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2
3 **MINUTES OF THE SPECIAL MEETING**
4 **PINOLE PLANNING COMMISSION**

5
6 **August 31, 2022**

7
8 **THIS MEETING WAS HELD IN A HYBRID FORMAT**
9 **BOTH IN-PERSON AND ZOOM TELECONFERENCE**
10

11
12 **A. CALL TO ORDER:** 7:01 p.m.
13

14 **B1. PLEDGE OF ALLEGIANCE**
15

16 **B2. LAND ACKNOWLEDGEMENT:** *Before we begin, we would like to acknowledge the*
17 *Ohlone people, who are the traditional custodians of this land. We pay our respects to*
18 *the Ohlone elders, past, present and future, who call this place, Ohlone Land, the land*
19 *that Pinole sits upon, their home. We are proud to continue their tradition of coming*
20 *together and growing as a community. We thank the Ohlone community for their*
21 *stewardship and support, and we look forward to strengthening our ties as we continue*
22 *our relationship of mutual respect and understanding*
23

24 **B3. ROLL CALL**
25

26 Commissioners Present: Benzuly, Menis, Kurrent Vice Chairperson Martinez and
27 Chairperson Moriarty
28

29 Commissioners Absent: Banuelos
30

31 Staff Present: David Hanham, Planning Manager
32 Alex Mog, Assistant City Attorney
33 Justin Shiu, Contract Planner
34

35 **C. CITIZENS TO BE HEARD**
36

37 Simon, Wong, Pinole, thanked the City of Pinole for the privilege of having served on the
38 Planning Commission for the past six years and he thanked everyone for their support.
39 While he had stepped down from the Planning Commission, as a resident of Pinole, he
40 would continue to support the City.
41

42 The Planning Commission expressed its appreciation to Mr. Wong for his service,
43 expertise and dedication to the City and wished him well.
44

45 **D. MEETING MINUTES:**
46

47 1. Planning Commission Meeting Minutes from July 25, 2022
48

49 **MOTION** with a Roll Call vote to approve the Planning Commission Meeting Minutes from
50 July 25, 2022, as shown.

MOTION: Menis

SECONDED: Kurrent

APPROVED: 5-0-1
ABSENT: Banuelos

E. PUBLIC HEARINGS:

1. Conditional Use Permit CUP 22-02 Sol Dance Academy

Request: Consideration of a Conditional Use Permit request to open a Dance Academy for instruction of all disciplines of dance for persons three years of age through adulthood. Classes will be 6 days a week and will be located in an existing vacant tenant space in the Pinole Vista Shopping Center.

Applicant: Sharon Shandor

Location: 1558 Fitzgerald Drive (APN 426-391-004)

Planner: David Hanham

Planning Manager David Hanham provided a PowerPoint presentation which included an overview of the request for a Conditional Use Permit to open a dance academy for instruction of all disciplines of dance for persons three years of age through adulthood. Classes would be six days a week and would be located in an existing vacant tenant space in the Pinole Vista Shopping Center.

Mr. Hanham recommended the Planning Commission adopt Resolution 22-06 approving Conditional Use Permit (CUP) 22-02, conditionally approving Sol Dance Academy located at 1558 Fitzgerald Drive, subject to Exhibit A: Conditions of Approval.

Responding to the Commission, Mr. Hanham clarified that based on the square footage and the parking requirements of the Pinole Municipal Code (PMC), the proposed use would require 15 parking spaces. There would be more than enough parking spaces in what staff described as an over-parked shopping center. Different classes would be offered throughout the day providing a rotation of people coming through the dance academy and the patrons would not be present all at one time.

Mr. Hanham acknowledged a request that staff work with the applicant to ensure that parents did not double-park in front of the tenant space to ensure there were no parking issues.

Sharon Shandor, Applicant, clarified the dance classes would be capped for the benefit of the students to 12 students per class, which limited the number of vehicles into the shopping center. She added that drop-offs would be discouraged. A PowerPoint presentation was provided with an overview of Sol Dance Academy and details of Ms. Shandor's background and experience as a professional dancer. Classes would be offered six days a week for all disciplines, with a strong ballet foundation, for persons three years of age through adulthood, and with several photographs shown of many of the dance events.

Ms. Shandor stated that two morning classes would be provided then a four-hour break and more classes from 3:30 to 8:30 p.m., with themed dance camps in the summer and with students learning all elements of dance performances.

