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

5
6 **September 26, 2016**
7

8
9 **A. CALL TO ORDER:** 7:05 P.M.

10
11 **B. PLEDGE OF ALLEGIANCE AND ROLL CALL:**

12
13 Commissioners Present: Brooks, Hartley, Thompson, Wong, Chair Kurrent

14
15 Commissioners Absent: Martinez-Rubin, Tave

16
17 Staff Present: Winston Rhodes, Planning Manager
18

19 **C. CITIZENS TO BE HEARD:**

20
21 There were no citizens to be heard.
22

23 **D. CONSENT CALENDAR:** None

24
25 **E. PUBLIC HEARINGS:**

26
27 **1. Conditional Use Permit 16-04: CVS Off-Premises Alcohol Sales**

28
29 **Request:** Consideration of a Conditional Use Permit (CUP)
30 request to sell beer, wine, and distilled spirits within an
31 approved approximately 14,806 square foot CVS
32 pharmacy retail store located at the southeast corner
33 of the intersection of Appian Way and Canyon Drive.
34

35 **Applicant:** Armstrong Development
36 2400 Del Paso Road, Suite 140
37 Sacramento, CA 95834
38

39 **Location:** 1617 Canyon Drive (APN 401-273-043, -044, -045,
40 and -046)
41

42 **Project Staff:** Winston Rhodes, Planning Manager
43
44
45

1 Planning Manager Winston Rhodes presented the staff report dated September
2 26, 2016, and recommended the Planning Commission adopt Resolution 16-11,
3 subject to Exhibit A, Conditions of Approval.
4

5 Responding to the Commission, Mr. Rhodes explained that the table shown on
6 Page 5 of the staff report identifying Census Tract 3591.03, Pinole Off-Sale and
7 On-Sale Retail Alcohol Sales Establishments, had not included the Safeway store
8 because it was located in a different census tract; and the existing CVS liquor
9 license for the Appian 80 Shopping Center location was being held to allow CVS to
10 continue to provide liquor sales at that location, and once the new store at 1617
11 Canyon Drive was opened he understood the liquor license would be sold.
12

13 PUBLIC HEARING OPENED

14
15 JULIE MARTIN, Armstrong Development, clarified that Armstrong Development
16 was pursuing a new liquor license, had received approval from the City Council,
17 and CVS would surrender, not sell, the existing liquor license from the Appian 80
18 Shopping Center and obtain a new license to operate at the new facility at 1617
19 Canyon Drive. She also detailed the training CVS would provide its employees
20 immediately upon approval of employment.
21

22 Mr. Rhodes recommended that the first sentence of Condition 7 be modified to
23 read: *All staff shall receive “responsible beverage service training” prior to*
24 *employment.*
25

26 Ms. Martin explained that employment would not be approved until the employee
27 had completed and passed all required training, although since many employees
28 would be relocated from the existing store, many employees had already been
29 trained. She suggested the first sentence of Condition 7 be further modified to
30 read: *All staff shall receive “responsible beverage service training” prior to the sale*
31 *of alcohol.*
32

33 PUBLIC HEARING CLOSED

34
35 The Planning Commission discussed the application and offered the following
36 recommendations and/or direction to staff and the applicant:
37

- 38 • By consensus, to further modify the first sentence of Condition 7 to read: *All*
39 *staff prior to selling or handling alcohol shall receive “responsible beverage*
40 *service training.”*
- 41
42 • Revise the second sentence of Condition 16 to read: *The security plan*
43 *shall include business hours of operation, alarm information, security*
44 *cameras, measures to deter shoplifting and a completed “Business Site*
45 *Emergency Information Form.” (Kurrent)*

1 Responding to a recommendation by the Chair to further amend Condition 16 to
2 include a statement that *Security caps on hard liquor bottles should be considered*
3 *to deter shoplifting by minors*, Ms. Martin explained that CVS had its own internal
4 security plan which included checks and re-checks; a cap index categorizing each
5 store, which identified the needs beyond typical store surveillance to their security
6 plan; and the store would include signage to advise that shoplifting would be
7 prohibited and that the store would enforce all applicable laws.
8

