

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

5
6 **October 27, 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:** 8:10 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: None
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:** None
33

34 **E. PUBLIC HEARING:**
35

36 **1. Design Review DR 19-14, Conditional Use Permit CUP 19-09: Artisanal**
37 **Garden: Outdoor Artisan and Vendor Space**
38

39 **Request:** Consideration of a Design Review and Conditional Use Permit
40 request to make site improvements for an outdoor seating
41 space with fencing, a small structure, and a trash enclosure
42 redesign and to provide for hosting of artisan displays, events,
43 music, and food vendors, at 2337 San Pablo Avenue in the
44 CMU District *(Continued from the Planning Commission*
45 *meeting on February 24, 2020 and the Planning Commission*

meeting of October 26, 2020)

Applicant: Raquel Contreras
714 Walker Avenue
Oakland, CA 94610

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

Planner: Justin Shiu

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

Chair Kurrent advised this was a continuation of the adjourned Planning Commission meeting of October 26, 2020, in order to complete the consideration of the item since there had not been a quorum during the October 26, 2020 meeting.

During the October 26 meeting, the Planning Commission had discussed the project, particularly the conditions of approval contained in Exhibit A to Resolution 20-01. There had been Planning Commission consensus to take the following actions:

- Revise Condition 15 to read:

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

- Add 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.

- Revise Condition 30 to read:

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

MOTION by a Roll Call Vote to adopt Resolution 20-01, A Resolution of the Planning Commission of the City of Pinole, County of Contra Costa, State of California, Approving a Design Review Request (DR19-14) and Conditional Use Permit (CUP19-09), and Making a Similar Use Determination, to Make Site Improvements for an Outdoor Seating Space with Fencing, A Small Structure, and a Trash

1 Enclosure Redesign and to Provide for Hosting of Artisan Displays, Events, Vendors
2 and Food Vendors On an Approximately 4,140 Square Foot Vacant Lot in the CMU
3 Zoning District at 2337 San Pablo Avenue, APN: 401-162-002, subject to the
4 conditions of approval as shown in Exhibit A, and modified as follows:
5

- 6 • Revise Condition 15 to read:

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

- 13 • Add a new Condition 43 to read:

14
15 These conditions of approval shall be brought back for review before the
16 Planning Commission in one year to review the adequacy of the Conditional
17 Use Permit and possible modification.
18

- 19 • Revise 30 to read:

20
21 BICYCLE PARKING – The applicant shall identify areas to accommodate
22 parking of at least five bicycles and clearly identify these locations with
23 markers or signs on site.
24

25 **MOTION: Moriarty**

SECONDED: Murphy

APPROVED: 4-0-1
ABSTAIN: Flashman

26
27
28 Chair Kurrent identified the 10-day appeal period in writing to the City Clerk.
29

30 Commissioner Flashman returned to the discussion.
31

32 **F. OLD BUSINESS:** None

33
34 **G. NEW BUSINESS:** None

35
36 **H. CITY PLANNER'S / COMMISSIONERS' REPORT**

37
38 **1. Verbal Updates of Projects**

39
40 Mr. Hanham reported that building permits had increased; staff had received an
41 application for Design Review and a Conditional Use Permit for a 20-unit
42 apartment building and Professional Business Office expansion at 2801 Pinole
43 Valley Road; staff was still working with the potential applicants for Pinole Vista for
44 approximately 200 units; DeNova Homes was considering the Making Waves
45 property for another approximate 160 units; and he had no new information on the

1 status of Pinole Woods.

2
3 Mr. Hanham reported that Dr. Lee's Office was under construction and staff had
4 spoken with Dr. Lee's landscaper who was preparing an updated landscaping plan.
5 Whatever was agreed upon with the City as part of the tree removal process would
6 have to be completed prior to occupancy of the building. Staff had also met with
7 the City Council Subcommittee regarding consideration of a Historic Preservation
8 Ordinance and potential Overlay District; and the City Council was in the process
9 of appointing a new Planning Commissioner who staff hoped would be present for
10 the next Planning Commission meeting.

11
12 Chair Kurrent asked of Commissioner Ojeda's status, and Mr. Hanham reported
13 Commissioner Ojeda had resigned a few weeks ago, his term had expired on April
14 30, 2020 but he had remained on the Planning Commission due to the COVID-19
15 pandemic. Staff was aware of the vacancies on the Planning Commission and the
16 need to continue recruitment efforts.

