



PINOLE ZONING ADMINISTRATOR MEETING AGENDA

August 24, 2026

2:00 PM

**Attend in Person: PINOLE CITY COUNCIL CHAMBERS - 2131 PEAR STREET
OR**

Attend VIA ZOOM TELECONFERENCE – Details provided below

How to Submit Public Comments:

In Person:

Attend meeting at the Pinole City Council Chambers, fill out a yellow public comment card and submit it to City Staff.

Via Zoom:

Members of the public may submit a live remote public comment via Zoom video conferencing. Download the Zoom mobile app from the Apple Appstore or Google Play. If you are using a desktop computer, you can test your connection to Zoom by clicking [here](#). Zoom also allows you to join the meeting by phone.

From a PC, Mac, iPad, iPhone or Android:

<https://us02web.zoom.us/j/86505375301>

Webinar ID: 865 0537 5301

By phone: +1 (669) 900-6833 or +1 (253) 215-8782 or +1 (346) 248-7799

- Speakers will be asked to provide their name and city of residence, although providing this is not required for participation.
- Each speaker will be afforded up to 5 minutes to speak
- Speakers will be muted until their opportunity to provide public comment.

When the Zoning Administrator opens the comment period for the item you wish to speak on, please use the “raise hand” feature (or press *9 if connecting via telephone) which will alert City Staff that you have a comment to provide and press *6 to unmute. To comment with your video enabled, please let City Staff know you would like to turn your camera on once you are called to speak.

Written Comments:

Please submit public comments to City Staff before the meeting via email to PlanningQuestions@pinole.gov. Please include your full name, city of residence and agenda item you are commenting on.

OTHER WAYS TO WATCH THE MEETING

LIVE ON CHANNEL 30. The Pinole Community TV program schedule is published on the City's website at www.Pinole.gov/PCTV

VIDEO-STREAMED LIVE ON THE CITY'S WEBSITE, www.Pinole.gov/PCTV. Meeting videos remain archived on the site for five (5) years. Pinole Community TV can also be streamed live from Roku, Apple TV, or Amazon Fire.

If none of these options are available to you, or you need assistance with public comment, please contact the Planning Division at (510) 724-8912 or PlanningQuestions@pinole.gov.

Americans With Disabilities Act: 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 City Clerk's Office at (510) 724-8928. Notification 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.

Note: Staff reports are available for inspection on the City Website at www.pinole.gov. You may also contact the Planning Division via e-mail at PlanningQuestions@pinole.gov.

CITIZEN PARTICIPATION:

Persons wishing to speak on an item listed on the Agenda may do so when the Zoning Administrator 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 considered by the Zoning Administrator prior to rendering a decision.

Any person may appeal an action of the Zoning Administrator by filing an appeal with the City Clerk, in writing, within ten (10) days of such action. The appeal will be considered by the Planning Commission. Following a Public Hearing, the Planning Commission may act to confirm, modify or reverse the action of the Zoning Administrator. The cost to appeal a decision is \$500 and a minimum \$2,500 deposit fee.

Note: If you challenge a decision 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.

Ralph M. Brown Act. Gov. Code § 54950. In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies, which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

A. CALL TO ORDER

B. LAND ACKNOWLEDGMENT

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

C. CITIZENS TO BE HEARD

The public may address the Zoning Administrator on items that are within its jurisdiction and not otherwise listed on the agenda. The Zoning Administrator 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. PUBLIC HEARINGS

At the beginning of an item, the Zoning Administrator will read the description of that item as stated on the Agenda. A brief presentation of the proposed project will be given.

For those items listed as Public Hearings, the Zoning Administrator 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 Zoning Administrator will consider the item. The Zoning Administrator will then vote to approve, deny, approve in a modified form, or continue the matter to a later date for a decision. The Zoning Administrator will announce the decision and advise the audience of the appeal procedure

1. UP26-0002 Dave's Hot Chicken Outdoor Seating and Dining

E. NEW BUSINESS

F. ADJOURNMENT

I hereby certify under the laws of the State of California that the foregoing Agenda was posted on the bulletin board at the main entrance of Pinole City Hall, 2131 Pear Street Pinole, CA, and on the City's website, not less than 72 hours prior to the meeting date set forth on this agenda.

Planning Division Staff

POSTED: _____



ZONING ADMINISTRATOR REPORT

D.1.

