

1  
2  
3 **MINUTES OF THE REGULAR MEETING**  
4 **PINOLE PLANNING COMMISSION**  
5

6 **October 26, 2020**  
7

8 **DUE TO THE STATE OF CALIFORNIA'S DECLARATION OF EMERGENCY – THIS**  
9 **MEETING WAS HELD PURSUANT TO AUTHORIZATION FROM GOVERNOR**  
10 **NEWSOM'S EXECUTIVE ORDERS – CITY COUNCIL AND COMMISSION MEETINGS**  
11 **WERE NO LONGER OPEN TO IN-PERSON ATTENDANCE. THE MEETING WAS**  
12 **HELD VIA ZOOM TELECONFERENCE.**  
13

14  
15 **A. CALL TO ORDER: 7:05 P.M.**  
16

17 **B. PLEDGE OF ALLEGIANCE AND ROLL CALL**  
18

19 Commissioners Present: Flashman, Moriarty, Murphy, Wong, Chair Kurrent  
20

21 Commissioners Absent: Ojeda  
22

23 Staff Present: David Hanham, Planning Manager  
24 Justin Shiu, Contract Planner  
25 Alex Mog, Assistant City Attorney  
26

27 **C. CITIZENS TO BE HEARD**  
28

29 Planning Manager David Hanham reported no comments had been received via  
30 e-mail to be read into the record.  
31

32 **D. CONSENT CALENDAR**  
33

34 1. Planning Commission Meeting Minutes from September 28, 2020  
35

36 **MOTION** to adopt the Planning Commission Meeting Minutes from September 28,  
37 2020 as submitted.  
38

39 **MOTION: Flashman      SECONDED: Moriarty      APPROVED: 5-0-1**  
40 **ABSENT: Ojeda**  
41

42 **E. PUBLIC HEARINGS:**  
43  
44  
45

1       **1.     Design Review DR17-10, Tentative Parcel Map TSM17-01,**  
2       **Development Agreement DA17-01:     Four new single-family**  
3       **residences, four-lot subdivision, and Development Agreement for**  
4       **public improvements.**

5  
6       **Request:**     Consideration of a Design Review, Tentative Parcel Map, and  
7                       Development Agreement request to develop the vacant lot at  
8                       the end of Hazel Street. The project proposes the subdivision  
9                       of the lot into four new parcels, development of a single-family  
10                      residence on each new parcel, and execution of a Development  
11                      Agreement to make public improvements, including the  
12                      extension of Hazel Street. *(Continued from the Planning*  
13                      *Commission meeting on August 24, 2020)*

14  
15       **Applicant:**   Baljit Dhaliwal  
16                       1068 Turquoise Drive  
17                       Hercules, CA 94547

18  
19       **Location:**   Hazel Street (APN: 402-013-060 and -061)

20  
21       **Planner:**     David Hanham

22  
23       Commissioner Murphy reported he would recuse himself from participating in the  
24       discussion due to a potential conflict of interest. He asked the Assistant City Attorney  
25       to provide clarification.

26  
27       Assistant City Attorney Alex Mog explained that the item would be a recommendation  
28       from the Planning Commission to the City Council. A Development Agreement (DA)  
29       was part of the item which required approval via an ordinance and two public  
30       hearings before the City Council for a first and second reading. As a result and due  
31       to the timing of when those meeting dates may occur, which could occur after the  
32       election of Commissioner Murphy to the City Council, Commissioner Murphy had  
33       decided not to participate in the discussion.

34  
35       Mr. Hanham provided a PowerPoint presentation of the staff report dated October  
36       26, 2020, and recommended the Planning Commission adopt Resolution 2020-18  
37       recommending approval to the City Council for Design Review (DR 17-10), Tentative  
38       Parcel Map (TSM 17-01), and Development Agreement (DA 17-01). The DA was  
39       currently in draft form and still under negotiation by the parties involved. The final DA  
40       would be submitted to the City Council. If there were any significant changes to the  
41       DA based on the language and/or terms of the DA, it would have to come back to the  
42       Planning Commission prior to submittal to the City Council.

