

DRAFT
MINUTES OF THE REGULAR MEETING OF
THE PINOLE PLANNING COMMISSION

February 28, 2011

THE PLANNING COMMISSION

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

B. PLEDGE OF ALLEGIANCE AND ROLL CALL:

Commissioners Present: Bender, Brooks, Kurrent, Chair McGoldrick, Toms

Commissioners Excused: Martinez-Rubin, Sekins

Staff Present: Winston Rhodes, Planning Manager

C. CITIZENS TO BE HEARD

1. None.

D. CONSENT CALENDAR:

1. Planning Commission Meeting Minutes from January 24, 2011

MOTION to approve: Brooks **SECONDED: Bender APPROVED 5-0**

E. PUBLIC HEARINGS

1. CUP 10-09: Target Corporation Alcohol Sales Use Permit

Planning Manager Winston Rhodes presented the staff report for the use permit request to allow expanded sales of distilled spirits in addition to existing beer and wine sales at the existing Target Store located at 1400 Fitzgerald Drive.

Mr. Rhodes noted two changes to the proposed conditions of approval. First, that proposed conditions of approval #24 and #26 be deleted due to redundancy with proposed condition of approval #32 and #13. Second, that proposed condition of approval #30 be revised to read:

“30. The permitted alcoholic beverage sales hours shall be 8:00AM - 10:00PM

1 each day of the week.” This change was recommended to reflect longer store
2 operating hours and provide uniform hours for alcoholic beverage sales
3 throughout the week. Staff noted that two letters of opposition to the request
4 were also provided from Naomi Williams, the Chairperson of the West County
5 Alcohol Policy Working Group and Tom Owens, the Vice Chairperson of the El
6 Sobrante Municipal Advisory Committee. Staff recommended conditional
7 approval of the use permit request.
8

9 PUBLIC HEARING OPENED

10
11 Beth Aboulafia spoke in support of the use permit request and introduced the
12 Pinole Target Store Nina Mirani. Ms. Aboulafia noted that Target successfully
13 passed a recent sting operation conducted by the Pinole Police Department to
14 verify that store personnel are checking the age of buyers of alcoholic beverages
15 and not selling to minors. Ms. Aboulafia also confirmed that the existing Type 20
16 license would be retired if the use permit request is approved and she asked that
17 the Commission approve staff’s recommendation.
18

19 The Commission asked about how the applicant will address the concerns from
20 individuals opposed to the use permit, the location within the store where alcohol
21 will be sold, efforts to prevent shoplifting of alcohol by minors and security
22 measures proposed or in place to prevent alcohol sales to minors. Ms. Aboulafia
23 responded and advised of the extensive alcohol sales training and noted that
24 alcohol be located in the recently expanded grocery portion of the Target Store.
25 Ms. Mirani provided information about existing security measures including
26 packaging alarms (e.g. “spider wrap”), security cameras, and on site security
27 personnel. Ms. Mirani also explained the automatic cash register prompts that
28 are in place to require employees to check identification prior to completing
29 alcohol sales transactions.
30

31 PUBLIC HEARING CLOSED

32
33 The Commission discussed adding a specific condition of approval about
34 alcoholic beverage shoplifting prevention and the potential for a permit being
35 reviewed in the future even if a complaint is not received. The consensus was to
36 add a condition of approval pertaining to shoplifting prevention.
37

38 **Motion was made to approve CUP 10-09 with condition of approval**
39 **changes as follows:**

- 40
- 41 • Delete Conditions of Approval #24 and #26 as recommended by staff.
- 42
- 43
- 44
- 45 • Revise Condition of Approval #30 to read:

1 "The permitted alcoholic beverage sales hours shall be 8:00AM –
2 10:00PM each day of the week."
3

- 4 • Add a new Condition of Approval that reads as follows:
5 "State of the art shoplifting prevention technology shall be utilized to
6 minimize shoplifting including but not limited to security cameras, product
7 alarms or similar devices."
8

9 **MOTION: Kurrent**

SECONDED: Bender

APPROVED: 5-0

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11 **2. CUP 11-01: Culinary Business Center Use Permit**
12

13 Planning Manager Winston Rhodes presented the staff report for the use permit
14 request to allow a 3,243 square foot culinary business incubator and training
15 facility at 812 San Pablo Avenue within Building "B". Mr. Rhodes noted one
16 change to the proposed conditions of approval to revise Condition of Approval #5
17 to read: "Special events where 45 or more participants are expected shall.
18

