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**MINUTES OF THE REGULAR
PINOLE PLANNING COMMISSION**

October 23, 2017

A. CALL TO ORDER: 7:04 P.M.

B. PLEDGE OF ALLEGIANCE AND ROLL CALL:

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

Commissioners Absent: None

Staff Present: Winston Rhodes, Planning Manager
Eric Casher, City Attorney

C. CITIZENS TO BE HEARD:

There were no citizens to be heard.

D. CONSENT CALENDAR:

1. Planning Commission Meeting Minutes from September 25, 2017

MOTION to approve the Planning Commission Meeting Minutes from September 25, 2017, as shown.

MOTION: Hartley

SECONDED: Kurrent

APPROVED: 7-0

E. PUBLIC HEARINGS:

1. **Conditional Use Permit 17-03: East Bay Coffee Company Alcohol Sales**

Request: Consideration of a use permit for on-site alcohol sales in conjunction with an existing approximately 2,500 square foot café within an existing approximately 4,225 square foot mixed use building.

Applicant: William Ancira
2143 Whippoorwill Court
Pinole, CA 94564

Location: 2529 San Pablo Avenue, APN 401-184-015

1
2 **Project Staff:** Winston Rhodes, Planning Manager
3

4 Planning Manager Winston Rhodes presented a PowerPoint presentation of the
5 staff report dated October 23, 2017, and asked the Planning Commission to adopt
6 Resolution 17-11, approving a use permit request for Conditional Use Permit (CUP
7 17-03) which permits beer and wine sales within the existing East Bay Coffee
8 Company, subject to conditions.
9

10 Mr. Rhodes advised that correspondence from the applicant received this date had
11 been provided to the Commission regarding Condition 12 and a applicant
12 requested modification to add the lot across the street [Captain's Cottage] as one of
13 the available lots where employees associated with the business would be allowed
14 to park.
15

16 Responding to questions from the Commission, Mr. Rhodes clarified the City
17 Engineer was confident in six to twelve months the City would be able to address
18 the broader parking and pedestrian safety issues pursuant to the short-term
19 measures identified in the staff report; the subject business would encourage
20 customers to park in the remote parking lots; the City controlled the signal timing on
21 San Pablo Avenue in cooperation with the City of Hercules in an effort to make it
22 more convenient for pedestrians; the City Council had discussed the parking and
23 pedestrian improvements and was comfortable the short-term measures would not
24 affect long-term priorities, although there would be budgetary impacts; and it should
25 not affect the delivery of other City Capital Improvement Projects (CIPs).
26

27 The information had been provided as background only for the benefit of neighbors
28 who had concerns as a way to address pre-existing conditions and was not part of
29 the use permit consideration; a petition had been included in the staff report signed
30 by customers of the business who supported the sale of alcohol; and staff provided
31 the background of how the parking and safety short-term measures had evolved at
32 the City Council level. In addition, the short-term measures may not be
33 accomplished within the noted timeframe; Condition 27 could be modified to add
34 "water" shall be provided during all business operating hours; the applicant had
35 applied for an Alcohol and Beverage Control (ABC) Type 41 License; the CUP ran
36 with the property; and the ABC license may be transferable subject to criteria and
37 fees.
38

39 The history of the vacant lot adjacent to East Bay Coffee Company café location
40 was provided. This largely vacant lot is not available for parking or public use, a
41 chain had been installed to prevent access, and Condition 13 addressed that issue.
42 The possibility of a lighted crosswalk was mentioned during City Council discussion
43 of circulation safety. The City Engineer considered this suggestion, and whether
44 illuminated or not, it was staff's position that a mid-block crossing would not serve
45 as a safety improvement and would be detrimental to circulation safety.
46

1
2 The Chair asked that staff look into line of sight issues from existing vegetation on
3 John Street left onto San Pablo Avenue.

