



## PINOLE PLANNING COMMISSION MEETING AGENDA

April 28, 2025

7:00 PM

Attend in Person: PINOLE CITY COUNCIL CHAMBERS - 2131 PEAR STREET  
OR

Attend VIA ZOOM TELECONFERENCE – Details provided below

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### How to Submit Public Comments:

#### **In Person:**

Attend meeting at the Pinole City Council Chambers, fill out a yellow public comment card and submit it to the City Clerk.

#### **Via Zoom:**

Members of the public may submit a live remote public comment via Zoom video conferencing. Download the Zoom mobile app from the Apple Appstore or Google Play. If you are using a desktop computer, you can test your connection to Zoom by clicking [here](#). Zoom also allows you to join the meeting by phone.

#### **From a PC, Mac, iPad, iPhone or Android:**

<https://us02web.zoom.us/j/86505375301>

**Webinar ID: 865 0537 5301**

**By phone:** +1 (669) 900-6833 or +1 (253) 215-8782 or +1 (346) 248-7799

- Speakers will be asked to provide their name and city of residence, although providing this is not required for participation.
- Each speaker will be afforded up to 5 minutes to speak
- Speakers will be muted until their opportunity to provide public comment.

When the Chair opens the comment period for the item you wish to speak on, please use the “raise hand” feature (or press \*9 if connecting via telephone) which will alert staff that you have a comment to provide and press \*6 to unmute. To comment with your video enabled, please let the City Clerk know you would like to turn your camera on once you are called to speak.

#### **Written Comments:**

Please submit public comments to Planning Staff before the meeting via email to [ghanham@pinole.gov](mailto:ghanham@pinole.gov). Please include your full name, city of residence and agenda item you are commenting on.

## OTHER WAYS TO WATCH THE MEETING

**LIVE ON CHANNEL 26.** They are retelecast the following week. The Community TV Channel 26 schedule is published on the city's website at [www.pinoles.gov](http://www.pinoles.gov).

**VIDEO-STREAMED LIVE ON THE CITY'S WEBSITE,** [www.pinoles.gov](http://www.pinoles.gov) 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 [dhanham@pinoles.gov](mailto:dhanham@pinoles.gov).**

**Americans With Disabilities Act:** 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 City Clerk's Office at (510) 724-8928. Notification 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.

**Note:** Staff reports are available for inspection on the City Website at [www.pinoles.gov](http://www.pinoles.gov). You may also contact the City Clerk via e-mail at [hbelle@pinoles.gov](mailto:hbelle@pinoles.gov).

### **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.

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.

**Ralph M. Brown Act. Gov. Code § 54950.** In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies, which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

**A. CALL TO ORDER**

**B. PLEDGE OF ALLEGIANCE**

**C. LAND ACKNOWLEDGMENT**

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

**D. ROLL CALL**

**E. 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.

**F. MEETING MINUTES:**

1. Planning Commission Meeting Minutes for April 14, 2025

**G. RE-ORGANIZATION OF PLANNING COMMISSION**

1. Select Chairperson, Vice Chairperson, and Design Review Ad-Hoc Committee

**H. 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.**

1. Diosa Restaurant UP 25-0001

**I. OLD BUSINESS**

**J. NEW BUSINESS**

1. Discussion of Redevelopment of Appian 80 Shopping Center

**K. CITY PLANNER'S/COMMISSIONER'S REPORT**

1. Planning Commission Academy

**L. COMMUNICATIONS**

**M. NEXT MEETING(S)**

1. Planning Commission Regular Meeting on May 12, 2025 at 7:00PM

**N. ADJOURNMENT**

I hereby certify under the laws of the State of California that the foregoing Agenda was posted on the bulletin board at the main entrance of Pinole City Hall, 2131 Pear Street Pinole, CA, and on the City's website, not less than 72 hours prior to the meeting date set forth on this agenda.

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**David Hanham**  
**Planning Manager**  
**POSTED: \_\_\_\_\_**

DRAFT

MINUTES OF THE REGULAR MEETING  
PINOLE PLANNING COMMISSION

April 14, 2025

THIS MEETING WAS HELD IN A HYBRID FORMAT  
BOTH IN-PERSON AND ZOOM TELECONFERENCE

A. **CALL TO ORDER:** 7:00 p.m.

B. **PLEDGE OF ALLEGIANCE**

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

D. **ROLL CALL**

Commissioners Present: Bender, Huey, Lam-Julian, Sandoval, Uch, Vice-Chairperson  
Martinez, Chairperson Menis

Commissioners Absent: None

Staff Present: David Hanham, Planning Manager  
Justin Shiu, Senior Planner

Chairperson Menis reported he had ex parte communications having sent emails to his mailing list covering the items on the meeting agenda.

E. **CITIZENS TO BE HEARD**

There were no comments from the public.

F. **MEETING MINUTES**

1. Planning Commission Meeting Minutes for February 24, 2025

**MOTION** with a Roll Call vote to approve the Planning Commission Meeting Minutes for February 24, 2025, as submitted.

**MOTION: Menis**

**SECONDED: Huey**

**APPROVED: 7-0**

1 **G. PUBLIC HEARING**

2  
3 **1. UP-25-0002, Club Pilates**

4  
5 Senior Planner Justin Shiu provided a PowerPoint presentation for UP-25-0002. He  
6 recommended the Planning Commission adopt Resolution 25-03 approving UP-25-0002, a  
7 Conditional Use Permit application providing for the establishment of Club Pilates at 2814  
8 Pinole Valley Road, subject to Exhibit A, Planning Commission Resolution 25-03, Conditions  
9 of Approval.

10  
11 Responding to questions from the Planning Commission Mr. Shiu and Planning Manager  
12 David Hanham clarified:

- 13  
14
- 15 • Exhibit A, Planning Commission Resolution 25-03, Conditions of Approval, Condition  
16 11, applied to the Conditional Use Permit (CUP) and was a standard condition of  
17 approval. (Sandoval)
  - 18 • Attachment B, Club Pilates Pinole Tenant Improvement Project – Conditional Use  
19 Permit Application Information, Page 29 of 131 of the agenda packet, included three  
20 bullet points for the estimated number of visitors, any amplified sound, and proposed  
21 pedestrian and vehicular circulation on site, with the third bullet point reading:  
22 *Pedestrian and vehicular circulation - as each class only has capacity for up to 12*  
23 *people, there will be up to 12 people walking and/or driving to classes each day.*  
24 *There is a 10-minute transition window between classes to allow one class to end*  
25 *and the new class to begin to facilitate the flow of clients entering and exiting the*  
26 *studio.* Clarified the Planning Commission may add additional conditions it sees  
27 fit to address any potential issue such as traffic issues.

28  
29 Clarified the classes would have a maximum capacity for up to 12 people but that  
30 did not mean all classes would have 12 people. By not exceeding the 12-person  
31 maximum capacity, there was knowledge there was a finite number of people in  
32 the Pilates studio at one time. If the Commission wanted to add a condition to  
33 review the CUP in one year that could be done and if there were any complaints  
34 from other businesses in the Pinole Valley Shopping Center related to parking or  
35 traffic, as examples, staff would review those complaints. If the applicant needed  
36 to add more classes, the applicant would have to come back to the Planning  
37 Commission to expand the class load. Acknowledged a request to add language  
38 for the applicant to be aware of the drop-off situation in the shopping center given  
39 past issues. (Vice Chairperson Martinez)

- 40  
41
- 42 • Condition 8 (e) and (f) were general conditions of approval that would not normally  
43 apply to the project but had been included as a standard condition. (Bender)

44 **PUBLIC HEARING OPENED**

45  
46 Melissa Miller, owner, Club Pilates, described the request to open Club Pilates in the Pinole  
47 Valley Shopping Center and provided a PowerPoint presentation, which included an  
48 overview of Club Pilates, a boutique Pilates studio, which required a small footprint on  
49 average of 1,800 square feet with a maximum of 12 persons per class. Classes were not  
50 always full, and private one-on-one private training sessions could be offered.