DATE: AUGUST 24, 2026
TO: ZONING ADMINISTRATOR
FROM: DAVID HANHAM, PLANNING MANAGER
SUBJECT: UP26-0002 DAVE'S HOT CHICKEN OUTDOOR SEATING AND DINING

RECOMMENDATION

Adopt Resolution 26-01 (Attachment A) approving an Administrative Use Permit UP26-0002 to allow outdoor dining located at 2714 Pinole Valley Road (Dave's Hot Chicken)

BACKGROUND

The applicant is seeking approval of an Administrative Use Permit UP26-0002 to allow Dave's Hot Chicken to have outdoor dining on their property at 2714 Pinole Valley Road in the Pinole Valley Plaza Shopping Center. An Area Map is shown in **Figure 1**. The applicant will provide tables, chairs, and garbage cans. **Figure 2** shows the type of table and chairs to be used for this project.

Figure 1



Figure 2



The project site is located along the west side of Pinole Valley Road between Interstate 80 and Estates Avenue. Adjacent land uses are summarized in **Table 1** below.

Table 1

Direction from Project Site	Existing Land Use
North	Interstate 80
West	Existing Residential Uses (Sarah Drive Estates)
South	Existing Commercial Mixed Use Development and Pinole Valley High School
East	Existing Single Family Residential and Commercial Mixed Use businesses

REVIEW AND ANALYSIS

In July of 2026, Dave's Hot Chicken Company submitted an application for an Administrative Use Permit for outdoor dining. Section 17.68.020 (E) regulates outdoor dining within the City of Pinole. Section 17.68.020 (E)(1) requires that findings be made for approval of this project.

General Plan Consistency

Goal LU.7 of the Land Use and Economic Development Element calls for balancing housing and employment opportunities to reduce trips in and out of the region and encourages commercial development which maintains and enhances the quality of the City's commercial areas, creates a climate that supports existing businesses, provides basic goods and services for residents and broadening the tax base of the community to provide revenues for public services. The expansion will provide additional services for Pinole residents and visitors and would help support a local business that generates sales tax revenue for the City.

The request is also consistent with Goal LU.8 of the Land Use and Economic Development, which calls for concentrating commercial development and mixed-use activity areas within major City transportation corridors, including Pinole Valley Road.

Zoning Consistency

This property has a zoning of Commercial Mixed Use in the Three Corridor Specific Plan and restaurants are a permitted use within the zoning district.

Findings for Outdoor Dining

a. Encroach onto a continuous pedestrian path or travel of at least six (6) feet in width and will not obstruct pedestrian and wheelchair access.

Dave's Hot Chicken Company will install the tables into the concrete adjacent to the building. By installing the tables adjacent to the building, there is sufficient pedestrian access of six (6) feet in width so that pedestrians will be able to access other parts of the center, as seen in Figure 2 above.

Staff has determined that the finding has been met.

b. Unduly interfere with pedestrian traffic on the sidewalk

This project will not interfere with pedestrian traffic on the sidewalk. The diagram that was submitted by Dave's Hot Chicken Company shows that customers will have more than enough space for pedestrian traffic.

Staff has determined that this finding has been met.

c. Unduly interfere with access of public employees and utility workers to meters, fire hydrants, or other objects (street hardware) in the right-of-way.

The outdoor eating area does not interfere with access of public employees and utility workers to meters, fire hydrants, or other objects (street hardware) in the right-of-way.

Staff has determined that this finding has been met.

d. Block or obstruct the view of necessary traffic devices.

This project will be on private property that does not enter the right-of-way or block views of intersections. The project is not adjacent to the street or driveways of the center. The tables and chairs are set back adjacent to the building.

Staff has determined that this finding has been met

ENVIRONMENTAL REVIEW

This project is categorically exempt per Section 15301 Existing Facilities of the California Environmental Quality Act Guidelines in that it consists of no physical expansion of existing business within an existing mixed-use commercial building.

ATTACHMENTS

- A. ZA Reso 26-01
- B. Exhibit A COA ZA Reso 26-01

**ZONING ADMINISTRATOR RESOLUTION 26-01
WITH EXHIBIT A: CONDITIONS OF APPROVAL**

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF PINOLE, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, APPROVING ADMINISTRATIVE USE PERMIT UP26-0002, TO ALLOW FOR OUTDOOR DINING AT DAVE'S HOT CHICKEN RESTAURANT LOCATED AT 2714 PINOLE VALLEY ROAD AVENUE, PINOLE, CA 94564, APN: 401-310-021

WHEREAS, the owners of Dave's Hot Chicken Company filed an application for an Administrative Use Permit UP26-0002 with the City of Pinole to allow for outdoor dining; and

WHEREAS, the Zoning Administrator of the City of Pinole is the appropriate authority to hear and act on this project; and

WHEREAS, the property is in a Commercial Mixed Use (CMU) Zoning District in the Service Sub-Area (SSA) of the Pinole Valley Road corridor of the Three Corridors Specific Plan; and