43  
44       Responding to the Commission, Mr. Hanham and Mr. Mog clarified the following:  
45

- An illustrative streetscape had not been provided although elevations had been provided to illustrate what the homes would look like, as included in the staff report.
- Curbs and gutters would be included as part of the project, although the project had no responsibility for any improvements on the other side of the street from the project site.
- There were some discrepancies between the colored renderings as compared to the submitted plans which should be clarified by the applicant.
- Acknowledged a request that all renderings for a project be provided for future Development Review Subcommittee meetings.
- The prior application proposed in 2007 (as detailed in the staff report) involved a three-lot subdivision which had been designed differently, denied by the Planning Commission at that time, and after review by the City Council had been remanded back to the Planning Commission to meet certain criteria.
- The minimum lot size in the Low Density Suburban Residential District in the City of Pinole was 5,000 square feet.
- The DA would be in good standing for up to ten years (a standard time period) given the development, different infrastructure improvements required and associated costs involved, unless brought back to the Planning Commission or the City Council for review. Staff acknowledged it could take up to ten years to build the project but understood the applicant was motivated to move forward.
- The applicant would be required to pay a storm drain fee but not pay for the construction of the storm drain and pump station which would be a Capital Improvement Project (CIP).
- Any one of the four homes could be identified as an affordable unit to be locked in at the time the City finalized its affordable agreement with the developer.
- Two live oak trees were to be preserved, although one located farther north on the property was to be removed due to root rot at the recommendation of the project arborist, with the other live oak to remain. Walnut trees located at the back of the site would be preserved.
- As a condition of approval and as part of the dedication of the Tentative Parcel Map for the project the private drive would be dedicated to the City with the City to have the easement and right-of-way (ROW).

- Pursuant to Condition of Approval 28 (A) of Exhibit A to the staff report, building construction activities shall occur only between 7:00 A.M. and 5:00 P.M., Monday through Friday on non-federal holidays. Interior construction work may occur between 9:00 A.M. and 6:00 P.M. on weekends if requested and approved by the City, as allowed under Chapter 15.02 of the Pinole Municipal Code (PMC).

## PUBLIC HEARING OPENED

Jagjeet Dhaliwal, 1068 Turquoise Drive, Hercules, speaking on behalf of her parents, responded to concerns that the project could take up to ten years to complete. She emphasized the intent to complete the project as soon as possible consistent with City codes and requirements. She otherwise commented that staff had covered the project in the staff presentation and the applicant had no further comments.

The following speakers submitted written comments via email that were read into the record, to be filed with the agenda packet for this meeting: **Rafael Menis, Duane Jones, Subhana Ansari, Francesca Delgado-Jones and Don McKinney.**

## REBUTTAL:

Ms. Dhaliwal clarified the issue of the extension of Hazel Street, a through street versus a private road, which issue had been raised early in the process and which was part of the development of the storm drain and the need for a through street to address firefighting safety concerns. The extension of Hazel Street had been a request of the City of Pinole and the Pinole Fire Department, not the Dhaliwal Family. Also, while the home sizes may appear small, the lots would be 6,000 square feet in size and the homes would not appear to be tract homes.

Ms. Dhaliwal explained that the Dhaliwal Family had initially requested one, two and then three homes, and over time in discussions with the City the request had ended up with four homes, necessary given the required infrastructure improvements.

## PUBLIC HEARING CLOSED

Mr. Hanham clarified that the Hazel Street extension had been at the request of the City since Hazel Street was a through street in the General Plan and not a dead-end street. Due to the infrastructure needs and the pump station, and since Parcel No. 59 must go across the Dhaliwal property to reach the driveway for Lot No. 59, Parcel No. 60 travelled all the way across property on Parcel No. 59, and since the Dhaliwals could technically block that property since it lacked an easement to the property, those were other reasons for the City to request the Hazel Street extension. The Hazel Street extension was also considered a clean-up item for the City requiring the Dhaliwals to add additional lots to help pay for some of the improvements. He acknowledged the City had opposed the three-lot subdivision proposal since it had

1 included a driveway that came up and in, preventing the completion of all the storm  
2 drain improvements in the road.

3  
4 Mr. Hanham again detailed the history of the project which had led to the current  
5 iteration and lot sizes, with more than enough area to accommodate the proposed  
6 lots, and with the project meeting all City setback and development standards.

