommodated.

32
33 Commissioner Lam-Julian explained that the green design elements had been discussed as
34 part of Pinole Walk and Roll, to reduce carbon emissions and add community character to
35 bus shelters. She wanted to see if that could be looked into as a possibility, and Mr. Hanham
36 reiterated he would work with WestCAT to see whether that could be done.

37
38 Commissioner Sandoval asked about the status of outreach to potential tenants and whether
39 the applicant was actively reaching out or advertising the space.

40
41 Mr. Vinas explained that the space was not being actively advertised, although some brokers
42 had reached out due to word of mouth and there had been some interest from tenants
43 including sanitation and laundry from hospitals and an auto parts distributor and they had
44 spoken with brokers about a battery manufacturer.

45
46 Chairperson Menis noted the CUP was asking for approval of wholesale distribution and
47 warehouse buildings and a battery manufacturer and laundry would be a different use of the
48 space with hazardous elements depending on the tenant chosen. He otherwise referenced
49 the mezzanine level plan and asked whether it would be open air with no windows or walls.
50

1
2 Mr. Vinas clarified the mezzanine was not currently defined but had been identified in the
3 plans if it was to be used as an office and could be used for that use depending on the tenant
4 and whether an office was needed.

5
6 Chairperson Menis understood if the mezzanine had to be an office, elevators would have to
7 be installed.

8
9 Mr. Hanham clarified the parking within the office space had been accounted for, which would
10 not require an adjustment to the CUP, and if the mezzanine space were an office and if the
11 area was expanded it would have to come back to the Planning Commission.

12
13 Chairperson Menis found Sheet E0.2 to be illegible and suggested in the future a larger font
14 should be used.

15
16 Mr. Wunderle clarified Sheet EO.2 identified the various light fixtures around the site and was
17 intended to show compliance with directional lighting. The specifications fell within the
18 parameters required including the Lighting Study as part of Sheet EO.1.

19
20 In response to the Chair, Mr. Hanham clarified that staff had verified the information in the
21 sheets referenced and in the future the information could be made more legible.

22
23 Chairperson Menis referenced the Conditions of Approval and requested the following
24 revisions:

- 25
26 - Condition 16, Inspections, identified a typographical error in the text that should be
27 corrected with the term “staring” to be corrected to read: *starting*.
28
29 - Condition 27, Construction Waste Management Plan, should be rewritten to read: *The*
30 *Applicant shall submit to the Community Development Department a pre-construction*
31 *waste management plan prior to the issuance of any construction permit that satisfies the*
32 *CALGreen Building Code requirements*.
33
34 - Condition 30, Soils Report, the start of the condition had been duplicated and should be
35 corrected.
36
37 - Condition 31, Standard Drawings for Public Improvement, revise the last sentence to
38 read: *Best Construction Management Practices shall be observed at all times during the*
39 *course of construction*.
40
41 - Condition 33, Public Works Inspections, revise the first sentence to read: *The applicant*
42 *shall notify the Public Works Department at least forty-eight (48) hours prior to the starting*
43 *of any work pertaining to on-site drainage facilities, grading, or paving, as well as any*
44 *work in the City’s Right-of-Way as per Section 15.36.230 of the PMC*.
45
46 - Condition 36, Parking Management Plan, in the future asked staff to provide the
47 agreements that allowed for all of the parking spaces to be used included in the various
48 documentation, with staff clarifying the cross-parcel access agreement was between all
49 of the parcels on Pinole Shores.
50

- Condition 47, School, Growth and Park Impact Fees, to be revised to read: *Prior to issuance of a building permit, the applicant shall pay all applicable school, growth (as per Chapter 3.20 of the Municipal Code) and park (per Chapter 16.28 of the Municipal Code) impact fees.*
- Condition 55, Construction Fencing Plan, revise the last sentence to read: *All fencing for construction purposes shall be durable and remain in good condition throughout the life of the construction of the project.*
- Condition 103, ENV-COA GHG-1, commented that assuming all trucks would be replaced with electrical vehicles in the future, asked whether 400 KVA of additional raceway conduit and electrical panel capacity would offer sufficient power capacity to charge all of the vehicles. Staff was uncertain but the applicant would be required to follow Green Codes and the language in this condition was the standard at this time.
- Condition 109, ENV-NOI-3, to be revised to note it was “ongoing” and would be monitored by the Community Development Department.

