

1 DRAFT

2  
3 MINUTES OF THE REGULAR MEETING  
4 PINOLE PLANNING COMMISSION

5  
6 March 28, 2022

7  
8 THIS MEETING WAS HELD IN ACCORDANCE WITH ASSEMBLY BILL (AB) 361 AND  
9 A RESOLUTION ADOPTED BY THE CITY COUNCIL AUTHORIZING REMOTE  
10 MEETINGS FOR ALL CITY LEGISLATIVE BODIES

11  
12 A. CALL TO ORDER: 7:03 P.M.

13  
14 B1. PLEDGE OF ALLEGIANCE

15  
16 B2. LAND ACKNOWLEDGEMENT: *Before we begin, we would like to acknowledge the*  
17 *Ohlone people, who are the traditional custodians of this land. We pay our respects to*  
18 *the Ohlone elders, past, present and future, who call this place, Ohlone Land, the land*  
19 *that Pinole sits upon, their home. We are proud to continue their tradition of coming*  
20 *together and growing as a community. We thank the Ohlone community for their*  
21 *stewardship and support, and we look forward to strengthening our ties as we continue*  
22 *our relationship of mutual respect and understanding*

23  
24 B3. ROLL CALL

25  
26 Commissioners Present: Kurrent, Martinez, Menis, Wong, Vice Chairperson  
27 Moriarty, Chairperson Banuelos\*  
28 \*Arrived after Roll Call

29  
30 Commissioners Absent: Benzuly

31  
32 Staff Present: David Hanham, Planning Manager  
33 Alex Mog, Assistant City Attorney  
34 Justin Shiu, Contract Planner

35  
36 Due to technical difficulties Vice Chairperson Moriarty chaired a portion of the  
37 meeting.

38  
39 C. CITIZENS TO BE HEARD

40  
41 There were no citizens to be heard.

42  
43 D. MEETING MINUTES:

44  
45 1. Planning Commission Meeting Minutes from February 28, 2022.

Commissioner Menis referenced the comments made on Page 6, Lines 8 through 13 of the February 28, 2022 meeting minutes and asked the status of the development of objective standards to comply with Senate Bill (SB) 9, and was informed by Planning Manager David Hanham that the discussion for agenda Item G1 would be one aspect of creating objective standards. He explained that all of the different zoning districts of the City would be reviewed to create objective standards and would be presented to the Planning Commission over the course of the next few meetings. The Planning Commission may discuss this topic further at the end of the meeting.

Commissioner Wong reported he had watched the video for the February 28, 2022 Planning Commission meeting.

**MOTION** with a Roll Call vote to approve the Planning Commission Meeting Minutes from February 28, 2022, as shown.

**MOTION:** Kurrent      **SECONDED:** Martinez      **APPROVED:** 6-0-1  
**ABSENT:** Benzuly

Chairperson Banuelos Chaired the meeting at this time.

**E. PUBLIC HEARINGS:** None

**F. OLD BUSINESS:** None

**G. NEW BUSINESS:**

**1. Parklet Design**

Discussion of concepts for parklet standards and design guidelines

Mr. Hanham presented a PowerPoint presentation of the Parklets Design & Requirements which included an overview of the safety and traffic issues, aesthetics, costs and economic development as detailed in the March 28, 2022 staff memorandum, and recommended the Planning Commission direct the Planning Ad-Hoc Design Review Committee to work with City staff to develop policies and guidelines for parklets in the City of Pinole.

Responding to the Commission, Mr. Hanham clarified:

- The PowerPoint presentation would be posted on the City website for the benefit of the public.
- Acknowledged a recommendation to consider the parklet design standards proposed by the City of Pleasanton which included details on platform maintenance.

- In most cases parklets had been used in restaurants and in gathering places. When a business applied for a parklet design and as the application was processed, a maintenance plan would be set up for the business.
- Use of the public right-of-way (ROW) for a parklet would not limit who may or may not use the ROW.
- Parklet examples were provided as part of the PowerPoint presentation. Most of the parklets in Pinole involved outdoor dining areas all connected to restaurants, not retail establishments. If a retail establishment wanted a parklet an application could be submitted for consideration.
- La Famiglia Italian Restaurant, as an example, desired to provide a temporary dining area during the pandemic. The City allowed the business to have a temporary outdoor area, although the business wanted a permanent setup which would have required a Conditional Use Permit (CUP) and would have included the sale of alcohol. Given the more in-depth CUP process, the business had ultimately withdrawn its request. The City had not informed the business it had to remove the temporary parklet, which was permitted as part of an Emergency Ordinance adopted by the City Council during the pandemic when the business had been issued a Temporary Use Permit.
- Some businesses were desirous to make their parklets permanent but since the City did not have any design guidelines in place such requests required Design Review approval.
- Staff was of the opinion that individual outdoor dining areas that had been temporarily permitted in parking lots of an eating establishment were not parklets but outdoor dining areas for the individual businesses. The outdoor dining was usually located on private property. A parklet would be more open to the public

