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**MINUTES**

**PINOLE PLANNING COMMISSION**

**Regular Meeting - September 25, 2006**

**A. CALL TO ORDER: 7:30 P.M.**

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

Commissioners Present: Commissioners Brooks, Sekins, Toms, Chair Chapin

Commissioner Excused: Commissioner Long

Commissioners Absent: Commissioners Banuelos, McFarland

Staff Present: City Planner, Elizabeth Dunn

**C. CITIZENS TO BE HEARD:**

There were no citizens to be heard.

**D. CONSENT CALENDAR:**

1. August 14, 2006 Planning Commission Meeting Minutes

2. **Design Review 05-18:** Review of landscaping associated with the construction of a new two-story single-family residence at 3318 Pinole Valley Road, APN 430-412-009. The applicant and owner is Michael McGhee, 1054 Crepe Myrtle Drive, Hercules, CA 94547.

3. **Design Review 06-10/Sign Design Review 06-03:** Consideration of color and materials for a new entry awning to an existing office building and a new monument sign for office space at 1989 San Pablo Avenue, APN 401-220-023. The applicant is Karl Shultz, 39039 Paseo Padre Parkway, #209, Fremont, CA 94538, and the property owner is Ben Rosales, 1989 San Pablo Avenue, Pinole, CA 94564.

4. **Design Review 06-07:** Consideration and selection of colors for the exterior remodel of the Del Monte Shopping Center at 600-630 San Pablo Avenue, APN 402-200-012, 403-040-005 and 006. The applicant and property owner is Dinesh Sawhney of Sawhney Properties, LP, 418 Jefferson Street, Oakland, CA 94607.



1 a. Design Review Guidelines

2  
3 Ms. Dunn reported that she would be speaking with the consultant firm that would  
4 be assisting the City with the General Plan Update to determine whether or not  
5 assistance could also be provided on the Design Review Guidelines.  
6

7 Zoning Text Amendments

8  
9 b. Medical Marijuana

10  
11 Ms. Dunn advised that the issue would be brought back to the Planning  
12 Commission prior to the end of the year given that the City Council had  
13 recommended the formation of a task force, although it had proven difficult to  
14 secure participation from the medical community on such a task force. The City's  
15 moratorium had been adopted in May 2005 and had been extended from May 2006  
16 to May 2007. She reiterated that the City was still waiting for any changes at the  
17 State level regarding the status of a Fresno court case. She would contact the City  
18 Attorney to determine whether or not there were any changes in that regard.  
19

- 20 2. **Zoning Ordinance Amendment 05-02:** Provide direction to staff on whether to  
21 add additional conditions to a proposed Zoning Ordinance Amendment. The  
22 proposal is to add language to the Zoning Ordinance to better regulate alcohol  
23 sales. The new ordinance would involve the requirement of a Conditional Use  
24 Permit for new alcohol sales activities, or expanding the hours of operation,  
25 business activities, or type of alcohol license for an existing alcohol sales  
26 establishment, creating performance criteria and standard conditions of approval  
27 for alcohol sales, and setting criteria for a determination of Public Convenience  
28 or Necessity (PCN). The applicant is the City of Pinole, 2131 Pear Street,  
29 Pinole, CA 94564.  
30

31 Ms. Dunn presented the staff report dated September 25, 2006. She recommended  
32 that the Planning Commission recommend that the City Council adopt the Negative  
33 Declaration and the revisions to Chapter 17.20, District Regulations, and add  
34 Section 17.60, Alcohol Sales, to the Pinole Municipal Code.  
35

36 Commissioner Brooks referenced Page 13 of the staff report, Attachment 3,  
37 Proposed Standard Conditions of Approval, A) On-Sale and Off-Sale 1) On-Sale  
38 business: c) and recommended that section be revised with graffiti to be removed  
39 within 24 hours as opposed to the 48 hours, as shown.  
40

41 Ms. Dunn suggested that might be difficult. While the City had services for graffiti  
42 removal, if the graffiti occurred on the weekend, as an example, removal within a  
43 24-hour period might not be possible. The City did not have services to patrol the  
44 community and dealt with graffiti removal through calls from the public. She  
45 suggested that 48 hours would be the shortest reasonable timeframe.