19 The Planning Commission inquired about operating hours, occupancy limits, and
20 potential arrangements for large events exceeding 45 persons, the frequency of
21 large events, and potential access concerns for individuals with physical
22 disabilities.
23

24 **PUBLIC HEARING OPENED**
25

26 Ms. Waleska Haro spoke in support of the use permit request. She addressed
27 the issue of food trucks and mentioned that commissary would not occur at this
28 location. Ms. Haro responded to the question of operating hours and favored
29 extended hours to provide flexibility.
30

31 Ms. Ivette Ricco, President of the Pinole Chamber of Commerce spoke in favor
32 of the project and the positive economic opportunities it could bring to Pinole.
33

34 **PUBLIC HEARING CLOSED**
35

36 Commissioner Toms made a motion to approve the use permit with changes to
37 proposed conditions of approval 4, 5, and 6 as follows:
38

- 39 4. Eliminate the restrictions on operating hours
40
- 41 5. Change 50 to 45 and change the limit on special event occasions from six to
42 12
- 43 6. Allow special events on Sundays.
44

45 The motion did not receive a second. The Commission decided to discuss the

1 request further including the potential changes to proposed project conditions
2 suggested by Commissioner Toms.
3

4 **Motion was made to approve CUP 10-09 with condition of approval**
5 **changes as follows:**
6

- 7 • Delete Condition of Approval #4.
- 8
- 9 • Modify Condition of Approval #5 to read: "Special events where 45 or
10 more participants are expected shall be limited to 12 occasions per
11 calendar year. The use permit holder shall apply for a Temporary Use
12 Permit for special events where 45 participants are expected."
13
- 14 • Modify Condition of Approval #6 to read: Special events and weekly
15 training workshops involving expected attendance of more than 16
16 individuals shall be scheduled after 6:00PM on weekdays or after 8:00AM
17 on Saturday or Sunday.
18

19 **MOTION: Toms**

SECONDED: Brooks

APPROVED: 5-0

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22 **F. OLD BUSINESS:**
23

24 **1. Conditional Use Permit (CUP 08-03) AT&T Faux Tree at 1106 San Pablo**
25 **Avenue.**
26

27 Planning Manager Rhodes provided an overview of the wireless communication
28 project concerns associated with the appearance of the faux tree after Planning
29 Commission approval in August 2008. He requested Commission direction about
30 the preferred strategy to alter the current appearance of the faux tree and
31 reviewed three potential options including a modified faux tree design, a stealth
32 flag pole design, or a non-stealth stacked antenna design that were discussed
33 with the Planning Commission Development Review Subcommittee. The
34 subcommittee believed the modified faux tree design was the best option given
35 the current status of the project.
36

37 The Planning Commission discussed the three potential options and the project
38 specific concerns about the cell site and current faux tree design. By consensus,
39 the Commission directed staff to pursue a modified faux tree design that includes
40 additional branching density and shorter antenna arms that would bring the six
41 approved antennas closer to the faux tree trunk in order to provide a more
42 natural tree-like appearance.
43

44 **G. NEW BUSINESS:**
45

1 None.

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3 **H. CITY PLANNERS REPORT**

4
5 Mr. Rhodes informed the Commission about several recent reorganizations involving
6 various City functions including the restructuring of the Community Development
7 Department functions and the creation of a new Development Services Department
8 including the Public Works, Planning, and Building functions headed by Dean Allison. The
9 Redevelopment and Economic Development functions would be transferred to
10 Administration and would be overseen by Michelle Fitzer. Mr. Rhodes also touched upon
11 the uncertain future of redevelopment to help address State budget concerns.

12
13 Staff provided an update on the status of projects under construction including
14 Mel's Restaurant, Chase Bank, and Tina's Café.

15
16 **I. COMMUNICATIONS**

17
18 Commission members inquired about the positive appearance on Fitzgerald
19 Drive associated with removal of several temporary signs near Grocery Outlet
20 and inquired about the status of the permitting for a recently electrified sign at
21 2885 Pinole Valley Road. Staff conveyed background information concerning the
22 sign removal and efforts to have the Church come in to obtain a building permit.

23
24 **J. NEXT MEETING**

25
26 March 28, 2011 at 7:00 P.M.

27
28 **K. ADJOURNMENT: 9:35 P.M.**

29
30 Transcribed by: Planning Manager, Winston Rhodes