WHEREAS, the project meets the criteria for a Categorical Exemption as an Existing Facility pursuant to Section 15301 of the California Environmental Quality Act (CEQA);

WHEREAS, the Zoning Administrator of the City of Pinole has conducted a duly noticed public hearing to consider the project on August 24, 2026;

WHEREAS, after the close of the public hearing, the Zoning Administrator considered all public comments received both before and during the public hearing, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed project;

NOW, THEREFORE, the Zoning Administrator hereby finds that:

1. The administrative use permit request is consistent with the General Plan in that it expands the range of commercial services available in Pinole and provides added convenience for customers who patronize the Dave's Hot Chicken establishment at 2714 Pinole Valley Road and strengthens the commercial competitiveness of an existing business within the City;
2. The administrative use permit request, as conditioned, is consistent with the Zoning Code and will help ensure the protection and preservation of public health, safety, and welfare; and
3. The use permit request is Categorical Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines because it involves minor physical improvements to an existing commercial mixed-use building without expanding the building.

NOW, THEREFORE BE IT RESOLVED by the Zoning Administrator of the City of Pinole that Administrative Use Permit UP26-0002, is hereby approved as provided in the staff report, and subject to the Conditions of Approval attached as Exhibit A to this Resolution.

PASSED AND ADOPTED by the Zoning Administrator of the City of Pinole on this 24th day of August 2026.

David Hanham, Zoning Administrator

ATTEST:

Justin Shiu, Associate Planner

**ZONING ADMINISTRATOR RESOLUTION 26-01 EXHIBIT A, CONDITIONS OF APPROVAL: DAVE’S HOT CHICKEN
OUTDOOR DINING ADMINISTRATIVE USE PERMIT**

		<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification</u>
1.	If any of these conditions are found to be disregarded, the use permit may be subject to revocation. If necessary, the Planning Manager may modify the use permit or may revoke the use permit.	Ongoing	Police/ Community Development	
2.	Where significant nuisances or impacts to public health, safety, or welfare arise from the outdoor dining operation, or where existing conditions on site substantially change, the use permit may be subject to further review and action by the Planning Manager. If necessary, the Planning Manager may modify the use permit or may revoke the use permit.	Ongoing	Police/ Community Development	
3.	The outdoor dining shall be set up and operated in a manner consistent with the applicant materials received July 2, 2026, unless otherwise specified in these conditions of approval and shall be conducted in a manner which is consistent with all applicable federal, state, and local laws.	Ongoing	Community Development	
4.	Proposed modifications to outdoor dining in the future shall be submitted for review and approval by Planning staff. Staff will determine if changes are substantial and require further review.	Ongoing	Police / Community Development	
5.	The Applicant and Owner shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit. Applicant further agrees to provide a defense for the City in any such action.	Ongoing	Police / Community Development	
6.	The outdoor dining furniture shall be arranged such that a minimum six-foot-wide pedestrian pathway can be maintained at all times, and the furniture is placed as close to the edge of the landscaped area as practical.	Ongoing	Police/ Community Development	

**ZONING ADMINISTRATOR RESOLUTION 26-01 EXHIBIT A, CONDITIONS OF APPROVAL: DAVE'S HOT CHICKEN
OUTDOOR DINING ADMINISTRATIVE USE PERMIT**

		<u>Timing/ Implementation</u>	<u>Monitoring Department / Division</u>	<u>Verification</u>
7.	The outdoor dining furniture shall be stored inside the building when the business is closed.	Ongoing	Police	
8.	Any outdoor expansion in the future shall require further review and approval through the appropriate use permit amendment or new entitlement application process, as may be required based on the proposed scope.	Ongoing	Community Development	
9.	Proposed modification of the hours or other aspects of the business shall be submitted for review and approval by the Planning Manager. The Planning Manager will determine if changes are substantial and require further review by the approving body.	Ongoing	Community Development Department	
10.	The applicant and property owner shall ensure that the property is regularly maintained. The surrounding area shall be maintained in a clean and orderly manner at all times. Any graffiti that appears in the future shall be removed or painted over within 72 hours.	Ongoing	Police / Community Development	
11.	The outdoor dining furniture shall be stored inside the building when the business is closed.	Ongoing	Community Development Department	
12.	The administrative use permit shall terminate on August 24, 2027, unless exercised within said period or a written request has been submitted to the City, prior to the expiration date, for an extension of time as allowed under the Zoning Ordinance.	Ongoing	Community Development Department	
13.	The applicant shall obtain all required building permits. (Bolting down the tables)	Ongoing	Community Development Department	