

AGENDA FOR THE



CITY OF PINOLE PLANNING COMMISSION REGULAR MEETING

Wednesday, May 27, 2020

7:00 P.M.

Via Zoom Videoconference

DUE TO THE STATE OF CALIFORNIA'S DECLARATION OF EMERGENCY – THIS MEETING IS BEING HELD PURSUANT TO AUTHORIZATION FROM GOVERNOR NEWSOM'S EXECUTIVE ORDERS – CITY COUNCIL AND COMMISSION MEETINGS ARE NO LONGER OPEN TO IN-PERSON ATTENDANCE.

WAYS TO WATCH THE MEETING

- LIVE ON CHANNEL 26. The Community TV Channel 26 schedule is published on the City's website at www.ci.pinole.ca.us. The meeting can be viewed again as a retelecast on Channel 26.
- VIDEO-STREAMED LIVE ON THE CITY'S WEBSITE, www.ci.pinole.ca.us. 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 ghanham@ci.pinole.ca.us.

COMMENTS

Please submit public comments to Planning Staff before or during the meeting via email ghanham@ci.pinole.ca.us. Comments received before the close of the item will be read into the record and limited to 3 minutes. Please include your full name, city of residence and agenda item you are commenting on.

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 Development Services Department at (510) 724-8912. Notification of 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.

Assistant listening devices are available at this meeting. Ask staff if you desire to use this device.

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.

NOTE FOR VIDEOCONFERENCE MEETINGS: Public comments may be submitted to Planning Staff before or during the meeting via email ghanham@ci.pinoe.ca.us. Comments received before the close of the item will be read into the record and limited to 3 minutes. Please include your full name, city of residence and agenda item you are commenting on.

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.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE AND ROLL CALL

C. 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.

D. CONSENT CALENDAR:

All matters listed under the Consent Calendar are considered to be routine and non-controversial. These items will be enacted by one motion and without discussion. If, however, any interested party or Commissioner(s) wishes to discuss a consent item, it will be removed from the Consent Calendar and taken up in order after the last item under New Business.

1. Planning Commission Meeting Minutes from February 24, 2020

E. 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. Pinole Square (Appian 80) Shopping Center – Design Review DR-17-23; Conditional Use Permit CUP 17-12, 17-13, 17-14, 17-15, 17-16, 17-17, 17-18, 20-01, 20-02; Variance VAR 20-01, 20-02; Specific Plan Amendment SPA 20-01

Request: Consideration of design review, conditional use permit, variance, and specific plan amendment requests to make modifications to the Appian 80 Shopping Center at 1201-1577 Tara Hills Drive in the CMU district. The project includes 1) demolition of the existing building housing the Safeway and CVS building, the car wash building, the antique restoration building, and a portion of the existing building housing the former O'Reilly Wheel Works and Pizza Hut; 2) construction of new structures including, but not limited to, a Safeway fuel station and associated kiosk, a drive-through restaurant, a casual sit-down restaurant and new building for the Safeway grocery store and other shops; and 3) no change to the two existing pad buildings, which include the dry cleaner/fitness/restaurant/vacant space and the China Delight restaurant, located on the eastern portion of the site.

Applicant: Eric Price
Lowney Architecture
360 17th Street
Oakland, CA 94612

Location: 1201-1577 Tara Hills (APN: 402-282-002, 06, 07, 08, 09, 10, 14, 19)

Planner: David Hanham

F. OLD BUSINESS:

None

G. **NEW BUSINESS:**

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

1. Verbal Updates of Projects

2. Planning Commissioners' Discussion Following the League of California Cities
Planning Commissioner's Academy

I. **COMMUNICATIONS:**

None

J. **NEXT MEETING:**

Planning Commission Regular Meeting, June 22, 2020 at 7:00PM

K. **ADJOURNMENT**

POSTED: May 22, 2020



David Hanham
Planning Manager

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DRAFT

**MINUTES OF THE REGULAR
PINOLE PLANNING COMMISSION**

February 24, 2020

A. CALL TO ORDER: 7:02 P.M.

B. PLEDGE OF ALLEGIANCE AND ROLL CALL

Commissioners Present: Kurrent, Moriarty, Murphy, Ojeda, Wong, Chair Brooks

Commissioners Absent: Flashman

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

C. CITIZENS TO BE HEARD

There were no citizens to be heard.

D. CONSENT CALENDAR

1. Planning Commission Meeting Minutes from January 27, 2020

MOTION to adopt the Planning Commission Meeting Minutes from January 27, 2020 as submitted.

