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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**

May 11, 2009

THE PLANNING COMMISSION

15 **A. CALL TO ORDER:** 7:00 P.M.

16
17 **B. PLEDGE OF ALLEGIANCE AND ROLL CALL:**

18
19 Commissioners Present: Banuelos*, Bender, Brooks, McGoldrick, Sekins, Chair
20 Kurrent

21
22 Commissioner Excused: Commissioner Toms

23
24 Staff Present: Planning Manager, Winston Rhodes
25 Associate Planner, Anne Hersch
26 PMC Consulting, Scott Davidson
27

28 * Arrived after Roll Call at 7:05 P.M.

29
30 **C. CITIZENS TO BE HEARD:**

31
32 There were no citizens to be heard.

33
34 **D. CONSENT CALENDAR:**

35
36 There was no Consent Calendar.

37
38 Chair Kurrent advised that the agenda would be modified to allow the public
39 hearings to be considered prior to Old Business.

40
41 **F. PUBLIC HEARINGS:**

42
43 1. **A Conditional Use Permit request (CUP 09-01) and Design Review**
44 **request (DR 09-01) for King Valley Restaurant located at 795 Fernandez**
45 **Avenue.**

1 Consideration of a Conditional Use Permit to allow alcohol sales at King
2 Valley Chinese Restaurant and consideration of Design Review for exterior
3 building modifications and a new business sign for King Valley Chinese
4 Restaurant. Applicant: Xian Cheng Zhao and Ya-Zhen Li, 2318 Pacific View
5 Court, San Leandro, CA 94579, 795 Fernandez Avenue. APN: 401-166-
6 056.

7
8 Associate Planner Anne Hersch presented the staff memorandum dated May 11,
9 2009. She noted that due to the inconsistent quality and lack of specificity of prior
10 application submittals, staff had offered two potential recommendations for the
11 Planning Commission to take action:

- 12
13 1. To insure consistency with the proposed design changes, staff
14 recommended that the Planning Commission continue the project to a date
15 certain to review revised drawings that address the recommended
16 conditions. A continuance would allow the applicant to resubmit drawings
17 that were satisfactory to the Commission.
18
19 2. The Planning Commission could approve the proposed project with special
20 conditions included within Resolution 09-05.

21
22 In response to the Commission, Ms. Hersch advised that the public hearing had
23 been noticed to the public within 1,000 square feet, notification had been posted in
24 the vicinity and an advertisement placed in the local newspaper, as required. Staff
25 also had several conversations with the property owner to pursue a complete
26 application. As reported in the staff report, three application incompleteness letters
27 had been issued to the property owner detailing the items needed for completion.
28 As to the existing pole sign, the installation of any new pole sign would require the
29 approval of a conditional use permit. Staff could find no use permit approval for the
30 existing pole sign that staff determined to be legal, non-conforming and which would
31 have to be removed prior to the issuance of a Certificate of Occupancy.

32
33 PUBLIC HEARING OPENED

34
35 DEBBIE LONG, Pinole, clarified with staff that the subject property owner was also
36 the owner of another restaurant called China Delight. She agreed with the staff
37 recommended design review conditions.

38
39 TOMMY WU, the designer of the site plan, questioned the removal of the existing
40 pole sign that had been in existence for some time.

41
42 Ms. Hersch explained that the existing pole sign, which previously read *Mechanic's*
43 *Bank*, would have to be removed prior to issuance of a Certificate of Occupancy.

1 YA-ZHEN LI, 2318 Pacific View Court, San Leandro, advised that if the Planning
2 Commission approved the permit, the restaurant could be open within 30 days.

3
4 **PUBLIC HEARING CLOSED**

5
6 Commissioners expressed concern with the incomplete plans, specifically related to
7 the roof and the rooftop equipment location and whether or not the light fixtures over
8 the fascia would be removed or replaced, along with the lost opportunity for three
9 additional parking spaces. The Commission supported the removal of the pole sign
10 and the removal of the drive thru canopy at the rear of the building along with a
11 modification of the walk-up teller area on the southwest corner to match the rest of
12 the building, the need for improved landscaping, more thought to the sign location
13 and how it would be attached to the building, and a modification to the building
14 colors with a potential visual enhancement of the walls with the use of trellises and
15 plant material.