Commissioner Bender requested Condition 84, Fire Code Conformance be revised to reflect all fire codes had been updated in 2022 and all references to 2019 in the condition should be corrected to read: 2022.

Chairperson Menis also clarified the Conditions of Approval had previously been revised pursuant to a highlighted version that had been presented to the Planning Commission, and Mr. Hanham explained that a motion of approval should include the edits, which would be inserted into the Conditions of Approval and be highlighted for future reference.

Ms. Gonzalez added that any motion of approval should identify which modifications would be part of the approved conditions given the number of revisions proposed.

Chairperson Menis further commented on the Transportation Demand Management Plan (TDMP) measures as shown on Pages 10 through 12 of Appendix H1, and commented that all of the measures had been listed as low effectiveness with the exception of remote work. He asked to what extent the City thought those measures in combination would mitigate the parking challenges to be faced by the project.

Mr. Hanham commented that once there was a user and an application for a building permit, they could go back and review the TDMP. He reiterated the applicant would install a bus shelter, pedestrian connections, bicycle racks for employees or customers and once the end user was identified staff could go into detail on all of the TDMP measures.

At this time, Chairperson Menis walked through the June 10, 2024 report and made the following comments:

- Page 5 of 22 of the June 10, 2024 staff report, Landscaping, revise the last sentence to read: *The project will install a sidewalk which is proposed to provide a connection between Building Two and the Pinole Shores Business Park.*
- Page 7 of 22, appreciated the applicant provided three dimensional renderings of the building in space, how the trees had been faded out to show the appearance with and

1 without the trees and the green glass chosen for the windows as opposed to the
2 monochromatic color of the building,
3

4 **MOTION** to Extend the Planning Commission meeting to 11:30 p.m.
5

6 **MOTION: Menis**

7 **SECONDED: Bender**

8 **APPROVED: 6-0-1**

9 **ABSENT: Martinez**

10 Chairperson Menis continued his comments, as follows:
11

- 12 - Page 15 of 22, of the staff report, 2. The proposed project will not create conflicts with
13 vehicular, bicycle, or pedestrian transportation modes of circulation, Staff Conclusion
14 to be revised to read: *Based on the discussion above, the proposed project will not*
15 *create conflicts with vehicular, bicycle or transportation modes of circulation.*
- 16 - Page 21 of 22, b. *parking demand generated by the project will not exceed the*
17 *capacity of or have the detrimental impact on the supply of on-street parking in the*
18 *surrounding area,* revise the second sentence of the Staff Comment to read: *The*
19 *Pinole Shores Industrial Park has a cross access agreement that allows*
20 *employees to park anywhere within the development,* and requested that cross
21 access agreements be included with future agenda packets for clarity.
22

23 Chairperson Menis offered a motion, seconded by Commissioner Sandoval, to approve
24 Resolution 24-02, subject to amendments to Conditions of Approval Nos. 16, 27, 30, 31, 33,
25 47, 55, 84 and 109, with Conditions 114 and 115 to be restructured, as discussed; various
26 typographical changes to the staff report, as identified and all required findings for approval
27 of the project as outlined in detail in the June 10, 2024 staff report for the Comprehensive
28 Design Review, Conditional Use Permit and Parking Reduction, and he read the findings into
29 the record in their entirety.
30

31 On the motion, Commissioner Bender stated he appreciated the applicant had revised the
32 initial plan, changed the color scheme which he found to be more appropriate for a single
33 building, the landscaping remained good and he had no issues with the CUP or the reduction
34 in parking. One thing that had changed since the project had initially been proposed a year
35 ago was truck drivers traveling to and from the distribution centers in the City of Richmond
36 along the Richmond Parkway and Point Pinole, rather than staying on Richmond Parkway to
37 reach I-80, were now traveling through San Pablo Avenue in Pinole and into the City of
38 Hercules to reach State Route 4. This traffic activity occurred at all hours of the day and into
39 the night, with some residents of the Old Town area adjacent to San Pablo Avenue very
40 irritated by this situation.
41

