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

5  
6 **March 25, 2024**  
7

8  
9 **THIS MEETING WAS HELD IN A HYBRID FORMAT**  
10 **BOTH IN-PERSON AND ZOOM TELECONFERENCE**  
11

12  
13 **A. CALL TO ORDER:** 7:05 p.m.  
14

15 **B1. PLEDGE OF ALLEGIANCE**  
16

17 **B2. LAND ACKNOWLEDGEMENT:** *Before we begin, we would like to acknowledge the*  
18 *Ohlone people, who are the traditional custodians of this land. We pay our respects to*  
19 *the Ohlone elders, past, present and future, who call this place, Ohlone Land, the land*  
20 *that Pinole sits upon, their home. We are proud to continue their tradition of coming*  
21 *together and growing as a community. We thank the Ohlone community for their*  
22 *stewardship and support, and we look forward to strengthening our ties as we continue*  
23 *our relationship of mutual respect and understanding.*  
24

25 **B3. ROLL CALL**  
26

27 Commissioners Present: Banuelos, Bender, Lam-Julian, Martinez, Sandoval, Vice-  
28 Chairperson Menis, Chairperson Benzuly  
29

30 Commissioners Absent: None  
31

32 Staff Present: David Hanham, Planning Manager  
33 Alex Mog, Assistant City Attorney  
34 Justin Shiu, Contract Planner  
35

36 Vice-Chairperson Menis reported on ex parte communications and stated he had sent out  
37 email messages about the meeting to his email list.  
38

39 **C. CITIZENS TO BE HEARD**  
40

41 Andrew Uch, a student at San Francisco State, commented on the housing issues in the  
42 Bay Area and while he recognized not one city could handle this housing crisis, asked  
43 whether or not there were any cross-planning discussions with the City of Hercules  
44 emphasizing the importance of communication and collaboration working on issues facing  
45 residents of the Bay Area. He understood the City of Hercules had been ambitious in its  
46 development of housing and transit hubs and asked whether the City of Pinole was in  
47 discussions with the City of Hercules on that development potential.  
48  
49  
50

1 Chairperson Benzuly reported the City of Pinole had been working to meet its Regional  
2 Housing Needs Allocation (RHNA) figures and housing projects had been approved for  
3 below market and affordable housing units.  
4

5 Commissioner Lam-Julian reported on the recent establishment of a Planning  
6 Commission subcommittee for Community Engagement Outreach to address the need for  
7 an increase in communication with the rest of the community. It was possible the  
8 subcommittee could reach out to other municipalities to learn of their Best Practices and  
9 how to implement them in the City of Pinole. She encouraged the speaker to reach out to  
10 City staff. She added the monthly West County Mayors' Conference was open to the  
11 public and the meetings were rotated between cities in Contra Costa County. Residents  
12 may attend the meetings and address any concerns along with contacting staff with any  
13 concerns or ideas.  
14

15 Commissioner Banuelos added the City of Pinole shared the Pinole-Hercules Wastewater  
16 Treatment Plant with the City of Hercules and held regular subcommittee meetings to  
17 discuss upgrades to the project. There had been some back-and-forth communication  
18 with the City of Hercules but it would be interesting to speak with the City of Hercules more  
19 than Pinole currently did. He acknowledged that while the City of Hercules may have  
20 more development projects, Pinole was primarily built out with infill development or with  
21 the rehabilitation of some properties. He agreed the Mayors' Conference allowed for  
22 public comment and offered a wide range of information from the different cities in Contra  
23 Costa County.  
24

25 Commissioner Martinez also added the San Pablo Avenue Bridge between the cities of  
26 Hercules and Pinole was a project both cities were funding and there were other examples  
27 where the cities had collaborated. There were also state and regional planning  
28 conferences where more information was available.  
29

30 Vice-Chairperson Menis highlighted the background of the Association of Bay Area  
31 Governments (ABAG) and the RHNA mandates for local municipalities and the more  
32 formal collaborations between the cities of Hercules and Pinole. Informal collaborations  
33 may be possible with the Bay Front Chamber of Commerce and other sources.  
34