7  
8 The Planning Commission discussed DR17-10, TSM17-01, and DA17-01 and  
9 offered the following comments and/or direction to staff:

- 10  
11 • Sympathized with the neighbors' concerns with the potential for an increase  
12 in traffic and noise levels; clarified with staff regarding Condition 7 that the  
13 applicant was not permitted to build an impervious driveway that covered 40  
14 percent of the front yard; clarified that Condition 10 reflected the City's recent  
15 approval of an ordinance which matched the State Water Efficient Landscape  
16 Ordinance requirements; recommended the last sentence of Condition 11  
17 be revised since, as worded, it could make it too easy to lose trees on the  
18 property and recommended verbiage similar to conditions imposed for the  
19 Dr. Lee Optometry project; and suggested the proposed lot sizes would be  
20 sufficient. (Moriarty)

21  
22 The Planning Commission discussed Condition 11 related to tree protection under  
23 the City's Tree Ordinance and compared the proposed project to the Dr. Lee  
24 Optometry project at length. By consensus, the Planning Commission revised the  
25 last sentence of Condition 11, to read:

26  
27 *Any revisions to tree protection and tree removal details described in the*  
28 *arborist reports shall be submitted to the Planning Manager for review prior*  
29 *to work affecting trees in the field consistent with Pinole Municipal Code*  
30 *Chapter 17.96.*

31  
32 Chair Kurrent and Commissioner Flashman briefed the Planning Commission on  
33 their discussions during the Development Review Subcommittee meeting which  
34 included concerns with a left-side half window on Lot 2 that did not appear to be  
35 symmetrical, the darkness of the proposed blue color for Lots 1 and 2 that had been  
36 found to be out of sync with the other homes, and a desire for renderings of the  
37 homes next to one another that had not been provided.

- 38  
39 • The intent for the left-side window for Lot 2 was confirmed by the applicant,  
40 with the intent to build a canopy to create a shadow and overhang on top of  
41 the window which would be a full window, and while not shown on the at-street  
42 elevation that would be corrected on the plans. Recognition that the proposed  
43 lots would be smaller in size, and while some lots in the area would be  
44 comparable in size the community was concerned with the size of the homes  
45 given that the project would be a change in the community and there was a

1 need for green space and parks. Expressed concern the proposed  
2 development would effectively remove what had been considered green  
3 space in the community. (Flashman)  
4

- 5 • Found the size of the lots to be consistent and comparable with other lot sizes  
6 in the area; recognized the concerns with the size of the homes but also  
7 recognized the need to provide housing; and while the lots may be smaller in  
8 size than others on the street suggested they would be sufficient in size.  
9 (Kurrent)  
10
- 11 • Clarified with staff that Lots 60 and 61 were owned by the applicant and the  
12 property had been used as green space by the community but it was private  
13 property that could be fenced to prevent trespassing. If the project was  
14 ultimately not approved by the City Council encouraged the City Council to  
15 consider purchasing the property to be used as a park. Would have opposed  
16 the project if considered for the north side of Hazel Street given the lots on the  
17 north side were 10,000 square feet in size or more while the homes on the  
18 south side of Hazel Street were between 5,500 and 8,000 square feet in size.  
19 Did not support the building colors, such as the dark blue, and supported  
20 another alternative. If the project was not approved by the City Council there  
21 was concern the area could be impacted by flooding if the storm drain  
22 infrastructure was not repaired and the City could be held liable. The project  
23 offered an opportunity for the applicant to develop the land, the City to address  
24 long-standing issues, and while the community concerns with crime and traffic  
25 were acknowledged they had not been supported by data from the Pinole  
26 Police Department. Suggested the applicant had addressed the City's  
27 requirements. (Wong)  
28

29 On the question of whether the City would be responsible for the storm drain  
30 improvements if the City Council ultimately denied the project, Mr. Hanham explained  
31 that would have to be prioritized by the City Council in the CIP with funds to be set  
32 aside. He reiterated the project lent itself for that work to be completed faster.  
33

- 34 • The Pinole Municipal Code (PMC) required each of the lots to have one  
35 enclosed parking space and one non-enclosed parking space on the property,  
36 and the units met that requirement. Opening the north side of the new Hazel  
37 Street would provide additional parking for the neighborhood and there should  
38 be no parking concern, and the reasons for extending Hazel Street had been  
39 adequately addressed by staff. (Kurrent)  
40

41 Mr. Hanham confirmed that the project would have to be wired for solar panels but  
42 the installation of solar panels was not required. At this time, he advised an additional  
43 public comment had been received after the close of the public hearing and it was at  
44 the discretion of the Chair whether to re-open the public hearing.  
45