16
17 **MOTION to continue Conditional Use Permit request (CUP 09-01) and Design**
18 **Review request (DR 09-01) for King Valley Restaurant to a regular Planning**
19 **Commission meeting on June 8, 2009, to review revised drawings to address**
20 **the recommended conditions. The continuance would allow the applicant to**
21 **resubmit drawings that were satisfactory to the Commission.**

22
23 **MOTION: Brooks**

SECONDED: Bender

APPROVED: 6-0-1

ABSENT: Toms

24
25
26 **2. Zoning Ordinance Amendment 09-02:** Modifications to Design Review
27 Ordinance. Consider proposed changes to Chapter 17.35 "Design Review &
28 Sign Permits" of the Zoning Ordinance. Applicant: City of Pinole.

29
30 Ms. Hersch presented the staff memorandum dated May 11, 2009. She
31 recommended that the Planning Commission adopt Resolution 09-07,
32 recommending that the City Council approve Zoning Ordinance Amendment 09-02,
33 relating to review procedures in Chapter 17.35 "Design Review & Sign Permits" of
34 the Pinole Municipal Code.

35
36 The Commission provided the following feedback:

- 37
38
- 39 • Clarify Office to Retail or Retail to Office uses;
 - 40 • Reduce the threshold of staff review authority for design review requests
41 for a new color scheme for a single building complex from the current
42 10,000 square feet or less to 4,000 square feet;
 - 43 • Consider preferred color schemes in the City;
 - 44 • Requested a monthly summary of applications being reviewed and
45 approved by staff;
 - Consider design review guidelines to ensure consistency with the

- 1 surrounding neighborhoods for commercial uses; and
2 • Expressed concern with some of the associated application fees.
3

4 PUBLIC HEARING OPENED
5

6 **Debbie Long:**
7

- 8 • Suggested that the Planning Commission determine the appropriate
9 percentage allowed to increase the size of a home prior to approval; and
10 • Suggested that Section 17.35.040, Design Review Procedure, 1.,
11 Reviewing Authority – Planning Manager or his/her designee who shall
12 have the reviewing authority to administratively review and approve
13 design review requests be modified to ensure that an outside
14 contractor/consultant often times used by the City was not the identified
15 potential designee.
16

17 PUBLIC HEARING CLOSED
18

19 The following modifications were made to Resolution 09-07, Design Review
20 Ordinance Changes, Section 17.35.040, Design Review Procedure: A.1 Reviewing
21 Authority – Planning Manager, H:
22

23 *H. Single-family residential additions and accessory structures consistent*
24 *with the design criteria specified in this chapter.*
25

26 To Section 17.35.040, Design Review Procedure: A.1 Reviewing Authority –
27 Planning Manager, B:
28

29 *B. Repainting of commercial structures involving new color schemes for*
30 *a single building complex of 4,000 sq. ft. of less*
31

32 **MOTION to adopt Resolution 09-07, Design Review Ordinance Changes, a**
33 **Resolution of the City of Pinole Planning Commission Recommending that**
34 **the City Council Amend Sections 17.35.030 and 17.35.040(A) and (D) of**
35 **Chapter 17.35, “Design Review & Sign Permits,” to Grant Administrative**
36 **Review Authority to Staff for Specific Design Review Requests, as modified.**
37

38 **MOTION: Banuelos**

SECONDED: Sekins

APPROVED: 6-0-1

ABSENT: Toms
39
40

41 **THE PLANNING COMMISSION AS STEERING COMMITTEE FOR**
42 **THE GENERAL PLAN UPDATE PROCESS**
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1
2 **E. OLD BUSINESS:**
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- 4 1. Review of Draft Specific Plan for San Pablo Avenue, Pinole Valley Road, and
5 Appian Way and further consideration of draft Land Use and Parking
6 requirements.
7

8 Mr. Rhodes presented the staff memorandum dated May 11, 2009. He
9 recommended that the Planning Commission acting as the Steering Committee
10 review the report and provide information and direction to staff and the PMC
11 Specific Plan Consultant team on desired land use or parking changes. He advised
12 that May 21, 2009 was the next scheduled meeting when the review of the Zoning
13 Ordinance Update would begin. Review of the General Plan Update information
14 was anticipated to begin in June. Staff anticipated that additional Specific Plan
15 information concerning implementation information (Chapter 10) would also be
16 available in June.
17