MOTION: Kurrent SECONDED: Moriarty APPROVED: 6-0-1
Absent: Flashman

E. PUBLIC HEARINGS:

1. **Design Review DR 19-14, Conditional Use Permit CUP 19-06: Artisanal Garden - Outdoor Artisan and Vendor Space**

Request: Consideration of a Design Review and Conditional Use Permit (CUP) request to make site improvements for an outdoor seating space and to provide for hosting of artisan displays and food vendors at 2337 San Pablo Avenue in the CMU District.

1 **Applicant:** Raquel Contreras
2 714 Walker Avenue
3 Oakland, CA 94610
4

5 **Location:** 2337 San Pablo Avenue (APN: 401-162-002)
6

7 **Planner:** Justin Shiu
8

9 Contract Planner Justin Shiu reported for the record that the applicant was not yet
10 present. He provided a PowerPoint presentation of the request for Design Review
11 and a CUP for Artisanal Garden: Outdoor Artisan and Vendor Space. He
12 recommended the Planning Commission adopt Resolution 20-01, approving Design
13 Review 19-14 and CUP 19-09, and make the findings for a Similar Use Determination
14 as provided in the February 24, 2020 staff report, subject to the Draft Conditions of
15 Approval contained in Attachment A for the development of an outdoor artisan and
16 vendor space at 2337 San Pablo Avenue.
17

18 Responding to the Commission, Mr. Shiu explained that the food vendor booths had
19 not been specified by the applicant but were not intended to be permanent structures;
20 the proposed fencing included different materials and the conditions of approval
21 required that the applicant install the fencing as shown in the submitted plans; the
22 property was privately owned with an easement on the rear of the property where the
23 parking was located and where there could be potential conflicts with parking for the
24 Farmer's Market; the applicant was the owner of the property and had proposed a
25 Porta Potty restroom facility for the use, and while the Pinole Municipal Code (PMC)
26 did not identify specific requirements for restroom facilities for such a use, staff had
27 identified specific washing stations that could be expanded in the conditions of
28 approval. Public restroom facilities were located at Fernandez Park and visitors
29 could be directed to other restroom facilities in the area or additional Porta Potties
30 could be required.
31

32 Planning Manager David Hanham explained that oftentimes Porta Potties came with
33 washing stations and the applicant could be required to provide a hand washing
34 station.
35

36 Mr. Shiu also clarified the applicant had verbally expressed that the plans were
37 interim layout plans with a two to three year-timeframe for the use. As to the
38 proposed time schedule, the months of January and February had not been included,
39 and if approved, the use would only occur during the time schedule that had been
40 provided as shown in the staff report.
41

42 Mr. Shiu clarified that the only form of signage would be the address. The applicant
43 had not mentioned any desire for additional signage. In response to concerns with
44 parking, the conditions of approval could be modified to require the applicant to
45 identify nearby parking lots in the area while the Farmer's Market was also in session,
46 which could be identified on the applicant's marketing materials.

1 PUBLIC HEARING OPENED

2
3 IVETTE RICO, Pinole, supported anything that brought people to Old Town Pinole,
4 although she had concerns with the proposed outdoor venue whether the vendor
5 structures would be permanent, whether the vendors would pay a fee, and if food
6 vendors whether they would compete with existing businesses. Also, parking and
7 traffic would conflict with the year around Farmer's Market and the existing Porta
8 Potties were for the use of the Farmer's Market. She asked whether there would be
9 a focus on Pinole artisans, how trash and waste from the venue would be addressed,
10 whether nearby restaurants could be impacted by venue patrons wanting to use their
11 restroom facilities, and suggested many questions remained unanswered pending
12 the arrival of the applicant.

13
14 RAFAEL MENIS, Pinole, shared the concerns of the previous speaker, particularly
15 potential conflicts given the proximity and schedule of the Farmer's Market, although
16 he acknowledged the applicant had received a positive letter from the Farmer's
17 Market Association. He sought more information on the transitional nature of the site
18 and given the absence of the applicant, he urged the Planning Commission to
19 continue the item. Without some clarification of the concerns, he suggested the use
20 could be in conflict with Land Use and Economic Development Goal LU 3.3 given the
21 conflicts with the Farmer's Market due to parking, the services offered, and the
22 potential overall pedestrian flow issues in terms of impacts to the ingress and egress
23 to the Farmer's Market.

24
25 PUBLIC HEARING CLOSED

26
27 When asked, Mr. Shiu stated he had expected the applicant to be present.