1 Chair Kurrent re-opened the public hearing at this time.

2  
3 Mr. Hanham read into the record additional public comment received via e-mail after  
4 the close of the public hearing from **Subhana Ansari** to be filed with the agenda  
5 packet for this meeting  
6

7 In response to the most recent public comment, Mr. Hanham and Mr. Mog confirmed  
8 that there had been no mention of endangered species in the environmental  
9 documents.  
10

11 Ms. Dhaliwal reiterated the background of the Hazel Street extension; the full window  
12 design for Lot 2 had been clarified and the plans would be corrected; the dark blue  
13 color for two of the lots had come from a recommendation made by a previous  
14 committee, although the color could be changed back to be more muted; and the  
15 property had been offered to the City as green space in the past but the City had not  
16 accepted that offer. The property owners had owned the property for more than a  
17 decade and had experienced illegal dumping, illegal trespassing, and an open storm  
18 drain. The desire was to develop the property to clean it up and make it safer for the  
19 surrounding community.  
20

21 Chair Kurrent re-closed the public hearing.  
22

23 **MOTION** by a Roll Call Vote to adopt Resolution 20-18, a Resolution of the City of  
24 Pinole Planning Commission Recommending Approval to the City of Pinole City  
25 Council for a Tentative Parcel Map, Comprehensive Design Review and a  
26 Development Agreement Located at the South Side of the Western Terminus of  
27 Hazel Avenue (APN 402-013-060 and 061), subject to Exhibit A: Planning  
28 Commission Resolution 20-18, Conditions of Approval, and subject to a  
29 modification to Condition 11, as follows:  
30

31 Revise the last sentence to read:  
32

33 *Any revisions to tree protection and tree removal details described in the*  
34 *arborist reports shall be submitted to the Planning Manager for review prior*  
35 *to work affecting trees in the field consistent with Pinole Municipal Code*  
36 *Chapter 17.96.*  
37

38 **MOTION: Wong**

**SECONDED: Moriarty**

**APPROVED: 4-0-2**

**RECUSED: Murphy**

**ABSENT: Ojeda**

41  
42 Chair Kurrent identified the 10-day appeal period of a decision of the Planning  
43 Commission in writing to the City Clerk.  
44

45 Commissioner Murphy returned to the meeting via Zoom.  
46

1           **2.     Design Review DR 19-14, Conditional Use Permit CUP 19-09: Artisanal**  
2           **Garden: Outdoor Artisan and Vendor Space**

3  
4           **Request:**     Consideration of a Design Review and Conditional Use Permit  
5                           request to make site improvements for an outdoor seating  
6                           space with fencing, a small structure, and a trash enclosure  
7                           redesign and to provide for hosting of artisan displays, events,  
8                           music, and food vendors, at 2337 San Pablo Avenue in the  
9                           CMU District *(Continued from the Planning Commission*  
10                          *meeting on February 24, 2020)*

11  
12           **Applicant:**   Raquel Contreras  
13                           714 Walker Avenue  
14                           Oakland, CA 94610

15  
16           **Location:**   2337 San Pablo Avenue (APN: 401-162-002)

17  
18           **Planner:**     Justin Shiu  
19

20           Commissioner Flashman reported she would recuse herself from the discussion of  
21           the item due to a potential conflict of interest.

22  
23           Contract Planner Justin Shiu provided a Power Point presentation of the October 26,  
24           2020 staff report, and noted that after the applicant's materials had been reviewed  
25           and prepared, the applicant had requested a revision to Condition 15, Live Music  
26           Schedule, as shown in Exhibit A to Resolution 20-01. The requested revision was to  
27           expand the approval of music on the site from 20 days per year to 30 days per year,  
28           with the Sunday hours to be revised from 12:00 P.M. to 4:00 P.M, to *12:00 P.M. to*  
29           *8:00 P.M.* The Planning Commission was asked to consider the request.

30  
31           Mr. Shiu recommended the Planning Commission adopt Resolution 20-01, subject  
32           to the conditions of approval contained in Exhibit A, approving Design Review 19-  
33           14 and Conditional Use Permit 19-09, and a Similar Use Determination for  
34           development of an outdoor artisan and vendor space at 2337 San Pablo Avenue.