1 Again speaking to Page 13, Commissioner Brooks referenced Attachment 3,  
2 Standard Conditions of Approval, A) On-Sale and Off-Sale-, 1) On-Sale business:  
3 g), requested that the responsible beverage service training for employees be  
4 posted on the premises to prove that the employed servers were appropriately  
5 permitted.

6  
7 Commissioner Toms expressed concern for the privacy of employees by identifying  
8 his/her full names.

9  
10 Commissioner Brooks recommended picture identification on the certification to the  
11 City showing the proof that the training had been provided, although Commissioner  
12 Toms pointed out that would not avoid the privacy issue. She recommended that  
13 information be made available on-site upon request.

14  
15 Ms. Dunn suggested that Page 13, Attachment 3, Standard Conditions of Approval,  
16 A) On-Sale and Off-Sale-, 1) On-Sale business: g), be amended to read:

17  
18 *g) all servers within 90 days of employment receive "responsible beverage*  
19 *service training" and the City of Pinole to receive documentation of this*  
20 *training, retained on the premises.*

21  
22 Again speaking to Page 13, Attachment 3, Standard Conditions of Approval, A) On-  
23 Sale and Off-Sale-, 1) On-Sale business:, Commissioner Brooks requested that a  
24 new condition, j, be added, with a pay phone made available on the premises.

25  
26 Commissioner Toms noted that pay telephones were only to allow outgoing  
27 telephone calls as indicated on Page 13, Attachment 3, Standard Conditions of  
28 Approval, A) On-Sale and Off-Sale-, 2) Off-Sale Business, c), since there could be  
29 problems with illicit business activities with incoming telephone calls.

30  
31 Commissioner Brooks explained that he did not want the pay phone to be used for  
32 outgoing calls, rather to be available for use in an emergency and to encourage  
33 people not to drink and drive.

34  
35 Commissioner Sekins did not see that a requirement for a pay phone would be  
36 necessary given the volume of cell phone usage, given that a bartender could call a  
37 cab, and given the expense of a pay phone.

38  
39 Commissioner Brooks conceded to the wishes of the Commission on that condition.

40  
41  
42 As to where the criteria in the ordinance had originated in response to  
43 Commissioner Sekins, Ms. Dunn explained that the criteria had been prepared  
44 through research by a former City Planner.

45 As to whether or not the criteria could be retroactive, Ms. Dunn noted it would only

1 come into play with a change of ownership, expansion request, or when the  
2 business changed, at which time the business would have to go through the  
3 Conditional Use Permit process. She did not see that the City would be able to  
4 apply the criteria retroactively to existing businesses.  
5

6 Commissioner Sekins recommended that Attachment 3, Proposed Standard  
7 Conditions of Approval, A) On-Sale and Off-Sale, 2) Off-Sale Business: e) be  
8 amended to read:  
9

10 e) *all graffiti shall be removed on any part of the property within forty-*  
11 *eight (48) hours of its appearance.*  
12

13 Ms. Dunn suggested that Attachment 2, Proposed New Language Regulating  
14 Alcohol Sales, Page 9, 17.60.040, Standard Conditions, 1. Off-Site Business: g.  
15 should also be amended to read:  
16

17 g) *all servers within 90 days of employment receive “responsible beverage*  
18 *service training” and the City of Pinole to receive documentation of this*  
19 *training, retained on the premises.*  
20

21 Ms. Dunn also clarified in response to Commissioner Sekins, that the removal of  
22 graffiti shall be consistently required in the ordinance within 48 hours. As to whether  
23 or not there were any future applicants where the ordinance would apply, she was  
24 unaware of any at this time, although the intent was that the ordinance would  
25 address future concerns. As to whether or not the ordinance would be triggered by  
26 the sale of a liquor license, she did not see that it would since the business would  
27 pick up the requirements of an existing license. She would have to verify with the  
28 City Attorney whether or not the City could legally impose such a trigger  
29 requirement.  
30