1 Ms. Miller explained that everything was always pre-scheduled and pre-booked by  
2 reservation only, with the classes around 50 minutes in length that started on the hour or half  
3 hour, with a 10-minute transition window for flow between in and out classes. Private classes  
4 were a full 60-minutes in length. Club Pilates is the largest Pilates franchise globally with  
5 over 1,000 studio locations world-wide.  
6

7 Ms. Miller reported she and her husband had been in the franchise system since 2016 having  
8 opened their first studio in the City of Alameda, and they also owned studios in the Rockridge  
9 neighborhood of the City of Oakland, which opened in 2023, and had recently opened a  
10 location in El Cerrito Plaza. Having reviewed the demographics for the area, they had  
11 learned the cities of Pinole, Hercules and El Sobrante aligned with the Club Pilates  
12 demographics, and while it skewed to women 40 years and up, the studio would serve both  
13 men and women of all ages.  
14

15 Pilates supported the overall health and wellbeing for all clients in a low impact format, in a  
16 small studio footprint with controlled attendance and general appeal. Club Pilates had  
17 increased foot traffic to neighboring businesses where they were located and complemented  
18 other existing uses. Other Club Pilates locations had similar tenants as the Pinole Valley  
19 Shopping Center. Club Pilates would have up to 12 clients per class, every 50 minutes, up  
20 to 12 classes a day when fully operational. Sound would be minimal amplified sound with  
21 ambient music and with one instructor per class. A 10-minute transition window would  
22 ensure smooth flow between classes and parking.  
23

24 In terms of staffing, Club Pilates would have two employees per day, with a maximum of four  
25 employees on-site at one time with 10 to 12 part time employees consisting of front desk staff  
26 and instructors. There would be one full-time employee. Operating hours would be  
27 Monday/Wednesday from 6:30 a.m. to 2:30 p.m. and 4:30 p.m. to 8:30 p.m.;  
28 Tuesday/Thursday, 6:00 a.m. to 2:00 p.m. and 4:00 p.m. to 8:00 p.m.; Friday, 6:30 a.m. to  
29 2:30 p.m. and 4:30 p.m. to 6:30 p.m., and Saturday/Sunday 8:00 a.m. to 2:00 p.m. Midday.  
30 Down time would be between 2:00 and 4:00 p.m. on the weekdays and after classes and on  
31 weekends for administrative tasks and cleaning.  
32

33 A graphic that illustrated the Pinole Valley Shopping Center's hourly visits was provided by  
34 the landlord and presented to the Planning Commission to reflect that the use complemented  
35 the Pinole Valley Shopping Center by operating during slower visiting hours, with an average  
36 stay of 27 minutes and a median stay of 18 minutes that offered lots of parking turnover  
37 during the day. A copy of the site map was also provided to show the location of Club Pilates  
38 and surrounding tenants in the Pinole Valley Shopping Center, some of which would not be  
39 open at the same time as the studio.  
40

41 Details on client arrival patterns were also highlighted with most clients arriving by car, foot,  
42 bike or public transportation. The site would also be served by Westcat with connections to  
43 BART and regional transit and a bus stop was located directly in front of the shopping center.  
44 Parking and drop-offs were also highlighted. If driving, clients usually parked to attend a 50-  
45 minute class, occasional carpooling was done and some clients may be dropped off by  
46 companions running errands nearby. Parking was not an issue given the average class size  
47 of 8 to 10 people, with a maximum of 12 people. The shopping center also provided two  
48 bicycle racks at both ends of the building.  
49  
50

1 Ms. Miller also highlighted the zoning and land use compatibility and site suitability and stated  
2 there would be no adverse detrimental impacts to the health, safety, peace or general welfare  
3 of the community as a result of the use in the shopping center. In addition, testimonials about  
4 Club Pilates were provided along with site maps of Club Pilates locations in Alameda, El  
5 Cerrito and Oakland Rockridge.  
6

7 Andy Armstrong, Senior Leasing Manager, Crosspoint Realty Services, Inc., and the lease  
8 manager for the Pinole Valley Shopping Center ownership group along with similarly situated  
9 Class A grocery shopping centers in the Bay Area, described Club Pilates as boutique  
10 fitness. He advised the vast majority of their shopping centers had boutique fitness that  
11 played extremely well with existing tenants. He explained that the real estate industry had  
12 evolved over the years and fitness had become smaller, individualized and specialized and  
13 did not have the same parking impacts as all-day gym sessions. A boutique fitness tenant  
14 would complement the tenants in the shopping center and finding a shopping center without  
15 a boutique fitness tenant was rare and they were now more common in centers in the Bay  
16 Area. If boutique fitness tenants were not currently located in the realty group's shopping  
17 centers, it was because they had not yet found the right tenant or did not have the space for  
18 the tenant.  
19

20 Mr. Armstrong acknowledged the concerns with the drop-off situation for the martial arts and  
21 tutoring tenants that were typically child-oriented uses and with the children not driving  
22 themselves where circulation issues had resulted. The realty group had other Club Pilates  
23 operators in their portfolio, with members driving themselves to the studio and cross shopping  
24 in their shopping centers. The boutique fitness tenant would not have the same impact as a  
25 use with a pre-driving demographic. He hoped the Planning Commission would approve the  
26 CUP and suggested not doing so would be misguided in the current retail world.  
27

28 PUBLIC HEARING CLOSED  
29

30 Commissioner Uch asked about the demographics of those using Club Pilates and the  
31 demographic of the people who lived in the same city where the studio was located.  
32

33 Ms. Miller commented that most people in the studio were coming from the direct  
34 neighborhood. Their El Cerrito location involved members who drove from Pinole and  
35 Hercules, which was why the opportunity had come onto their radar. For most fitness  
36 studios, people did not want to have to drive more than two to three miles and many people  
37 came after work.  
38

39 Commissioner Uch was pleased to learn that most people would be locals. She  
40 recognized that the subject location had good pedestrian and bicycle access and  
41 connections with a trail connecting to Pinole Valley. Given the logistics, that would help  
42 alleviate traffic concerns and given the location it was likely most people would walk or  
43 bike to the site.  
44

45 Commissioner Huey was excited about Club Pilates coming to Pinole. She asked whether  
46 Club Pilates would be involved in Active and Fit, a service that offered flexible and  
47 affordable fitness membership programs through one's health insurance or employer and  
48 a service many Medicare members relied on for access to quality gyms at an affordable  
49 rate. She had learned the Alameda and El Cerrito Club Pilates locations participated in  
50 the program and she hoped the Pinole location would do the same.

