

AGENDA FOR THE



CITY OF PINOLE PLANNING COMMISSION SPECIAL MEETING

Monday, June 7, 2021

7:00 P.M.

Via Zoom Videoconference

DUE TO THE STATE OF CALIFORNIA'S DECLARATION OF EMERGENCY – THIS MEETING IS BEING HELD PURSUANT TO AUTHORIZATION FROM GOVERNOR NEWSOM'S EXECUTIVE ORDERS – CITY COUNCIL AND COMMISSION MEETINGS ARE NO LONGER OPEN TO IN-PERSON ATTENDANCE.

WAYS TO WATCH THE MEETING

- LIVE ON CHANNEL 26. The Community TV Channel 26 schedule is published on the City's website at www.ci.pinole.ca.us. The meeting can be viewed again as a retelecast on Channel 26.
- VIDEO-STREAMED LIVE ON THE CITY'S WEBSITE, www.ci.pinole.ca.us. and remain archived on the site for five (5) years.
- If none of these options are available to you, or you need assistance with public comment, please contact Planning Manager David Hanham at (510) 724-8912 or ghanham@ci.pinole.ca.us.

COMMENTS

Please submit public comments to Planning Staff before or during the meeting via email ghanham@ci.pinole.ca.us. Comments received before the close of the item will be read into the record and limited to 3 minutes. Please include your full name, city of residence and agenda item you are commenting on.

In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in a City meeting or you need a copy of the agenda, or the agenda packet in an appropriate alternative format, please contact the Development Services Department at (510) 724-8912. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Assistant listening devices are available at this meeting. Ask staff if you desire to use this device.

CITIZEN PARTICIPATION:

Persons wishing to speak on an item listed on the Agenda may do so when the Chair asks for comments in favor of or in opposition to the item under consideration. After all of those persons wishing to speak have done so, the hearing will be closed and the matter will be discussed amongst the Commission prior to rendering a decision.

NOTE FOR VIDEOCONFERENCE MEETINGS: Public comments may be submitted to Planning Staff before or during the meeting via email ghanham@ci.pinole.ca.us. Comments received before the close of the item will be read into the record and limited to 3 minutes. Please include your full name, city of residence and agenda item you are commenting on.

Any person may appeal an action of the Planning Commission or of the Planning Manager by filing an appeal with the City Clerk, in writing, within ten (10) days of such action. Following a Public Hearing, the City Council may act to confirm, modify or reverse the action of the Planning Commission and the Planning Commission may act to confirm, modify, or reverse the action of the Planning Manager. The cost to appeal a decision is \$500 and a minimum \$2,500 deposit fee.

Note: If you challenge a decision of the Commission regarding a project in court, you may be limited to raising only those issues you or someone else raised at the public hearing or in writing delivered to the City of Pinole at, or prior to, the public hearing.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE AND ROLL CALL

C. CITIZENS TO BE HEARD:

The public may address the Planning Commission on items that are within its jurisdiction and not otherwise listed on the agenda. Planning Commissioners may discuss the matter brought to their attention, but by State law (Ralph M. Brown Act), action must be deferred to a future meeting. Time allowed: five (5) minutes each.

D. MEETING MINUTES:

The Minutes of the May 24, 2021 and the June 7, 2021 meetings will reviewed at the June 28, 2021 regular meeting.

E. PUBLIC HEARINGS:

At the beginning of an item, the Chair will read the description of that item as stated on the Agenda. The City Staff will then give a brief presentation of the proposed project. The Commission may then ask Staff questions about the item.

For those items listed as Public Hearings, the Chair will open the public hearing and ask the applicant if they wish to make a presentation. Those persons in favor of the project will

then be given an opportunity to speak followed by those who are opposed to the project. The applicant will then be given an opportunity for rebuttal.

