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2
3 **MINUTES OF THE SPECIAL MEETING**
4 **PINOLE PLANNING COMMISSION**
5

6 **June 7, 2021**
7

8 **DUE TO THE STATE OF CALIFORNIA'S DECLARATION OF EMERGENCY – THIS**
9 **MEETING WAS HELD PURSUANT TO AUTHORIZATION FROM GOVERNOR**
10 **NEWSOM'S EXECUTIVE ORDERS – CITY COUNCIL AND COMMISSION MEETINGS**
11 **WERE NO LONGER OPEN TO IN-PERSON ATTENDANCE. THE MEETING WAS**
12 **HELD VIA ZOOM TELECONFERENCE.**
13

14
15 **A. CALL TO ORDER: 7:05 P.M.**
16

17 **B. PLEDGE OF ALLEGIANCE AND ROLL CALL**
18

19 Commissioners Present: Benzuly, Kurrent, Martinez, Chair Banuelos
20

21 Commissioners Absent: Moriarty, Wong
22

23 Staff Present: David Hanham, Planning Manager
24 Alex Mog, Assistant City Attorney
25

26 **C. CITIZENS TO BE HEARD**
27

28 No speaker cards or e-mails were submitted for this item.
29

30 **D. MEETING MINUTES:**
31

32 Approval of the Minutes of the May 24, 2021 and June 7, 2021 meetings were
33 continued to the June 28, 2021 regular meeting.
34

35 **E. PUBLIC HEARINGS: None**
36

37 **F. OLD BUSINESS: None**
38

39 **G. NEW BUSINESS:**
40

41 **1. Administrative Design Review – East Bay Coffee**
42

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

1 **Applicant:** Lisa Ancira
2 c/o East Bay Coffee Company
3 2529 San Pablo Avenue
4 Pinole, CA 94564
5

6 **Location:** 2529 San Pablo Avenue (APN: 401-184-015)
7

8 **Planner:** David Hanham
9

10 Planning Manager David Hanham presented the staff report dated June 7, 2021,
11 and provided a PowerPoint presentation to illustrate the approved layout and the
12 proposed use for the outdoor dining area for East Bay Coffee Company.
13

14 Mr. Hanham recommended the Planning Commission adopt Resolution 21-08
15 approving Administrative Design Review to amend the outdoor dining design for
16 East Bay Coffee subject to the conditions of approval contained in Exhibit A to
17 Attachment A, as shown in the staff report.
18

19 Responding to the Commission, Mr. Hanham clarified the fence would include
20 some vertical plant material, and there would be no entrance or exit from the
21 outdoor dining area onto San Pablo Avenue, although there would be a side
22 entrance with an Americans with Disabilities Act (ADA) ramp. As part of the
23 original use permit, the applicant would be required to maintain the property
24 including the fence and landscaping. The current fence design included horizontal
25 slats with a two-inch gap between the planks.
26

27 PUBLIC COMMENTS OPENED

28
29 The applicant was not present.
30

31 The following speakers submitted written comments (and photographs) via email
32 that were read into the record and would be filed with the agenda packet for this
33 meeting: **Robert Woodfield, 769 John Street, Pinole and Priscilla Kyu.**
34

35 In response to public comment, Mr. Hanham clarified the existing landscaping on
36 both sides and rear of the property. The side landscaping, which was currently
37 overgrown, would be pared back. The tables and chairs in the outdoor dining area
38 would be moved to the middle of the property. The landscaping was required to
39 be preserved as part of the approved Conditional Use Permit (CUP) for the
40 business. In response to neighbors' concerns for views of the site as well as
41 privacy concerns and while the front windows of neighboring homes may have
42 views of the pergolas, staff suggested that due to the slope of the property there
43 would not be clear views of the tables, chairs and patrons in the outdoor dining
44 area.
45
46

1 While the Planning Commission acknowledged neighbors' concerns with respect
2 to privacy, the Commission pointed out the CUP, which had been approved in July
3 2020, included a number of conditions of approval and there was recognition that
4 the applicants had been very accommodating to the neighborhood, particularly
5 with respect to the location of patron parking.
6

