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**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.

Applicant: Raquel Contreras

1 714 Walker Avenue
2 Oakland, CA 94610
3

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

6 **Planner:** Justin Shiu
7

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

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

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

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

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

PUBLIC HEARING OPENED

1
2 IVETTE RICO, Pinole, supported anything that brought people to Old Town Pinole,
3 although she had concerns with the proposed outdoor venue whether the vendor
4 structures would be permanent, whether the vendors would pay a fee, and if food
5 vendors whether they would compete with existing businesses. Also, parking and
6 traffic would conflict with the year around Farmer's Market and the existing Porta
7 Potties were for the use of the Farmer's Market. She asked whether there would be
8 a focus on Pinole artisans, how trash and waste from the venue would be addressed,
9 whether nearby restaurants could be impacted by venue patrons wanting to use their
10 restroom facilities, and suggested many questions remained unanswered pending
11 the arrival of the applicant.
12

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

24 PUBLIC HEARING CLOSED

25
26 When asked, Mr. Shiu stated he had expected the applicant to be present.
27

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

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

1 States and in Australia and how those venues had addressed some of the
2 same concerns that had been expressed; agreed the applicant should be
3 present to identify the vision/concept; and approval should include a condition
4 to ensure the site was maintained and cleaned after the completion of the
5 event, including removal of the Porta Potties. If any landscaping was
6 proposed, questioned how it would be maintained and would like greater
7 details and clarity on the parking. Questioned whether the application should
8 be considered as an interim event application or a business application,
9 suggested the use was more a business event, and agreed there should be
10 greater coordination with the Farmer's Market. Supported a continuance of
11 the application. (Wong)
12

- 13 • Supported the idea in concept as part of a future potential solution to beautify
14 the subject property; opposed restrictions on the parking; was not convinced
15 such a venue would attract hundreds of people, but if successful suggested
16 people would find a way to park but could also walk and bicycle to the venue;
17 and supported a continuance as discussed. (Ojeda)
18
- 19 • Supported the idea in concept and was confident the venue would work well
20 with the Farmer's Market subject to coordination, and agreed the applicant
21 needed to be present to respond to questions related to sanitation and
22 maintenance of the site itself. (Brooks)
23

24 Mr. Hanham summarized the consensus of the Planning Commission to continue the
25 item to allow the applicant to be present to respond to the questions specifically
26 related to: parking, sanitation/Porta-Potty, business plan/vision, interaction with the
27 Farmer's Market, and proposed signage.
28

29 **MOTION** to continue Design Review DR 19-14, Conditional Use Permit 19-09:
30 Artisanal Garden - outdoor artisan and vendor space, to a date certain of March 23,
31 2020.
32

33 **MOTION: Wong**

SECONDED: Kurrent

APPROVED: 6-0-1

Absent: Flashman

34
35
36 **F. OLD BUSINESS:** None

37
38 **G. NEW BUSINESS:**

39
40 **1. General Plan/Specific Plan Information Session: Land Use Element**

41
42 Planning Manager Hanham explained that the item was a continuation of the January
43 27, 2020 Planning Commission discussion of the General Plan.
44

45 Mr. Hanham provided an overview of the Land Use and Economic Development

1 Elements of the General Plan and highlighted the associated policies, as outlined in
2 the February 24, 2020 staff report.

3
4 In response to Commissioner Moriarty, Mr. Hanham clarified how the Strategic Plan
5 for 2020 to 2025, which had recently been presented to the City Council, may impact
6 the Land Use and Economic Development Elements. He also clarified that the City
7 Council had the authority to amend the General Plan and offered some examples.
8 The Strategic Plan also called for updates to the General Plan and Three Corridors
9 Specific Plan. The Final Draft of the Old Town Subarea Parking Study and
10 Pedestrian Plan was currently under review by staff to be presented to the Planning
11 Commission in the next month or two prior to being submitted to the City Council.
12

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

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

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

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

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

45
46 Mr. Hanham explained that references to historical resources and sites, particularly

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

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

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

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

18 **1. Verbal Updates of Projects**

19
20
21 Mr. Hanham reported the Bike and Pedestrian Plan was in the final stage of review
22 to be presented to the Planning Commission at its next meeting; the environmental
23 review for Pinole Square was being finalized to be distributed in the next week for the
24 30-day state clearinghouse review period to be presented to the Planning
25 Commission in April/May; a number of building permits for remodels and Accessory
26 Dwelling Units (ADUs) had been received; and applications had been received for a
27 small parcel map, and a small subdivision map with design review on Hazel Street
28 anticipated to be presented to the Planning Commission at a future meeting. He
29 reported that the April/May Planning Commission meetings would be very busy.
30

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

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

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

45
46 Mr. Hanham also reported that staff was in the process of reviewing the PMC and

1 considering amendments with assistance from the City Attorney's Office, to be
2 presented to the Planning Commission later in the year.

3
4 Commissioner Murphy reported he had been invited to the Pinole Senior Center,
5 described it as a jewel for the City, and identified some of the various activities
6 provided. He brought to staff's attention the limited parking accommodations for that
7 facility.

8
9 M. Hanham suggested the Parking and Pedestrian Plan could address some of those
10 concerns in that it had identified some of the needed improvements in the community.

11
12 Commissioner Murphy also spoke to his background as a digital marketing strategist
13 and announced the creation of an online campaign known as #visitpinole. He
14 encouraged those interested to use the hashtag to provide photos of activities, hiking
15 or walking around the city, which he suggested was a fun way to build a community.

16
17 Commissioner Kurrent understood that three Commissioners would have terms
18 expiring and urged Commissioners to either reapply or staff to consider a recruitment
19 process. He referenced a Facebook Group called Walk and Talk Pinole, with a walk
20 scheduled for Saturday, February 29 at 9:15 A.M. at the Mariotti Mansion at 100
21 Tennent Avenue.

22
23 Commissioner Wong commented on the new East Bay Regional Park District
24 (EBRPD) Trail Bridge which the community had been enjoying.

25
26 **I. COMMUNICATIONS:** None

27
28 **J. NEXT MEETING**

29
30 The next meeting of the Planning Commission to be a Regular Meeting to be held
31 on Monday, March 23, 2020 at 7:00 P.M.

32
33 **K. ADJOURNMENT:** 8:45 P.M

34
35 Transcribed by:

36
37
38 Sherri D. Lewis
39 Transcriber
40
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