



**City of Rohnert Park
Planning Commission**

**NOTICE IS HEREBY GIVEN THAT A MEETING
will be held on Thursday, October 27, 2022
6:00 P.M.
CITY HALL - COUNCIL CHAMBER
130 Avram Avenue, Rohnert Park, California**

To any member of the audience desiring to address the Planning Commission:

For public comment on items listed or not listed on the agenda, or on agenda items if unable to speak at the scheduled time, you may do so upon recognition from the Chairperson.

Please fill out a speaker card prior to speaking.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
(Austin-Dillon _____ Blanquie _____ Lam _____ Orloff _____ Striplen _____)
- 4. PUBLIC COMMENT** – Persons who wish to speak to the Commission regarding an item that is not on the agenda may do so at this time. Please see above for details on how to submit public comments.
- 5. CONSENT CALENDAR - ADOPTION OF MINUTES**
 - 5.1** Approval of the Draft Minutes of the Planning Commission Meeting of October 13, 2022

Commissioner Motion/Roll Call Vote:
(Austin-Dillon _____ Blanquie _____ Orloff _____ Striplen _____ Lam _____)
- 6. AGENDA ITEMS**
 - 6.1 STUDY SESSION:** Municipal Code Amendments regarding Outdoor Dining Areas – Discussion and Direction
 - 6.2** Development Activity Update
- 7. ITEMS FROM THE PLANNING COMMISSION**
- 8. ITEMS FROM THE DEVELOPMENT SERVICES STAFF**
- 9. ADJOURNMENT**

Appeals of any decisions made tonight must be received by the Planning Division within 10 days and no later than 5:00 p.m. on November 7, 2022.

NOTE: If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at public hearing(s) described in this agenda, or in written correspondence delivered to the City of Rohnert Park at, or prior to the public hearing(s).

AMERICAN DISABILITY ACT ACCOMMODATIONS: Any member of the public who needs accommodations should email the ADA Coordinator at jcannon@rpcity.org or by calling 707-588-2221. The ADA Coordinator will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests. Information about reasonable accommodations is available on the City website at https://www.rpcity.org/city_hall/departments/human_resources/a_d_a_and_accessibility_resources

CERTIFICATION OF POSTING OF AGENDA

I, Suzie Azevedo, Assistant Planner, for the City of Rohnert Park, declare that the foregoing notice and agenda for the October 27, 2022 Planning Commission Meeting of the City of Rohnert Park was posted and available for review on October 21 2022 at Rohnert Park City Hall, 130 Avram Avenue, Rohnert Park, California 94928. The agenda is available on the City of Rohnert Park's website at www.rpcity.org.

Signed this 21st day of October, 2022 at Rohnert Park, California.

Suzie Azevedo



Minutes of the Planning Commission Meeting of the City of Rohnert Park

**Thursday, October 13, 2022
6:00 P.M.
130 Avram Avenue, Rohnert Park**

1. CALL TO ORDER

Chairperson Lam called the regular meeting to order at 6:05 p.m.

2. PLEDGE OF ALLEGIANCE

Led by Chairperson Lam.

3. ROLL CALL

Present: Daniel A. Blanquie, Commissioner
Fanny Lam, Chairperson
Marc Orloff, Commissioner

Absent: Tramaine Austin-Dillon, Commissioner
Charles Striplen, Vice Chairperson

4. PUBLIC COMMENT

None.

5. CONSENT CALENDAR - ADOPTION OF MINUTES

5.1 Approval of the Draft Minutes of the Planning Commission Meeting of August 11, 2022

ACTION: Moved/seconded (Orloff/Blanquie) to adopt Minutes of the Planning Commission Meeting of August 11, 2022.

Motion carried by the following (3-0-2) roll call vote: AYES: Blanquie, Orloff, and Lam; NOES: None; ABSENT: Austin-Dillion and Striplen; ABSTAIN: None.

6. AGENDA ITEMS

6.1 STUDY SESSION – Municipal Code Amendment – Outdoor Dining Areas – Discussion and Direction

Jeffrey Beiswenger, Planning Manager, reported that staff would like to continue this item to the October 27, 2022 meeting.

ACTION: Moved/seconded (Blanquie/Orloff) to continue this item to the October 27, 2022 meeting.

Motion carried by the following unanimous (3-0-2) roll call vote: AYES: Blanquie, Orloff, and Lam; NOES: None; ABSTAIN: None; ABSENT: Austin-Dillon and Striplen

6.2 STUDY SESSION – Municipal Code Amendment – Signs – Discussion and Direction

Jeffrey Beiswenger, Planning Manager provided a power point presentation on proposed amendments to the sign code. Mr. Beiswenger indicated that the current sign code is serving the city well; however strategic updates are needed to address recent supreme court cases and the desire of the Council to look into more flexibility for businesses as a post COVID response.