28
29 The Planning Commission discussed DR 19-14 and CUP 19-09 and offered the
30 following comments and/or direction to staff:

- 31
32
- 33 • Supported the idea of bringing vitality and something interesting to Old Town
34 Pinole consistent with the desires of economic development in Old Town;
35 concerned the applicant appeared to have had minimal interaction with the
36 Farmer's Market Association, and questioned whether the Association was
37 fully aware of the scope of the proposed use, which should be addressed in
38 the conditions of approval. Supported the project conceptually but supported
39 a continuance until such time as the applicant could be present to respond to
40 the questions raised. (Moriarty)
 - 41 • Sought more information from the applicant on the proposal for an interim use,
42 clarification of the proposed Porta Potties and the cost of a permanent
43 restroom with hand wash basin, and a continuance of the application.
44 (Kurrent)
- 45

- Identified personal experience patronizing similar venues both in the United States and in Australia and how those venues had addressed some of the same concerns that had been expressed; agreed the applicant should be present to identify the vision/concept; and approval should include a condition to ensure the site was maintained and cleaned after the completion of the event, including removal of the Porta Potties. If any landscaping was proposed, questioned how it would be maintained and would like greater details and clarity on the parking. Questioned whether the application should be considered as an interim event application or a business application, suggested the use was more a business event, and agreed there should be greater coordination with the Farmer's Market. Supported a continuance of the application. (Wong)
- Supported the idea in concept as part of a future potential solution to beautify the subject property; opposed restrictions on the parking; was not convinced such a venue would attract hundreds of people, but if successful suggested people would find a way to park but could also walk and bicycle to the venue; and supported a continuance as discussed. (Ojeda)
- Supported the idea in concept and was confident the venue would work well with the Farmer's Market subject to coordination, and agreed the applicant needed to be present to respond to questions related to sanitation and maintenance of the site itself. (Brooks)

Mr. Hanham summarized the consensus of the Planning Commission to continue the item to allow the applicant to be present to respond to the questions specifically related to: parking, sanitation/Porta-Potty, business plan/vision, interaction with the Farmer's Market, and proposed signage.

MOTION to continue Design Review DR 19-14, Conditional Use Permit 19-09: Artisanal Garden - outdoor artisan and vendor space, to a date certain of March 23, 2020.

MOTION: Wong

SECONDED: Kurrent

APPROVED: 6-0-1

Absent: Flashman

F. OLD BUSINESS: None

G. NEW BUSINESS:

1. General Plan/Specific Plan Information Session: Land Use Element

Planning Manager Hanham explained that the item was a continuation of the January 27, 2020 Planning Commission discussion of the General Plan.

1 Mr. Hanham provided an overview of the Land Use and Economic Development
2 Elements of the General Plan and highlighted the associated policies, as outlined in
3 the February 24, 2020 staff report.
4

5 In response to Commissioner Moriarty, Mr. Hanham clarified how the Strategic Plan
6 for 2020 to 2025, which had recently been presented to the City Council, may impact
7 the Land Use and Economic Development Elements. He also clarified that the City
8 Council had the authority to amend the General Plan and offered some examples.
9 The Strategic Plan also called for updates to the General Plan and Three Corridors
10 Specific Plan. The Final Draft of the Old Town Subarea Parking Study and
11 Pedestrian Plan was currently under review by staff to be presented to the Planning
12 Commission in the next month or two prior to being submitted to the City Council.
13

14 The status of Measure J on the March 2020 ballot was also noted and would be the
15 subject of further discussions at West Contra Costa Transportation Advisory
16 Committee (WCCTAC) meetings. The San Pablo Bridge had been identified as
17 WCCTAC's main project at this time.
18

19 The Planning Commission discussed with staff the differences and details between
20 the current Measure J, which had a sunset date of 2036 and where the half cent
21 sales tax for that measure would continue to be collected, and the Measure J on the
22 March 2020 ballot proposed by the Contra Costa Transportation Authority (CCTA).
23

24 In response to Commissioner Moriarty who pointed out the numbers on Page 14 of
25 the Land Use Element were old, had been based on 2007 and 2009 figures, and
26 needed to be updated, Mr. Hanham referenced the City's Regional Housing Needs
27 Allocation (RHNA) from the Association of Bay Area Governments (ABAG), with new
28 numbers to be released shortly. He described the General Plan as more projection
29 oriented, and clarified that the 2020 Census Survey would provide additional data
30 allowing the numbers in the Housing Element to be updated.
31