18 The Commission provided the following feedback:
19

- 20 • Identify the area across from Pinole Shores, the DeNova property, on the
21 Land Use Map as Residential (R) and not Residential Mixed-Use (RMU);
- 22 • Recommend consistency with what had already been determined to be
23 Old Town in terms of its establishment and boundaries;
- 24 • Change the potential classification of Auto Parts/Sales in Old Town
25 Residential Mixed-Use, to “N” (Land Use Not Permitted) and Clubs,
26 Lodges, Private Meeting Halls, Telecommunications, and Hotels/Motels
27 to “CUP” (Land Use Permitted with approved Conditions Use Permit) on
28 Page 2 of the staff memorandum, Land Use Chart for the San Pablo
29 Avenue Corridor;
- 30 • Change Emergency Shelter/Temporary Home to “P” (Land Use
31 Permitted by Right) on Page 2 of the staff memorandum, Land Use Chart
32 for the San Pablo Avenue Corridor;
- 33 • Change land use classification of land near the church which bordered
34 the Library currently designated as Office Mixed Use (OMU) to
35 Commercial Mixed Use (CMU) or Residential Mixed Use (RMU);
- 36 • Support the land use classifications as recommended by staff for Appian
37 Way;
- 38 • Encourage and enhance the use of public transit;
- 39 • Concerns expressed with respect to reducing any of the parking
40 standards in the Specific Plan Areas; and
- 41 • If the parking standards were lowered in the Specific Plan Areas more
42 parking studies may have to be considered to justify any reduction in
43 parking.
44

45 PUBLIC COMMENTS OPENED

1 **Debbie Long:**
2

- 3 • Asked how Old Town had been established in terms of the beginning and
4 ending points along San Pablo Avenue and whether or not it should end
5 at Appian Way, to be clearly defined in the Specific Plan;
- 6 • Understood that the east side of the El Sobrante end of Appian Way had
7 been defined as Residential Mixed Use (RMU) with development off of
8 the hillside;
- 9 • Understood that application of the Specific Plan parking ratio for the
10 Kaiser facility, as an example, would require 94 fewer parking spaces
11 than the use currently enjoyed;
- 12 • Recommended that the application of the Specific Plan parking ratio
13 specifically review medical uses;
- 14 • Noted that Pinole Valley Shopping Center would have required 114 fewer
15 parking spaces per the application of the Specific Plan parking ratio;
- 16 • Noted that Pinole Shores Office Park would have required 25 fewer
17 parking spaces if the Specific Plan parking ratio had been applied
18 although there was no on-street parking along San Pablo Avenue; and
- 19 • Encouraged the City to promote public transit in more detail in the
20 General Plan.

21
22 **PUBLIC COMMENTS CLOSED**

23
24 **G. NEW BUSINESS:** None

25
26 **H. CITY PLANNER'S/COMMISSIONER'S REPORT:**

27
28 Ms. Hersch advised that she would report back to the Commission on the status of
29 issues related to the McGee property.

30
31 Mr. Rhodes reported that the next meeting of the Commission was a Special
32 Workshop scheduled for Thursday, May 21, with a presentation on the Zoning
33 Ordinance Update although there was a possibility that meeting may be canceled
34 and the Commission would be so advised.

35
36 Chair Kurrent reported on the continued use of story board signs at Longs Drug, to
37 which Ms. Hersch noted that she had provided a list of such signage to the Public
38 Works Department.

39
40 Mr. Rhodes also commented, when asked, that the repainting of the Waffle Shop
41 had been done without prior to approval from the City. City staff had visited the site
42 and determined it was an improvement to the previous condition. The property
43 could be revisited by the Planning Commission based on the rules in effect requiring
44 prior approval from the City.

45 Mr. Rhodes acknowledged concerns that the south wall had not been painted, the

1 parking lot should be striped and posted with signage to meet Americans with
2 Disabilities Act (ADA) standards, and a bollard was in need of repair.

3
4 **I. COMMUNICATIONS:** None

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6 **J. NEXT MEETING:** Special Workshop Meeting, May 21, 2009.

7
8 **K. ADJOURNMENT:** 10:10 P.M.

9
10 Transcribed by:

11
12
13 Anita L. Tucci-Smith

14 Transcriber
15