Key topics of discussion included: prohibited signs, exempt signs, temporary signs, building signs, freestanding signs.

The Commission participated in the discussion and offered the following comments:

- Support limited changes to temporary sign regulations to support businesses, while avoid visual clutter.
- Look at directional signage as a way to provide more visibility.
- Carefully consider banner regulations to comply with Supreme Court decision on content neutrally. Avoid rules that allow too many banners with commercial messages.
- Support changes that allow for more creative signs.

ACTION: Staff received comments and direction from the Planning Commission.

6.3 Appointment of Planning Commission Member to City Subdivision Review Committee

Jeffrey Beiswenger, Planning Manager, presented the item. Section 16.04.460 of the Rohnert Park Municipal Code establishes the City's Subdivision Review Committee as "a committee of the city consisting of the director [of the development services department] or his/her designee, the city engineer or his/her designee and one planning commissioner designated by the planning commission." Staff is requesting that the Commission designate a member to sit on the Subdivision Review Committee at this time.

ACTION: Moved/seconded (Blanquie/Lam) nominating Mark Orloff as the Planning Commission representative to the Subdivision Review Committee.

Motion carried by the following unanimous (3-0-2) roll call vote: AYES: Blanquie, Orloff, and Lam; NOES: None; ABSTAIN: None; ABSENT: Austin-Dillon and Striplen

7. ITEMS FROM THE PLANNING COMMISSION

8. ITEMS FROM THE DEVELOPMENT SERVICE STAFF

9. ADJOURNMENT

Chairperson Lam adjourned the regular meeting at 7:06.

Fanny Lam, Chairperson

Clotile Blanks, Recording Secretary

DRAFT



City of Rohnert Park Planning Commission Report

Meeting Date: October 27, 2022

Item No: 6.1

Prepared by: Suzie Azevedo, Assistant Planner

Agenda Title: Discussion and Direction – Municipal Code Amendments - Outdoor and Sidewalk Cafe

RECOMMENDED ACTION: Receive a presentation and provide direction on proposed amendments to Chapter 17.07, LAND USE FOOTNOTES, (S) Outdoor and Sidewalk Café of the Rohnert Park Municipal Code.

BACKGROUND: Outdoor seating became an important feature of many local restaurants during the COVID 19 pandemic. Many indoor seating areas were closed and outdoor seating was the only option to continue service. As the COVID 19 pandemic is winding down, many businesses have expressed an interest in establishing outdoor seating as a permanent feature. The Municipal Code has regulations that apply to outdoor seating but these are limited and don't consider certain popular components like weather protection and food trucks.

Existing regulations for outdoor seating areas are included in Chapter 17.07 of the Rohnert Park Municipal Code (Land Use Footnotes). This chapter establishes standards to ensure that the uses are designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area. Footnote (S), Outdoor and Sidewalk Café, attached, provides standards for establishing outdoor dining areas and requires that a permit be obtained subject to provisions outlined in Chapter 17.07. Responding to Covid-19, the City developed a temporary program to expand these provisions to allow more flexibility and creativity to enable restaurants and business owners to have another revenue option given the constraints of state and county health orders. The expansion program included:

- Outdoor dining within public right of way sidewalk/street and private parking areas
- The use of tents, awnings, canopies and similar coverings
- A streamlined permitting process to ensure that mobility and safety remained a top priority

In June, 2021, the State of California ended the emergency provisions of the Blueprint for a Safer Economy. While the pandemic was not completely over, the action signaled the beginning of a return to normal business operations. The City, at that time, provided notice that tents, awnings, canopies and similar coverings and parking lot conversions permitted under the temporary use program were no longer permissible and a sunset date for removal was established. The City Council encouraged businesses to explore their options for converting these temporary outdoor areas to permanent spaces, if desirable, and for staff to initiate a project to consider amendments to the municipal code to facilitate this endeavor. The Council also discussed allowing food truck on a limited basis and only if affiliated with a brew pub operation where it was difficult to provide for dining on site as part of the permanent use.

ANALYSIS: Nationwide trends are embracing the al fresco dining experience and public spaces are being reimaged with a pedestrian focus in mind. With this study session, staff would like to explore and imagine ways to reprioritize the public realm towards the pedestrian and adapt to modern trends.

Staff will be looking for input on topics such as:

Sidewalk Café

- Continuation of previously existing code requirements, establishing standards for inclement weather to include weather tight/shelter options (tents, awnings, canopies and similar coverings)
- Current code requires minimum of 6 feet clear pedestrian sidewalk area; can this number be adjusted?
- Amenities: heating apparatus, amplified sound, permanent furniture and fixtures, receptacles

Parklets

- Use of parking lots on private property. What are our thoughts on reducing, or eliminating surface parking to establish these outdoor spaces?