17
18 Chair Kurrent commented that the Making Waves property was better known as
19 the Doctor's Hospital property and suggested any reference to the property should
20 be so identified.

21
22 Raquel Contreras, the applicant for Item E1, joined the Planning Commission at
23 this time. She thanked the Planning Commission for the approval of the project.

24
25 Commissioner Moriarty inquired whether staff had compared the proposed future
26 housing units referenced by staff to the City's Regional Housing Needs Allocation
27 (RHNA) requirements, and Mr. Hanham advised that all of the projects would have
28 an affordability factor which would go towards the City's RHNA for Low Income,
29 and since they were multi-year projects they would carry over into the next RHNA
30 cycle.

31
32 Commissioner Moriarty was pleased staff had spoken with the landscaper for Mr.
33 Lee's Office and she clarified with staff that Condition 54 for the project required a
34 tree ratio replacement of 2:1. She wanted assurance there would be trees on the
35 property or a mitigation fee imposed, and Mr. Hanham clarified two large trees
36 could be accommodated on-site, with the requirement of six other trees to be
37 addressed through payment into the tree mitigation fund. Dr. Lee was aware that
38 eight trees had been required to be planted in replacement of trees removed, but
39 not all of the trees could be accommodated on-site. Any concerns from the public
40 regarding the trees could be addressed by contacting staff via telephone or e-mail.

41
42 Commissioner Moriarty inquired of the status of the Pinole Square project and was
43 informed by Mr. Hanham the developer was in the process of earth work, removal
44 and replacement of soil, and other items, with no pending issues before the
45 Regional Water Quality Control Board (RWQCB).

1 The developer was four to six months out from pulling building permits and staff
2 had advised of the need to install required landscaping prior to that time.

3
4 Commissioner Moriarty asked for consideration of a future agenda item to allow
5 discussion of the Old Town Design Guidelines.

6
7 Mr. Hanham explained that the Old Town Design Guidelines had been adopted in
8 1997 as part of the 1995 General Plan Update which called for a Historic District
9 Overlay. The Old Town Design Guidelines could be agendized for a future
10 Planning Commission meeting but they had previously been adopted. The Old
11 Town Design Guidelines could be posted on the City website and he understood
12 Planning Commissioners had been provided electronic copies.

13
14 Commissioner Flashman inquired of the status of the East Bay Coffee Company
15 application and was informed by Mr. Hanham the applicant was trying to get by,
16 had not reached out to staff, but he would get in touch with the applicant.

17
18 Commissioner Flashman recommended consideration of a subcommittee or Ad
19 Hoc Committee regarding community engagement, particularly during the COVID-
20 19 pandemic where it was difficult for the community to engage with the Planning
21 Commission on planning processes in the City. She asked how other communities
22 had engaged the public during this time.

23
24 Commissioner Moriarty found it would be a great idea with specific goals set,
25 particularly since there would be engagement with the community related to the
26 General Plan Update.

27
28 Chair Kurrent acknowledged there would be community input as part of the
29 Housing Element and General Plan Updates, which would offer the opportunity to
30 engage the public.

31
32 Assistant City Attorney Alex Mog suggested if this was something the Planning
33 Commission desired to discuss in more detail it should be placed as an agenda
34 item on the next meeting agenda.

35
36 Chair Kurrent advised of the Planning Commission's consensus to place the item
37 on a future agenda.

38
39 Mr. Hanham suggested the item could be agendized for the next meeting. He
40 would contact other jurisdictions to learn how other communities engaged the
41 public, and would provide information in a staff report.

42
43 Commissioner Murphy thanked Commissioner Moriarty and staff for the updates
44 on particular projects. He otherwise briefed the Planning Commission on his
45 attendance at the Planning Commission Academy in February 2020, identified the
46 key takeaways from the sessions attended, which had previously been provided

1 to the Planning Commission, but suggested it would be helpful to review the
2 information again during a future Planning Commission meeting.

3
4 Commissioner Moriarty expressed the willingness to resend information she had
5 provided related to her attendance at the Planning Commission Academy.

6
7 Mr. Hanham confirmed such a discussion could be agendized for the next
8 Commission meeting.

9
10 **I. COMMUNICATIONS:** None

11
12 **J. NEXT MEETING**

13
14 The next meeting of the Planning Commission to be a Regular Meeting to be held
15 on Monday, November 30, 2020 at 7:00 P.M.

16
17 **K. ADJOURNMENT:** 8:47 P.M.

18
19
20 Transcribed by:

21
22
23 Sherri D. Lewis
24 Transcriber