35  
36           Responding to the Commission Mr. Shiu and Mr. Hanham clarified:

- 37  
38
  - 39           • Hours of operation for special events had not been specified in the conditions  
40           of approval, and while the applicant had indicated themes throughout the year  
41           no specific hours of operation had been identified. Special events not listed  
42           in the schedule would have to be approved by the Planning Manager pursuant  
43           to Condition 5 of Exhibit A to Resolution 20-01.
  - 44           • The conditions of approval submitted to the Planning Commission initially in  
45           February 2020 when the project had first been considered included a



1 condition limiting the use of amplified music, and Condition 16 had been a  
2 carryover condition. The current proposal included a request for amplified  
3 music which required a modification to the conditions of approval.  
4

- 5 • The Old Town Design Guidelines had not been considered for the subject  
6 project. Staff had relied on the Three Corridors Specific Plan when reviewing  
7 the design.  
8
- 9 • Bicycle racks had not been included on the conceptual site plan but would be  
10 required as part of the building plans pursuant to Condition 30. A minimum of  
11 two bicycle racks would be required for a commercial property but could be  
12 discussed further by the Planning Commission.  
13
- 14 • The applicant would be required to identify the location for take-out waste  
15 disposal and recycling, and to plan how much waste could be removed from  
16 the site and the volume that could be recycled.  
17
- 18 • Proposed trees on-site and the types of vendors to be clarified by the  
19 applicant.  
20
- 21 • There was an existing Porta Potti on the site and additional facilities could be  
22 made available, if needed, to be open only during operations when the site  
23 was in use.  
24
- 25 • The Pinole Noise Ordinance did not specify a decibel level and was subjective  
26 as related to noise disturbances and what constituted a nuisance. Any issues  
27 with amplified music would be addressed via complaints during an event.  
28

## 29 PUBLIC HEARING OPENED 30

31 Raquel Contreras, 714 Walker Avenue, Oakland, advised that a representative from  
32 the Pacific Coast Farmers' Market Association and a representative from Kitchen at  
33 812 were also present via Zoom to respond to questions. She explained that the  
34 amplified music could be controlled, she had initially thought of using only acoustical  
35 music, but some musicians had amplified music and she had seen similar uses at  
36 other Farmers' Markets. She preferred that amplified music be allowed until 8:00  
37 P.M in the hopes she could create an ambience for the community. Due to COVID-  
38 19, she also planned to have take-out only in the next few months in order to get a  
39 feel for the business prior to bringing in tables and chairs.  
40

41 Ms. Contreras also reported she had been in contact with the Contra Costa County  
42 Environmental Health Department, which had suggested an agreement with an  
43 establishment such as the gasoline station across the street or someone within 200  
44 feet to allow a mobile vendor to use their restroom facilities as opposed to using Porta  
45 Potties, which would entail an agreement in writing. She had been in contact with

1 her neighbors regarding that issue, and had also been in discussions with the  
2 Farmers' Market to coordinate the Porta Potties and the use of cleaning services, as  
3 needed, at least twice a week.  
4

5 Ms. Contreras explained that she had planned to use palm trees in colorful pots, or  
6 Madrone, strawberry, or species that were native and drought tolerant. The intent  
7 was to have the trees in large pots that could be easily moved and arranged as  
8 needed. In terms of special events, she did not foresee large special events at this  
9 time due to COVID-19 restrictions, the size of the City of Pinole, and due to the  
10 competition from other cities. Her goal was to make the use effective in the  
11 neighborhood to bring people in, but be community based through word of mouth,  
12 and be self-sustaining. A wash station would be made available to facilitate the  
13 handling of food items.  
14

15 Waleska Ordonez, Kitchen at 812, a non-profit business incubator located in Pinole  
16 Shores, worked with entrepreneurs who wanted to formally operate a food business,  
17 and assisted those businesses in obtaining the required permits to operate. She  
18 explained that food vendors during a festival or Farmers' Market required a hand  
19 washing station inside the facility independent of the outside Porta Potti.  
20

21 Ben Palazzolo, Pacific Coast Farmers' Market Association, confirmed that all food  
22 vendors for on-site Farmers' Markets had the same requirement with enclosed  
23 certified kitchens and having a place for the staff to wash their hands with soap and  
24 water, and the bleaching of any kitchen utensils pursuant to the requirements of the  
25 Contra Costa Environmental Health Department.  
26

27 Ms. Ordonez added that if food trucks were allowed on-site, the food trucks would  
28 have to follow the Contra Costa County Environmental Health Department  
29 Guidelines and have hand sanitizing stations.  
30