1 Ms. Miller confirmed Club Pilates would participate in Active and Fit which was part of Club  
2 Pilates' overall system and once the business was fully open and operational they would  
3 open to the health care memberships they participated in which included the Active and  
4 Fit Program.  
5

6 Vice Chairperson Martinez stated the down time listed for the business between 2:00 and  
7 4:00 p.m. was the same time the high school got out when foot traffic was really heavy.  
8 He suggested Mr. Armstrong had addressed the traffic flow concerns he had raised, and  
9 as such, he did not feel there was a need to require any additional conditions based on  
10 that feedback and since boutique fitness would be a different demographic from the other  
11 tenants.  
12

13 Commissioner Lam-Julian asked whether classes could be offered for persons with  
14 different temporary mobility and physical disability challenges, and Ms. Miller commented  
15 that the overall benefits of Pilates catered to people coming out of injury or rehabilitation  
16 since Pilates was recommended as the next step in physical therapy. Many patients had  
17 been recommended to consider Pilates given the low impact that was hoped to address  
18 the mobility issues often found post-surgery and given limitations in insurance where  
19 physical therapy treatment could not be provided indefinitely. Severe mobility and  
20 disability issues may involve one-on-one sessions first before the client was able to safely  
21 join a group session. Some of the sessions had smaller groups, with safety at the forefront  
22 for their clients and instructors would always ask at the beginning of a class if anyone had  
23 an injury or something that would prevent them from fully participating in a safe format.  
24 There would be a need to ensure the client had clearance from a doctor and was able to  
25 participate in a fitness program. Since Club Pilates had the opportunity to cater to client's  
26 one-on-one that provided the ability to provide services to most anyone who was  
27 interested.  
28

29 Commissioner Lam-Julain asked whether Club Pilates would be open to becoming a  
30 vendor with the Regional Center of the East Bay, which catered to the disability community  
31 of Contra Costa and Alameda Counties, which would allow those in need of additional  
32 support from mobility challenges and rehabilitation to be aware the location was catering  
33 to them and was an option to be covered by health insurance.  
34

35 Ms. Miller commented that Club Pilates had some clients who tried to submit their  
36 membership through their health care provider and that could be done through a  
37 reimbursement standpoint but since they were not a dedicated medical facility, Club  
38 Pilates would not be allowed to take insurance. Members should be able to submit  
39 receipts and be reimbursed on the back end. She was willing to discuss how Club Pilates  
40 could partner with that facility but she could not guarantee they could take insurance  
41 payments since they were not classified as a medical facility. Club Pilates was classified  
42 as a retail establishment.  
43

44 Commissioner Sandoval asked how busy the business was expected to be, and Ms. Miller  
45 hoped to be 100 percent utilized but on average while they had a maximum of up to 12  
46 people per class, many of those would come after or before work were when they may be  
47 busier depending on membership. She suggested classes would likely be 80 percent  
48 utilized and as they grew they would look to see whether they needed to alleviate any  
49 issues, such as if classes were full where they may have to turn people away. On average,  
50 class utilization across the board averaged 80 to 85 percent.

1 Commissioner Sandoval understood pursuant to the floor plan that there was a restroom  
2 but not a dedicated locker room. He asked why a locker room was not provided.  
3

4 Ms. Miller explained that the Club Pilates footprint and layout was consistent throughout  
5 the brand. Club Pilates was not a form of exercise that was high impact that would require  
6 shower facilities. Since most clients were close to the studio, they would have time to go  
7 home, change and go to work or home and move on with their day. Cubbies would be  
8 provided for members to place their belongings and shoes. Not having a locker room had  
9 not been an issue and this was the way all Club Pilates layouts had been designed.  
10

11 Chairperson Menis commented on the potential for private lessons during the down time.  
12 He asked how that interacted with the days and hours of operation and cited Condition 5,  
13 which identified the hours of operation. He asked if the hours of operations, as defined,  
14 included the private sessions.  
15

16 Mr. Shiu advised that the intent was for the hours of operation to be “open to the public”  
17 and a private session would fall under the hours of operation.  
18

19 Chairperson Menis asked whether there were any risk of injuries in using the Pilates  
20 equipment and whether any first aid would be required on-site.  
21

22 Ms. Miller clarified Club Pilates would have a defibrillator and first aid kit on-site. The  
23 classes would be in a small setting, an instructor would lead the class and they had not  
24 had any major injuries. It would be rare if someone lost their balance or something like  
25 that and the risk for injury was small given this was low impact exercise with small  
26 controlled movements. Members would sign waivers and again they would have first aid  
27 on-site as needed.  
28

29 Chairperson Menis referenced the site plan and the cubbies to store personal belongings.  
30 He asked whether the cubbies would be sufficiently secure from risk of theft.  
31

32 Ms. Miller explained that they discouraged people from bringing important belongings such  
33 as laptops, and leaving anything valuable in the cubbie area. Something may be stored  
34 in the studio space away from potential tripping hazards and she noted once the classes  
35 started the staff was encouraged to lock the doors preventing wandering individuals from  
36 coming in. The cubbies were intended for shoes and clothing and not large items that  
37 would tempt anyone.  
38

39 Chairperson Menis asked whether the applicant wanted to offer private sessions during a  
40 time not listed in the hours of operation.  
41

42 Ms. Miller commented that it was possible. The hours of operation were the class times  
43 and she was open to having staff on site to answer calls, clean or accept walk-ins and  
44 sometimes there was an opportunity for someone to learn about the equipment in a class  
45 setting but they may not have time to participate in a class and may schedule that one-on-  
46 one private training session with an instructor in the main studio. Otherwise, depending  
47 on the time, the person may do a private training session in the private training room.  
48

49 Chairperson Menis asked whether Condition 5 needed to be modified to permit that use.  
50

1 Mr. Shiu suggested Condition 5 could be modified to extend the hours and not show the  
2 down time in between or add further specification there were business hours that were  
3 longer range and the condition related to the initial class hours. He stated the condition  
4 could be modified to allow for additional hours for the applicant if the Planning Commission  
5 was of the opinion that would provide a smoother operation and reduce the need to come  
6 back to staff and the Planning Commission to modify the conditions.  
7

8 Chairperson Menis suggested the best way would be to create a separate subset of hours  
9 of operation for private sessions and the like, and have hours for that noted in Condition  
10 5. For private sessions, he suggested the hours available would be from 6:30 a.m. to 8:30  
11 p.m. inclusive and note the above schedule in Condition 5 was for the classes.  
12

13 Mr. Shiu agreed the hours in Condition 5 could be so modified.  
14

15 Commissioner Sandoval asked whether the modification to Condition 5 was needed, and  
16 Mr. Shiu suggested it would provide more specificity since the condition was currently  
17 ambiguous.  
18

19 Chairperson Menis suggested there was some ambiguity and noted in the past there were  
20 similar issues with a dance studio that had blocks of time and the conditions of approval  
21 had to be restructured to avoid confusion.  
22

23 The Planning Commission discussed further the hours of operation and the hours of  
24 operation for private one-on-one sessions and the recommended revision to Condition 5.  
25

26 Mr. Hanham commented the way the condition was written there was no use of the club  
27 except for normal business operations and if they were to open the down time they may  
28 have to limit the number of private one-on-one sessions. If intending to address the traffic  
29 issues between 2:00 and 4:00 p.m., the Planning Commission should limit the number of  
30 private one-on-one sessions. If the studio became popular there could be multiple one-  
31 on-one sessions that could exceed the normal class maximum of 12 people. To avoid  
32 issues with the down time period of 2:00 to 4:00 p.m., he recommended limiting the private  
33 one-on-one sessions to up to six sessions or they could only be permitted during the hours  
34 of operation as initially shown in Condition 5.  
35

36 Chairperson Menis asked about the number of one-on-one sessions that could be  
37 provided simultaneously, and Ms. Miller commented it would depend on the availability of  
38 the instructor. Typically, it was one or if there was another instructor who came in the  
39 afternoon they could provide another one, but it would be limited due to the staff availability  
40 and due to labor laws. She did not see more than two private training sessions happening  
41 concurrently but they were not all day every day. She added that the private training  
42 sessions were an ancillary revenue stream for the studio and were considered a member  
43 benefit for someone who needed more support, but the intent was to move that member  
44 into a group class to allow them to take advantage of the breath of the schedule and not  
45 be limited by one single instructor. In theory, there could be multiple one-on-one sessions  
46 at every station but that would not happen since it would become a group class at that  
47 point and would not be feasible.  
48

49 Chairperson Menis suggested a cap of three one-on-one private training sessions per  
50 hour in that period, and Ms. Miller suggested that would be fair.