The Public Hearing will then be closed and the Commission may discuss the item amongst themselves and ask questions of Staff. The Commission will then vote to approve, deny, approve in a modified form, or continue the matter to a later date for a decision. The Chair will announce the Commission's decision and advise the audience of the appeal procedure.

Note: No Public Hearings will begin after 11:00 p.m. Items still remaining on the agenda after 11:00 p.m. will be held over to the next meeting.

F. OLD BUSINESS:

None

G. NEW BUSINESS:

1. Administrative Design Review – East Bay Coffee

Request: Consideration of an Administrative Design Review for the purpose of amending the outdoor dining space and fencing configurations located at 2529 San Pablo Avenue.

Applicant: Lisa Ancira
c/o East Bay Coffee Company
2529 San Pablo Avenue
Pinole, CA 94564

Location: 2529 San Pablo Avenue (APN: 401-184-015)

Planner: David Hanham

H. CITY PLANNER'S/COMMISSIONER'S REPORT:

I. COMMUNICATIONS:

J. NEXT MEETING:

Planning Commission Regular Meeting, June 28, 2021 at 7:00PM

K. ADJOURNMENT

POSTED: June 3, 2021

David Hanham
Planning Manager



Memorandum

TO: PLANNING COMMISSION MEMBERS
FROM: David Hanham, Planning Manager
SUBJECT: Administrative Design Review 21-13
DATE: JUNE 7, 2021

Business Owner / Applicant:

Lisa Ancira
2529 San Pablo Ave
Pinole, CA 94564

File – ADR 21-13/PL20-0044 Administrative Design Review

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

General Plan Land Use-- SSA, Service Sub-Area (SSA) Specific Plan
Specific Plan -- Sub-Area, San Pablo Ave. Corridor – Old Town Sub-Area
Zoning -- CMU, Commercial Mixed Use

REQUEST

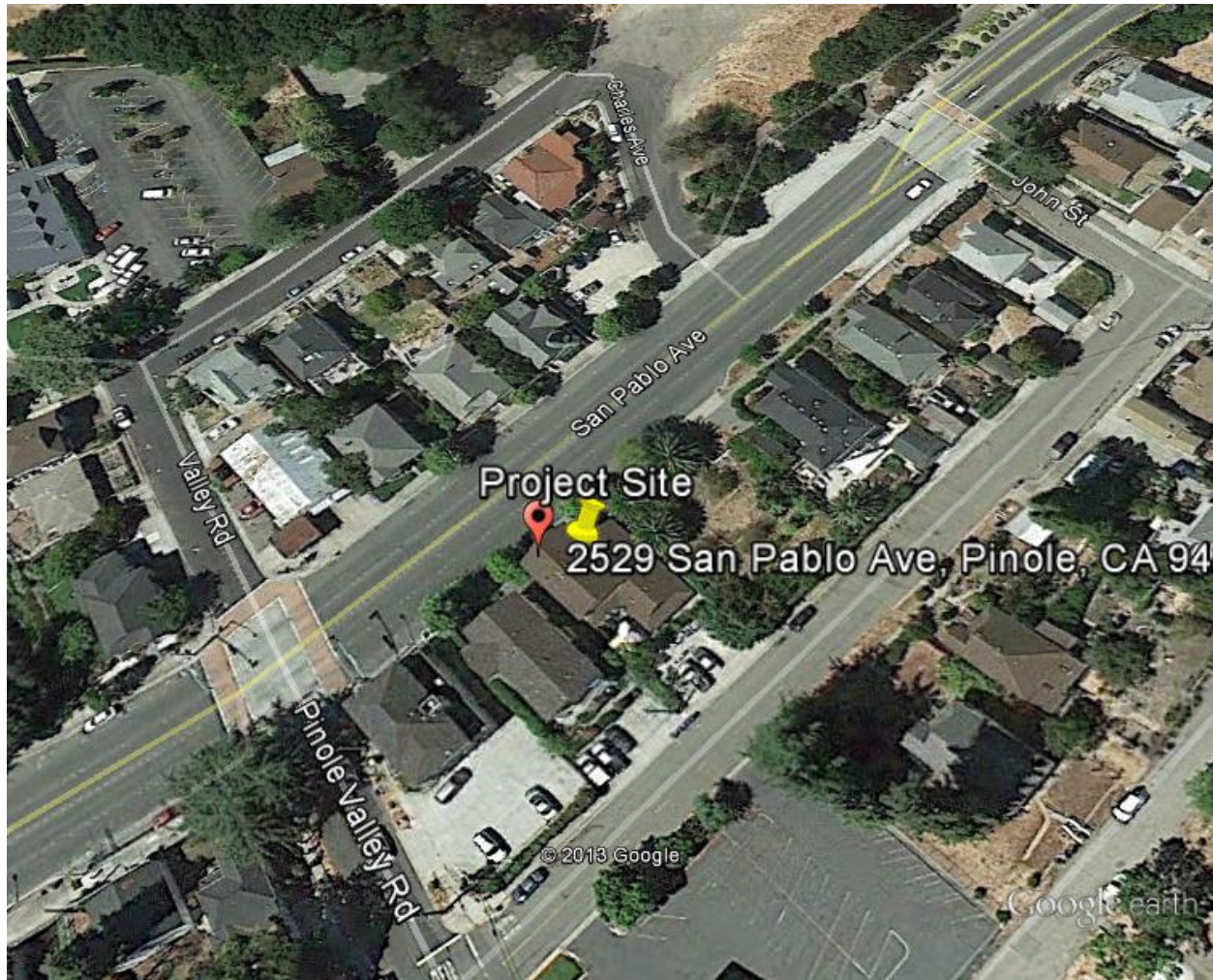
The applicant is seeking approval of an Administrative Design Review for the purpose of amending the outdoor dining space located on their property located at 2529 San Pablo Ave in Old Town Pinole

