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**MINUTES OF THE REGULAR
PINOLE PLANNING COMMISSION**

March 27, 2017

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

B. PLEDGE OF ALLEGIANCE AND ROLL CALL:

Commissioners Present: Hartley, Martinez-Rubin, Tave, Wong, Vice Chair
Brooks

Commissioners Absent: Thompson, Chair Kurrent

Staff Present: Winston Rhodes, Planning Manager

C. CITIZENS TO BE HEARD:

There were no citizens to be heard.

D. CONSENT CALENDAR:

1. Planning Commission Meeting Minutes from February 27, 2017
2. Planning Commission Meeting Minutes from March 13, 2017

MOTION to approve the Planning Commission Meeting Minutes from February 27 and March 13, 2017, as submitted.

MOTION: Hartley

SECONDED: Tave

APPROVED: 5-0-2

ABSENT: Thompson, Kurrent

E. PUBLIC HEARINGS:

1. **Conditional Use Permit 16-11 and Design Review 16-36: Famiglia Italian Restaurant , Alcohol Sales, Outdoor Dining, and Signage**

Request:

Consideration of a use permit request for on-site alcohol sales in conjunction with an approximately 3,455 square foot restaurant within a vacant portion of an existing approximately 16,337 square foot commercial building including operation of an additional approximately 646 square foot outdoor dining area and a design review

request for new exterior signage.

Applicant: Miguel Guillen
812 San Pablo Avenue, Suite 1
Pinole, CA 94564

Location: 812 San Pablo Avenue, Suite 1, APN 402-230-012/ 402-230-019

Project Staff: Winston Rhodes, Planning Manager

Planning Manager Winston Rhodes presented the staff report dated March 27, 2017, and recommended the Planning Commission adopt Resolution 17-05, Attachment B to the staff report approving a Conditional Use Permit (CUP) for alcohol sales for on-premises consumption within the building interior only and conditionally approve the design review request for exterior on-building signage.

For the record, Planning Commissioner had no ex-parte communications to report.

Responding to the Commission, Mr. Rhodes clarified the request for additional square footage for outdoor dining had been part of the original request, although consent from the Pinole Shores Owners Association had not been given, as detailed in the staff report. That portion of the request had been excluded from the resolution of approval and would not be entertained until such time as the applicant obtained approval from the Pinole Shores Owners Association, which request could be processed administratively.

If the Pinole Shores Owners Association provided consent for the use of the landscaped common area as an outdoor patio, and if the applicant desired to request alcohol sales in the patio area, the CUP would have to be amended by the Planning Commission. An additional patio for outdoor dining absent alcohol sales, if desired by the applicant, could be handled administratively. He clarified why the City typically prohibited the sale of alcohol outside due to concerns about preventing under-age drinking, and based on prior feedback from the Pinole Police Department.

PUBLIC HEARING OPENED

MIGUEL GUILLEN, 812 San Pablo Avenue, Suite, 1, Pinole, half-owner of the Famiglia Italian Restaurant, advised that a neighboring business owner was present to assist with translation.

WALESKA HARO, Business Development Center/Kitchen, 812 San Pablo Avenue, Suite 2, Pinole, identified herself as a business owner in the same

1 Business Park present to translate for the applicants Miguel and David Guillen.
2

3 On behalf of the applicants, Ms. Haro identified the location of the patio in the front
4 of the building fronting San Pablo Avenue adjacent to the Fitness Studio, and
5 reported that tenant was in support of the application. She confirmed the
6 applicants had not obtained approval from the Pinole Shores Owners Association
7 because they wanted to obtain approval from the Planning Commission first, and
8 then approach the Pinole Shores Owners Association to request outdoor dining
9 and alcohol sales. She asked whether the applicants would be required to pay
10 additional fees if they returned with such a request.
11

12 Mr. Rhodes advised that the applicants would be required to pay half the cost of
13 the CUP to amend the CUP. He emphasized the City would not consider a
14 proposed use absent the property owner's consent. The fee would be lower for a
15 request just for outdoor dining without alcohol sales since it would not require
16 Planning Commission approval and would be handled through a Zoning
17 Administrator hearing. If a request for outdoor dining was to be made in the future,
18 there would be a discussion as to how to address the loss of landscaping, which
19 had been a condition when the Business Park had originally been built.
20

21 PUBLIC HEARING CLOSED

22

23 The Planning Commission discussed the Conditional Use Permit and Design
24 Review Requests and made the following the comments and/or direction to staff:
25

- 26 • Requested more information on the potential for outdoor dining given the
27 plans showed foliage in that area, expressed concern with safety, and if
28 the area was converted to an outdoor patio more than foliage would be
29 required to prevent accidents from vehicles parked in the area.
30 (Martinez-Rubin)
31
- 32 • Clarified with staff the potential for a request for outdoor dining would
33 result in the removal of some landscaping; a Landscape Plan had been
34 approved as part of the approval of the Pinole Shores Business Park; there
35 was no guarantee the Pinole Shores Owners Association would grant
36 approval for an outdoor dining area, but if consent was obtained from the
37 property owner, the City would work to ensure the preservation of as much
38 of the existing landscaping as possible. (Wong/Brooks)
39
- 40 • Supported investment in new businesses; and supported the application
41 as is, while recognizing the real issue was around the sale of alcohol
42 rather than the signage or outdoor patio area. (Hartley)
43

44 **MOTION** to adopt Planning Commission Resolution No. 17-05, with Exhibit A:
45 Conditions of Approval, a Resolution of the Planning Commission of the City of

1 Pinole, County of Contra Costa, State of California, Approving a Conditional Use
2 Permit (CUP 16-11) To Allow Beer and Wine Sales for On Site Consumption In
3 Conjunction With a New Approximately 3,455 Square Foot Restaurant and
4 Approving a Design Review Request (DR 16-36) To Add Exterior On Building
5 Signage for Suite 1 of 812 San Pablo Avenue, APN 402-230-012.
6

7 **MOTION: Martinez-Rubin SECONDED: Hartley APPROVED: 5-0-2**
8 **ABSENT: Thompson, Kurrent**
9

10 **F. OLD BUSINESS: None**
11

12 **G. NEW BUSINESS: None**
13

14 **H. CITY PLANNER'S / COMMISSIONERS' REPORT:**
15

16 Mr. Rhodes reported that the City Council had considered the Planning
17 Commission recommendation for the Medical Dialysis Clinic, were
18 complimentary of the Planning Commission's work, and unanimously approved
19 the project.
20

21 Responding to Commissioner Wong, Mr. Rhodes confirmed the City Engineer
22 had received consent to repaint the curb back to red to ease the right turning
23 movement from Henry Avenue onto Pinole Valley Road southbound towards I-
24 80.
25

26 **I. COMMUNICATIONS: None**
27

28 **J. NEXT MEETING:**
29

30 The next meeting of the Planning Commission will be a Regular Meeting to be
31 held on Monday, April 24, 2017 at 7:00 P.M.
32

33 **K. ADJOURNMENT: 7:40 P.M**
34

35 Transcribed by:
36

37
38 Anita L. Tucci-Smith
39 Transcriber
40