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DRAFT

**MINUTES OF THE REGULAR
PINOLE PLANNING COMMISSION**

December 12, 2016

A. CALL TO ORDER: 7:03 P.M.

B. PLEDGE OF ALLEGIANCE AND ROLL CALL:

Commissioners Present: Brooks, Tave, Thompson, Wong, Chair Kurrent

Commissioners Absent: Martinez-Rubin, Hartley

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 November 21, 2016

2. 2017 Planning Commission Regular Meeting Schedule

Chair Kurrent requested that Item D2 be pulled from the Consent Calendar for discussion.

MOTION to approve the Planning Commission Meeting Minutes from November 21, 2016, as submitted.

MOTION: Thompson SECONDED: Brooks APPROVED: 5-0-2
ABSENT: Martinez-Rubin, Hartley

Chair Kurrent requested that the meeting shown for December 18, 2017 be rescheduled to December 11, 2017 and Commissioner Tave requested that the meeting shown for November 20, 2017 be rescheduled to November 13, 2017.

MOTION to modify the 2017 Planning Commission Regular Meeting Schedule with the meeting dates for December and November 2017 to be modified, as follows: *December 11, 2017 and November 13, 2017.*

1 MOTION: Brooks

2 SECONDED: Thompson

3 APPROVED: 5-0-2

4 ABSENT: Martinez-Rubin, Hartley

5
6 E. **PUBLIC HEARINGS:**

7
8 1. **Conditional Use Permit 16-08: Maria's Daycare**

9 **Request:** Consideration of a use permit request to expand the
10 daycare capacity of an existing small family daycare
11 home for up to 8 children to a large family daycare
12 home for up to 14 children within an approximately
13 2,234 square foot single-family residence

14 **Applicant:** Maria Magana
15 1191 Marlesta Road
16 Pinole, CA 94564

17
18 **Location:** 1191 Marlesta Road; APN 402-133-009

19
20 **Project Staff:** Winston Rhodes, Planning Manager

21
22 ***This item has been continued to January 23, 2017***

23
24 Planning Manager Winston Rhodes explained there was no staff report since the
25 item would be continued to the Planning Commission meeting of January 23,
26 2017. He reported that staff had been to the site and had found some built
27 structures that had not been included in the application materials, one of which
28 appeared to be part of the daycare operation. Staff would need to inspect that
29 structure to evaluate its safety.

30
31 PUBLIC HEARING OPENED

32
33 LOUIS TEJADA, 1213 Marlesta Road, Pinole, opposed the expansion of the
34 daycare operation given the noise impacts and since the applicant also had
35 animals on-site including birds, which made noise. He reported that he and
36 another neighbor had been involved in court cases against the applicant regarding
37 parking and leaving diapers outside the property, which court case, had been
38 settled. He noted the long-term struggle with the applicant and the fact that his
39 and the applicant's property shared side by side backyards.

40
41 Mr. Tejada reported that the applicant had installed some playing areas and nets
42 in the rear yard for the children in the daycare and expressed concern with safety;
43 stated that children were outside all day; there were many unknown people coming
44 in and out of the property; noise remained an ongoing concern; and the properties
45 were too close together.

1 In response to the Chair, Mr. Tejada provided extensive details on the court case
2 he had filed against the applicant; stated it appeared that more than one family
3 lived on the property; and noted that there had been some confusion between the
4 name of the applicant and his mother who shared the same first name.
5

6 Mr. Rhodes clarified that small family daycare operations were allowed in the City
7 of Pinole by right and cities could not prevent small family daycare operations from
8 occupying a single-family residence, although they were required to meet specific
9 criteria and licensing by the State. In response to the parking concerns, he
10 confirmed that similar concerns had been raised by others in the neighborhood via
11 e-mail. The Pinole Police Department had been contacted to provide information
12 on any calls for service to the subject property.
13

14 Mr. Rhodes reiterated that a staff report had not been prepared since the item
15 would be continued, although he understood the applicant planned to expand the
16 current hours of operation of 7:00 A.M. to 6:00 P.M. to provide more flexibility for
17 drop-off and pick-up; did not plan to have more than eight children during the
18 current hours of operation; and more information would be provided when the staff
19 report was finalized.
20

21 Chair Kurrent asked staff to address in the staff report yet to be prepared the
22 Planning Commission's discretion related to hours of operation, and/or noise
23 abatement and control.
24

25 In response to Commissioner Thompson as to the number of occupants on the
26 property, Mr. Rhodes clarified that the applicant was not present since the item
27 would be continued, and although the number of people residing in the residence
28 was not under the Planning Commission's discretion, the number of employees or
29 the hours of operation could be evaluated by the Commission.
30

31 Commissioner Thompson asked staff to also address the hours when children
32 were outside.
33

34 In response to comments as to the number of birds on the property and whether
35 they were compatible with the daycare operation, and the other issues raised by
36 the neighbors and the Commission, Mr. Rhodes reiterated that the item would be
37 continued to January 23, 2017, would not require re-notification, and additional
38 information would be provided at that time. If the requested information was not
39 provided, the item could be continued and the public hearing would be re-noticed.
40

41 **2. Design Review 16-23 and Conditional Use Permit 16-06: Happy Ramen**
42 **Restaurant with Alcohol Sales**
43

44 **Request:** Consideration of design review request to modify an
45 existing approximately 2,584 square foot commercial

1 building for a restaurant including a use permit request
2 to sell beer and wine within the restaurant for on-site
3 consumption.