1 **MOTION** to modify Condition 5 of Exhibit A, Planning Commission Resolution 25-03,  
2 Conditions of Approval to read:

3  
4 **DAYS AND HOURS OF OPERATION:** Hours of operation shall be as established  
5 below. Any modification of days and hours shall be submitted to the Planning  
6 Manager for review and approval prior to initiation:

7  
8 For classes:

9  
10 Monday/Wednesday – 6:30 a.m. to 2:30 p.m.; 4:30 p.m. to 8:30 p.m.

11 Tuesday/Thursday – 6:00 a.m. to 2:00 p.m.; 4:00 p.m. to 8:00 p.m.

12 Friday – 6:30 a.m. to 2:30 p.m.; 4:30 p.m. to 6:30 p.m.

13 Saturday/Sunday – 8:00 a.m. to 2:00 p.m.

14  
15 For one-on-one training with a maximum of three persons per hour

16  
17 Permitted between the hours of 2:30 and 4:30 p.m. on Mondays, Wednesdays and  
18 Fridays, and permitted in the hours between 2:00 to 4:00 p.m. on Tuesdays and  
19 Thursdays.

20  
21 **MOTION: Menis**

**SECONDED: Martinez**

**APPROVED: 7-0**

22  
23 **MOTION** with a Roll Call vote to adopt Resolution 25-03 approving UP-25-0002, a  
24 Conditional Use Permit application providing for the establishment of Club Pilates at 2814  
25 Pinole Valley Road, subject to Exhibit A, Planning Commission Resolution 25-03, Conditions  
26 of Approval, as amended.

27  
28 **MOTION: Menis**

**SECONDED: Lam-Julian**

**APPROVED: 7-0**

29  
30 Chairperson Menis identified the 10-day appeal period of a decision of the Planning  
31 Commission in writing to the City Clerk.

32  
33 **2. UP-25-0003 Sixteenth Studio**

34  
35 Mr. Hanham presented the staff report for UP-25-0003. He recommended the Planning  
36 Commission adopt Resolution 25-04, Conditional Use Permit for Sixteenth Studio located at  
37 1773 San Pablo Avenue, subject to Exhibit A, Conditions of Approval.

38  
39 Responding to questions from the Planning Commission, Mr. Hanham clarified the following:

- 40  
41
- 42 • The proposed use would be consistent with the findings for a CUP, as shown on  
43 Page 38 of 131 of the agenda packet, and clarified there were no rentals on the top  
44 of adjacent commercial buildings that were set up for professional office not  
45 residential uses. (Vice Chairperson Martinez)
  - 46 • Annual review of the CUP could be considered given the proposed custom body art  
47 use and to ensure no loitering that may impact those living around the area. (Vice  
48 Chairperson Martinez)
- 49

- Page 37 of 131 of the agenda packet, which states: *The site has a Commercial Mixed Use (CMU) designation, which is intended for vibrant commercial and mixed-use development. Massage Therapy businesses fall under the Specific Plan land use classification of "Personal Services-Restricted." The use is allowed within CMU zone district in the San Pablo Avenue MUSA with the approval of a Conditional Use Permit, was an error in that the proposed use not a massage therapy business, with no massage therapy proposed at this location. A tattoo business fell under the "Personal Services-Restricted" category within the San Pablo Corridor Area Specific Plan, Table 6.2. (Chairperson Menis)*
- Pages 44 and 45 of 131 of the agenda packet, clarified the entire building would be under appointment only. (Chairperson Menis)

Mr. Hanham added in response to concerns raised by Vice Chairperson Martinez that Exhibit A, Planning Commission Resolution 25-04 Conditions of Approval, Condition 5 could be modified to add a sentence reading: *Yearly inspections of the facility would be required as part of this operation.*

#### PUBLIC HEARING OPENED

Denette Steele, 401 Derby Avenue Oakland, Real Estate Broker, assisting with the opening of the business, looked forward to the business' approval. Sixteenth Studio was a body art studio, a cultural destination with the applicants internationally celebrated clients and their presence in the City of Pinole would elevate and enrich its cultural identity. The applicants were committed to more than tattooing, offering workshops, mentorships and custom art all designed to inspire creativity and bring people together and they had a proven track record of inclusive spaces that uplifted local voices and talent. The studio represented something greater than ink and skin, it was about expression, unity and excellence and approval of the CUP would be a chance to open a new chapter of cultural enrichment, small business excellence and artistic innovation. Sixteenth Studio was ready to invest in the City of Pinole and hoped Pinole was ready to proudly call them its own.

#### PUBLIC HEARING CLOSED

Commissioner Sandoval found this would be an excellent and unique opportunity for the City and he thanked Sixteenth Studio for considering the City of Pinole.

Chairperson Menis commented on the private appointment-only space and having the studio also become a cultural nexus where art was created and shared. He asked how the applicant would manage those conflicting goals.

De'vonne Foxworth and Richard Lindsey, Founders, Sixteenth Studio, commented that the main thing was to be inclusive. They intended to bring artists into the space to curate their style. The intent was to engulf and enrich local artists who would create and use the platform on social media and the Internet to get their work out to the world.

**MOTION** with a Roll Call vote to adopt Resolution 25-04, Conditional Use Permit for Sixteenth Studio located at 1773 San Pablo Avenue, subject to Exhibit A, Conditions of Approval, and subject to modification to Condition 5, as stated by staff.

1 **MOTION: Menis**

2 **SECONDED: Lam-Julian**

3 **APPROVED: 7-0**

4 Chairperson Menis identified the 10-day appeal period of a decision of the Planning  
5 Commission in writing to the City Clerk.

6 **H. OLD BUSINESS:** None

7  
8 **I. NEW BUSINESS**

9  
10 **1. Appian Village Final Map Consistency Review**

11  
12 Mr. Hanham presented the staff report for the Appian Village Final Map Consistency Review.  
13 He recommended the Planning Commission adopt Resolution 25-05, approving conformity  
14 of the Appian Village Vesting Tentative Subdivision Map with the Appian Village Final  
15 Subdivision Map.

16  
17 Responding to questions from the Planning Commission, Mr. Hanham and Peter Guiles,  
18 Director of Multi-Family Operations, DeNova Homes, clarified the following:

- 19  
20
  - Bicycle lanes would be stenciled with a white striped line. (Uch)
  - Page 65 of 131 of the agenda packet, Preliminary Utility Plan, Sheet 4.0; the project  
21 would be all-electric but there were existing petroleum gas lines that ran along the  
22 Canyon Drive side of the project. All utilities were within existing easements the  
23 developer would build around. (Chairperson Menis and Vice Chairperson Martinez)
  - The Final Map included differences in acreages and square footages and there would  
24 be refinements between the Tentative Map and the Final Map, with the Final Map to  
25 show the refinements made as the developer outlined the parcels for all of the  
26 purposes, which must be approved by a Land Surveyor. (Chairperson Menis)

27  
28  
29  
30  
31  
32 **PUBLIC HEARING OPENED**

33  
34 There were no comments from the public.

35  
36 **PUBLIC HEARING CLOSED**

37  
38 Vice Chairperson Martinez commented that he had recently driven past the site and he  
39 referenced the northern part of the lot where there had been an MRI Center with recent cuts  
40 into the hill. He asked for an explanation.

41  
42 Mr. Guiles explained the improvement plans included a large retaining wall feature on the  
43 north side of the property and the property line extended beyond that area. In order to provide  
44 the necessary path of travel for the buildings, the retaining wall had been sistered-in with the  
45 stormwater water quality control basins in that area. The recent excavation of the hill had  
46 been done in order to construct the retaining wall for the Concrete Masonry Units (CMUs).

