

1
2 **E. PUBLIC HEARINGS**
3

4 **1. Design Review 09-07: 1431 Nob Hill Ave. New Single-Family Home:**
5 Consideration of a new single family home at 1431 Nob Hill Ave. **Contd. from**
6 **May 24, 2010 Planning Commission hearing**
7

8 Associate Planner Anne Hersch stated that the item should be continued to the
9 August 9, 2010 Commission hearing as Design Review materials were not
10 received in time for the July 12, 2010 packet.
11

12 **MOTION to continue the item to July 12, 2010: Kurrent**
13 **SECONDED: Toms APPROVED: 7-0**
14

15 **2. TUP 10-01 ABC Tree Farms Seasonal Sales Lot:** Consideration to allow
16 seasonal sales of pumpkins and Christmas trees at 1450 Fitzgerald Drive.
17 **Contd. from June 14, 2010 Planning Commission hearing**
18

19 Associate Planner Anne Hersch, presented the staff report dated July 12, 2010.
20

21 Commissioner Kurrent asked about the parking for the seasonal sales and
22 specified parking requirements. He asked if a comparable use, such as outdoor
23 sales could be considered as a potential parking ratio for seasonal sales.
24

25 Ms. Hersch stated there are no provisions that specify parking for seasonal sales
26 in the Municipal Code.
27

28 Commissioner Brooks discussed the CCRs for the shopping center. He stated
29 he would like to know ahead of time about the CCRs.
30

31 Ms. Hersch stated that she noted earlier that the city does not get involved with
32 the enforcement of the CC& R's. The CCRs are regulated by the property
33 manager with the tenants.
34

35 Commissioner Sekins asked if the chart table 2 on page 5 of the report relating to
36 parking spaces is the total number of spaces not reduced for the shopping cart
37 storage.
38

39 Ms. Hersch stated that that is correct. It is the total number of parking spaces not
40 reduced for the shopping carts.
41

42 In response to Commission Kurrent's comments, Commissioner Toms stated the
43 section of the code that states 1 space per 2,000 square feet of outdoor use
44 would require 4 ½ to 5 spaces. The code is referring to outdoor sales not
45 specified as seasonal sales as in this case.
46

1 PUBLIC HEARING OPENED.
2

3 JERRY KLIMA, project applicant, provided a project overview. He distributed a
4 study of the site for the parking over the past 14 days prior to this meeting.
5 Approximately, 21 parking spaces will be needed for the display area and 6
6 parking spaces needed for customer parking. This year the overall site size has
7 been reduced and is as small as possible.
8

9 Mr. Klima stated that the property owner stated that CCRs are a civil issue
10 between the other land owners and the tenants and he would like it to remain
11 that way.
12

13 Mr. Klima stated that at the June 14 meeting parking was raised as a concern.
14 During review of the Grocery Outlet project the applicant mentioned that
15 employees would be directed to park in the rear of the center. He stated that he
16 visited the site several times since June 14 and that not one day during his visits
17 to the site did he see any employee park in the back of the center. He stated that
18 based on his observations approximately 70 spaces are being used in the front of
19 the center by employees. Those spaces could be freed up for customers use.
20 The tenants are not doing their part by maximizing the front parking availability
21 for parking by insisting that the employees park in the back of the center.
22 Grocery Outlet was also to have their employee's park in the rear of the center
23 but that is not happening. Perhaps enforcement would get the employees to
24 park in the back of the center.
25

26 Mr. Klima stated that it appears that the shopping centers peak time is at 5pm on
27 Sunday's. Even at peak time there were over 70 parking spaces available for
28 customer use. Most of the spaces were in front of OSH. He also asked to keep
29 in mind the 70 spaces available at peak time plus the 70 spaces that could be
30 freed up by employees parking in the rear of the center would add up to 140
31 more spaces available at peak time.
32

33 Mr. Klima indicated that he has operated a temporary seasonal use at this
34 location for the past 16 years. He has already paid the rent for the use of the lot
35 area for 2010. He indicated that he has also purchased the merchandise for the
36 2010 seasonal sales for this location. He is requesting a year to be able to find
37 an alternative site and transfer the customers to a new location.
38

39 Commissioner Kurrent commended the applicant for addressing the parking
40 issue. He stated that he went to the shopping center at 3:30pm on Saturday but
41 didn't see many available parking spaces. He said perhaps approximately 60 -70
42 parking spaces were available on the other side of the center. He noted that the
43 most congested areas of the center were at the Chuck E. Cheese and Grocery
44 Outlet areas of the center. He said that the parking at the center does vary
45 depending on the day as well as the time of day and also the time of the year.
46

1 Commissioner Kurrent asked staff if there are 70 spaces in the back for
2 employee parking. He indicated that he thought it was more like 45 spaces.

3
4 Ms. Hersch stated that she did not know the exact number of parking spaces in
5 the rear of the center and would need to pull the original site plan for the center
6 to determine the total.