Commissioner Kurrent expressed concern with parklets being utilized by other businesses beyond the business that applied for the approval of a parklet. While parklets were an idea that came out of the pandemic, their use would diminish as the pandemic restrictions were lifted. He could see parklets as part of a private parking lot but suggested this idea would create a set of problems moving forward

Commissioner Kurrent understood La Famiglia had a parklet located in the front of the business but it had been removed. He questioned an applicant being asked to bear the cost of maintenance of a parklet, which would be a public space. Rather, he suggested the cost of a parklet be borne by and maintained by the City as opposed to a way for the business to expand the space of an initial business at minimal cost but taking away a public space, such as a parking lot.

1 In terms of street safety, traffic, and the recommendation for a parklet to be located  
2 on roadways with a speed limit of 25 MPH, Commissioner Kurrent cited San Pablo  
3 Avenue, a heavy commute area, and suggested parklets should be restricted on  
4 roads of regional significance, particularly given accidents where vehicles had  
5 driven into parklets resulting in injury or death.  
6

7 Commissioner Martinez suggested a design guideline should be considered to  
8 address utility maintenance in the vicinity of a parklet since the infrastructure may  
9 have to be moved for a period of time for any maintenance work, and Mr. Hanham  
10 expressed his hope the Planning Commission would approve the staff  
11 recommendation for the Planning Ad-Hoc Design Review Committee to work with  
12 City staff to develop policies and guidelines for parklets in Pinole, which would  
13 allow a more in-depth discussion of the issues. He agreed that care had to be  
14 taken where parklets were allowed to be placed given existing utilities and needed  
15 maintenance.  
16

17 Commissioner Martinez also suggested a standardized way to address aesthetics,  
18 such as adding more detail to soften the appearance of the parklet whether through  
19 plants or trees. In terms of cost, he suggested the business should bear the costs  
20 of adding more square footage via a parklet which was why cities such as Walnut  
21 Creek and San Francisco had allowed businesses the alternative to expand the  
22 business through such a design and which would be a way to increase the City's  
23 sales taxes and provide the business a greater chance of success.  
24

25 Commissioner Wong left the meeting at 7:30 P.M.  
26

27 Vice Chairperson Moriarty was uncertain why this issue had come up given the  
28 limited development of parklets in Pinole.  
29

30 Mr. Hanham reiterated that some businesses wanted to create a permanent  
31 situation for their outdoor dining areas. There was also a push to create more of  
32 a destination area in the downtown with parklets adding to that opportunity. If  
33 parklets were to be allowed in parking lots, rules and regulations would be needed  
34 to ensure adequate parking and a nice dining experience.  
35

36 Vice Chairperson Moriarty continued to struggle with the need to develop  
37 regulations for potentially one to two options. She questioned the use of such  
38 regulations as minimal with only one or two businesses currently having outdoor  
39 dining in parking lots.  
40

41 Mr. Hanham acknowledged that if the area of San Pablo Avenue did not allow  
42 parklets, the City would be limited to where they might be located. Parklets would  
43 allow the City another avenue for businesses that did not have a lot of square  
44 footage in the interior, ability to expand the square footage outside, and create the  
45 ability to approve parklets since the current Pinole Municipal Code (PMC) included  
46 no guidelines or objective standards for parklets.

1 Vice Chairperson Moriarty expressed a desire to decrease the speed of traffic  
2 along San Pablo Avenue to 25 MPH but that would not realistically happen even  
3 through the downtown. She suggested the current speed of traffic was unsafe.  
4 She again questioned the importance of the regulations but understood the need  
5 to get ahead. She supported forwarding the issue along to the Planning Ad-Hoc  
6 Design Review Committee but did not want to spend too much time on something  
7 that may not be that important to the community. She acknowledged that during  
8 the pandemic parklets in some communities had been positive, although she did  
9 not see that happening much in Pinole.

10  
11 Chairperson Banuelos inquired of the definition of a parklet, which he saw as  
12 nothing other than for a restaurant/eating establishment. He recognized that  
13 outdoor dining had come about due to the pandemic and while there were currently  
14 few such spaces in Pinole, he suggested if more were available they would be  
15 used. He could envision such amenities in other areas of the City such as in  
16 shopping centers which would involve a host of issues. He had seen some parklets  
17 that were very unattractive losing the identity of the restaurant and suggested that  
18 regulations on size and appearance should be considered. He offered examples  
19 of parklets in other communities, some of which allowed the consumption of  
20 alcohol outdoors which involved other regulations. If the cost of the parklets was  
21 to be shared, it meant the City would have to bear some of the costs, which meant  
22 the City would not do it. If the business wanted the parklet, the business should  
23 bear the cost and the parklet would be exclusive to the business.

