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**MINUTES OF THE REGULAR
PINOLE PLANNING COMMISSION**

June 25, 2018

A. CALL TO ORDER: 7:01 P.M.

B. PLEDGE OF ALLEGIANCE AND ROLL CALL

Commissioners Present: Brooks, Hartley, Kurrent, Martinez-Rubin, Tave,
Thompson, Chair Wong

Commissioners Absent: None

Staff Present: Winston Rhodes, Planning Manager

C. CITIZENS TO BE HEARD

There were no citizens to be heard.

D. CONSENT CALENDAR

1. Planning Commission Meeting Minutes from May 21, 2018

MOTION to approve the Planning Commission Meeting Minutes from May 21, 2018, as shown.

MOTION: Brooks SECONDED: Thompson APPROVED: 7-0

E. PUBLIC HEARINGS

1. Conditional Use Permit 18-02 Tandoor Restaurant Alcohol Sales

Request: Consideration of a use permit request to sell beer and wine within an approximately 3,200 square foot existing restaurant located within the bottom floor of an existing two-story commercial mixed use building

Applicant: Timothy Maharjan
Tandoor Restaurant
2554 Appian Way
Pinole, CA 94564

Location: 2554 Appian Way (APN 426-391-001)

1 **Project Planner:** Winston Rhodes, Planning Manager
2

3 Planning Manager Winston Rhodes presented the staff report dated June 25, 2018,
4 stated that staff had visited the site, identified two unauthorized signs visible at that
5 time, advised that a draft condition had been added to ensure the signage was
6 brought into conformance with the City's sign requirements, and reported the
7 applicant had agreed with all recommended conditions. He recommended the
8 Planning Commission adopt Resolution 18-04 to approve a Conditional Use Permit
9 (CUP) for alcohol sales for on-premises consumption within the building interior
10 only.

11
12 Responding to the Commission, Mr. Rhodes clarified the zoning consistency and
13 the State Department of Alcohol and Beverage Control (ABC), which had identified
14 based on the population of the census tract that there could be a maximum of
15 seven businesses to sell alcohol. Exceeding the requirement required a finding of
16 Public Convenience or Necessity by the City Council. Staff was unaware of any
17 issues with the sale of beer and wine in any of the other businesses in the same
18 census tract and the Pinole Police Department had anticipated no problems. The
19 City Council had been comfortable with the applicant's request, which was why staff
20 had brought the application to the Planning Commission for consideration and
21 action.

22
23 Mr. Rhodes clarified the restaurant under the current ownership had been in
24 operation for close to a year; the applicant did not plan to be open on Sundays;
25 there were two other restaurants within the same commercial mixed use site; and
26 the City had received no complaints regarding alcohol sales.

27
28 **PUBLIC HEARING OPENED**

29
30 ATIT SUBBA, Manager and co-owner of the Tandoor Restaurant, responded to
31 questions from the Planning Commission and confirmed that the restaurant's
32 current operator had been in business for one year; the hours of operation would be
33 as shown in the conditions of approval with the restaurant to be closed on Sundays;
34 and the hours of operation were suitable for the business but if changes were
35 needed in the future that issue could be addressed at that time.

36
37 Mr. Rhodes clarified the conditions could be modified to reflect that changes to the
38 hours of operation could be approved administratively by staff to avoid the need for
39 an amendment to the CUP, which required Planning Commission review and
40 approval.

41
42 **PUBLIC HEARING CLOSED**

43
44 The Planning Commission discussed Draft Resolution 18-04 and offered the
45 following comments:
46

- Condition 13 revised to read: *The operating hours for sale of alcohol shall be Monday through Sunday from 11:30 A.M. to 2:30 P.M. and 5:00 P.M. to 9:00 P.M. Changes in the hours of operation may be approved administratively by staff.*
- Condition 19 revised to read: *No signs advertising the sale of alcoholic beverages shall be displayed outside of the premises or visible from the side exterior.*

Commissioner Kurrent offered a motion to adopt Resolution 18-04, subject to additional modifications to Conditions 13 and 19, but there was no second to the motion and the motion was withdrawn. Subsequently, another motion was offered by Commissioner Kurrent, as follows:

MOTION to adopt Resolution 18-04, with Exhibit A: Conditions of Approval, A Resolution of the Planning Commission of the City of Pinole, County of Contra Costa, State of California, Approving a Conditional Use Permit (CUP 18-02) to Allow Beer and Wine Sales for On-Site Consumption in an Existing Restaurant Located at 2554 Appian Way, APN 426-391-001, subject to the following revisions:

Condition 13 modified to read: *Alcohol sales operating hours shall be Monday through Saturday from 11:30 A.M. to 2:30 P.M. and 5:00 P.M. to 9:00 P.M. Changes of operating hours may be approved administratively.*

Condition 19 modified to read: *No signs advertising the sale of alcoholic beverages shall be displayed outside of the store or visible from the exterior of the restaurant.*

MOTION: Kurrent SECONDED: Thompson APPROVED: 7-0

Chair Wong mentioned the 10-day appeal process, in writing, of a decision of the Planning Commission.

F. OLD BUSINESS: None

G. NEW BUSINESS: None

H. CITY PLANNER'S / COMMISSIONERS' REPORT

Mr. Rhodes reiterated the issue of unauthorized signage at the Tandoor Restaurant had been discussed with the applicant, the property owner had been encouraged to submit a sign program for the entire shopping center, and prior to staff's approval of paperwork from the ABC staff would verify whether the unauthorized signage had been removed or an application submitted for signage in conformance to the City's sign regulations.

1
2 Mr. Rhodes reported the Pinole Multimodal Transportation Survey was now
3 available at City Hall, the Senior Center, and the Pinole Library with copies also
4 provided at the dais. He acknowledged a request from the Planning Commission
5 that the results of the survey be presented to the Planning Commission at a later
6 date.

7
8 Commissioner Kurrent reported on his on-line participation in AB 1234 certification
9 requirements; clarified with staff BevMo's liquor licenses earlier discussed; and was
10 informed that the East Bay Regional Park District (EBRPD) Ribbon Cutting
11 Ceremony for the new Bay Trail opening initially scheduled for June 30 had been
12 postponed.

13
14 Mr. Rhodes clarified in response to Commissioner Martinez-Rubin that a new chain
15 link fence at the northeast corner of Canyon and Appian Way surrounded the
16 former Doctor's Hospital site had been installed by the new property owner to
17 secure the site and prevent vandalism and due to liability issues.

18
19 Commissioner Thompson clarified with Mr. Rhodes applicable appeal and deposit
20 fees of Planning Commission decisions; the distinction in fees due for a Planning
21 Commission appeal initiated by a City Councilmember versus a member of the
22 public; the City Council's deliberations on traffic circulation and landscaping for
23 DaVita Dialysis Clinic driveway access point on Pinole Valley Road. An update on
24 the trail improvements behind Sprouts was also provided by Mr. Rhodes.

25
26 **I. COMMUNICATIONS:** None

27
28 **J. NEXT MEETING**

29
30 The next meeting of the Planning Commission will be a Regular Meeting to be
31 held on Monday, July 23, 2018 at 7:00 P.M.

32
33 **K. ADJOURNMENT:** 8:08 P.M

34
35 Transcribed by:

36
37
38 Anita L. Tucci-Smith
39 Transcriber
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