47  
48 Chairperson Menis asked Commissioner Bender for his professional opinion since he was  
49 an architect whether this variance was within the norm of variance between Tentative and  
50 Final Maps.

1 Commissioner Bender stated he was not involved in residential development, only  
2 commercial development, and probably it was within the norm for commercial development.  
3 He was otherwise comfortable with the analysis done by staff as shown in the staff report.  
4 He found the differences appeared to be legitimate and he saw no issue.  
5

6 **MOTION** with a Roll Call vote recommending to the City Council conformity between the  
7 Vesting Tentative Subdivision to the Final Subdivision for Appian Village (APN 401-240-017  
8 and 018) for the creation of Parcels 1-26 and Parcels A-J, and subject to Planning  
9 Commission Resolution 25-01, with Exhibit A: Conditions of Approval.

10 **MOTION: Menis**                      **SECONDED: Bender**                      **APPROVED: 7-0**

11  
12  
13 Chairperson Menis identified the 10-day appeal period of a decision of the Planning  
14 Commission in writing to the City Clerk.  
15

16 **J. CITY PLANNER'S/COMMISSIONER'S REPORT**

17  
18 Mr. Hanham provided the following updates:

- 19 - Information would be provided on his attendance at the Planning Commissioners'  
20 Academy at the next meeting.
- 21  
22 - The Objective Development Design Standards should be presented to the Planning  
23 Commission in the next month.
- 24  
25 - The Parklet regulations would be presented to the Planning Commission soon.
- 26  
27 - Staff was working to finalize the Local Hazard Mitigation Plan (LHMP) and Fire and  
28 Resource Assessment Program (FRAP) Map approved by Cal Fire.
- 29  
30 - Staff continued to work on Housing Element Implementation policies with some Zoning  
31 Ordinance amendments expected to be brought to the Planning Commission at the end  
32 of the summer.
- 33  
34 - Staff planned to bring back the Planning 101 Series (General Plan and Specific Plan)  
35 review of the documents at a future date, and
- 36  
37 - The Planning Commission meeting of April 28, 2025 would include reorganization for  
38 Chair and Vice Chair and Ad Hoc Committee assignments.
- 39  
40

41 Chairperson Menis asked about the status of the Environmental Justice and Safety Elements  
42 and when a presentation would be made to the Planning Commission.  
43

44 Mr. Hanham commented that given it had been some time since the public had seen the  
45 changes to the Environmental Justice and Safety Elements, two workshops would be held;  
46 one with the Planning Commission either the second meeting in the month of July or first  
47 meeting in the month of August, and one facilitated by Michael Baker International (MBI) at  
48 either the Pinole Library or Senior Center, with both elements to come back to the Planning  
49 Commissioner thereafter and the City Council in the fall.  
50

1 Commissioner Lam-Julian asked about the status of the Community Engagement Ad Hoc  
2 Committee, to which Mr. Hanham advised while no meeting had been held, a meeting could  
3 be scheduled. The Ad Hoc Committee was currently comprised of Commissioners Sandoval  
4 and Lam-Julian and he acknowledged that with the new City Manager they should be able  
5 to move forward.  
6

7 Commissioner Lam-Julian asked about the status of Safeway, and Mr. Hanham reported that  
8 Safeway was closed and the City had currently been unsuccessful in getting information on  
9 what Balboa Properties, the property owner, was planning. City staff would continue to try  
10 and meet with the property owner to learn of any plans.  
11

12 Commissioner Sandoval asked what the Planning Commission could do to obtain  
13 information from Balboa Properties.  
14

15 Mr. Hanham was uncertain what could be done to spur the property owner to move forward.  
16

17 Vice Chairperson Martinez commented that the prior developer for the Safeway Shopping  
18 Center had never played to the strengths of the location, which had beautiful water views.  
19 He hoped before a package deal was presented to the City that staff could speak with Balboa  
20 Properties and put forth ideas to ensure that whatever was brought to the Planning  
21 Commission would consider the beauty of the area and flip the buildings around where  
22 everyone could enjoy the views of the water.  
23

24 Commissioner Sandoval suggested the Planning Commission should think of what it could  
25 do in terms of ideas for unique opportunities for redeveloping the entire shopping center,  
26 types of tenants they would like to see come to the City of Pinole and potentially make  
27 recommendations to the City Council for consideration.  
28

29 Mr. Hanham explained the Planning Commission's purview was design and standards for a  
30 project and if there was something the Planning Commission desired as a whole, that could  
31 be forwarded to the City Council. There was a lot of data on potential uses and staff had  
32 offered recommendations to the property owner on what uses they would like to see in the  
33 shopping center. It was the staff hope that the property owner would come back with  
34 something the City liked. If the Planning Commission wanted to make recommendations to  
35 the City Council as a whole, that could be done.  
36

37 Chairperson Menis asked whether the Planning Commission was still within the parameters  
38 of the Brown Act regarding discussion on an item that had not been agendaized.  
39

40 Mr. Hanham clarified he was not recommending the Planning Commission take any action,  
41 just that it was within the Planning Commission's purview to consider a future agenda item  
42 to discuss offering a recommendation to the City Council.  
43

44 Chairperson Menis understood the Vice Chair and Commissioner Sandoval were  
45 recommending the creation of a scenic vista classification for the site.  
46

47 Mr. Hanham clarified and understood that the Vice Chair and Commissioner Sandoval  
48 wanted to ensure the uses provided for some of the ambience of the area and the property  
49 owner would take advantage of all of the particulars of the property, and while the Vice Chair  
50 confirmed that was his intent, Commissioner Sandoval disagreed.

1 Commissioner Sandoval clarified his thought was that the Planning Commission consider a  
2 future agenda item to discuss potential solutions the Planning Commission as a whole would  
3 like to see for the Safeway property.  
4

5 Mr. Hanham advised if that was something the Planning Commission wanted to do, it could  
6 be agendized for Planning Commission discussion.  
7

8 **MOTION** to add a future agenda item for the Planning Commission to discuss potential  
9 resolutions or policy solutions the Planning Commission would like to recommend to the City  
10 Council for the former Safeway project.  
11

12 **MOTION: Sandoval                      SECONDED: Lam-Julian                      APPROVED: 7-0**  
13

14 Commissioner Bender referenced the Marathon project and commented the signs were up,  
15 but the lights on the side of the building faced the residential street and the Planning  
16 Commission had requested that those lights be addressed.  
17

18 Mr. Shiu reported prior to finalizing the building permit the applicant must address the lights,  
19 which issue had been raised again with the applicant.  
20

21 Commissioners Lam-Julian, Huey and Chairperson Menis all reported on their attendance or  
22 partial attendance at the Planning Commissioners' Academy and each advised that they  
23 would report out at a future meeting.  
24

25 **K.      COMMUNICATIONS**  
26

27 Chairperson Menis reported Coffee with a Cop would be held on April 16, 2025 at  
28 Starbucks/Kaiser; Earth Day would be celebrated on April 19, 2025 at Fernandez Park with  
29 sign-ups for Earth Walk in advance and with the first 100 walkers to receive a free metal  
30 straw. Also, April 15, 2025 was Tax Day. He also commented that awhile back, a future  
31 agenda item had been requested for a presentation on the PAL Program and he asked if that  
32 would be agendized for the next Planning Commission meeting.  
33

34 Mr. Hanham advised in speaking with the Community Development Director, the item would  
35 either be agendized for the next Planning Commission meeting on April 28, 2025 or the  
36 meeting thereafter.  
37

38 **L.      NEXT MEETING(S)**  
39

40 The next meeting of the Planning Commission to be a Regular Planning Commission  
41 meeting scheduled for April 28, 2025 at 7:00 p.m.  
42

43 **M.      ADJOURNMENT: 9:37 p.m.**  
44

45 Transcribed by:

46 Sherri D. Lewis  
47 Transcriber  
48



# PLANNING COMMISSION REPORT

G.1.