7
8 Commissioner Martinez-Rubin asked if the newly proposed traffic configuration
9 and traffic flow will indeed be the safest configuration.

10
11 Mr. Klima stated that he met with the City of Pinole's Public Works Department
12 staff in regards to the traffic configuration and traffic flow for safety. He stated
13 that he will be willing to place a parking attendant at the lot for peak hours. He
14 noted if the commissioners want an attendant he will place one in the parking
15 area. He stated that with this new configuration 9 parking spaces have been
16 freed up. He says Public Works felt that this design was a better flow for the
17 parking lot.

18
19 Mr. Klima said there will be a turn around area so there will be no backing out.
20 This will keep traffic flowing and will not stall traffic. Public Works approved this
21 design.

22
23 Mr. Klima indicated that it is too late in the year to relocate. He says this site will
24 be too small for his use in the future. He is just looking for a year reprieve in
25 order to find an alternative site for next year.

26
27 Commissioner Martinez-Rubin asked why was the parking attendant not required
28 instead of being just a suggestion on the site design plan.

29
30 Mr. Klima stated that Public Works could only make suggestions not
31 requirements as this is a private parking lot and there is no jurisdiction. Public
32 Works felt the parking attendant wasn't necessary with the new configuration.
33 Mr. Klima stated he will most likely have a parking attendant available whether it
34 is recommended or not for the peak times.

35
36 Commissioner Rubin stated that the context has changed now and that's the big
37 unknown. She asked staff if there is an on going parking challenge at the Trader
38 Joe's center. She asked if there were any lessons learned here if we proceed
39 with this new arrangement could they transfer those improvements on to the
40 Trader Joe's site.

41
42 Planning Manager Winston Rhodes stated that the lesson here for the center off
43 of Fitzgerald Drive is that it could have been parked differently at the outset of
44 development and employers could have been required to have employees park
45 in the least heavily used parking spaces. The employers can control where the
46 employees park.

1
2 Mr. Rhodes stated it is not a question of the parking supply but the utilization of
3 the parking that is currently there. He stated that having large parking areas that
4 are underutilized for the majority of the year is not the highest or best use of the
5 land for cities that are nearly built out. He said many parking lots are designed to
6 meet the absolute peak of demand rather than the typical demand.
7

8 PUBLIC HEARING CLOSED.
9

10 Commissioner Brooks said that we have an obligation to the safety of the
11 community and who ever uses our facilities. He stated that he feels the applicant
12 made a great effort in his due diligence.
13

14 Commissioner Brooks feels that the applicant could potentially conduct the
15 reconfigured temporary uses however he stated that he has doubts but that he
16 feels the city owes it to the applicant to give him one more chance.
17

18 Commissioner Kurrent stated that he sympathizes with the applicant but he is
19 very concerned with the circulation flow. He feels there is potential for violence
20 and road rage due to the seasonal sales lot. He stated that the center already
21 starts off 70 parking spaces short. He also feels that this use is a clear violation
22 to the CC & R's. He stated that he believes that the Planning Commission does
23 have jurisdiction over this issue.
24

25 Ms. Hersch stated that when Grocery Outlet went into the center February 22,
26 2010 a letter was sent out to the property manager stating that employee parking
27 should be shifted to the rear of the center. A letter was also sent to Mr. Klima &
28 Mr. Pries letting them know that there were concerns raised at the Planning
29 Commission meeting of Feb 22. The meeting minutes were also included with
30 the letter. The applicant was encouraged to apply for the use permit much earlier
31 than they normal.
32

33 Commissioner Kurrent stated that he is disappointed that the employees are not
34 utilizing the parking in the rear of the center. He indicated that he cannot support
35 this project due to the deep concern he has over the parking issues.
36

37 Mr. Rhodes stated for information puposes that the previously proposed
38 inflatable play areas have been eliminated from the current plan this year as well
39 as the kids rides in an effort to decrease the amount of time customers would be
40 spending at the site. This would make the parking space turnover much more
41 rapid.
42

43 Commissioner Bender expressed thanks to the applicant for the current changes
44 to the design and the traffic flow plan. He stated that he had noticed the increase
45 in the parking at the center, mainly around Chuck E. Cheese and Grocery Outlet.
46 He is in agreement with Commissioner Brooks that this project should be

1 approved.

2
3 Commissioner Sekins expressed thanks to the applicant and staff for their efforts.
4 He stated that Pinole has had lots of parking areas over the years. His main
5 concern is safety at the center. He felt that this will need to be the last year of
6 the temporary seasonal sales uses at this location.
7

8 Commissioner Martinez-Rubin stated her thanks for working to address the
9 safety concerns. She stated that human safety comes first over earnings. She
10 wanted to see that a parking lot monitor be at the site to alleviate the parking
11 issues that might arise.
12

13 Commissioner Toms expressed thanks for modifying the plan and also stated
14 that this should be the last year at this location. She stated that the Krispy
15 Kreme site would have been a better location for the seasonal sales. She
16 sympathizes with this seasonal sales business but must also sympathize with the
17 year round brick and mortar businesses. These businesses need to have
18 adequate parking for the holiday season. She stated that she is unable to
19 support this project due to the parking deficit.
20