35 **D. MEETING MINUTES**  
36

- 37 1. Planning Commission Meeting Minutes from January 8, 2024  
38

39 Vice-Chairperson Menis requested a revision to Lines 40 through 42 of Page 1, as follows:  
40

41 *Raquel Contreras, Uptown Yard, 2337 San Pablo Avenue, Pinole, stated to date she*  
42 *had received no update from City staff or communication from the Public Works*  
43 *Department to redraw an easement line.*  
44

45 Commissioner Lam-Julian requested a revision to Page 3, Lines 30 through 32, as follows:  
46

47 *The application had been continued from the December 11, 2023 Planning*  
48 *Commission meeting and the Planning Commission may discuss any aspect of the*  
49 *application along with the additional information provided by Planning Manager*  
50 *Hanham.*

1 And to Page 3, Lines 34 through 42, to read:  
2

3 *The Department of Alcohol and Beverage Control (ABC) requirements for sites selling*  
4 *alcohol were clarified with the site required to be 1,000 feet from a school or park. A*  
5 *determination of Public Convenience or Necessity (PCN) was required by ABC when there*  
6 *was an overconcentration of alcohol sales licenses within a defined census tract. ABC*  
7 *determined there was an overconcentration of licenses in a census tract and would require*  
8 *a PCN determination from the City. The City Council was the appropriate authority to*  
9 *review and make a PCN determination. This determination must be made prior to Planning*  
10 *Commission review of a conditional use permit to allow alcohol sales.*  
11

12 **MOTION** with a Roll Call vote to approve the Planning Commission Meeting Minutes from  
13 January 8, 2024, as amended.  
14

15 **MOTION: Banuelos                      SECONDED: Lam-Julian                      APPROVED: 7-0**

16  
17 **E.      PUBLIC HEARINGS:** None  
18

19 **F.      OLD BUSINESS:**  
20

21                      **1.      New Parklet/Outdoor Dining Regulation Framework**

22                      Updating Planning Commission on the progress of developing  
23                      Parklet/Outdoor Dining Standards.  
24

25 Planning Manager David Hanham provided the staff memorandum dated March 25, 2024 to  
26 provide an update on the New Parklet/Outdoor Dining Regulation Framework. This was an  
27 informational item only with no action to be taken.  
28

29 Responding to the Commission Mr. Hanham clarified:  
30

- 31                      • Draft regulations from other cities had been reviewed by staff but nothing had been  
32                      formalized since staff needed to determine the direction the City Council wanted to  
33                      take. The City Council would review a summary of interviews and would be asked to  
34                      make a recommendation at the regular City Council meeting on April 2, 2024, which  
35                      could include the development of parklet regulations.  
36
- 37                      • If the City Council decided to move forward with parklet regulations, staff would work  
38                      with the Planning Commission Ad-Hoc Subcommittee that had been created to  
39                      review other cities' regulations and develop actual regulations for the City of Pinole.  
40
- 41                      • The Pinole Municipal Code (PMC) currently had regulations in place for outdoor  
42                      dining, as referenced in Section 16.68.020 of the PMC. There were currently no  
43                      parklet regulations in place pending City Council direction. Once a policy was in place  
44                      businesses would be notified.  
45
- 46                      • Most of the existing outdoor dining regulations included guidelines on the sidewalk of  
47                      the businesses. Issues related to the public right-of-way (ROW) would involve the  
48                      Public Works Department in terms of liability, encroachment and the like.  
49

1 Currently, the PMC only addressed outdoor dining on sidewalks with no regulations  
2 for parking lot use. As an example, Tina's Place and other businesses had been  
3 allowed to use some outdoor space during the pandemic and under the approval of  
4 an Emergency Ordinance.

- 5
- 6 • The businesses/restaurants that had been interviewed and which had a component  
7 of food service and storefronts/dining in the five categories of the Downtown Corridor:  
8 San Pablo Avenue, Appian Way, Fitzgerald Drive and Pinole Valley Road had not  
9 involved any formal selection but met the criteria in the five categories.

10 PUBLIC COMMENTS OPENED

11 There were no comments from the public.

12 PUBLIC COMMENTS CLOSED

13 **2. Update – Objective Development Design Standards (ODDS)**

14 Updating the Planning Commission on the progress of developing the  
15 Objective Development Design Standards (ODDS).

