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**MINUTES OF THE
REGULAR MEETING OF THE
PINOLE PLANNING COMMISSION and
PLANNING COMMISSION ACTING AS THE STEERING COMMITTEE FOR THE
GENERAL PLAN UPDATE PROCESS**

March 23, 2009

PLANNING COMMISSION REGULAR MEETING
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A. CALL TO ORDER: 7:00 P.M.

B. PLEDGE OF ALLEGIANCE AND ROLL CALL:

Commissioners Present: Banuelos, Bender, Brooks, Kurrent, McGoldrick,
Sekins, and Chairperson Toms

Commissioners Absent: None

Staff Present: Planning Manager, Winston Rhodes
Associate Planner, Anne Hersch
PMC Consultant, Margaret Kavanaugh-Lynch

C. CITIZENS TO BE HEARD:

There were no citizens to be heard.

D. CONSENT CALENDAR:

1. Meeting Minutes of February 23, 2009 Steering Committee Meeting
2. **Design Review 09-03: CVS New Business Sign:** Consideration of a new business sign for CVS Pharmacy. Applicant: SignArt, Inc., Kelly Barber, 5757 E. Cork Street, Kalamazoo, MI 49048. Location: 1401 Tara Hills, APN 402-282-005.

MOTION to adopt the Consent Calendar as amended on the first page of the minutes of February 23, 2009 to show under Citizens to be Heard that "Antonio Silva spoke about design review on San Pablo Avenue."

1 **MOTION: McGoldrick**

2 **SECONDED: Brooks**

3 **APPROVED: 7-0**

4 Commissioner Sekins expressed his support for the bulleted format of the minutes
5 with respect to public input on the Specific Plan.

6 **E. OLD BUSINESS:** None

7
8 **F. PUBLIC HEARINGS:**

9
10 1. **Conditional Use Permit 09-02 and Design Review 09-02: Chuck E.**

11 **Cheese:** Consideration of the following: Conditional Use Permit for alcohol
12 sales; and Design Review for new paint scheme and new business sign.
13 Applicant: Chuck E. Cheese Entertainment, Alice Winters, 4441 West Airport
14 Freeway, Irving, TX 75062. Location: 1460 Fitzgerald Drive. APN 426-010-
15 023-7.

16
17 Associate Planner Anne Hersch presented the staff report dated March 23, 2009 for
18 the new business sign for Chuck E. Cheese, which would occupy the former Levitz
19 Furniture building at 1460 Fitzgerald Drive.

20
21 Ms. Hersch reported that the applicant had applied for a Type 41 Alcohol License
22 which allowed for the on-site consumption of beer and wine, offered as a courtesy to
23 patrons. Only one beer at a time per trip to the counter would be allowed. There
24 would be no pitcher or bottle type service. Beer would be served in a plastic glass.
25 The conditions of approval for the application were lengthy and reflected the input of
26 the Community Preservation Team including members of the Community
27 Development Department and the Police Department. She summarized the design
28 review and signage proposal and described the modifications that had been
29 proposed for the site.

30
31 In response to comments from the Commission with respect to the statement in the
32 staff report that there was no proximity of the use to a school or a daycare, Ms.
33 Hersch stated that she had not been aware of the close proximity of a junior high
34 school in El Sobrante but would look into that situation. She otherwise affirmed that
35 there were speed bumps in front of the property and that she had heard that there
36 had been a Chuck E. Cheese in Pinole in the late 70's or early 80's where the
37 Hometown Buffet was located.

38
39 **PUBLIC HEARING OPENED**

40
41 ALICE WINTERS, Chuck E. Cheese (CEC) Corporation, 4441 West Airport
42 Freeway, Irving, Texas, offered background information about the company which
43 had been initiated in 1979 and where CEC was the firm's only business. She
44 described the format of the family entertainment restaurant, explained that 55 to 65
45 percent of sales came from food, and beer and wine represented only 2 percent of

1 business.

2
3 Ms. Winters advised that the Pinole facility would be CEC's largest. She described
4 the corporate color scheme where all stores would have purple and red signage
5 with a beige on beige building. She also described the Kid Check security process
6 at the front door with a roped or gated area. Family members entering the facility
7 would have their hands stamped. When leaving, the stamp would be checked and
8 if the stamp for the child did not match the adult, the adult could not take the child
9 out of the facility. She noted that although it is not high tech, the system had worked
10 well. In some areas there was security on the outside of the building although that
11 was not standard practice. It was location specific. She also stated, when asked
12 that CEC anticipated a 2009 opening for this location.

13
14 SHEILA GRIST, Pinole, expressed concern for the alcohol that would be served,
15 suggested it was too close to the Richmond Parkway and suggested that there
16 would be less oversight of the area given the bad economy and potential police
17 layoffs. She did not support serving alcohol inside or out given the potential for
18 problems in the future.