24  
25 Mr. Hanham explained if Tina's Place wanted a parklet on San Pablo Avenue, as  
26 an example, and wanted to serve alcohol outdoors, it would have to adhere to the  
27 requirements of the State Department of Alcoholic Beverage Control (ABC). In  
28 some cases, cities had allowed an individual business to own the parklets, the  
29 business would assume the liability and would indemnify the city if the outdoor  
30 eating area was located in the ROW or on a public street.

31  
32 Assistant City Attorney Alex Mog explained that ABC had modified its regulations  
33 significantly because of the pandemic through 2022 and had begun allowing more  
34 flexibility for outdoor alcohol consumption such as allowing purchase to-go drinks.  
35 He understood ABC required outdoor eating establishments with parklets that  
36 served alcohol to be self-contained and include a barrier between the street and  
37 the alcohol being served. The City's regulations would require compliance with  
38 ABC regulations if alcohol were to be served in the parklet.

39  
40 The PMC prohibited the consumption of alcohol anywhere where it was visible in  
41 public and as part of this process, the City Council may modify the PMC or provide  
42 clarification on the consumption of alcohol to avoid violating that provision.  
43  
44  
45

1 Chairperson Banuelos commented that some of the decisions would be made by  
2 the City Council. The Planning Commission's purview would be on land use and  
3 would include design criteria on size, roofs, signage, lighting requirements,  
4 Americans with Disabilities Act (ADA) requirements and drainage.  
5

6 Mr. Hanham clarified that it was likely the parklets would involve a recommendation  
7 from the Planning Commission to the City Council.  
8

9 Chairperson Banuelos agreed that parklets be restricted on San Pablo Avenue,  
10 although there may be a desire for a business to have them on that roadway. He  
11 agreed traffic was an issue and there had always been back and forth about traffic  
12 calming on San Pablo Avenue although that had not been supported by the  
13 businesses. That issue may come up again if parklets were permitted. Most  
14 parklets he was aware of had been placed on side streets or quiet areas of a main  
15 street. He suggested guidelines that covered the majority of what people would  
16 want with a mechanism for something they may not think of should be considered  
17 by the Planning Ad-Hoc Design Review Committee. He also suggested any fees  
18 should be minimal, the option for parklets should not become prohibitive and the  
19 process should be straightforward and as simple as possible. He liked how the  
20 City of Walnut Creek had permitted its parklets. He suggested that local  
21 businesses be polled to determine the interest in parklets and whatever aesthetic  
22 requirements were imposed should be similar or the same as the original site.  
23

24 Commissioner Kurrent reiterated his concerns with parklets being allowed to be  
25 built out into the street, which could be unfair to the public and to some businesses.  
26 He understood in the City of Livermore that non-restaurant businesses has been  
27 opposed to parklets given the loss of parking and emphasized that the loss of  
28 public parking would have to be taken into consideration. There could also be  
29 issues of what was community property, with potential ownership and investment  
30 complications. While parklets may have been helpful during the pandemic, he  
31 suggested that may no longer be the case and he opposed pursuing the issue of  
32 parklets given the number of potentially unresolved ownership, responsibility and  
33 control issues.  
34

35 Mr. Mog explained that the public ROW belonged to the City and the City may  
36 decide who may use the ROW and for what purpose, and how that was structured  
37 would be a decision for the City Council.  
38

39 Commissioner Menis suggested it was worth considering the parklets in terms of  
40 land use planning since there were traffic calming impacts the parklets may offer if  
41 designed appropriately.  
42

43 Vice Chairperson Moriarty agreed but the question was whether or not there was  
44 a desire for parklets from the restaurants along San Pablo Avenue and she was  
45 also uncertain Caltrans would permit that to happen.  
46

1 Mr. Hanham confirmed the Planning Ad-Hoc Design Review Committee could  
2 review what other cities had done.

3  
4 Commissioner Martinez agreed that parklets may have traffic calming effects and  
5 he would be interested in exploring the possibilities.

6  
7 **PUBLIC COMMENTS OPENED**

8  
9 There were no comments from the public.

10  
11 **PUBLIC COMMENTS CLOSED**

12  
13 Chairperson Banuelos agreed that input from local businesses would be helpful.

14  
15 Mr. Hanham advised he would send out potential meeting dates to the members  
16 of the Planning Ad-Hoc Design Review Committee to consider.