1 Dance shows would be held in a theater, not in the tenant space, and Sol Dance Academy
2 hoped to work with Pinole Valley High School to allow the shows to be performed in its theater
3 facility. She commented that The Nutcracker was also an annual holiday tradition for anyone
4 in the community who wished to be involved. Examples of costuming, set pieces, mock
5 performances and dance workshops were also provided. She added the dance academy
6 also offered some health services that were open to the public, field trips to Bay Area
7 professional dance/theater companies and local high schools, and free movie nights.
8

9 PUBLIC HEARING OPENED

10
11 There were no comments from the public.
12

13 PUBLIC HEARING CLOSED

14
15 Commissioner Menis thanked the applicant for the presentation and the integration of the
16 dance academy with the broader community. He clarified the hours for the dance classes
17 and with the entirety of the space to be used during the summertime.
18

19 Ms. Shandor again clarified morning classes would start around 9:00 and end around
20 11:30 a.m. with a break to around 3:30 p.m. Summer camps were provided five days a
21 week from 10:00 a.m. to 2:00 p.m. and depending on interest and demand, there could be
22 two or three dance camps.
23

24 Mr. Hanham suggested the hours of operation as shown in Condition 7 could be amended
25 to read: *Monday through Saturday 9:00 a.m. to 8:30 p.m.*, which allowed the applicant
26 the option to consider summer hours based on the summer camps or other events.
27

28 Ms. Shandor commented she was surprised to find that school started early in August and
29 she was unsure when school was out but staff could verify that information.
30

31 Commissioner Kurrent thanked the applicant for her integration of the community and was
32 pleased that performances would be held at an alternative location. He expressed
33 concerns with parking availability and although staff had stated the shopping center had
34 adequate parking, the parking lot could be tight and the applicant should be aware of that
35 fact. He urged City staff and the applicant to be aware parking could be an issue and he
36 hoped it could be worked out by having people parking further away from the existing
37 stores. He otherwise supported the project and hoped it would work out as proposed.
38

39 Mr. Hanham suggested Condition 4 could be modified to add the following statement:
40 *After a year staff to bring back an analysis of the parking.*
41

42 Commissioner Kurrent suggested Condition 4 be modified to read:
43

44 *PEDESTRIAN CIRCULATION - The applicant and owner shall ensure operations*
45 *associated with the project do not obstruct the walkways/pedestrian paths within*
46 *the existing shopping center nor infringe on the parking for other retail outlets in*
47 *the same area to be reviewed after six months.*
48
49
50

1 Or, an additional condition could be added to read: *The applicant shall endeavor*
2 *to minimize the impact on parking on other retail sites in the shopping center and*
3 *after six months staff to review the parking situation and make any necessary*
4 *recommendations.*

5
6 Chairperson Moriarty asked whether the same condition had been imposed on Planet
7 Fitness and Mr. Hanham stated he was uncertain and would have to conduct further
8 review.

9
10 Commissioner Menis suggested a more general condition that did not target a particular
11 applicant. He recommended Condition 4 be amended to read:

12
13 PEDESTRIAN CIRCULATION. - The applicant and owner shall ensure to the best
14 of their ability operations associated with the project do not obstruct the vehicular
15 right-of-way in the area immediately on front or and around the proposed site.
16

17 Commissioner Kurrent understood the martial arts academy had included a condition that
18 they utilize the parking lot between the shopping center and where Kmart had been
19 located. He reiterated the parking situation could cause friction between the various
20 retailers. As to the language proposed by Commissioner Menis, he wanted to address
21 the availability of parking spaces to the other retail establishments.

22
23 Chairperson Moriarty understood that East Bay Coffee offered information to patrons on
24 where to park and asked that customers not double-park. Sol Dance Academy could be
25 asked to provide the same information to its patrons.

26
27 Commissioner Kurrent reiterated his concerns with the potential for parking issues but was
28 uncertain how a condition could be crafted. He acknowledged there could be an issue of
29 fairness if the application was held to a different standard than others, but it was not
30 unprecedented to have a condition about parking in the center.

31
32 Mr. Hanham understood Commissioner Kurrent wanted the parents of the students to park
33 somewhere away from the building and not block other retail and the grocery store.

34
35 Commissioner Kurrent asked that dance academy staff be more sensitive to the parking
36 situation. The problem with the parking in the center was when the martial arts academy
37 had opened it was in an area that was underutilized in the center, but he was at a loss
38 where there was a similar situation in the eastern portion of the shopping center, which
39 portion of the center was utilized more.