16 Mr. Hanham provided the staff memorandum dated March 25, 2024 for the Objective  
17 Development Design Standards (ODDS) and reported that staff in collaboration with the  
18 Planning Commission Ad-Hoc Committee was completing its work and would bring the  
19 ODDS back to the Planning Commission when complete.

20 There were no questions from the Planning Commission.

21 Vice-Chairperson Menis thanked Commissioner Bender and Mr. Hanham for working on the  
22 ODDS as part of the Planning Commission Ad-Hoc Committee. While he understood the  
23 difficulty of using concrete criteria, he recognized state law required objective standards.

24 Commissioner Bender found the ODDS had been an exhaustive process. He agreed if  
25 ODDS were not in place developers would be free to dictate development in the City  
26 depending on how they applied.

27 In response to the Chair, Mr. Hanham again highlighted the timeline for the ODDS and  
28 commented that if additional meetings were needed that could be done, with the ODDS  
29 involving a lot of material to presented to the Planning Commission in phases. The sooner  
30 the ODDS were in place the sooner the City of Pinole would be compliant with Senate Bills  
31 (SB) 330 and SB 35. He reported that for some cities without ODDS, the development  
32 community had been able to take over and he emphasized the desire to prevent that from  
33 occurring in Pinole

34 PUBLIC COMMENTS OPENED

35 There were no comments from the public.

36 PUBLIC COMMENTS CLOSED

1 Vice-Chairperson Menis suggested the timeline for the ODDS would depend on the level of  
2 detail the Planning Commission desired to go into with multiple meetings possibly being  
3 required to go over all of the material.  
4

5 Commissioner Martinez asked whether it would be possible to hold a workshop to introduce  
6 the concept of the ODDS, with options for developers that could be introduced to the group  
7 as a whole. He asked whether that was possible before the ODDS were reviewed.  
8

9 Mr. Hanham confirmed if that was the direction the Planning Commission wanted to take that  
10 could be considered. Staff was working on how to group the information together and that  
11 could be considered.  
12

13 Commissioner Banuelos understood there would be a lot of material to be reviewed and he  
14 understood other jurisdictions were doing the same work. Based on impressions from other  
15 cities and architects, the ODDS could be so intense they could become subjective by default,  
16 and he urged that objectivity be maintained. He asked whether there were overarching  
17 beginning steps being considered relative to the existing building stock in Pinole. He  
18 understood the City of Santa Ana had developed an area with large multi-housing projects in  
19 a neo-Mission style, which was generic since their ODDS had taken away the meaning of  
20 where they were going, which was something that needed to be considered when discussing  
21 Pinole's ODDS, particularly since the state mandate was not taking into consideration the  
22 characteristics of individual cities or areas where people would be developing.  
23

24 Commissioner Banuelos referenced the Pruitt-Igoe housing development, which had been  
25 built in St. Louis, Missouri in the 1950s, when public housing had been popular, and had  
26 been built with progressive architecture of that time period but which had problems with its  
27 architectural design where people were later getting robbed, attacked or killed. Eventually  
28 the public housing development had been demolished and he wanted to prevent such  
29 development in Pinole. He emphasized the importance of retaining the character of Pinole  
30 in the ODDS while also meeting the state mandate. He looked forward to some conceptual  
31 information provided on the guiding force behind the ODDS. He also offered examples of  
32 how the ODDS could become too subjective.  
33

34 Vice-Chairperson Menis understood the ODDS were trying to get rid of subjective standards,  
35 such as compatibility with nearby buildings or a neighborhood style, as examples, and  
36 replace them with specific design standards that could be applied and he offered a number  
37 of examples. He recognized that subjective standards were easier to work with, but when  
38 trying to get that down to concrete styles, characteristics, materials and nature and make it  
39 reproduceable and explainable was the challenge, which issue had been discussed during  
40 the Planning Commission Ad-Hoc Subcommittee meetings.  
41

42 **G. NEW BUSINESS**

43  
44 **1. Zoning Code Amendment Target Timeframes**

45 Informational item on target timeframes for Planning Commission review of  
46 anticipated zoning code amendments to implement the Housing Element  
47 programs.  
48  
49  
50

1 Mr. Hanham provided the staff memorandum dated March 25, 2024 for the Zoning Code  
2 Amendment Target Timeframes as part of the Housing Element implementation tasks and  
3 target timeframes. This was an informational item only with no action to be taken.  
4