31 **MOTION** to recommend that the City Council adopt the Negative Declaration and  
32 revisions to Chapter 17.20, District Regulations, and add Section 17.60, Alcohol  
33 Sales, to the Pinole, Municipal Code, subject to:  
34

- 35 • Attachment 2, Proposed New Language Regulating Alcohol Sales, as  
36 amended;
- 37 • Attachment 3, Proposed Standard Conditions of Approval, as amended;
- 38 • Attachment 4, Findings of Fact Zoning Ordinance Amendment 05-02,  
39 Regulating Alcohol Sales; and
- 40 • Attachment 5, Resolution 06-015, Zoning Ordinance Amendment 05-02, A  
41 Resolution of the Planning Commission of the City of Pinole Recommending  
42 Approval to the City Council of the Zoning Ordinance Amendment 05-02 to  
43 Amend Section 17.20, District Regulations, and Add 17.60, Alcohol Sales, of  
44 the Zoning Ordinance.

45 The Applicant is the City of Pinole, Development Services Department, 2131

1 Pear Street, Pinole, CA 94564.

2  
3 **MOTION: Toms**

**SECONDED: Sekins**

**APPROVED: 4-0-3**

4 **Absent: Banuelos, Long, McFarland**

- 5  
6 3. **Zoning Ordinance Amendment 05-01:** Review of the language and  
7 process that was previously recommended for approval by the Planning  
8 Commission in February 2006, and approved by the City Council in April  
9 2006. The applicant is the City of Pinole, 2131 Pear Street, Pinole, CA  
10 94564.

11  
12 Ms. Dunn presented the staff memorandum dated September 25, 2006. She  
13 advised that should the Planning Commission wish to review the language, staff  
14 would need to prepare the new language and return it to the Commission for a  
15 recommendation and then forward the matter to the City Council for a decision.

16  
17 Commissioner Toms affirmed with staff that the posting on the corner of Galbreth  
18 and Pinole Valley Road was consistent with the new guidelines. She had no other  
19 concerns with the Zoning Ordinance Amendment.

20  
21 Commissioner Brooks recommended a revision to Attachment 3, Ordinance No.  
22 2006-02, Page 7, 17.32.120.4, Method of Notice Distribution, B., Posting, 2, Sign  
23 Size, Height and Design and recommended that the dimensions be clearly spelled  
24 out as to the width and height of the sign. He also recommended that the second  
25 sentence of that section be moved to Page 8, 5. Information on Sign.

26  
27 Commissioner Sekins understood if any revisions were made to the ordinance  
28 those revisions would have to be returned to the City Council for approval. He  
29 suggested that the width and height of a sign should be determined by the location  
30 of the sign.

31  
32 Ms. Dunn explained that the City had a template of information that was provided to  
33 a local sign company, which was 24 inches wide by 36 inches long, allowing the  
34 City logo, site plan, applicant and property owner's name, description of the project,  
35 and hearing notice to all be provided on the sign. Since it was a template, it would  
36 not necessarily change to another dimension since the current sign dimensions  
37 seemed to work out well. The sign company the City used had its own production  
38 which had also worked well.

39  
40 Commissioner Sekins suggested that staff was aware of what the Planning  
41 Commission wanted and would enforce the regulations. He did not want to amend  
42 the ordinance at this time and require City Council approval. He preferred to try the  
43 ordinance to a date certain. Based on the signs he had seen, those signs appeared  
44 to be acceptable.

45 Commissioner Brooks agreed that there had been a significant amount of work on

1 the ordinance. His intent was to further fine-tune the document.

2  
3 Chair Chapin supported the suggestion to try the ordinance to a date certain.

4  
5 Ms. Dunn suggested that if there was an issue the ordinance could be returned to  
6 the Commission. She agreed with Commissioner Sekins to allow the process to  
7 progress. She noted that it appeared to be working.