STAFF RECOMMENDATION

Adopt Resolution 21-08 (Attachment A) approving an Administrative Design Review, to amend the outdoor dining design located at 2529 San Pablo Ave (East Bay Coffee Co.)

SITE LOCATION

Figure 1 Location Map



The project site is located along the south side of San Pablo Avenue between Pinole Valley Road and John Street. Adjacent land uses are summarized below.

Direction from Project Site	Existing Land Use
North	San Pablo Avenue, office commercial uses, residential and auto repair shop
West	Commercial office uses
South	Rafaela Street, private parking for Church of Christ, and single-family residence
East	single family residence

PROJECT DESCRIPTION

The applicant is proposing an Administrative Design Review for the purpose of amending the original design of the tables and chairs in the outdoor dining area that was approved by Resolution 20-13 on July 27, 2020. The applicant is proposing to move the tables and chairs to the middle of the property as shown in Attachment B of this report. The applicant is also proposing the removal of the outside bar area, adding pergolas, and changing the fence from a vertical fence to horizontal with a two-inch gap between the planks.

BACKGROUND

East Bay Coffee Company was established in 2012 located at 2529 San Pablo Ave. The Café and outdoor area are approximately 12,500 square feet. East Bay Coffee Company obtained a conditional use permit from the City on April 22, 2013 for amplified music and live entertainment. In 2017, East Bay Coffee Company applied for Conditional Use Permit to obtain Type 41- alcohol beverage license for on premise sale of beer and wine. The Applicant went through the Public Convenience Necessity (PCN) process since the neighborhood had an overabundance of licenses. The City Council approved the PCN finding on September 5, 2017.

The Planning Commission then approved the Conditional Use Permit 17-03 for East Bay Coffee Company to sell beer and wine in the restaurant on October 23, 2017. As a part of that approval, the Planning Commission adopted Resolution 17-11 with 27 Conditions of Approval.

In July of 2020, the Planning Commission approved Resolution 20-03 amending Conditional Use Permit 17-03 for the allowance of outdoor dining and the ability to sell alcohol outside.