4
5 PUBLIC HEARING OPENED
6

7 LISA ANCIRA, 2143 Whippoorwill Court, Pinole, East Bay Coffee Company,
8 detailed the background of the business since the initial application in 2013;
9 explained the business was in the process of introducing new items on its menu,
10 with a focus on the sale of soups, salads, and sandwiches; and the sale of alcohol
11 had been a part of the business plan. She acknowledged neighbors' concerns with
12 parking, explained that signage had been placed at the rear of the business to
13 highlight the existing well-illuminated parking lot across the street from the coffee
14 house; and until such time as the City had the resources and manpower to place
15 signage, the business could post sandwich signs along San Pablo Avenue to
16 identify available parking in the area. While the owner of the café property was
17 interested in turning the adjacent lot to parking to help lift the parking burden in the
18 area, she understood the improvement costs had made that possibility infeasible
19 without some reduction in fees to help defray the costs.
20

21 PUBLIC HEARING CLOSED
22

23 Mr. Rhodes clarified the time and effort involved by staff, the City Council, and the
24 Planning Commission to address the issues; the City Council had already approved
25 a public convenience or necessity (PCN) determination after three public hearings;
26 and while physical improvements could be made and while there is a desire that
27 those improvements take place within to six to twelve months; there was no nexus
28 for one business to trigger those improvements. The applicant was permitted to
29 sell the food items and the applicant desired to expand beverage choice with the
30 sale of alcohol as other businesses in the area had been allowed to do.
31

32 Planning Commissioners acknowledged the concerns of the John Street
33 neighborhood and the parking issues; recognized the Pinole Police Department
34 had increased enforcement in the area; the applicant had placed signage in the
35 cafe to identify available parking; suggested it was unfair to hold up the application
36 for the City to do what it was supposed to do; supported the cessation of
37 entertainment at 9:00 P.M. but recommended Condition 15 be modified to include
38 the following statement at the end of the condition: *Patrons must leave the*
39 *premises 30 minutes after the end of operating hours;* and urged the City to
40 complete the needed public safety improvements as soon as possible. The
41 Commission requested a progress report from staff in three to six months as to the
42 status of the short-term public safety improvements; and by consensus decided not
43 to add Lot 8 by the Captains Cottage to Condition 12.
44

45 Mr. Rhodes advised he could obtain a status report on the short-term measures in
46 three to six months and provide a verbal report to the Planning Commission.

1
2 **MOTION** to adopt Planning Commission Resolution 17-11 with Exhibit A:
3 Conditions of Approval and with Exhibit B: Location of Public Parking Lots, a
4 Resolution of the Planning Commission of the City of Pinole, County of Contra
5 Costa, State of California, Approving a Conditional Use Permit, (CUP 17-03) to
6 Allow Beer and Wine Sales for On Site Consumption in Conjunction with an
7 Existing East Bay Coffee Company Café Located at 2529 San Pablo Avenue,
8 Pinole, CA 94564, APN 401-184-015; subject to modification of Condition 15 as
9 follows:

- 10
11 • Add the following sentence to the end of Condition 15 to read: *Patrons must*
12 *leave the premises 30 minutes after the end of operating hours.*
13

14 **MOTION: Kurrent SECONDED: Brooks APPROVED: 7-0**

15
16 **2. Conditional Use Permit 17-08 / DR 17-11: Planet Fitness Center**

17
18 **Request:** Consideration of a use permit to operate an
19 approximately 18,870 square foot fitness center within
20 a vacant portion of the existing Pinole Vista Shopping
21 Center and exterior façade modifications to the in line
22 commercial building space for new future on-building
23 signage.
24

25 **Applicant:** Andrew Davies
26 N Consulting Engineers
27 4 Hutton Centre, Suite 670
28 Santa Ana, CA 92707
29

30 **Location:** 1570 Fitzgerald Drive, APN 426-391-004
31

32 **Project Staff:** Winston Rhodes, Planning Manager
33

34 Planning Manager Winston Rhodes presented the staff report dated October 23,
35 2017, and recommended the Planning Commission adopt Resolution 17-12,
36 conditionally approving the CUP request and design review to allow the operation
37 of a fitness training facility at 1570 Fitzgerald Drive and an accompanying building
38 façade renovation to expand the sign band for two of the shopping center's larger
39 tenant spaces.
40

41 Mr. Rhodes explained the applicant had made clear that signage was not part of
42 the subject request before the Commission; the signage could be handled
43 administratively although the architectural façade change would allow for a wider
44 sign band. The renderings provided were for illustrative purposes, and a condition
45 of approval had been included for the applicant to consider adding more of the lotus
46 style decorative metal grates to break up the façade visually and tie in with existing

1 façade improvements included previously within the shopping center and those
2 approved for Lucky's grocery store. The additional decorative lotus-style metal
3 grates could be located above the columns and in the upper corners under the
4 new crown trim facing north, and the side views on the west and east elevations.
5