17  
18 **H. CITY PLANNER'S / COMMISSIONERS' REPORT**

19  
20 Mr. Hanham reported that Appian Village would be presented to the Planning  
21 Commission at its April 11, 2022 meeting, 2801 Pinole Valley Road would likely be  
22 considered by the Planning Commission at its second meeting in April, and Pinole  
23 Vista would be considered the beginning of May. The first community meeting for  
24 the Housing Element had been scheduled for April 27, the application for Vista  
25 Woods was ongoing, and there had been feedback on Pinole Square which was  
26 moving forward with its building permit and final map package. Also, as part of the  
27 Housing Element Update, staff was working on the Safety Element and the creation  
28 of an Environmental Justice Element.

29  
30 Mr. Hanham also provided an update on the status of a tree in front of a real estate  
31 business, which business had been experiencing some issues related to a grate.  
32 There was an effort that the grate be similar to others on the property and work  
33 continued on an agreement between the property owner and the City regarding water  
34 service.

35  
36 Mr. Mog provided an update on the Old Town Design Guidelines and reported that  
37 staff was looking at how SB 9 and other legislation streamlining housing related to  
38 non-objective standards and the extent to which they may be applied.

39  
40 Vice Chairperson Moriarty inquired of the status of the comments made by Tony  
41 Vossbrink at the February 28 Planning Commission meeting during Citizens to be  
42 Heard.

43  
44 Mr. Hanham reported in response to the concerns with PG&E equipment that PG&E  
45 had issues with transformers, was working on a better delivery system, and was due  
46 to have work completed in the next couple of weeks.

1 Mr. Hanham reported he had submitted an email to the Public Works  
2 Analyst/Inspector to obtain additional information and would follow up.

3  
4 Vice Chairperson Moriarty inquired of the status of a prior request to place an item  
5 for future agenda items on Planning Commission meeting agendas, and Mr. Mog  
6 stated he would review the Planning Commission bylaws to ensure the meeting  
7 agenda did not have to be modified or something would be brought back for Planning  
8 Commission consideration to modify the meeting agenda to include requests for  
9 future agenda items. The typical process for a request for a future agenda item  
10 required a majority of the Planning Commission to add an item to a future agenda.  
11 Staff would have to run the request by the City Manager and Community  
12 Development Director since the City Council may or may not want staff to spend time  
13 and resources on certain items.

14  
15 Mr. Hanham confirmed he would forward future agenda item requests to the  
16 Community Development Director prior to placing the item on a future agenda.

17  
18 Vice Chairperson Moriarty inquired of the status of a joint Planning Commission and  
19 City Council meeting, and Mr. Hanham reported a joint meeting had tentatively been  
20 scheduled for the Housing Element and he would check with the Community  
21 Development Director to determine whether additional items could be placed on the  
22 same meeting agenda.

23  
24 Vice Chairperson Moriarty inquired of the status and location of the Sprouts trees, to  
25 which Mr. Hanham stated he was working with the developer on some of the  
26 agreements between the City and the developer. The median would be refurbished  
27 and a bench or place for seating would be provided near the creek. There was a  
28 bond on the project the developer wanted to eliminate and once an agreement had  
29 been reached on that issue work would commence in the median.

30  
31 Mr. Hanham added he had been working with the owners of the bowling alley  
32 property and based on comments from the Planning Ad-Hoc Design Review  
33 Committee, the color scheme for the building would be consistent with the colors  
34 within the Gateway Center.

35  
36 Commissioner Kurrent reported some Planning Commission terms would expire in  
37 April. He requested that the appointment of Chair, Vice Chair and members to the  
38 Planning Ad-Hoc Design Review Committee be agendized for a future meeting.

39  
40 Mr. Hanham confirmed the items would be agendized for the Planning Commission  
41 meeting of April 25. He also stated, when asked, that Commissioner Wong would  
42 be termed out.

43  
44 Commissioner Menis suggested that any additional items added to the meeting  
45 agenda in the future include time limits for each item given the significance of the  
46 items due to come before the Planning Commission.



1 Vice Chairperson Moriarty suggested there be a way within the confines of the  
2 system to ensure that when things came up they were addressed depending on  
3 Planning Commission agreement and staff to resolve any legalities.  
4

5 Mr. Hanham further reported the next meeting of the Planning Commission would  
6 be in a hybrid format in the Council Chambers. More information would be  
7 provided in the next few weeks.  
8

9 **COMMUNICATIONS:** None  
10

11 **J. NEXT MEETING**  
12

13 The next meeting of the Planning Commission to be a Regular Meeting scheduled  
14 for April 11, 2022 at 7:00 P.M.  
15

16 **K. ADJOURNMENT:** 8:56 P.M.  
17

18 Transcribed by:  
19

20  
21 Sherri D. Lewis  
22 Transcriber