ANALYSIS

As a part of the approval of Resolution 20-14, Condition 8 states that “Proposed modification of the hours or other aspects of the business shall be submitted for review and approval by the City Planning Manager. The Planning Manager will determine if changes are substantial and require further review by the Planning Commission”.

The purpose of the elevation of this item is due to the fact that the applicant is proposing new placement for the 10 tables from the original proposal. The Applicant is proposing to construct two pergola structures over those tables and has proposed a new fence that changes the vertical planks to horizontal planks. The applicant is removing the container from the approved plan.

Based on the above changes, an Administrative Design Review is required to review this project. Section 17.12.080 of the Municipal Code regulates Administrative Design Review. Section 17.12.080 identifies four (4) findings that are required to be met. The four findings are listed below:

1. Compliance with the general plan and any applicable specific plans.
2. Compliance with applicable provisions of the Zoning Code.
3. Compatibility with the surrounding neighborhood.

4. Qualifying single-family residential, multi-family residential, and residential mixed-use projects shall comply with all relevant standards and guidelines in the city's currently adopted design guidelines for residential development.

Finding 1 -- Compliance with the general plan and any applicable specific plans.

East Bay Coffee Company is an existing business that was established in 2012. The property is located within the Three Corridor Specific Plan within the San Pablo Corridor.

Three Corridor Land Use Policy7-- Promote a variety of retail uses that are compatible with a pedestrian environment.

General Plan Goal LU.7 of the Land Use and Economic Development Element calls for balancing housing and employment opportunities to reduce trips in and out of the region and encourages commercial development which maintains and enhances the quality of the City's commercial areas, creates a climate that supports existing businesses, provides basic goods and services for residents and broadening the tax base of the community to provide revenues for public services.

General Plan Goal LU.8 of the Land Use and Economic Development that calls for concentrating commercial development and mixed-use activity areas within major City transportation corridors including San Pablo Avenue.

The Design Review request is consistent with this goal in that the restaurant will expand its operation outside. The expansion will provide additional services for Pinole residents and visitors and would help support a local business that generates sales tax revenue for the City. This finding has been met.

Finding 2 – Compliance with the applicable provisions of the Zoning Code.

East Bat Coffee Company is a permitted use that acquired conditional use permits for alcohol sales inside and outside, live music indoors. East Bay Coffee Company is permitted to have outdoor dining as approved by Resolution 20-14.

The Design Review request is consistent with the zoning ordinance with the approved conditions of approval for this project. All of the design requirements except the pergolas was approved in some form with Planning Commission Resolution 20-14. This finding has been met.

Finding 3 – Compatibility with the surrounding neighborhood.

East Bay Coffee Company is located within a Commercial Mixed Use Zone District. There are residential units and commercial establishments that surround the property. This report has listed the existing uses surrounding the East Bay Coffee Company.

The Design Review request does not change the number of tables or any other portion of the business. The new placement of the table and the pergolas to the middle of the property does not alter the impacts of this project. By moving the tables to the middle and adding the pergolas, it will allow the noise to be filtered and kept in the area where the tables are located. This finding has been met.

Finding 4 – Qualifying single-family residential, multi-family residential, and residential mixed-

use projects shall comply with all relevant standards and guidelines in the city's currently adopted design guidelines for residential development.

East Bay Coffee Company is located within a commercial zone and at this time there is no residential component being proposed.

The Design Review request does not have a residential component and is not applicable to this project.

ENVIRONMENTAL REVIEW

This project is categorically exempt per Section 15301 Existing Facilities of the California Environmental Quality Act Guidelines in that it consists of no physical expansion of existing business within an existing mixed-use commercial building.