7 Mr. Hanham displayed a Google Earth Map of the property along San Pablo
8 Avenue that included views of East Bay Coffee and the existing landscaping. He
9 identified the landscaping to be preserved and noted that some of the landscaping
10 had been trimmed since the Google Map photograph had been taken. There were
11 also views of the location where the tables and chairs would be placed in the
12 middle of the property, views from the sidewalk level, and views of the neighboring
13 properties. Staff acknowledged neighbors may have some slight views of patrons
14 sitting in the outdoor dining area and of the pergolas, but the pergolas and
15 landscaping would screen a lot from view.
16

17 The Planning Commission found that the existing landscaping may provide noise
18 and view mitigation from the outdoor dining area. As to the neighboring property
19 to the north of the subject site, it was noted that the fence may have to be cut back
20 a bit to ensure the line of sight for the neighboring property owner to exit their
21 driveway. Staff would have to discuss that issue with the applicant and staff may
22 require a reduction in the height of the fence at that location.
23

24 The Planning Commission also viewed photographs of the site provided by Ms.
25 Kyu via e-mail. The Planning Commission recommended the Planning Manager
26 work with Ms. Kyu and the applicants to reach a solution with respect to Ms. Kyu's
27 privacy.
28

29 PUBLIC COMMENTS CLOSED 30

31 The Planning Commission discussed Administrative Design Review – East Bay
32 Coffee and offered the following comments and/or direction to staff:
33

- 34 • Liked the modified fence design with horizontal slats but had supported the
35 initial vertical slat fence design with views through the fence along San
36 Pablo Avenue. Reiterated the expansion of the business had been
37 approved by the Planning Commission in July 2020, which had been the
38 time for the public to raise any concerns with the proposal. Characterized
39 the proposed amendment to the outdoor dining and fencing configurations
40 as a slight modification to the original plans, and understood the original
41 owners intended the business to be a labor of love to provide a venue for
42 up-and-coming musicians to play and for the community to meet.
43 Recommended the Planning Manager be authorized to work with both Ms.
44 Kyu and East Bay Coffee Company to come up with a solution to address
45 the privacy concerns raised by Ms. Kyu. (Kurrent)

1 • Liked the proposed design and the slightly taller fence that would serve as
2 a sound break from the live music. Found the modified outdoor dining
3 space and fencing configurations to be a nice addition to the property.
4 Supported the approval of the fence “as shown” for the front, contingent
5 upon determining the final location of the interior components as well as the
6 privacy screening issue to be resolved between the Planning Manager, the
7 applicants, and Ms. Kyu. If a consensus could not be reached,
8 recommended the application be brought back to the Planning Commission
9 for further discussion. (Benzuly)

10
11 • Pleased to see a small business grow and make an investment in the
12 community, recognized the business would still have a small town
13 community feel with the enhancements, supported the new outdoor dining
14 space and fencing configurations but suggested the height of the fence was
15 too high and could be lowered to allow views into the outdoor dining area
16 and of the enhancements being made. Opposed the fence becoming a wall
17 or barrier to the community. On further discussion, supported approval of
18 the fence “as shown” for the front with the contingency offered by
19 Commissioner Benzuly. (Martinez)

20
21 • Provided the history of the project and reported upon visiting the site that
22 there had been a level change on the property with a retaining wall at the
23 rear and with vegetation/bushes that also served as a sound barrier. The
24 back of the sidewalk from San Pablo Avenue to the raised garden bed had
25 a level change which gradually went uphill and then reached street level,
26 and which included views of San Pablo Avenue and up to the middle of the
27 windows of the Victorian homes located across the street. Due to the level
28 change on the property, suggested there would be no perception of a taller
29 fence. Liked the side entrance, proposed fence height, horizontal slat
30 design, and the two-inch gap between planks allowing views into the
31 outdoor dining area while also providing some protection. Suggested the
32 design would be successful. (Banuelos)

33
34 Agreed maintenance was important and would be addressed via the
35 conditions of approval for the CUP and non-compliance of the conditions
36 may result in revocation of the use permit. Liked the elimination of the
37 original plan for the use of a storage container. Found the modified outdoor
38 dining space and fencing configurations would bring people closer, make
39 the business more attractive in the downtown similar to other small town
40 establishments on main streets, and attract other small town businesses to
41 the downtown. Acknowledged the need to balance residential and
42 commercial neighborhoods while also recognizing the need to have enough
43 activity for the business to be successful. (Banuelos)