40
41 Ms. Shandor commented on her decades of experience teaching for other schools as well
42 as her own and where there had been some parking constraints. In the past, she had
43 created a map to identify where parents were or were not allowed to park. In this case,
44 the site would be adjacent to UPS and no one in the dance academy could park in the
45 front given the proximity of handicapped parking spaces. Parking would be encouraged
46 on the other side near Planet Fitness, the 99 Cent Store or the Lucky grocery store.

47
48 Ms. Shandor clarified she parked at the rear of the tenant space where she entered the
49 tenant space.
50

Commissioner Kurrent suggested the dance academy staff be asked to park away from the main parking areas which would help eliminate the parking issues.

Assistant City Attorney Alex Mog clarified this portion of the shopping center was under common management. The property owner would have an interest to ensure the parking was working well and would have more ability to address that issue in a flexible manner than the City.

Commissioner Kurrent suggested the retail community and the landlord would likely work the parking issues out. He was uncertain a condition needed to be imposed but wanted the concern known. He realized with a change in parking people may likely change their habits and retailers may work together to work it out. At this time, he was inclined not to impose an additional condition unless the Planning Commission felt it was warranted.

Commissioner Benzuly suggested the landlord would likely take a vested interest in the parking situation and an additional condition was not needed. He found the applicant had a great business model and he looked forward to the business coming to the community.

Chairperson Moriarty welcomed the applicant to the community and wished them the best joining the community in a larger fashion and seeking other places for their larger events. She liked the fact the dance academy would offer different kinds of opportunities for all ages. As to the conditions of approval, at this time Condition 7 was the only condition to be modified to reflect the hours of operation, which would be *Monday through Saturday from 9:00 a.m. to 8:30 p.m.*

Commissioner Menis asked the applicant whether the business would be open on Sundays during the summertime, and Ms. Shandor clarified the dance academy would be closed on Sundays.

MOTION by a Roll Call vote to adopt Resolution 22-06 a Resolution of the Planning Commission of the City of Pinole, County of Contra Costa, State of California, Approving a Conditional Use Permit (CUP 22-02) for a Dance Academy Located at 1558 Fitzgerald Drive, APN: 426-391-004, with Exhibit A: Conditions of Approval, subject to modification to Condition 7 with the hours of operation to be amended to read:

Monday through Saturday from 9:00 a.m. to 8:30 p.m.

MOTION: **SECONDED: Martinez**

APPROVED: 5-0-1
ABSENT: Banuelos

F. OLD BUSINESS: None

G. NEW BUSINESS: None

H. CITY PLANNER'S / COMMISSIONERS' REPORT

Mr. Hanham reported the date for the City Council to consider the Pinole Vista Project had been rescheduled from September 20 to October 18, 2022.

1 Staff received the scope of work for Pinole Shores II expansion of the business park and staff
2 was working on the Housing and Safety Elements and had hired a consultant to draft
3 objective design development standards.
4

5 Responding to Commissioner Benzuly, Mr. Hanham explained that the applicant for a home
6 that was being relocated from the City of Hercules to a location in Pinole was working on the
7 house moving permit and was working with the City on the plans.
8

9 Chairperson Moriarty recognized a member of the public desired to speak via Zoom at this
10 time.
11

12 Tony Vossbrink, Pinole, spoke to the Pinole Vista project and reported a large sign located
13 near the front of the former Kmart indicated a public hearing would be held regarding the
14 development of the property but there was no date or time for the public meeting. He
15 suggested the sign should have been two-sided with the actual meeting date identified to be
16 transparent to the public. He also referenced the property located at 1289 Pinole Valley
17 Road and questioned why the Planning Commission had allowed the applicant, Dr. Scott
18 Lee, to move forward with an eyesore of a building since the property was full of tall weeds
19 and potential code violations behind the property given the need for weed abatement.
20

21 Also, there were a number of street light outages in the Pinole Valley Library public parking
22 lot near the Senior Center, up and down Tennent Avenue, along Pinole Valley Road and
23 other City parking lots and in front of City Hall, which should have been repaired in an orderly
24 and expeditious manner.
25

26 Mr. Hanham advised that code enforcement would review the Dr. Lee building. Some of the
27 light outages may be PG&E lights but staff would speak with the Public Works Department.
28

29 **I. COMMUNICATIONS:** None
30

31 **J. NEXT MEETING**
32

33 The next meeting of the Planning Commission to be a Regular Meeting scheduled for
34 September 12, 2022 at 7:00 p.m.
35

36 **K. ADJOURNMENT:** 8:22 p.m. *In Honor of former Planning Commissioner Simon Wong.*
37

38 Transcribed by:
39
40

41 Sherri D. Lewis
42 Transcriber