9 **MOTION** to adopt Resolution 16-11, a Resolution of the Planning Commission of
10 the City of Pinole, County of Contra Costa, State of California, Approving a
11 Conditional Use Permit, To Allow Beer, Wine, and Distilled Spirits Sales for Off
12 Sale Consumption At An Approved 14,806 square foot CVS Pharmacy Retail
13 Store, Located at 1617 Canyon Drive (APN 401-273-043, -044, -045, and -046),
14 with Exhibit A, Conditions of Approval, modified as follows:
15

- 16 • Revise the first sentence of Condition 7 to read: *All staff prior to selling or*
17 *handling alcohol shall receive “responsible beverage service training.”* and
18
- 19 • Revise the second sentence of Condition 16 to read: *The security plan*
20 *shall include business hours of operation, alarm information, security*
21 *cameras, measures to deter shoplifting and a completed “Business Site*
22 *Emergency Information Form.”*
23

24 **MOTION: Thompson SECONDED: Brooks APPROVED: 5-0-2**
25 **ABSENT: Martinez-Rubin, Tave**
26

27 Chair Kurrent identified the 10-day appeal process of a decision of the Planning
28 Commission in writing to the City Clerk.
29

30 **2. Conditional Use Permit 16-05: Orange Theory Fitness Studio**

31
32 **Request:** Consideration of a use permit request to open an
33 approximately 3,022 square foot health and fitness
34 studio within a vacant portion of an approved
35 commercial building that is under construction.
36

37 **Applicant:** Santara Pinole LLC
38 22709 Rancho Palomares Place
39 Castro Valley, CA 94552
40

41 **Location:** 1400 Pinole Valley Road, APN 401-410-017
42

43 **Project Staff:** Winston Rhodes, Planning Manager
44

45 Planning Manager Rhodes presented the staff report dated September 26, 2016,

1 and reported the project had been reviewed by the Planning Commission
2 Development Review Subcommittee in July 2016; the Subcommittee supported
3 the project but had concerns with the parking demand and had sought more
4 operational details with full Planning Commission review. He recommended the
5 Planning Commission adopt Resolution 16-12, subject to Exhibit A, Conditions of
6 Approval.
7

8 Responding to the Commission, Mr. Rhodes explained that the Zoning Code
9 prescribed parking standards for various uses, some of which were in very broad
10 categories; the project was before the Planning Commission to evaluate the
11 specific operational details and how it would affect parking; the Planning
12 Commission had some say over aspects of the operational details and how the
13 parking would be managed; the property owner was required to provide a Parking
14 Demand Management Plan in conjunction with the approval of the shopping
15 center; employees were required to park in the least convenient parking spaces;
16 some of the parking spaces in the shopping center had time restrictions in order to
17 encourage greater turnover of those spaces; and there were other tenants in the
18 shopping center that had been identified as permitted uses and were not required
19 to obtain a Conditional Use Permit.
20

21 Mr. Rhodes also detailed a letter from Sprouts to the owners of the Gateway
22 Shopping Center, where Sprouts had approved the applicant's proposed 3,022
23 square feet operating space, although he recommended the arrangement between
24 Sprouts, the property owner, and Orange Theory Fitness Studio be clarified by the
25 applicant.
26

27 PUBLIC HEARING OPENED

28

29 SANJAY PATEL identified himself as a new franchisee, and affirmed that other
30 locations had been considered before a decision made to locate at the subject
31 location. He introduced John Driscoll, a representative from Orange Theory
32 Fitness Studio Corporate, the Project Architect Jeff Jennings, and Sam Thomas
33 representing the property owners of the Gateway Shopping Center. Orange
34 Theory Fitness Studio was a membership based gym; with 15 to 20 members who
35 worked out in the gym at one time when three to four employees would be present;
36 the facility would have time slots assigned to each class; membership would be
37 through self-registry on cell phone apps; and the studio would be divided into three
38 sections of exercise programs. A coach would be present to coach all members;
39 the fitness programs would be assigned with each unique session to address the
40 abilities and limitations of the members based on their requirements and needs;
41 and there would be an area for promotional displays as suggested by the
42 corporate offices, with tables and chairs, to be used to meet with potential
43 members and to illustrate the different programs being offered.
44