1 Mr. Hanham commented as part of the original conditions of approval of the CUP
2 if he was unable to reach consensus between the business owner and the
3 neighbor the application could be brought back to the Planning Commission. The
4 Planning Commission may approve the application as-is contingent upon staff
5 meeting with the property owner and the applicant to resolve the privacy concerns
6 or alternatively, the Planning Commission may approve the front fence with two-
7 inch gaps between the planks, with the position of the tables, chairs and pergolas
8 remaining to be finalized between the property owner and the neighbor, and with
9 a report back to the Planning Commission.

10
11 Commissioner Benzuly offered a motion, seconded by Commissioner Martinez, to
12 approve the fence for East Bay Coffee as shown, with two-inch gaps between the
13 planks; with the Planning Manager, property owner and neighbor to the north to
14 continue to work through solutions for privacy screening as well as rearranging the
15 internal components of the outdoor dining area, as needed, to obtain consensus. If
16 consensus was not reached the application would return to the Planning Commission
17 at a later date.

18
19 Assistant City Attorney Alex Mog advised that the Planning Commission had been
20 provided a resolution of approval, as shown in Attachment A to the staff report, which
21 included the required findings. He suggested the motion, as stated, be included as
22 further action in the resolution to document the fact that if the Planning Manager was
23 unable to negotiate a consensus the application would come back to the Planning
24 Commission.

25
26 **MOTION** to adopt Resolution 21-08, A Resolution of the Planning Commission of the
27 City of Pinole, County of Contra Costa, State of California, Approving Administrative
28 Design Review 21-13, to Amend Design Components as Described in Resolution
29 20-03 at East Bay Coffee Company Restaurant Located at 2529 San Pablo Avenue,
30 Pinole, CA, 94564. APN: 401-181-015, subject to the conditions of approval
31 contained in Exhibit A to Attachment A, and subject to a new NOW, THEREFORE
32 BE IT FURTHER RESOLVED clause to read:

33
34 The Planning Manager shall coordinate with the property owner and the
35 neighbor to install appropriate privacy screening between the two properties
36 and if a solution was not reached, the matter shall be brought back to the
37 Planning Commission for a decision.

38
39 **MOTION: Benzuly**

SECONDED: Martinez

APPROVED: 4-0-2

ABSENT: Moriarty, Wong

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41
42 Chair Banuelos identified the 10-day appeal process in writing to the City Clerk.

43 **H. CITY PLANNER'S / COMMISSIONERS' REPORT**

44 **1. Verbal Updates of Projects**

45
46

1 Mr. Hanham reported the next Planning Commission meeting had been scheduled
2 for June 28, 2021, and would include a number of items. He requested that the
3 Ad Hoc Planning Commission Subcommittee consider meeting in the next week
4 or two to review an application from Valero which had proposed a new painting
5 scheme for the building.
6

7 It was the consensus of Ad Hoc Subcommittee members Martinez and Banuelos
8 to meet on Wednesday, June 16 at 3:30 P.M.
9

10 Mr. Hanham also reported that recruitment for the vacancy on the Planning
11 Commission was ongoing with a status report to be provided to the Chair.
12

13 Commissioner Martinez reported on the plans for redistricting in the State of
14 California and in the United States with the opportunity to work with the State
15 Commissioner's Office. He asked that the ticker for Pinole TV include information
16 related to public comment to allow the public to be involved in the redistricting for
17 the City of Pinole, and he expressed the willingness to provide available
18 information to staff.
19

20 Mr. Mog asked that Commissioner Martinez also copy the City Manager with any
21 information.
22

23 **I. COMMUNICATIONS:** None
24

25 **J. NEXT MEETING**
26

27 The next meeting of the Planning Commission to be a Regular Meeting of the
28 Planning Commission to be held on June 28, 2021 at 7:00 P.M.
29

30 **K. ADJOURNMENT:** 8:23 P.M.
31

32 Transcribed by:
33

34
35 Sherri D. Lewis
36 Transcriber