Food Trucks

- City Council Study Session June 2, 2020 – Consensus: Food trucks are allowed with the issuance of a temporary use permit; and for local businesses other than restaurants to locate food trucks adjacent to established businesses that have limited on-site food options (e.g. brew pubs). According the strict application of current regulations, food trucks are not allowed to serve business parks for expanded periods during lunch hours, are not allowed for local businesses to complement on-site commercial activities that are not food related (e.g. hardware store, big box store), and are not allowed on vacant and underutilized properties.

Planning Manager Approval Date: 10/21/22

17.07.010 Purpose.

The purpose of this chapter is to establish standards for the approval, conditional approval or disapproval of particular uses that typically have unusual site development features or operating characteristics requiring the establishment of standards to ensure that the use is designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area.

(Ord. 695 § 3, 2003)

17.07.020 Footnotes.

The following standards apply to the land use indicated by corresponding number in the zoning district use charts:

S. OUTDOOR AND SIDEWALK CAFE.

1. General Provisions.

- a. **Permit Required.** Outdoor dining on a public sidewalk may be permitted in designated districts only with approval of an administrative permit and subject to the following provisions. A revocable license shall also be required if the activity is located in the public right-of-way.
- b. **Prohibited Locations.** Outside dining will not be permitted on sidewalks designated as bicycle paths.
- c. **Permit Transfer.** A revocable license may be transferred to a subsequent operator of the same establishment subject to approval by the city engineer and payment of a revocable license transfer fee established by the city council. Prior to approval of the transfer the city engineer may modify the terms of the permit as deemed appropriate to protect public health, safety and welfare.
- d. **Zoning Requirements.** A revocable license may be processed concurrently with the administrative permit.
- e. **Conditions of Approval.** The city engineer shall have the authority to apply conditions to the approval of a revocable license as appropriate to ensure compliance with the provisions of this policy.

2. Development Standards.

- a. **Horizontal Clearance:** A clear, continuous pedestrian path not less than six feet in width shall be required for sidewalk cafes. The city engineer may require more than six feet if necessary to protect the public safety. This requirement may be modified at the discretion of the city engineer in locations where unusual circumstances exist and where public safety would not be jeopardized.
- b. **Setbacks from corners, streets and alleys:** When an outdoor dining area is located at a street corner, all furniture, barriers, etc. over three feet in height must be located outside of the clear vision zone for that street corner. When an outdoor dining area is located adjacent to a driveway or an alley, a five-foot setback shall be maintained from the driveway or alley. These requirements may be modified at the discretion of the city engineer in locations where unusual circumstances exist and where public safety would not be jeopardized (e.g., the sidewalk adjacent to the proposed outdoor dining areas is wider than usual or the perimeter of the building has an unusual configuration).

Title 17 - ZONING
Chapter 17.10 DEVELOPMENT STANDARDS

- c. Extension to Adjacent Properties. Subject to approval of the city engineer, an outdoor dining area may extend onto the sidewalk in front of an adjacent business with the written consent of both the adjacent business owner and property owner.
- 3. Barriers.
 - a. Establishments that serve alcoholic beverages in the outdoor dining area shall provide a physical barrier that meets the requirements of this subsection and of the Alcoholic Beverage Control Board.
 - b. Barriers should compliment the building facade as well as any street furniture and be somewhat transparent (such as wrought iron) and shall be able to withstand inclement weather.
 - c. Barriers and furniture shall be removed at the end of each business day unless otherwise approved by the city engineer.
 - d. The height of any barrier shall not exceed thirty-six inches.
- 4. Awnings and Umbrellas. The use of awnings over the outdoor dining area and removable table umbrellas may be permitted, provided they do not interfere with street trees or are located within the clear vision zone. No portion of an awning or umbrella shall be less than eight feet above the sidewalk. Awnings may extend up to five feet from the building front or cover up to fifty percent of the outdoor dining area, whichever is less. Awnings shall have no support posts located within the public right-of-way. A building permit must be obtained prior to installation of an awning. A revocable license shall be required for awnings projecting into the public right-of-way.
- 5. Lighting. Outdoor lighting fixtures should compliment the style of the building. Lighting fixtures shall not be glaring to motorists or pedestrians on the adjacent right-of-way, and shall illuminate only the outdoor dining area. Outdoor lighting may be installed on the facade of the building. Electrical fixtures shall not be permitted in the public right-of-way. Lighting shall be subject to an electrical permit from the building department. Battery operated lamps or candles will be permitted. Extension cords shall not be used in place of permanent wiring.
- 6. Design. The design, material, and colors used for chairs, tables, umbrellas, awnings and other fixtures should compliment the architectural style and colors of the building facade and street furniture.
- 7. Heaters. Portable propane heaters may be allowed within the outdoor dining area as approved by the fire marshal.
- 8. Furniture Removal. When the establishment stops serving for the day and patrons already seated in it leave, further seating in the outdoor dining area shall be prohibited and the outdoor dining furniture shall be removed from the right-of-way unless otherwise approved in the revocable license.