ATTACHMENTS

- A. Resolution 21-08 with Exhibit A: Conditions of Approval
- B. Proposed Plan for Outdoor Dining Area
- C. Approved Plan adopted July 27, 2020

**ATTACHMENT A
PLANNING COMMISSION RESOLUTION 21-08
WITH EXHIBIT A: CONDITIONS OF APPROVAL**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PINOLE, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, APPROVING ADMINISTRATIVE DESIGN REVIEW 21-13, TO AMEND DESIGN COMPONENTS AS DESCRIBED IN RESOLUTION 20-03 AT EAST BAY COFFEE COMPANY RESTAURANT LOCATED AT 2529 SAN PABLO AVENUE, PINOLE, CA 94564, APN: 401-181-015

WHEREAS, the owners of East Bay Coffee Company filed an application for an ADR 21-13 with the City of Pinole to allow for the redesign of the outdoor dining area; and

WHEREAS, the Planning Commission of the City of Pinole is the appropriate authority to hear and act on this project; and

WHEREAS, the property is in a Commercial Mixed Use (CMU) Zoning District; and

WHEREAS, the project meets the criteria for a Categorical Exemption as an Existing Facility pursuant to Section 15301 of the California Environmental Quality Act (CEQA); and

WHEREAS, The Planning Commission of the City of Pinole has conducted a duly noticed hearing to consider the project at a special meeting on June 7, 2021; and

WHEREAS, after the close of hearing, the Planning Commission considered all public comments received both before and during the public hearing, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed development.

NOW, THEREFORE, the Planning Commission hereby finds that:

1. The administrative design review request is consistent with General Plan in that it expands the range of commercial services available in Pinole and provides added convenience for customers who patronize the East Bay Coffee Company establishment at 2529 San Pablo Avenue and strengthens the commercial competitiveness of an existing business within the City.
2. The administrative design review request, as conditioned, is consistent with the Zoning Code and will help ensure the protection and preservation of public health, safety, and welfare; and
3. The administrative design review request is Categorical Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines because it involves minor physical improvements to an existing commercial mixed-use building without expanding the building.
4. That all the Conditions of Resolutions 17-11, 20-13 and 20-14 are in full force and effect.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Pinole

hereby approves Administrative Design Review 21-13 as provided in the staff report, and subject to the Conditions of Approval attached as Exhibit A to this Resolution.

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 7th day of June 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