19
20 CINDY TREGO, Pinole, suggested that the proposed beer and wine sales would be
21 no different than what would occur at any Round Table. She expressed her hope
22 that those taking their children to an establishment that served alcohol would be
23 responsible. She asked if the CUP could require a one-year compliance review.

24
25 In response, Mr. Rhodes stated that there was a condition of approval that indicated
26 that any modification to the establishment or reported problems would be
27 considered at that time. He noted that case law limited the City's ability to have
28 CUPs come back for review without cause. He suggested that a one-year review
29 could be in an update format.

30
31 Ms. Hersch added that the conditions were in place and an infraction of one
32 condition could require the CUP to be subject to revocation.

33
34 REBUTTAL:

35
36 Ms. Waters recognized the concern and emphasized that no one under 18 years of
37 age was admitted without a parent or guardian. Employees would be trained and
38 special police department training would be required and was ongoing.

39
40 PUBLIC HEARING CLOSED

41
42 Commissioner Kurrent raised an issue which had previously been raised with
43 respect to the parking lot for the Pet Food Express which had been challenged by
44 Michaels next door to the subject site, which could impact parking and where the
45 issue of holiday sales of pumpkins and Christmas trees could exacerbate that

- Subject to additional signage on the east elevation to be submitted for review at the staff level with a maximum letter height of 18 inches with the three lead letters only not to exceed 24 inches tall;
- Provide something at street level to the right of the main entrance such as landscaping, potted plants, a Chuck E. Cheese logo 18 inches high, or a vertical trellis or some other design to break up the blank wall; and
- Continue the redline on above wainscot as shown on the original plans and with the “mouse” logo as shown on the plans.

MOTION: Banuelos

SECONDED: Sekins

APPROVED: 7-0

G. NEW BUSINESS:

1. Selection of Planning Commission Chair and Vice Chair for 2009-2010 effective April 30, 2009.

Chair

Chair Toms nominated David Kurrent to be the Chair of the Planning Commission for 2009-2010. Commissioner Brooks seconded the nomination. There were no other nominations. The nominations were closed. **David Kurrent** was unanimously selected to be the Chair of the Planning Commission for 2009-2010.

Vice Chair

Chair Toms nominated Patty McGoldrick to be the Vice Chair of the Planning Commission for 2009-2010. Commissioner Banuelos seconded the nomination. There were no other nominations. The nominations were closed. **Patty McGoldrick** was unanimously selected to be the Vice Chair of the Planning Commission for 2009-2010.

Mr. Rhodes advised that the reappointed Planning Commissioners would take office in May 2009. The new officers would also take effect at that time.

**PLANNING COMMISSION ACTING AS THE STEERING COMMITTEE
FOR THE GENERAL PLAN UPDATE PROCESS**

2. Steering Committee Discussion of Chapters 7-11 of the Draft Specific Plan Update.

Mr. Rhodes presented a PowerPoint presentation of Chapters 7 and 8. The

1 following feedback was provided by the Commission:

- 2 ● Preserve original storefronts in residential and mixed use areas. Do not
- 3 deface older buildings;
- 4 ● Page 7.0-23 under Old Town, consider adding encouraging use of a
- 5 combination of stucco and plank siding;
- 6 ● Page 7.0-27 under signage, consider adding standards for the use of
- 7 neon;
- 8 ● Include prohibition of the use of street furniture for advertising purposes;
- 9 ● Page 7.0-5, ensure adequate bicycle parking is provided;
- 10 ● Chapter 8, Section 8.2, require all drought tolerant landscaping, all
- 11 hardy, all compatible with the climate;
- 12 ● Change “shoulds” to “shall” in Sections 8.2 1a.-1l. and 8.2 5a.;
- 13 ● Page 7.0-2, require “shall” statement within the general design guideline
- 14 for solar access to surrounding property;
- 15 ● Correct typo on Page 7.0-4 in 2a. and add an indent for 2i. on Page 7.0-
- 16 6;
- 17 ● Page 7.0-9, add stamped concrete to 4a. under hardscape as a paving
- 18 option and include statement on this page about maintenance ease in
- 19 selection of hardscape material;
- 20 ● Page 7.0-24, add statement under circulation specifying that pedestrian
- 21 access shall be provided when buildings are located adjacent to a
- 22 courtyard or plaza;
- 23 ● Page 8.0-6 to 8.0-9 Request that the Pinole Garden Club review the
- 24 proposed street tree palette;
- 25 ● Increase the width of sidewalks in Old Town where space was available
- 26 to do so;
- 27 ● Focus on the private realm design guidelines;
- 28 ● Include the use of stamped concrete paving;
- 29 ● Provide specific standards for A-frame signs to avoid sidewalk clutter and
- 30 ensure that sidewalks were passable and accessible;
- 31 ● Fit public realm proposals into the existing right-of-way to avoid or
- 32 minimize acquisition of private property;
- 33 ● Convey to property owners that the existing business uses were valid
- 34 uses.