**DATE:** APRIL 28, 2025  
**TO:** PLANNING COMMISSION  
**FROM:** DAVID HANHAM, PLANNING MANAGER  
**SUBJECT:** SELECT CHAIRPERSON, VICE CHAIRPERSON, AND DESIGN REVIEW AD-HOC COMMITTEE

## **RECOMMENDATION**

The Planning Commission will select the Planning Commission Chair, Planning Commission Vice-Chair and Ad-Hoc Committee composition. All of these positions have a term of one-year.

## **BACKGROUND**

Annually, in April, the Planning Commission selects the Chair, Vice-Chair and Ad-hoc Committee composition. All of these positions have a term of one-year.

## **REVIEW AND ANALYSIS**

Section 2.40.030 of the Pinole Municipal Code sets the parameters for the selection of the Chair, Vice-Chair, and Ad-Hoc Subcommittee composition. Section 2.40.030 states: *The Commission shall elect a Chairperson and Vice-Chairperson from among the appointed members for a term of one (1) year, subject to other provisions of law, and may elect such other officers as it may determine.*

The Ad-Hoc Subcommittee is composed of three Planning Commissioners who meet sporadically to provide input on Planning Commission-related projects on an as-needed basis.

## **ATTACHMENTS**

None



# PLANNING COMMISSION REPORT

H.1.

**DATE:** APRIL 28, 2025  
**TO:** MAYOR AND COUNCIL MEMBERS  
**FROM:** David Hanham, Planning Manager, 510-724-9842, dhanham@pinole.gov  
**SUBJECT:** DIOSA RESTAURANT UP 25-0001

## **RECOMMENDATION**

Staff recommends that the Planning Commission adopt Resolution 25-06 approving a Conditional Use Permit for the selling of alcoholic beverages and outdoor dining.

## **BACKGROUND**

The Pinole Bank was constructed in 1915 and is listed on the National Register of Historic Places. Veronica Rivera (Owner) of Diosa Restaurant is requesting a Public Convenience Necessity and a Conditional Use Permit for the purpose of establishing a restaurant with a full-service restaurant including beer, wine, and spirits as well as establishing outdoor dining on both existing patios on both sides of the building.

The Diosa Restaurant concept is to bring a farm-to-table experience to the Pinole community by working with local farmers and sourcing ingredients locally. The Diosa Restaurant specializes in fusion-style cooking based on local produce and meats.

On occasion, the Diosa Restaurant will host community events featuring presenters, artists, and musicians. Both patios will offer dining with alcoholic beverages permitted in designated areas.

The project site has a General Plan Designation Old Town Sub-Area (OTSA). The project site is in the Three Corridors Specific Plan, with a sub-area designation of Old Town Sub-Area (OTSA) and a land use designation of a Commercial Mixed-Use (CMU).

## **REVIEW AND ANALYSIS**

On February 19, 2025, Veronica Rivera (owner) of the Diosa Restaurant applied for a Conditional Use Permit and Public Convenience Necessity for their location at 2361 San Pablo Avenue. The project site is on a 2,500-square-foot lot located on the south side of San Pablo Avenue between Tennant Avenue and Fernandez Avenue. The existing land uses to the north of the project site are for commercial businesses. The existing land use to the south is a public parking lot serving all the businesses in the downtown. The existing use to the east of the project site is a commercial business. The existing land use to the west is for commercial uses.

### **Alcohol Sales Conditional Use Permit**

Diosa has applied for a Type 47 On-Site Sale of beer, wine, & spirits through the State

Department of Alcoholic Beverage Control (ABC). ABC enforces the licensing of alcoholic retailers regulated by State Law under Section 23958 of the Business and Professions Code. The approval of the requested action to obtain a Type 47 license for full-service alcohol will require Diosa to both obtain a PCN Determination from the City Council and, pursuant to Section 17.59 of the Pinole Municipal Code (PMC), Planning Commission approval of a Conditional Use Permit.

When a business establishment applies for a new or different on-site sales license, ABC determines if there is an “undue concentration” of licenses in a particular census tract. The State relies on a ratio of on-sale retail licenses to population in the census tract to determine if an area is over concentrated. In this case, ABC considers an “undue concentration,” or over-concentration, to be present if there are more than five on-site sale Type 41 and or Type 47 licenses within the census tract 3591.03.

Census tract 3591.03 includes the portion of Pinole north of Interstate 80 and east of Appian Way. Table 1 below includes a complete list of existing businesses with on-site alcohol sales licenses within Census Tract 3591.03, as of May 2022. Currently, including EBCC, there are ten on-site alcohol sales licenses in Census Tract 3591.03, with five Type 47 licenses.

Table 1: On-Site Retail Alcohol Sales Establishments in Census Tract 3591.03

<b>Business Establishment</b>	<b>Location</b>	<b>License Type</b>
AMF Pinole Valley Lanes	1580 Pinole Valley Lanes	On-site, full alcohol
Pinole Creek Cafe	2454 San Pablo Avenue	On-site, full alcohol
Pear Street Bistro	2395 San Pablo Avenue	On-site, full alcohol
Tina’s Place	2300 San Pablo Avenue.	On-site, full alcohol
Antlers Tavern	2284 San Pablo Avenue	On-site, full alcohol
King Valley	795 Fernandez Avenue	On-site, beer and wine
Nu Gu Na	2400 San Pablo Avenue	On-site, beer and wine
China House Restaurant	1971 San Pablo Avenue	On-site, beer and wine
Bear Claw Restaurant/Café	2340 San Pablo Avenue	On-Site beer and wine
East Bay Coffee Company	2539 San Pablo Avenue	On-Site beer and wine

*Source: State Department of Alcoholic Beverage Control, March 18, 2024.*

**General Plan Consistency**

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 encourage 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. The use permit request is consistent with this goal in that the restaurant provides convenient commercial services and cultural events that encourage a variety of social and entertainment activities that attract visitors throughout the day each week. The business currently provides local employment opportunities and the addition of beer and wine will provide additional beverage options for Pinole residents and visitors to the Old Town area and would help support the viability of this existing local business that generates sales tax revenue

for the City.

The request is also consistent with the General Plan goals and policies below.

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

Community Character Goal CC.3 calls for the City to support the development and retention of locally-oriented services in Old Town Pinole and other commercial areas, and encourage and support the local economy.

Community Character Policy CC.3.1 calls for the City to encourage a combination of retail, office, public spaces and entertainment uses in Old Town Pinole that serves the daily and occasional needs of residents and employees and make Old Town Pinole economically diverse and financially successful.

### Specific Plan Consistency

The project site is within the Old Town area and San Pablo Avenue Corridor portion of the Three Corridors Specific Plan. This request is consistent with several applicable economic development objectives included within the Specific Plan.

- To retain and support existing businesses;
- To bring more and higher-density housing and commercial uses to the Priority Development Areas; and
- To make the Old Town a more vibrant commercial center.

The proposed project would provide beer and wine to complement meals and live entertainment in conjunction with this anchor business which attracts a wide array of residents and visitors to the Old Town area. The inviting restaurant will provide a location where customers can socialize, eat, and enjoy local musicians and performers. The availability of beer, wine, and spirits is proposed to address customer demand and help support an expanded menu. The music and live entertainment have added interest to the Old Town commercial area and attracts people seeking entertainment opportunities as well as food and beverage choices and business services in the Old Town.

### Findings

In addition to the project conditions, there are other findings that must be met to support a CUP for alcohol sales. The required findings pursuant to PMC Section 17.59.030 are listed below in italics, followed by staff determination.