21 Commissioner McGoldrick stated that she would like to see the proposed
22 business at this location again this year. She stated that this doesn't seem that it
23 will work long term however.
24

25 Mr. Rhodes stated since this is the first year with the new occupancies at the
26 center during the holidays that the Planning Commission may want to condition
27 the project applicant to prepare a report that documents the parking availability
28 issues observed at peak times. He recommended having the applicant provide
29 documentation about how the available parking is used during the duration of the
30 use to help evaluate to what extent anticipated parking problems actually occur.
31

32 Commissioner Martinez-Rubin made a motion but asked that there be a condition
33 placed on the approval that there be some sort of documentation prepared during
34 the duration of the temporary use of the site in regards to the parking issue. She
35 requested that a report from the applicant be prepared at the conclusion of the
36 proposed use describing the observed parking utilization conditions within the
37 parking lot during the seasonal sales.
38

39 **MOTION: Martinez-Rubin**

SECONDED: Sekins

40
41 **OPPOSED: Kurrent & Toms**

APPROVED: 5-2

42
43 **F. OLD BUSINESS:**

- 44
45 1. General Plan Update Status Report and Draft Environmental Impact Report
46 (DEIR) Availability

1
2 Mr. Rhodes referred to the memo prepared for the item. The commissioners each
3 received a CD of all four project-related draft documents including the DEIR. He
4 asked that the drafts documents be reviewed to make certain that the previous
5 comments were all properly addressed. Mr. Rhodes stated that he is trying to
6 schedule a Zoning Code Update subcommittee meeting in August. Also, that each
7 commissioner will receive a hard copy of all four draft documents as soon as they
8 are finished printing.

9
10 Mr. Rhodes stated that he is awaiting any DEIR comments that come during the
11 comment period. He stated that the comment period ends August 20, 2010. He
12 stated that the schedule call for Council consideration of all the General Plan
13 Update planning documents in October.

14
15 Commissioner Toms asked where citizens will be able to find hard copies of the
16 four draft documents. She also asked why no hard copy at the library.

17
18 Mr. Rhodes stated that there are hard copies of each draft document located at the
19 Community Development Department front counter. He stated that there is no hard
20 copy at the library as their hours are extremely limited.

21
22 Mr. Rhodes stated that none of the downtown merchants have requested hard
23 copies of the draft documents. He stated that he will make sure that the library
24 does obtain a copy of the cd for citizens to review.

25
26 Commissioner McGoldrick asked if the CDs were sent to the list of interested
27 parties.

28
29 Mr. Rhodes stated that there were approximately seventy (70) CDs mailed out to
30 different agencies and people who are stake holders in this process. He stated that
31 the Chamber of Commerce was heavily involved in this process and did receive a
32 CD.

33
34 Commissioner Bender asked if the zoning subcommittee meeting to be held in
35 August is on top of the regularly scheduled meetings.

36
37 Mr. Rhodes stated that this meeting would be held in addition to the regularly
38 scheduled meetings. He also stated he would like to wait and see what comments
39 are received in order to determine if more meetings will need to be held in
40 September.

41
42 Commissioner McGoldrick asked if the draft documents could be placed on the
43 website in chapters as it makes it much easier to print out and separate out when
44 viewing.

45
46 Mr. Rhodes stated that it makes it much easier to print out when in chapters than as

1 an entire document. He stated that he is working on getting the draft documents on
2 the website in chapters for the ease of printing.

3
4 **G. NEW BUSINESS**

5
6 Mr. Rhodes stated that there is a special meeting scheduled for the Planning
7 Commission for August 23, 2010 at 7pm.

8
9 Mr. Rhodes stated that the minutes for these meetings are now prepared by City
10 staff as opposed to contract minute taker that used to prepare these minutes. This
11 being said he stated that Anne Hersch or Pam Bridant will be doing the minutes;
12 therefore they will be more action-based minutes as opposed to detailed minutes.

13
14 Commissioner Martinez-Rubin asked if a digital recorder could be used to record
15 the meetings in order to help out with minute taking.

16
17 Mr. Rhodes stated that the meetings are currently recorded on DVD with audio as
18 well. When Anne Hersch does the minutes it is a little easier as she has attended
19 the meetings but when Pam Bridant works on the minutes she needs to watch the
20 entire meeting in order to prepare the draft minutes.

21
22 Mr. Rhodes stated that a copy of the DVD is available upon request.

23
24 **H. CITY PLANNER'S/COMMISSIONER'S REPORT:**

25
26 None.

27
28 **I. COMMUNICATIONS:**

29
30 None.

31
32 **J. NEXT MEETING:**

33
34 Planning Commission Meeting, Monday August 9, 2010 at 7:00PM

35
36 **K. ADJOURNMENT: 8:30 P.M.**

37
38
39
40 Transcribed by: Pam Bridant, Permit Technician