32 Mr. Hanham clarified in response to Commissioner Murphy that any references to
33 the Redevelopment Agency in the documents referred to the City Council, and
34 although the City had a Successor Agency pursuant to Redevelopment Law, the City
35 of Pinole was no longer allowed to accrue debt. The City was in the process of selling
36 properties it had through the Redevelopment Agency. The state was also realizing
37 that tax increment funding was an important tool for cities to complete infrastructure
38 projects and the state was using some tax increment funding laws to assist cities with
39 what redevelopment had done in the past.
40

41 In addition, Mr. Hanham explained that references to the Parks and Improvements
42 Plan in the Land Use Element was a plan yet to be created and implemented, and
43 the Waterfront Plan did not yet exist but had been identified as a goal in the Land
44 Use Element.
45
46

1 Mr. Hanham explained that references to historical resources and sites, particularly
2 Native American sites, may have been discussed in the Cultural Element of the
3 General Plan. He also highlighted the Mills Act, which required definition as to what
4 was historic and whether state or federally listed since there were separate design
5 guidelines and restrictions for any improvements.
6

7 Commissioner Kurrent commented that the State Department of Housing and
8 Community Development (HCD) looked at affordable housing and it was understood
9 that high density development of 35 units an acre or more qualified as Low Income
10 housing. He noted that the General Plan included a background report that provided
11 the history of the City of Pinole, a worthwhile document to read offering insights into
12 what the city wanted to be.
13

14 Commissioner Ojeda thanked Commissioner Murphy for suggesting a review of the
15 General Plan. He liked the discussions of the City's history and referenced the Point
16 Pinole Regional Shoreline which had a lot of plaques detailing the history of Pinole.
17

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

19 **1. Verbal Updates of Projects**

20
21
22 Mr. Hanham reported the Bike and Pedestrian Plan was in the final stage of review
23 to be presented to the Planning Commission at its next meeting; the environmental
24 review for Pinole Square was being finalized to be distributed in the next week for the
25 30-day state clearinghouse review period to be presented to the Planning
26 Commission in April/May; a number of building permits for remodels and Accessory
27 Dwelling Units (ADUs) had been received; and applications had been received for a
28 small parcel map, and a small subdivision map with design review on Hazel Street
29 anticipated to be presented to the Planning Commission at a future meeting. He
30 reported that the April/May Planning Commission meetings would be very busy.
31

32 Commissioner Moriarty inquired of the status of the application for Making Waves,
33 and Mr. Hanham advised the applicant had formally withdrawn the application and
34 the project had been closed out. Making Waves continued to be the owner of the
35 property. As to the status of the condition of the property, it could be reviewed by
36 code enforcement.
37

38 Mr. Hanham reported that staff had made the arrangements for those
39 Commissioners planning to attend the March 4-6 Planner's Academy, with
40 information to be forwarded to each Commissioner.
41

42 Commissioner Moriarty reported she and Commissioner Murphy were members of
43 the Beautification Ad Hoc Committee and the first meeting had been scheduled for
44 Wednesday, February 26.
45
46

1 Mr. Hanham also reported that staff was in the process of reviewing the PMC and
2 considering amendments with assistance from the City Attorney's Office, to be
3 presented to the Planning Commission later in the year.
4

5 Commissioner Murphy reported he had been invited to the Pinole Senior Center,
6 described it as a jewel for the City, and identified some of the various activities
7 provided. He brought to staff's attention the limited parking accommodations for that
8 facility.
9

10 M. Hanham suggested the Parking and Pedestrian Plan could address some of those
11 concerns in that it had identified some of the needed improvements in the community.
12

13 Commissioner Murphy also spoke to his background as a digital marketing strategist
14 and announced the creation of an online campaign known as #visitpinole. He
15 encouraged those interested to use the hashtag to provide photos of activities, hiking
16 or walking around the city, which he suggested was a fun way to build a community.
17

18 Commissioner Kurrent understood that three Commissioners would have terms
19 expiring and urged Commissioners to either reapply or staff to consider a recruitment
20 process. He referenced a Facebook Group called Walk and Talk Pinole, with a walk
21 scheduled for Saturday, February 29 at 9:15 A.M. at the Mariotti Mansion at 100
22 Tennent Avenue.
23

24 Commissioner Wong commented on the new East Bay Regional Park District
25 (EBRPD) Trail Bridge which the community had been enjoying.
26

27 I. **COMMUNICATIONS:** None
28

29 J. **NEXT MEETING**
30

31 The next meeting of the Planning Commission to be a Regular Meeting to be held
32 on Monday, March 23, 2020 at 7:00 P.M.
33

34 K. **ADJOURNMENT:** 8:45 P.M
35

36 Transcribed by:
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38
39 Sherri D. Lewis
40 Transcriber
41
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