45 A corporate representative of Orange Theory Fitness Studio spoke to the

1 corporate policy nationwide for 15-minute breaks between classes; classes would
2 be 60 minutes in length; the breaks were intended to avoid overlap in the parking
3 lot. The use of the showers was limited since all members did not use those
4 facilities. When asked, Mr. Driscoll stated that Orange Theory Fitness Studio had
5 received no negative member complaints about parking.
6

7 SAM THOMAS, Thomas Gateway LLC, spoke to the customer base for the
8 tenants in the Gateway Shopping Center who would patronize most, if not all of the
9 tenants in the center, which was why Sprouts had granted a variance to Orange
10 Theory Fitness Studio for the square footage of the tenant space. He clarified
11 there would be a total of 227 parking stalls in the shopping center, in excess of that
12 required by the Pinole Municipal Code (PMC). A Parking Demand Management
13 Plan and other mitigations had been considered when the shopping center had
14 been approved.
15

16 Mr. Thomas explained that tenant leases dictated where business employees may
17 park, identified as the least desirable stalls; with encouragement for ride sharing,
18 vanpool, and other transit mitigations. Specific businesses of certain sizes could
19 provide a subsidy into a program for employees to encourage other modes of
20 transportation. The tenant leases also allowed the property owner/landlord certain
21 authority and ability to dictate some regulations. When asked about the parking
22 conditions at the Pinole Valley Shopping Center, he suggested the main parking
23 issue for that center was that it was under parked, with much of the parking behind
24 the shops not visible to customers as opposed to the parking for the Gateway
25 Shopping Center which was highly visible.
26

27 JEFF JENNINGS, Architect for Orange Theory Fitness Studio, detailed the
28 architectural design elements for a double wall approach to ensure there would be
29 no noise intrusion along the perimeter of the studio adjacent to other tenants while
30 amplified music was playing; and clarified in those situations where tenants were
31 located above, sound attenuation was provided along the walls, not at the ceiling.
32

33 PUBLIC HEARING CLOSED

34
35 The Planning Commission discussed the application for Orange Theory Fitness
36 Studio and offered the following comments and/or recommendations to staff and
37 the applicant:
38

- 39 • Parking overall was a concern given the various tenants in the shopping
40 center; expressed concern with the 3:00 to 7:00 P.M. afternoon time slot for
41 classes; did not want to see the same problems experienced at the Pinole
42 Valley Shopping Center repeated at the Gateway Shopping Center; would
43 like to see the results from the Parking Demand Management Plan; and
44 sought feedback from the property owner whether employees were using
45 the transit subsidy. (Thompson)

- 1
- 2
- 3 • Reported there had been a number of residents expressing concern with
4 the parking situation on the NextDoor app. (Wong)
 - 5 • Suggested there could be a potential parking shortfall based on the reality
6 of what could be approved on the site rather than what the PMC required;
7 questioned whether that had been addressed by the Parking Demand
8 Management Plan for the Gateway Shopping Center; and questioned
9 whether conditions should be imposed to ensure the use was in alignment
10 with the Parking Demand Management Plan. (Hartley)
- 11

12 The Chair noted that Condition 10 would address any parking concerns and the
13 applicant had taken precautions to ensure there would be no issues. If parking
14 issues arose, Condition 10 allowed the application to return to the Planning
15 Commission for review.

16

17 Mr. Rhodes acknowledged the Pinole Valley Shopping Center had not included the
18 requirement of Condition 10, as written, and involved extensive redevelopment of a
19 former shopping center and was granted a variance on the parking required at the
20 time that shopping center was proposed. In that case, the shopping center had a
21 large volume of food establishments, which customer base tended to linger longer.
22 Condition 10 was a standard condition which applied to four other use permits
23 already approved in the Gateway Shopping Center.