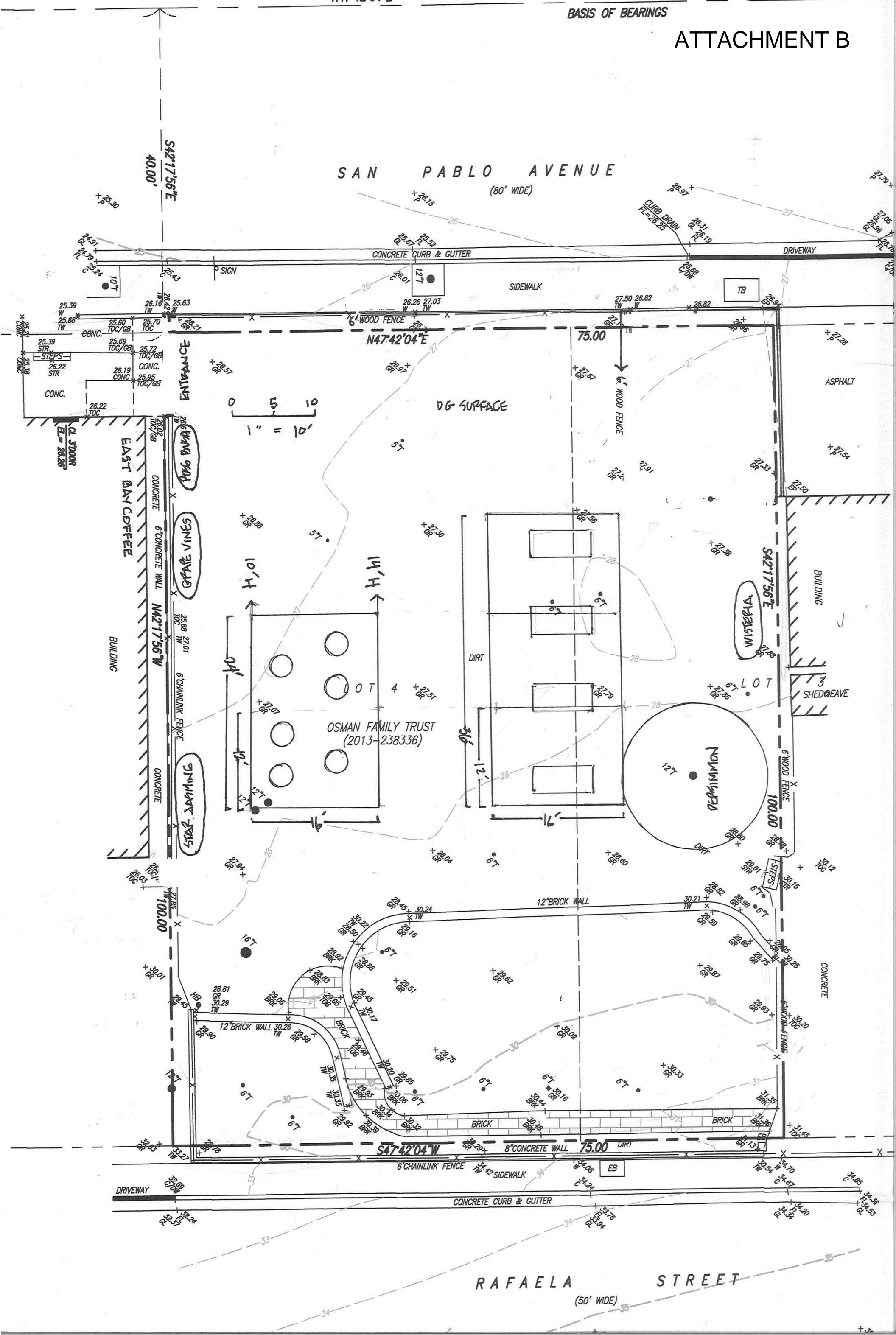
Tim Banuelos, Chair 2021-2022

ATTEST:

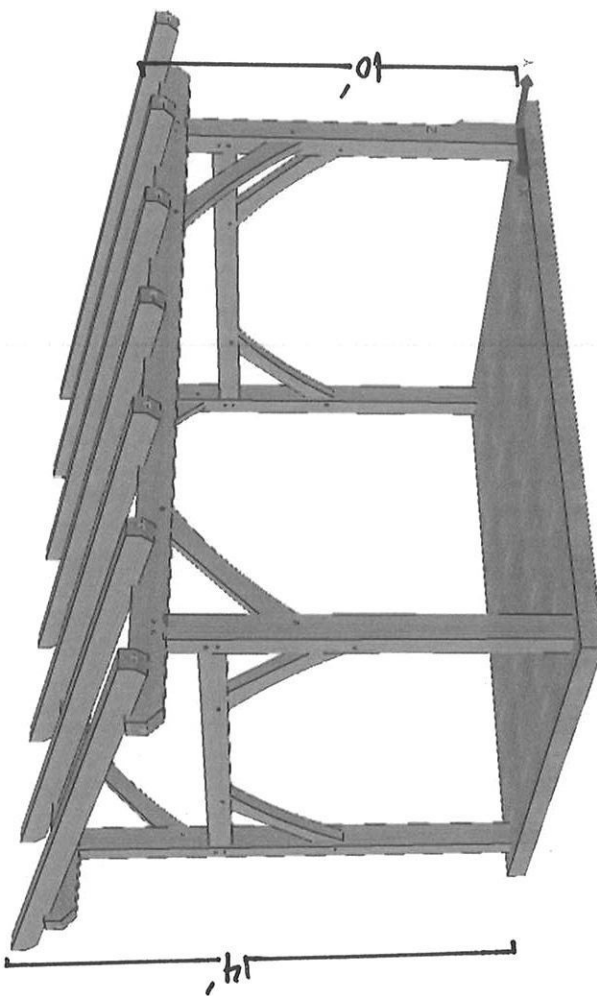
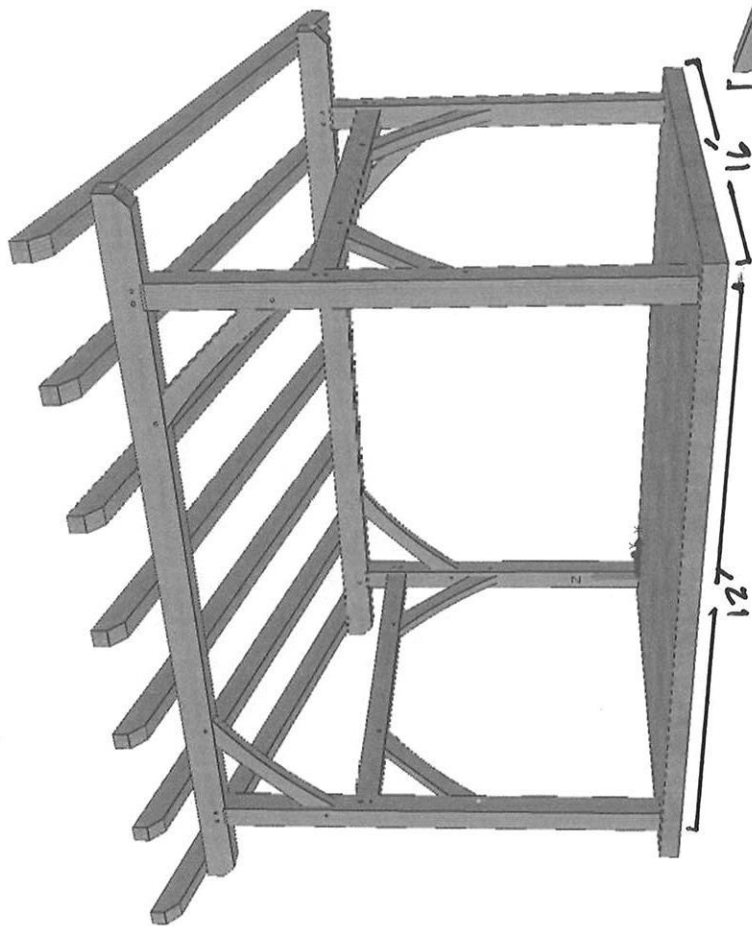
David Hanham, Planning Manager

BASIS OF BEARINGS

ATTACHMENT B



12x16 Shed Roof Plan v1 (FOOTPRINT FOR SECTIONS)