8  
9 **F. PUBLIC HEARINGS:** None

10  
11 **G. NEW BUSINESS/WORKSHOPS:**

12  
13 1. GENERAL PLAN UPDATE PROCESS: PROVIDE DIRECTION TO STAFF WHETHER TO  
14 FORM A STEERING COMMITTEE OR USE THE PLANNING COMMISSION AS A STEERING  
15 COMMITTEE FOR THE GENERAL PLAN UPDATE PROCESS

16  
17 Ms. Dunn presented the staff memorandum dated September 25, 2006. She  
18 recommended that the Planning Commission provide direction to staff whether to  
19 form a Steering Committee or use the Planning Commission as a Steering  
20 Committee for the General Plan Update Process. If the Planning Commission  
21 desired to create a Steering Committee, she explained that staff would need the  
22 following:

- 23  
24
  - Number of persons to sit on the Steering Committee;
  - Composition of the Steering Committee;
  - How often the Steering Committee would meet;
  - The scope and authority of the Steering Committee.

25  
26  
27  
28  
29 Ms. Dunn also noted that the Commission could continue the item to the next  
30 Commission meeting to allow all Commissioners to be present, although staff would  
31 not recommend that given the need to commence with the General Plan Update  
32 process.

33  
34 Commissioner Toms commented that while she would have liked to have seen the  
35 formation of a diverse Steering Committee, since the Planning Commission would  
36 be making a recommendation to the City Council on the General Plan Update and  
37 since the Commission was a diverse group of individuals, the Commission could  
38 also serve as the Steering Committee. She inquired how often the Steering  
39 Committee would meet.

40  
41 Ms. Dunn expressed her hope that the Steering Committee would go through  
42 enough background work when reaching some of the elements of the General Plan  
43 Update where it could get through the process quickly. She emphasized that there  
44 would be a variety of public workshops, meetings and public outreach. The  
45 Steering Committee was not intended to usurp that process.

1 Ms. Dunn also expressed her hope that as the Steering Committee reviewed and  
2 discussed the General Plan Update, it would be able to discuss one element at a  
3 time each meeting. She clarified, when asked, that the last General Plan had been  
4 certified in May 1995.

5  
6 Commissioner Sekins recommended that the item be continued to the next meeting  
7 to allow the full Commission to be present.

8  
9 Commissioner Brooks inquired whether or not the Planning Commission could meet  
10 jointly as the Steering Committee on the same night as the Planning Commission,  
11 the same as the City Council met jointly as the Redevelopment Agency, depending  
12 on the business at hand.

13  
14 Ms. Dunn suggested that would depend on the planning projects that would be  
15 considered. She did not want to burden an independent Steering Committee if that  
16 was the case. The process would be very time consuming and could require a  
17 meeting on the fourth Monday of each month. She affirmed that the Planning  
18 Commission would be involved in the General Plan Update process regardless of  
19 whether or not it also served as the Steering Committee.

20  
21 Chair Chapin recommended that the Planning Commission serve as the Steering  
22 Committee.

23  
24 Commissioner Sekins agreed and suggested that the Planning Commission could  
25 meet twice a month with the second meeting of the month designated solely for the  
26 Steering Committee, particularly since the Council Chambers would likely be  
27 available for such a schedule.

28  
29 Commissioner Brooks also agreed that the Planning Commission should serve as  
30 the Steering Committee since the Commission would have to be updated by staff on  
31 the General Plan Update process regardless of the composition of the Steering  
32 Committee.

33  
34 Commissioner Toms reiterated her concern for a more diverse group to comprise  
35 the Steering Committee beyond the members of the Planning Commission,  
36 although she recognized that the General Plan Update would be a public process  
37 where other public meetings would be held. She noted that members of the  
38 Commission could attend those meetings and be informed of the public's opinion at  
39 that time as well. For purposes of efficiency, she agreed that the Planning  
40 Commission serve as the Steering Committee.

41  
42 **MOTION** for the Pinole Planning Commission to serve as the Steering Committee  
43 for the General Plan Update.



1 Commissioner Sekins asked that the business be monitored since there had been  
2 many complaints from residents who were unable to access businesses in the  
3 shopping center where the pumpkin patch/Christmas tree lot was located during the  
4 holiday periods.