4
5 **Applicant:** Richard Brunelle
6 1552 167th Avenue
7 San Leandro, CA 94578

8
9 **Location:** 1907 San Pablo Avenue, APN 401-112-029

10
11 **Project Staff:** Winston Rhodes, Planning Manager

12
13 **This item has been continued to January 23, 2017**

14
15 Mr. Rhodes stated the item would be continued to the Planning Commission
16 meeting of January 23, 2017, and the applicant had been notified of the
17 continuance by email. After staff had inspected the site, staff had found issues
18 with the single-family residence on the same parcel related to the condition of the
19 front yard and work to enclose the patio area absent permits. The code
20 enforcement issues would have to be resolved prior to consideration of the design
21 review and conditional use permit requests, which had necessitated the
22 continuance.

23
24 **F. OLD BUSINESS:** None

25
26 **G. NEW BUSINESS:**

27
28 **1. Planning Commission Subcommittee Discussion**

29
30 Mr. Rhodes described the make-up, purpose, and periodic meetings as needed of
31 the Planning Commission Development Review Subcommittee and the
32 establishment of other subcommittees as needed to address specific aspects of
33 certain projects. For example, a subcommittee to review the East Bluffs
34 Apartments outstanding item related to location and design of on-site bicycle
35 parking. In that case, ongoing efforts have been in progress to schedule a
36 subcommittee discussion on the project site to provide direction to the applicant.
37 Another subcommittee had been formed to review the faux clock antenna tower
38 design details for the CVS Pharmacy project and staff was waiting for greater
39 details from the applicant in that case to finalize the design. Once received, the
40 information would be forwarded to the subcommittee members electronically for
41 further feedback to confirm past direction.

42
43 Mr. Rhodes reported that the East Bluff Apartments had installed temporary
44 bicycle parking on-site but was planning on a method that met the City's
45 requirements, and while he could obtain graphic information for review, it was

1 important for staff, the subcommittee members, and the applicant to be on-site at
2 the same time to address any concerns.

3
4 By consensus, the East Bluff Apartments bicycle parking subcommittee members
5 requested a Friday or Saturday meeting with staff and the applicant to meet on
6 site.

7
8 By consensus, the Planning Commission determined to consider whether or not to
9 expand the existing two person Development Review subcommittee in March 2017
10 when the subcommittee member composition will be determined for 2017- 2018.

11
12 **H. CITY PLANNER’S / COMMISSIONERS’ REPORT:**

13
14 Mr. Rhodes stated the next meeting of the Planning Commission would be on
15 January 23, 2017 and would include the two agenda items which had been
16 continued and possibly additional items. He also reported that two Development
17 Services Department staff members had resigned to take positions in other
18 cities, which could affect the speed of processing applications until permanent
19 replacement employees could be found. The City would rely on contract staff
20 and shifting the work responsibilities of existing staff members during the
21 recruitment period for the positions.

22
23 Mr. Rhodes mentioned the recent Planning Commission Conference at Sonoma
24 State and advised that links to PowerPoint copies from the Conference sessions
25 would be made available to the Commission. He also acknowledged the
26 Conference had reached capacity before while trying to confirm all Planning
27 Commission member interest in attending as this Conference is getting
28 increasingly popular. The next Commissioner training opportunity will be the
29 upcoming League of California Cities Planning Commissioner Institute in March
30 2017. Further information would be provided to Commissioners when available.

31
32 Mr. Rhodes also updated the Planning Commission on the status of the recently
33 opened Starbucks in the Gateway Shopping Center; the request to expand a
34 fourth building in the shopping center to be submitted for Commission review
35 next year; status of the plans for a fifth building in the area of the Gateway area
36 for an eye surgery center, which was currently not yet submitted for building plan
37 check ; and the goal for the other tenants in the Gateway Shopping Center to be
38 open in the coming weeks. In addition, the Resource Conservation District and
39 the City had been considering the potential for grant funds for interpretative
40 signage for the fish passage project and any new information would be brought
41 forward when available. In response to questions, staff advised that the required
42 width of the sidewalk adjacent to Sprouts will be verified by the Public Works
43 Inspector and satisfied prior to final building occupancy and private property
44 accessibility will be checked for compliance with applicable standards and
45 provided prior to final occupancy.

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Chair Kurrent announced the passing of Virginia Fugita, a former member of the City Council and City of Pinole Human Resources staff, and requested that the meeting be adjourned in her memory.

Chair Kurrent wished everyone a Happy Holiday.

I. COMMUNICATIONS: None

J. NEXT MEETING:

The next meeting of the Planning Commission will be a Regular Meeting to be held on Monday, January 23, 2017 at 7:00 P.M.

K. ADJOURNMENT: 8:13 P.M *in Memory of Virginia Fujita.*

Transcribed by:

Anita L. Tucci-Smith
Transcriber