- 1) A list of all establishments within a thousand (1,000) foot radius with a similar size and array of products. If there is any other establishment, other than a food service establishment with incidental service of beer and/or wine within a one-thousand (1,000) foot radius of the site of the proposed use that is in the same category of alcoholic beverage sales or service, the

City of Pinole shall not approve the application unless it makes all the following findings of "Public Convenience or Necessity,"

*All the establishments within 1,000 feet serve food as well as alcohol. A determination of Public Convenience or Necessity (PCN) was approved by Pinole City Council on April 15, 2025.*

**Staff has determined that this finding has been met.**

2) The number of businesses having authority to sell alcoholic beverages in the census tract of applicants,

*ABC indicated that there is an over concentration of off-sale alcohol licenses in Census Tract 3591.03. However, the Pinole City Council approved a determination of Public Convenience and Necessity which satisfies requirements for Alcohol Beverage Control to have an over-concentration in the Census Tract.*

**Staff has determined that this finding has been met.**

3) The extent to which the crime reporting district in which the applicant is located exceeds the average for crime reporting districts subject to the jurisdiction of the Pinole Police Department,

*A formal review by the Police Department has determined that crime reporting for the district does not exceed the average for crime reporting districts. The Police Department did not raise any objections or concerns related to the alcohol sales request for Diosa.*

**Staff has determined that this finding has been met.**

4) The proximity of the applicant to school, park, playground, recreational center, day care, or similar use.

*Based on measurement tools that are used on Google Earth, the nearest playground is approximately 700 feet away from the premises (at Fernandez Park). The nearest school (St. Joseph's Private School) is approximately 1,500 feet from the premises. The nearest recreational center (the Playhouse and Youth Center) is approximately 1,000 feet from the premises. The nearest park (Fernandez Park) is approximately 640 feet from the premises. The nearest daycare is approximately 1,000 feet away (La Casita Bilinque Montessori).*

**Staff has determined that this finding has been met.**

#### Outdoor Eating Findings

In addition to the project conditions, there are other findings that must be met to support a CUP for outdoor dining. The required findings pursuant to PMC Section 17.68.020 E (1) are listed below in italics, followed by staff determination.

1. Required findings for approval of outdoor seating. The designated approving authority may issue an administrative use permit in conjunction with the requirements of Section 17.12.060 (Administrative Use Permit) if he or she finds that the proposed outdoor seating would not:

- a. Encroach into a continuous pedestrian path of travel of at least six (6) feet in width, and would not obstruct pedestrian and wheelchair access;

*The proposed patio areas will not obstruct pedestrian and wheelchair access. The west of the building has access from the restaurant and has a small wall that separates the patio area and the walkway between the Uptown Yard and Diosa Restaurant.*

**Staff have determined that this finding has been made.**

- b. Unduly interfering with pedestrian traffic on the sidewalk;

*The proposed patio areas do not interfere with sidewalk traffic. Both areas are perpendicular to existing sidewalks. The proposed areas also has pathways from the parking lot to the south of the project and San Pablo Avenue.*

**Staff have determined that this finding has been made.**

- c. Unduly interfere with the access of public employees and utility workers to meters, fire hydrants, or other objects (street hardware) in the right-of-way; or

*Based on the existing area, the patio areas do not encroach on the sidewalks, streets or rights-of-way.*

**Staff have determined that this finding has been made.**

- d. Block or obstruct the view of necessary authorized traffic devices.

*There are authorized traffic devices near the patio areas proposed. The patio areas have been established with previous uses of the building.*

**Staff have determined that this finding has been made.**

### 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 25-06
- B. Attachment A COA

**PLANNING COMMISSION RESOLUTION 25-06  
WITH EXHIBIT A: CONDITIONS OF APPROVAL**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PINOLE, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW ON-SITE ALCOHOL SALES AND FOR OUTDOOR DINING FOR THE DIOSA RESTAURANT LOCATED AT 2361 SAN PABLO AVENUE, PINOLE, CA 94564, APN: 401-162-003**

**WHEREAS**, the owners of Diosa filed an application for a use permit (UP 25-0001) with the City of Pinole to allow indoor and outdoor alcohol sales including beer, wine, and distilled spirits at 2361 San Pablo Avenue (the "Property"); and

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

**WHEREAS**, the State Department of Alcoholic Beverage Control (ABC) did confirm to the City of Pinole that there will be undue concentration resulting from this use permit request to add a new Type 47 alcohol sales license within Census Tract 3591.03 requiring Public Convenience or Necessity Findings for this request; and

**WHEREAS**, the City Council approved the required Public Convenience or Necessity Findings for this request on April 15, 2025; and

**WHEREAS**, the Property is located within the Old Town Sub-Area in the Pinole General Plan; and

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

**WHEREAS**, the Pinole Municipal Code permits alcohol sales subject to securing a Use Permit in commercial and mixed-use zones including the CMU zone; and

**WHEREAS**, the outdoor dining requires an Administrative Use Permit; and

**WHEREAS**, the business is in compliance with all conditions of approval for the Use Permit for the Property, and

**WHEREAS**, The Police Department has confirmed that the addition of beer, wine, and distilled spirits sales as conditioned is not expected to increase calls for service or crime activity at this location; 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);

**WHEREAS**, the Planning Commission of the City of Pinole has conducted a duly noticed public hearing to consider UP 25-0001 on April 28, 2025; and

**WHEREAS**, after the close of public 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 use permit 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 Diosa Restaurant at 2361 San Pablo Avenue and strengthens the commercial competitiveness of an existing business within the City;
2. The use permit request, as conditioned, is consistent with the Zoning Code and will help ensure the protection and preservation of public health, safety, and welfare.
3. The requested use permit request will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of the Property or to the general welfare of the City.
4. The Property is physically suitable for the proposed use, and the proposed use is compatible with other land uses, transportation, and service facilities in the vicinity.
5. The use permit 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.
6. Encroach into a continuous pedestrian path of travel of at least six (6) feet in width, and would not obstruct pedestrian and wheelchair access;
7. Unduly interfere with pedestrian traffic on the sidewalk;
8. Unduly interfere with access of public employees and utility workers to meters, fire hydrants, or other objects (street hardware) in the right-of-way; or
9. Block or obstruct the view of necessary authorized traffic devices.

**NOW, THEREFORE BE IT RESOLVED** by the Planning Commission of the City of Pinole hereby approves UP 25-0001, as provided in the staff report, and subject to the Conditions of Approval attached as Exhibit A to this Resolution. These Conditions of Approval shall supersede and replace any other previously approved Conditions of Approval for 2361 San Pablo Avenue.

**PASSED AND ADOPTED** by the Planning Commission of the City of Pinole on this 28<sup>th</sup> day of April 2025, by the following vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

---

, Chairperson

ATTEST:

---

David Hanham, Planning Manager

**PLANNING COMMISSION RESOLUTION 25-06 EXHIBIT A, DIOSA RESTAURANT ALCOHOL SALES AND OUTDOOR DINING CONDITIONAL USE PERMIT**

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
1.	If any of conditions are found to be disregarded, the use permit will be subject to revocation and the business subject to potential closure. If necessary, the Planning Commission may modify or may recommend to the City Council revoking the use permit after making applicable findings.	On-Going	Police/ Community Development	
2.	The proposed use shall be operated in a manner consistent with the statement of operations dated 03/01/2023 and in a manner which is consistent with all federal, state & local laws.	On-Going	Police/ Community Development	
3.	The Applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs, and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	On-Going	Community Development	
4.	There shall be no sale of alcohol for off-site consumption.	On-Going	Police/ Community Development	
5.	A sign concerning the California Law Prohibiting Minors to Drink Alcohol and a sign prohibiting loitering or public drinking must be posted inside the establishment in clear public view to the satisfaction of the City of Pinole Police Department.	On-Going	Police/ Community Development	
6.	A copy of the conditions of approval will need to be kept on premises and available upon request.	On-Going	Police/ Community Development	
7.	All staff within 90 days of employment receive “responsible beverage service training.” Applicant shall include these training details as part of the “complaint response/community relations.”	On-Going	Police/ Community Development	