POSTS ANCHORED TO CONCRETE FOOTERS

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12 x 16 Shed Roof v1

TIMBERFRAME
HEADQUARTERS

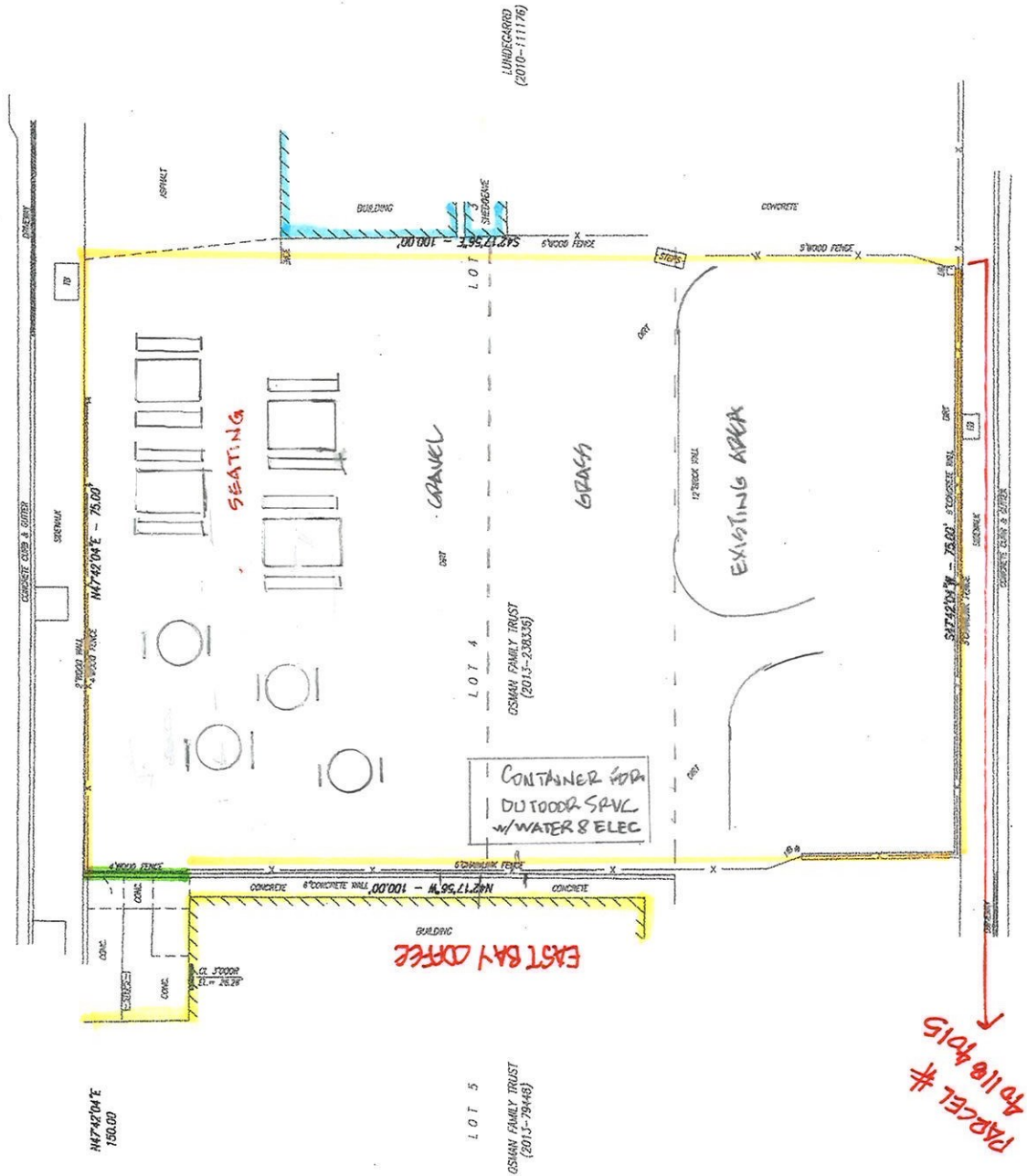
683.38' MON TO MON

BASES OF BEARINGS

N47°42'04"E

SAN PABLO AVENUE
(60' WIDE)

S42°17'56"E
40.00'



- 1. FENCE - SEE EXAMPLE
- 2. ACCESS to OUTDOOR SEATING
- 3. EAST BAY OFFICE
- 4. UNDEVELOPED GARAGE & SHED



6' PRIVACY FENCE EXAMPLE



DESCRIPTION

KISTER, SAVIO & REI, INC.
LAND SURVEYORS - CIVIL ENGINEERS

825 SAN PABLO AVENUE
PINOLE, CALIFORNIA 94554
PHONE: (910) 222-4020 FAX: (910) 222-3718
E-MAIL: info@krsr.net

FOR: []
SCALE: []

REVISIONS

REFERENCES

FIELD BOOK No. []
FILE MAP: []
FILE CO: []
POLY FILE: []
DATE: []
ASC. REF: []