31 Ms. Contreras advised that only certified mobile vendors from the Contra Costa  
32 Environmental Health Department would be permitted. She understood that  
33 temporary food vendors were not allowed in the City of Pinole at this time.  
34

35 Responding to the Commission, Ms. Contreras and Ms. Ordonez clarified that the  
36 business plan was close to a business called Off the Grid, a non-profit organization  
37 that found locations for food vendors such as food trucks. The closest business was  
38 located in the City of El Cerrito, which utilized a closed short street in that city to allow  
39 the activity and to allow walking around the downtown. There was a Beer Garden in  
40 the City of Berkeley but there were no plans to sell alcohol at this time.  
41

42 Ms. Contreras acknowledged a recommendation to increase the number of bicycle  
43 racks, and the concerns with the modern appearance of the use adjacent to the bank  
44 building. A small office/shed at the back of the site would provide a work station for  
45 her business. She had tried to tie the design of the shed in with the colors and slats  
46 of historic Victorian homes in Pinole and planned to bring in old bricks from a local

1 building to be incorporated into the design of her business. She was open to other  
2 ideas to maintain the historic presence of Pinole.

3  
4 Ms. Contreras clarified that there would be palm trees at the entrance to the site and  
5 she would be willing to plant a street tree to provide shade. The intent was to plant  
6 drought resistant plant material. She would also like to incorporate a light show  
7 during Christmas such as dancing and singing lights, as an example, something that  
8 would garner interest, and asked whether that would be permitted.

9  
10 Mr. Hanham understood there were no other palm trees in the downtown but staff  
11 could work with the applicant on the landscaping. In terms of lighting, depending on  
12 how the lights would be displayed would have to be reviewed by staff.

13  
14 Ms. Contreras asked whether or not she would be permitted to have a mobile vendor  
15 with a truck during the construction period given it may take some time for  
16 construction to be completed. She suggested the shed could take more time since  
17 she was working with the City regarding an easement.

18  
19 Mr. Hanham advised that staff would like to see construction almost completed prior  
20 to any mobile vendors brought in. He had reviewed the City code given the requests  
21 for mobile vendors in Pinole and could find no language that allowed or disallowed  
22 mobile vendors. Based on staff's perspective, the construction should be almost  
23 completed prior to bringing a vendor on-site since in the past there had been issues  
24 with construction taking longer to be completed because of the needs of a vendor.  
25 He would also like to see the tables and chairs installed prior to the siting of a mobile  
26 vendor.

27  
28 Ms. Contreras reiterated she planned to have take-out only in the next few months,  
29 and to get a feel of the business prior to bringing in tables and chairs but Mr. Hanham  
30 again advised of the staff opinion that no mobile vendors be allowed on-site prior to  
31 construction being near completion.

32  
33 Mr. Hanham recognized that it would be up to the Planning Commission to decide,  
34 but if allowed, he would recommend a stipulation be imposed that a certain amount  
35 of work must be completed prior to bringing a mobile vendor on-site.

36  
37 Ms. Contreras also clarified there were some light poles that were part of the existing  
38 easement which she planned to retain.

39  
40 Mr. Shiu read into the record Condition 18 as follows:

41  
42 *LIGHTING – The owner shall ensure that lighting is available on site during*  
43 *late-afternoon to evening hours and the entire lot has adequate lighting.*  
44 *Lighting equipment shall include shields to project light downward and to*  
45 *prevent light and glare impacts on adjacent properties and the right-of-way.*  
46 *The proposed lighting set-up locations, including portable lighting*

1                   *equipment, shall be identified in the final plan set for review by the Police*  
2                   *Department*

3  
4                   As to the signage proposed, Ms. Contreras clarified the top sign would be a bridge  
5                   sign with letters above reading *Casa Amada* and a presentation sign proposed to  
6                   give directions and show the guest of the day and the event being hosted, to consist  
7                   of an announcement identifying who was performing in the garden on that date. She  
8                   was thinking of using magnetic letters with a vinyl inset and with illumination in the  
9                   vinyl sleeve.

10  
11                  Mr. Shiu read into the record comments from **Ivette Rico** and **Rafael Menis**. (As  
12                  reflected in the February 24, 2020 Planning Commission meeting minutes).