5  
6 Ms. Dunn expressed the willingness to contact the Police Department to determine  
7 whether or not the business could be monitored.

8  
9 Commissioner Sekins also spoke to the Union Oil property which was full of debris  
10 and which had become a major eyesore in the valley.

11  
12 Ms. Dunn expressed the willingness to contact Code Enforcement and the Assistant  
13 City Manager who had been involved with the business on a different issue to see  
14 whether or not the property could be cleaned up.

15  
16 Commissioner Toms inquired of the status of a grocery store for the Pinole Valley  
17 Shopping Center.

18  
19 Ms. Dunn advised that there had been Closed Session discussions with the City  
20 Council and TKG regarding the property. There was a preferred site plan and  
21 national retailers who were interested in occupying the site. She anticipated that  
22 something would be brought to the Planning Commission for review in the future.

23  
24 Chair Chapin understood that Trader Joe's could be a potential tenant for the  
25 center.

26  
27 Commissioner Sekins inquired of the groundbreaking for the Kaiser facility, to which  
28 Ms. Dunn understood that Kaiser would be conducting limited work prior to the  
29 commencement of winter. Major work would not occur until next spring. A grading  
30 plan was anticipated to be submitted to the City this week. As to the buildings  
31 located directly across the street, she understood that Kaiser might be interested in  
32 occupying those buildings and that those buildings could be redesigned.

33  
34 Commissioner Brooks inquired of the status of the landscaping for Wendy's. He  
35 also referenced an older building on San Pablo Avenue in the vicinity of John Street  
36 which had never been landscaped after it had been approved.

37  
38 Ms. Dunn noted that she would be contacting the property owner of Wendy's to  
39 inform him of the Planning Commission's comments and decision for that project.  
40 She asked to be provided a specific address for the building on San Pablo Avenue  
41 to be able to investigate that issue.

42  
43  
44  
45 Commissioner Brooks also expressed concern with the property at 801 Pinole

1 Valley Road where grading had been done and where the hill had been reduced.  
2 He expressed concern for that property during the rainy season, and Ms. Dunn  
3 agreed with the concerns related to that property and advised that she would have  
4 to discuss that property with the Building Official.  
5

6 Ms. Dunn reported on a condition for the De Nova Homes development where the  
7 revised landscaping plans for lots 19, 20 and 21 must be brought to the Planning  
8 Commission within 90 days of the framing of the homes on those lots. She advised  
9 of the request for a Temporary Certificate of Occupancy for Lots 18 and 20 for the  
10 model homes. While she could sign off on Lot 18, she could not sign off on Lot 20  
11 due to past concerns with the development. The developer wanted the model  
12 homes to be open in two weeks, although the revised landscaping plan which staff  
13 had yet to receive and evaluate could not be scheduled for Commission  
14 consideration until the October 10 meeting or a second meeting in October. She  
15 asked if the Commission would hold a meeting for a single item.  
16

17 Commissioner Toms reported that she would not be present on October 10.  
18

19 Chair Chapin suggested that the Commission not meet for a single agenda item.  
20 Rather, he would prefer when the plans were submitted that they be scheduled for  
21 consideration at such time as the Commission had a full agenda.  
22

23 Given the past concerns with the development, Commissioner Brooks did not  
24 support any preferential treatment for De Nova Homes.  
25

26 Ms. Dunn explained that due to noticing requirements and the preparation of the  
27 Commission packets, and since she did not have plans from De Nova Homes, it  
28 was likely that item could not be considered on October 10. In response to  
29 Commissioner Brooks as to the retaining walls for the De Nova Homes  
30 development, she understood that those walls had been approved by the Planning  
31 Commission and consisted of a large keystone wall along the property line.  
32

33 **I. COMMUNICATIONS:** None  
34

35 **J. NEXT MEETING:** Monday, October 10, 2006  
36

37 **K. ADJOURNMENT:** 8:35 P.M.  
38

39 Transcribed by:  
40

41 Anita L. Tucci-Smith  
42 Transcriber  
43