35
36 **PUBLIC COMMENTS OPENED**

37
38 **Antonio Silva:**

- 39 ● Questioned the proposed plans for San Pablo Avenue and some of the
- 40 street dimension figures that had been provided which appeared to be
- 41 inaccurate, specifically the street cross-section referred to as Alvarez
- 42 Avenue and Dursey Drive. With the sizes identified for right-of-way,
- 43 traffic lanes, bike lanes and parking lanes it appeared that private land
- 44 would be required potentially through the Eminent Domain process;
- 45 ● His commercially zoned property appeared to now be proposed as

- 1 mixed-use, which was a concern;
- 2 ● Sought assurance that current properties would not be jeopardized with
- 3 potential Eminent Domain or burdensome regulations that would make it
- 4 impossible for the current owners to operate their businesses;
- 5 ● Objected to the City's current design review process which he described
- 6 as overbearing, overreaching, clumsy, inefficient and wasteful;
- 7 ● Objected to the current public notification process requiring notification of
- 8 property owners within 1,000 feet of a proposed change;
- 9 ● Supported simple, straightforward, limited in scope, efficient, fair and
- 10 reasonable regulations;
- 11 ● Identified the areas most attractive as those with a great variety of
- 12 architecture. Emphasized the need to retain Pinole's uniqueness.
- 13

14 **Mack Namakian:**

- 15 ● Contemplating a hotel at 1617 Canyon Drive on a corner property along
- 16 Appian Way located immediately adjacent to I-80, and while in agreement
- 17 and in support of the goals expressed by the City, did not believe the
- 18 goals for improvements and development could be achieved with the
- 19 building height constraints stated in the draft Specific Plan. Desired the
- 20 building height limit be raised to 110 feet with a Floor Area Ratio (FAR) of
- 21 100% to provide for visibility from I-80.
- 22

23 **Cindy Trego:**

- 24 ● A member of the Economic Development and Housing Advisory
- 25 Committee (EDHAC) which had discussed the Specific Plan, had made
- 26 no recommendation on the narrowing of the roadway;
- 27 ● With respect to decorative lighting for the Pinole Valley landscaping,
- 28 suggested that decorative solar lighting could be considered as a green
- 29 element;
- 30 ● Supported extended sidewalks;
- 31 ● Supported methods to slow traffic;
- 32 ● With respect to the storage of patio furniture, suggested that some of the
- 33 issues could be remedied with outdoor seating, where furniture could be
- 34 moved inside the facility at night;
- 35 ● Suggested that stamped concrete was decorative and easy to maintain;
- 36 ● Suggested that local artists might be able to create artwork that could
- 37 also be used as seating;
- 38 ● Suggested bicycle lanes needed for Old Town to protect bicyclists;
- 39 ● Supported appropriate methods of maintaining trees in the medians to
- 40 better connect the community;
- 41 ● With respect to signage, remove signage in some of the windows given
- 42 the public safety issue;
- 43 ● With respect to tile or decorative paving material, mentioned safety
- 44 considerations and need to avoid tripping hazards.
- 45

1 Chair Toms declared a 5-minute recess at 10:10 P.M. and reconvened at 10:15
2 P.M. with all Commissioners present.

3
4 Mr. Rhodes presented Chapters 9, 10, and 11. The following feedback was
5 provided by the Commission:

- 6
- 7 • Consider technology upgrades such as WiFi, fiber optics, charging
8 stations for electric cars;
- 9 • Address storm drainage and creek restoration issues, where appropriate;
- 10 • Page 9-12, fire protection and the possibility of considering new
11 equipment for the fire department to address potential new height limits;
- 12 • Chapter 9, Page 9-15 to clarify the schools listed are within the City of
13 Pinole and the City's sphere of influence.
- 14

15 3. Steering Committee Discussion of Zoning Code Update Key Issues List.

16
17 Mr. Rhodes referred the Commission to the memo that had been provided and
18 introduced Margaret Kavanaugh-Lynch from PMC, the point person who would be
19 working on the Zoning Ordinance update.

20
21 Commission comments related to how expansions or improvements to non-
22 conforming uses would be addressed, and how emergency housing, homeless
23 shelters, group homes and the like would be allowed in certain zoning districts.

24
25 Ms. Kavanaugh-Lynch advised that the administration of permit procedures, land
26 use districts and the definition section of the Zoning Ordinance would be submitted
27 in draft form to staff in late April and be provided for Commission review and
28 discussion thereafter. The first three big articles of the Zoning Ordinance would be
29 delivered to the City in draft form with highlights of what had been recommended
30 after the discussion, such as the non-conforming uses. She responded to questions
31 related to second dwelling units that the State allowed by right subject to certain
32 development standards, and green building standards with discussions to ensure
33 the specificity desired.

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

36
37 There were no reports.

38
39 **I. COMMUNICATIONS:**

40
41 There were no communications.

42
43 **J. NEXT MEETING: Regular Meeting, April 27, 2009.**

44
45 **K. ADJOURNMENT: 11:15 P.M.**

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Transcribed by:

Anita L. Tucci-Smith
Transcriber