13  
14                  Mr. Palazzolo explained that the applicant had reached out to the Pacific Coast  
15                  Farmers' Market Association about the application, and while they had some  
16                  concerns he was confident those concerns could be resolved. The Farmers' Market  
17                  operated from 9:00 A.M. to 1:00 P.M. every Saturday, vendors arrived two hours  
18                  before and left an hour after closure for clean-up. As long as no one was driving into  
19                  the adjacent parcel during the hours of the Farmers' Market there should be no issue.  
20                  The Farmers' Market operated many markets throughout the Bay Area, and  
21                  oftentimes other uses such as Off the Grid operated in the same market spaces but  
22                  at different times, which had helped the success of the Farmers' Market. Any  
23                  activation, cultivation of local ownership, and participation worked out well for the  
24                  Farmers' Market. While traffic and crowd concerns were relevant, the plot was small  
25                  and he did not see a lot of people would gather. He saw the application an added  
26                  feature to the space. He suggested the business would not create a significant  
27                  impact beyond what the Farmers' Market did.

28  
29                  PUBLIC HEARING CLOSED

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

- 33  
34
  - Supported the project and the opportunities it would provide. (Wong)
  - Supported the project but recommended the conditions related to Special  
35                  Events be modified to cap the time for such events or allow the Planning  
36                  Division to make that call. Would like more discussion on whether Condition  
37                  15 should be modified subject to the applicant's requested modifications;  
38                  referencing Condition 27, encouraged the applicant to use native plant  
39                  material as much as possible; referencing Condition 30, recommended the  
40                  condition be revised to provide parking for at least five bicycles; encouraged  
41                  the applicant to consider the lettering style from the Pinole Bank Building to  
42                  tie the uses together and consider the color scheme of the adjacent building  
43                  to ensure compatibility with the historical nature of Old Town Pinole. (Moriarty)

- While intrigued by the idea of the project there was uncertainty as to how the health issues, amplified music, sanitation, and special events would work. Would like to see an additional condition to require review of the conditions of approval after a year of operation to determine the use was operating appropriately and whether or not any conditions must be modified. Recommended a new Condition 43 to read: *These conditions of approval shall be brought back for review before the Planning Commission in one year to review the adequacy of the Conditional Use Permit and possible modification.* Agreed that Condition 30 be revised to provide more bicycle parking which could be reviewed in a year to ensure adequacy; and recommended formation of a subcommittee to work with the applicant on the design of the lettering for signage. (Kurrent)

Mr. Hanham suggested as an option an additional condition could be added, to read:

*In one year this item will be brought back to the Planning Commission to re-establish times and number of events.*

Mr. Hanham added that by law all vendors were required to be certified prior to events. He recommended the applicant be allowed to have a year to make this happen with only four special events this year, with the new condition to allow staff the opportunity to reassess based on how the business had operated during that time. He recognized this would be a new use in Pinole and due to the ever changing events, staff would defer to the applicant to ensure they were doing the right thing, with any issues to be complaint driven, although spot checking could be done throughout the year via code enforcement.

By consensus, the Planning Commission supported the additional condition given the new type of use and to offer an opportunity for the applicant and the City to work collaboratively.

Ms. Contreras expressed concern with additional conditions since the business must be self-sustaining and attractive to the vendors.

Mr. Hanham understood the concerns but clarified the intent to allow the business to operate in the first year subject to the conditions of approval with a review after the first year. It was not an attempt to impose additional fees on the applicant other than the payment of the annual business licenses fees. He also clarified the City's definition of a "special event" was different than the County Environmental Health Department's, which had defined special events as a "gathering".

- Supported the project but asked that it be consistent with the rest of the structures in Old Town Pinole in terms of events and the appearance of the shed structure itself. (Murphy)

1  
2 By consensus, the Planning Commission discussed a number of the conditions and  
3 offered the following modifications:

- 4  
5 • Condition 15 revised to read:

6  
7 *LIVE MUSIC SCHEDULE – The site may have live music no more than 30*  
8 *days per year, with no more than three days per month, and only within the*  
9 *following timeframes: Fridays – 5:00 P.M. to 8:00 P.M.; Saturdays – 5:00*  
10 *P.M. to 9:00 P.M.; Sundays – 12:00 P.M. to 8:00 P.M.*

11  
12 As to the request for amplified music, Chair Kurrent preferred the applicant work with  
13 the Planning Manager as to what was acceptable.