**PLANNING COMMISSION RESOLUTION 25-06 EXHIBIT A, DIOSA RESTAURANT ALCOHOL SALES AND OUTDOOR DINING CONDITIONAL USE PERMIT**

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
8.	Proposed modification of the hours or other aspects of the business shall be submitted for review and approval by staff. Staff will determine if the changes are substantial and require further review by the Planning Commission.	On-Going	Community Development	
9.	The outdoor dining area shall be maintained in a clean and orderly manner at all times. Landscaping material shall be regularly maintained around the site so that it cannot be used as a hiding place. On-site lighting shall be maintained in good working conditions at all times.	On-Going	Community Development	
10.	Applicants shall obtain the applicable State Alcohol Beverage Control license, and no alcohol shall be sold for off-site consumption. A copy of the license shall be submitted to the Community Development and Police Departments prior to commencement of alcohol sales.	On-Going	Police/ Community Development	
11.	The operating hours of Diosa Restaurant shall be Monday and Sunday from 8:00 am to 10:00 pm. Any modifications of operating hours shall be referred to the Planning Manager for approval. All alcohol sales shall end 30 minutes prior to closing. I	On-Going	Police/ Community Development	
12.	If the operation of the use results in conflicts pertaining to parking, noise, nuisance, traffic, or other impacts, at the discretion of staff, the use permit may be referred to the Planning Commission for subsequent review at a public hearing. Subsequent review may result in modification of conditions of approval or revocation of the use permit.	On-Going	Police/ Community Development	
13.	If use permit conditions are not adhered to, the use permit is subject to subsequent review by the Planning Commission Action by the review body may include but are not limited to imposing corrective action for the project to adhere to conditions, modifications to conditions, or revocation of the permit after giving 10-day notice following a public hearing.	On-Going	Police/ Community Development	

**PLANNING COMMISSION RESOLUTION 25-06 EXHIBIT A, DIOSA RESTAURANT ALCOHOL SALES AND OUTDOOR DINING CONDITIONAL USE PERMIT**

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
14.	Establish and maintain a “complaint response/community relations” program with the Police Department.	On-Going	Police	
15	No sale of alcohol is allowed for off-site consumption.	Ongoing	Community Development	
16	Trash receptacles shall be located at convenient locations outside the establishment, and operators of the business shall remove all trash on a daily basis.	Ongoing	Community Development	
17	The applicant shall be responsible for maintaining free of litter in that area in front of and adjacent to the premises over which they have control.	Ongoing	Community Development	
18	No signs advertising the sale of alcoholic beverages shall be displayed outside of the store.	Ongoing	Community Development	
19	Licensee of its employees shall regularly police the area under the licensee's control to prevent the loitering of persons about the premises.	Ongoing	Community Development	
20	If any of these conditions are found to be disregarded, the use permit for alcohol sales will be subject to revocation. If necessary, the Planning Commission may modify the use permit or may revoke the use permit after holding a public hearing notice and making applicable findings.	Ongoing	Community Development	
21	The Applicant shall establish and maintain a “complaint response/community relations” program with the Police Department or similar method to assure cooperation with the Police Department.	Ongoing	Community Development	
22	In establishments with glass storefronts, windows shall allow for unobstructed interior viewing of the cash register area from the street.	Ongoing	Community Development	
23	All employees shall receive “responsible beverage service training,” and any employee on duty between 8:00 am to 10:00 pm will be at least	Ongoing	Community Development	

**PLANNING COMMISSION RESOLUTION 25-06 EXHIBIT A, DIOSA RESTAURANT ALCOHOL SALES AND OUTDOOR DINING CONDITIONAL USE PERMIT**

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	twenty-one (21) years of age, and documentation of this training shall be retained on the premises and made available upon request.			
24	Make attempts to limit alcohol related problems which negatively impact those living or working in the neighborhood.	Ongoing	Community Development	
25	Install security camera(s) with recording storage capabilities that capture the interior of the establishment, including entry/exit points and the bar service areas, and the exterior of the establishment including any approach and entry/exit of the establishment.	Ongoing	Police	
26.	All alcoholic drinks shall be made inside the restaurant. No patrons can take alcohol from indoor eating to outdoor eating areas.	Ongoing	Community Development/ Police	
27	No wine shall be sold with alcohol content greater than seventeen percent (17%) by volume except ports, sherries, madeiras or dessert wines which are vintage dated and/or aged for two years or more.	Ongoing	Community Development/ Police	
28.	A maximum of 8 kegs of beer and four 5-gallon wine kegs will be kept on site to meet customer alcohol services requests at any given time.	Ongoing	Community Development/ Police	
29.	Kitchen food service shall be provided during all business operating hours.	Ongoing	Community Development/ Police	
30	Any outdoor expansion of the café in the future, including changes in the alcohol sales or alcohol consumption area, shall require further Planning Commission review and approval of an amendment to this conditional use permit at a public hearing.	Ongoing	Community Development/ Police	

**PLANNING COMMISSION RESOLUTION 25-06 EXHIBIT A, DIOSA RESTAURANT ALCOHOL SALES AND OUTDOOR DINING CONDITIONAL USE PERMIT**

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
31.	All amplified music shall be inside. All outdoor music will be acoustic and will end by 8:00 pm during the weekdays and 5:00 pm during the weekends	Ongoing	Community Development/ Police	



# PLANNING COMMISSION REPORT

J.1.

**DATE:** APRIL 28, 2025  
**TO:** PLANNING COMMISSION  
**FROM:** DAVID HANHAM, PLANNING MANAGER  
**SUBJECT:** DISCUSSION OF REDEVELOPMENT OF APPIAN 80 SHOPPING CENTER

## **RECOMMENDATION**

Staff recommends that the Planning Commission discuss the redevelopment of the Appian 80 Center and bring back at another regular meeting a recommendation of policies and uses to the City Council.

## **BACKGROUND**

The Appian 80 shopping center properties is owned by Balboa Properties, Inc. The Appian 80 shopping center has been a part of the City of Pinole for decades. The center provides services to businesses essential to the Tara Hills community as well as the City of Pinole and, because of its proximity to Interstate 80 (I-80), this center will serve the regional community.

The project site is within the Appian Way corridor included within the Three Corridors Specific Plan. The General Plan land use designation is Service Sub-area (SSA) and the Zoning for the project site is Commercial Mixed Use/High Density Residential Overlay (CMU/HDRO). The Overlay Districts require that a minimum of 20 percent of a site develop at a density of between 20.1 and 35.0 dwelling units per acre. There will continue to be a High-Density Residential Overlay District zone on this property. The requirements of the Overlay District can be satisfied by future development in portions of the site not impacted by the proposed project, or the Overlay District can be removed by the City Council at a future date.

In December 2017, the previous owner submitted an application for the redevelopment of the site. At the regular Planning Commission meeting of May 27, 2020, the Planning Commission recommended approval to the City Council for the redevelopment of the site. The City Council approved the redevelopment of the Appian 80 center on June 16, 2020. The previous property owner applied for an extension of the project in June 2022. The City Council approved the extension for one year. Since there was no activity at the site, the project entitlements expired on June 20, 2023.

## **REVIEW AND ANALYSIS**

Since the ownership change, there have been no projects proposed for the Appian 80 center. Currently, the Safeway, CVS store site, and Bank of America have left the center. There are several smaller commercial tenants remaining at the center.

**ATTACHMENTS**

None