5 Responding to the Commission Mr. Hanham, Contract Planner Justin Shiu and Assistant  
6 City Attorney Alex Mog clarified:  
7

- 8 • Staff would review all changes that may be required as part of the ODDS which may  
9 also play a part in the Zoning Code Amendments where more zoning changes may  
10 be necessary, with an effort for the changes to be made at one time, if possible. The  
11 Zoning Code Amendments process may take the next two to three years given the  
12 different things that may come up during the process, with many sections of the  
13 Zoning Ordinance to be rewritten. Many of the changes were specific and mandated  
14 by state law.  
15
- 16 • The implementation tasks had been organized and prioritized based on what would  
17 be easier to implement based on difficulty and flexibility in the PMC to allow for  
18 modification.  
19
- 20 • The Housing Element itself included an Implementation Program which identified  
21 broader timeframes for when some items would be updated.  
22
- 23 • The Housing Element Annual Progress report was due on April 1 of each year and  
24 had been presented to the City Council at its March 19, 2024 meeting.  
25

26 PUBLIC COMMENTS OPENED

27 There were no comments from the public.  
28

29 PUBLIC COMMENTS CLOSED  
30

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

32 Vice-Chairperson Menis provided a brief update of his attendance at the Planner's Academy  
33 in Long Beach and highlighted the sessions attended.  
34

35 Commissioner Banuelos had also attended the Planner's Academy, appreciated the  
36 information provided and was pleased he had attended. He encouraged Planning  
37 Commissioners to attend future events.  
38

39 Commissioner Sandoval had also attended the Planner's Academy and he too briefed the  
40 Commission on the sessions he had attended. He thanked staff for planning and  
41 coordinating Commissioners' attendance.  
42

43 Commissioner Banuelos reported he had recently gone through the permitting process  
44 through the City of Pinole and was disappointed in the process and he hoped it would  
45 improve in the future. He also had recently been interviewed by the newspaper  
46 Oaklandside regarding his experience with the City of Oakland's Building Department.  
47  
48  
49

1 Commissioner Banuelos requested a future presentation on the City's planning and  
2 building permit process.

3  
4 Chairperson Benzuly suggested that could be something the Community Engagement  
5 Outreach Subcommittee could consider.

6  
7 Commissioner Sandoval reported the Community Engagement Outreach Subcommittee  
8 had held a discussion on strategies to be implemented and next steps such as partnership  
9 with other City Departments and having Planning Commission representation at  
10 community events. He hoped the Committee would have something concrete in the near  
11 future.

12  
13 Commissioner Lam-Julian reported the City's Code Enforcement Officer had recently  
14 presented a flow chart of the process at Pinole National Night Out. She presented on  
15 permits at Pinole Rotary Club, which demystified the process and what the City did behind  
16 the scenes. It was possible that information could be incorporated into the Community  
17 Engagement Plan.

18  
19 Commissioner Banuelos suggested the same presentation should be made to the  
20 Planning Commission.

21  
22 Commissioner Sandoval understood that was something the Community Engagement  
23 Outreach Subcommittee could look into.

24  
25 Commissioner Lam-Julian also briefed the Planning Commission on her attendance at the  
26 Planner's Academy. She looked forward to future conversations with representatives from  
27 other municipalities. She also reported she had been in communication with City staff  
28 regarding the crime matrix and hoped to have an update in the future.

29  
30 **I. COMMUNICATIONS**

31  
32 Vice-Chairperson Menis announced upcoming community events including the Senior  
33 Food Distribution at the Senior Center on March 26, 2024; Finance Subcommittee meeting  
34 on March 27, 2024 at 3:00 p.m., and the Community Services Commission meeting on  
35 March 27, 2024 at 5:00 p.m.

36  
37 **J. NEXT MEETING**

38  
39 The next meeting of the Planning Commission to be a Regular Planning Commission  
40 Meeting scheduled for April 8, 2024 at 7:00 p.m.

41  
42 **K. ADJOURNMENT: 8:18 p.m.**

43  
44 Transcribed by:

Reviewed and edited by:

45  
46 Sherri D. Lewis  
47 Transcriber

City Staff