6 Responding to the Commission, Mr. Rhodes clarified Planet Fitness oftentimes had
7 tanning facilities although that had not currently been envisioned for the subject
8 location; a separate set of material samples had not been provided given the
9 materials would match those existing; the applicant had paid for and should clarify
10 the parking study methodology used for the application and peak parking needs for
11 fitness studios; and acknowledged Conditions 4, 7, 14 and 25 as contained in
12 Resolution 17-12, which had used the term "market operator" should be amended
13 to read "fitness center operator."
14

15 PUBLIC COMMENTS OPENED

16
17 ANDREW DAVIES, N Consulting Engineers, 4 Hutton Centre, Suite 670, Santa
18 Ana, clarified that Planet Fitness would like the option of adding a tanning center in
19 the future. He noted the required parking would likely not be used at one time; the
20 Planet Fitness model was for circuit training, allowing members to jump from
21 individual equipment stations; described the methodology used for the required
22 parking based on other Planet Fitness Centers; identified the applicable logos and
23 colors; and stated that landscaping and lighting had yet to be determined between
24 the landlord and the tenant but would be done by one of the two. He clarified the
25 costs for membership; there were several franchisees operating in Northern
26 California; the subject owner/operator did not own the Planet Fitness Center
27 located in the City of Richmond and he was unaware of any issues with that facility.
28

29 ROBERT DORAN, representing ROIC, the owners of the property, understood that
30 tenant improvements would be conditioned with the property owner, and bicycle
31 racks within the shopping center, for instance, would be identified as part of the
32 plan check process, and Mr. Rhodes noted a condition could be considered that the
33 bicycle racks match the existing bicycle racks in the area or be placed indoors.

34 City Attorney Eric Casher confirmed the project description could be modified to
35 address concerns whether the applicant would have tanning services. He
36 recommended that Condition 2 be modified to read: *The proposed use shall be*
37 *operated in a manner consistent with the project description provided by the*
38 *applicant date-stamped received September 7, 2017 and project plans provided by*
39 *the applicant date-stamped received September 7, 2017, unless the tanning*
40 *exclusivity condition is lifted in which tanning would be an option available to the*
41 *applicant, and unless otherwise specified in these conditions of approval and shall*
42 *be conducted in a manner which is consistent with all federal, state, and local laws.*

43 PUBLIC COMMENT CLOSED

44
45 **MOTION** to adopt Resolution 17-12, with Exhibit A, Conditions of Approval,
46 Resolution of the Planning Commission of the City of Pinole, County of Contra

1 Costa, State of California, Approving a Conditional Use Permit (CUP 17-08) and
2 Design Review (DR 17-11) Request to Allow the Operation of an Approximately
3 18,879 Square Foot Fitness Center and Accompanying Building Façade
4 Modification Within an Existing Building at 1750 Fitzgerald Drive, APN: 426-391-
5 004, subject to modification to Condition 2, as suggested by the City Attorney and
6 correcting the typographical errors to Conditions 4,7,14, and 25.
7

8 **MOTION: Hartley SECONDED: Martinez-Rubin APPROVED: 7-0**

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 the City had reached an agreement with Sprouts relative to
17 its trash handling with a design submitted to modify the loading dock area to fully
18 accommodate solid and food waste needs; the City was moving forward to
19 approve final occupancy for Spouts; two light standards had been added to
20 upgrade lighting between Habit Burger and the bowling alley and the other two
21 tenants on the south side of the building, and staff would be speaking with the
22 applicant about landscaping that had not survived the summer that was in need
23 of replacement; the City Engineer had reported trail improvements for the
24 Gateway Shopping Center Project along Pinole Creek would be completed in
25 conjunction with construction of the dialysis center, in cooperation with the
26 County Flood Control District; and construction on the East Bay Regional Parks
27 District (EBRPD) Bay Trail Extension between Pinole Shores Drive and Bayfront
28 Park was ongoing with the review of the final concrete and railing design to be
29 reviewed in the field by the subcommittee and neighboring property owners at a
30 time yet to be scheduled.

31
32 **I. COMMUNICATIONS: None**

33
34 **J. NEXT MEETING:**

35
36 The next meeting of the Planning Commission will be a Regular Meeting to be
37 held on Monday, November 13, 2017 at 7:00 P.M.

38
39 **K. ADJOURNMENT: 8:52 P.M**

40
41 Transcribed by:

42
43
44 Anita L. Tucci-Smith
45 Transcriber