42 **MOTION** with a Roll Call vote to adopt Resolution 24-02, with Exhibit A: Conditions of
43 Approval, Resolution of the Planning Commission of the City of Pinole Approving
44 Comprehensive Design Review (DR23-12) and Conditional Use Permit for Wholesale
45 Distribution and Parking Reduction (CUP 23-05) to Construct One Building Totaling 119,228
46 Square Feet Located at 830-848 San Pablo Avenue (APNs 402-230-015, 016, 017, 018 &
47 020) and Finding the Project Exempt from the California Environmental Quality Act, subject
48 to:
49

- Amendments to Conditions of Approval Nos. 16, 27, 30, 31, 33, 47, 55, 84 and 109, and Conditions 114 and 115 to be restructured, as discussed.
- The various typographical changes to the staff report, as identified.
- All required findings for approval of the project for the Comprehensive Design Review, Conditional Use Permit and Parking Reduction, as outlined in detail in the June 10, 2024 staff report.

MOTION: Menis

SECONDED: Sandoval

APPROVED: 5-1-1

NOES: Bender

ABSENT: Martinez

H. OLD BUSINESS: None

I. NEW BUSINESS

1. Reselect Members for the Ad-Hoc Planning Commission Sub-Committee

Mr. Hanham presented the staff memorandum dated June 10, 2024. He asked the Planning Commission to select a third member for the Ad-Hoc Planning Commission Sub-Committee.

Chairperson Menis confirmed he and Commissioner Bender were interested in continuing to serve on the Planning Commission Ad Hoc Sub-Committee.

Mr. Hanham added, when asked by Commissioner Bender, the Objective Development Design Standards would be presented to the Ad Hoc Sub-Committee by the end of next month. Once the sub-committee was fully formed another item would be considered by the Ad-Hoc Sub-Committee.

Chairperson Menis stated the Ad-Hoc Sub-Committee had been meeting about two hours weekly to review dense legal text for the Objective Development Design Standards, and Mr. Hanham commented that in most cases the projects were usually design review oriented and did not require such in-depth review.

Commissioner Bender agreed the Ad Hoc Sub-Committee had recently involved in-depth review of the Objective Development Design Standards but that was usually not the case for the Sub-Committee.

Commissioner Uch was willing to serve on the Ad-Hoc Planning Commission Sub-Committee.

Mr. Hanham clarified the Ad-Hoc Planning Commission Sub-Committee was nearing the end of the review of the Objective Development Design Standards and he anticipated possibly two or three more meetings would be needed on this project, with the next project likely to require possibly one to two meetings.

Commissioner Bender described the process and purpose of the Ad-Hoc Planning Commission Sub-Committee for new Planning Commissioners.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

MOTION with a Roll Call vote to appoint Commissioner Uch to serve on the Planning Commission Ad Hoc Sub-Committee along with Chairperson Menis and Commissioner Bender.

MOTION: Lam-Julian

SECONDED: Menis

APPROVED: 6-0-1

ABSENT: Martinez

J. CITY PLANNER'S/COMMISSIONER'S REPORT

Mr. Hanham recommended due to time constraints that he provide the City Planner's Report at the next meeting. He had nothing pressing to report at this time.

Chairperson Menis asked that former Commissioner Banuelos be recognized at the next meeting of the Planning Commission.

Mr. Hanham advised that could be agendized for the next Planning Commission meeting under Communications.

There was general consensus to continue Items J and K to the next meeting of the Planning Commission scheduled for June 24, 2024.

K. COMMUNICATIONS

L. NEXT MEETING

The next meeting of the Planning Commission to be a Regular Planning Commission Meeting scheduled for June 24, 2024 at 7:00 p.m.

M. ADJOURNMENT: 11:25 p.m.

Transcribed by:

Sherri D. Lewis

Transcriber