24

25 Mr. Rhodes detailed some of the features in the Parking Demand Management
26 Plan; reiterated prime parking would have time limits; staff was working with the
27 property owner to identify specific locations for the timed parking; identified the
28 location of employee parking for Sprouts; and reiterated the effort for larger
29 employers to encourage employees to use public transit as part of the employee
30 public transit subsidy requirement of the Bay Area Air Quality Management District
31 (BAAQMD) which applied to businesses with 50 or more employees. The approval
32 of the Kaiser facility also included the requirement for a Parking Demand
33 Management Plan.

34

35 The Planning Commission discussed revisions to staff-recommended Conditions 6
36 and 10, and after considerable discussion of a potential change to Condition 10,
37 the Commission did not alter Condition 10 but made the following revision to
38 Condition 6:

39

40 *If the City receives substantiated noise complaints from adjacent building*
41 *tenants, then the applicant shall install noise control features to the*
42 *satisfaction of the property owner and the Development Services*
43 *Department to remedy the situation.*

44

45 **MOTION** to adopt Resolution 16-12, A Resolution of the City of Pinole, County of

1 Contra Costa, State of California, Approving a Conditional Use Permit (CUP 16-
2 05), To Allow the Operation of An Approximately 3,022 Square Foot Health and
3 Fitness Studio Within An Approved Building at 1400 Pinole Valley Road, APN 401-
4 410-017, with Exhibit A, Conditions of Approval, modified as follows:
5

6 Revise the first sentence of Condition 6 to read:
7

8 If the City receives substantiated noise complaints from adjacent building
9 tenants, then the applicant shall install noise control features to the
10 satisfaction of the property owner and the Development Services
11 Department to remedy the situation.
12

13 **MOTION: Hartley**

SECONDED: Wong

APPROVED: 4-1-2

ABSTAIN: Thompson

ABSENT: Martinez-Rubin, Tave

14
15
16
17 **F. OLD BUSINESS: None**

18
19 **G. NEW BUSINESS: None**

20
21 **H. CITY PLANNER'S / COMMISSIONERS' REPORT:**
22

23 Mr. Rhodes reported that the City had approved a request for pine tree removal
24 due to disease and leaning on property located on Canyon Drive; a request had
25 been submitted to amend design review approval at the Gateway Shopping
26 Center for the medical service building that had been approved as part of Phase
27 Two to increase the building size from the original approval; the application was
28 under review for completeness and comparison to the approved environmental
29 documents, and would be presented to the Planning Commission Development
30 Review Subcommittee, and thereafter to the full Planning Commission and City
31 Council for consideration.
32

33 Mr. Rhodes clarified, when asked, that the design of the pylon sign for the
34 Gateway Shopping Center had been considered by both the Planning
35 Commission and the City Council, and had ultimately been approved by the City
36 Council. The applicant was proceeding with the design consistent with the City
37 Council approval and there was no opportunity at this time to modify the font or
38 colors.
39

40 Commissioner Hartley suggested the City consider in the near future conducting
41 an independent assessment of the parking at the Gateway Shopping Center
42 when built out to provide a better understanding of the cumulative impacts, with
43 better information on the use of public transit.
44

45 Mr. Rhodes explained that Old Town did not require off-street parking given the

1 substantial amount of existing public spaces that had been built with public
2 dollars. A study had been prepared prior to the adoption of the Specific Plan for
3 the Old Town Area, which had suggested the study be revisited to evaluate its
4 effectiveness after businesses had been added; however, the City would have to
5 provide a budget for such an effort. A potential study of private parking lots
6 could be performed to analyze their usage and the effectiveness of the City's
7 current parking standards but would have associated costs that would require
8 City Council approval.
9

10 The Planning Commission discussed the parking and traffic concerns in the City
11 at length and the Chair recommended the City consider an evaluation of its
12 existing parking regulations to ensure their effectiveness, and asked staff to
13 report back to the Planning Commission after further discussions with members
14 of the City Council could take place.
15

16 **I. COMMUNICATIONS:** None
17

18 **J. NEXT MEETING:**
19

20 The next meeting of the Planning Commission will be a Regular Meeting to be
21 held on Monday, October 24, 2016 at 7:00 P.M.
22

23 **K. ADJOURNMENT:** 9:01 P.M
24

25 Transcribed by:
26
27

28 Anita L. Tucci-Smith
29 Transcriber
30