14  
15 Mr. Hanham expressed the willingness to work with the applicant to create  
16 acceptable and reasonable language for Condition 16, with the Planning  
17 Commission to be apprised of the discussions.

- 18  
19 • Condition 16 to be retained at this time with the applicant to work with staff on  
20 a possible modification.  
21  
22 • Condition 27 was not modified but the applicant was encouraged to use native  
23 plant material as much as possible.  
24  
25 • Condition 30 revised to read:

26  
27 *BICYCLE PARKING – The applicant shall identify areas to accommodate*  
28 *parking of at least five bicycles and clearly identify these locations with*  
29 *markers or signs on site.*

30  
31 In response to concerns with the shed's appearance, Ms. Contreras emphasized the  
32 temporary nature of the shed. She was more than happy to work with the City but if  
33 she were to be confined to the appearance of the adjacent building or the buildings  
34 across the street, would be a concern given the numerous styles in the area. She  
35 asked that the conditions not be so restrictive making the garden more historical and  
36 less a garden. She suggested the historical elements could be realized through  
37 letters or pottery. She also opposed the formation of a subcommittee which could be  
38 difficult for the applicant.

39  
40 Planning Commissioners clarified the discussion was about the frontage along San  
41 Pablo Avenue, and Ms. Contreras suggested planting different material or using  
42 pebbles or other design elements to address that concern.

43  
44 There was no consensus for a subcommittee to be formed. Concerns were  
45 expressed with the frontage along San Pablo Avenue given there had been some

1 issues in the past with inconsistencies of design in Old Town Pinole. There was a  
2 desire from some Planning Commissioners for the project design to use some of the  
3 design aesthetics from the Pinole Bank Building.  
4

5 Chair Kurrent reported that Commissioner Wong was no longer present via Zoom.  
6 Commissioner Wong had messaged the Chair via telephone reporting that he  
7 needed to leave the Zoom meeting due to an emergency, and while he supported  
8 the project he could not be present to vote.  
9

10 Mr. Mog advised that Commissioner Wong needed to rejoin the meeting for there to  
11 be a Planning Commission quorum. Absent a quorum the meeting must be  
12 adjourned and the application continued to the next meeting.  
13

14 On the discussion, Mr. Hanham reported Commissioner Ojeda was no longer a  
15 Planning Commissioner, new Planning Commissioners had yet to be appointed by  
16 the City Council, but staff anticipated new Planning Commissioners would be  
17 appointed in time for the December 2020 or January 2021 meetings.  
18

19 Given the inability to reach Commissioner Wong to rejoin the meeting, and due to  
20 the lack of a quorum, Mr. Mog confirmed the Planning Commission meeting would  
21 have to be adjourned to a date certain when there would be a quorum. A Notice of  
22 Adjournment with the new date of the hearing would be posted on the City's website.  
23

24 By consensus, members of the Planning Commission currently present determined  
25 to continue Design Review DR 19-14 and Conditional Use Permit CUP 19-09 for the  
26 Artisanal Garden to an adjourned meeting of the Planning Commission scheduled  
27 for Tuesday, October 27, 2020 at 8:00 P.M. The remaining agenda items would be  
28 continued to the next meeting of the Planning Commission scheduled for November  
29 30, 2020.  
30

31 Chair Kurrent apologized to the applicant for the inability to finalize the application at  
32 this time.  
33

34 **F. OLD BUSINESS:** None

35 **G. NEW BUSINESS:**

36 **1. General Plan/Specific Plan Information Session: Growth Management**  
37

38 The item was continued to the Planning Commission meeting on November 30,  
39 2020.  
40

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

42 **1. Verbal Updates of Projects**  
43  
44  
45  
46

1 The item was continued to the Planning Commission meeting on November 30,  
2 2020.

3  
4 **I. COMMUNICATIONS:** None

5  
6 **J. NEXT MEETING**

7  
8 The next meeting of the Planning Commission to be a Regular Meeting to be held  
9 on Monday, November 30, 2020 at 7:00 P.M.

10  
11 **K. ADJOURNMENT:** *Meeting adjourned at 11:06 P.M due to the lack of a quorum*  
12 *and to an Adjourned Meeting of the Planning Commission scheduled for Tuesday,*  
13 *October 27, 2020 at 8:00 P.M.*

14  
15 Transcribed by:

16  
17  
18 Sherri D. Lewis  
19 Transcriber