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

5  
6 **November 27, 2023**

7  
8 **THIS MEETING WAS HELD IN A HYBRID FORMAT**  
9 **BOTH IN-PERSON AND ZOOM TELECONFERENCE**  
10

11  
12 **A. CALL TO ORDER:** 7:04 p.m.  
13

14 **B1. PLEDGE OF ALLEGIANCE**  
15

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

24 **B3. ROLL CALL**  
25

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

29 Commissioners Absent: Martinez  
30

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

35 **C. CITIZENS TO BE HEARD**  
36

37 Raquel Contreras, the owner of Uptown Yard and of the empty lot located adjacent to 2301  
38 San Pablo Avenue, provided images of the property and explained that she had acquired the  
39 lot at 2337 San Pablo Avenue, which had been formerly occupied by Rexall Drugs from 1830  
40 to 1989. She described the history of the property, which had been damaged by the 1989  
41 Loma Prieta earthquake and which had later been used by the property owner to store  
42 equipment. There was a gas station next door that was City owned and that property had  
43 sat empty for 30 years. She explained that in order to properly clean-up the property the City  
44 and the gas station had to drill borings, clean the well, test the soil and needed access  
45 through her property. There was also a trash can/container/shed that had been used by the  
46 property. After 1996, when things had been completed, another trash facility had been built  
47 for the vicinity and the business community in the area to share and while the old trash  
48 container had been left it had been knocked down.  
49

1 Ms. Contreras explained that there was an easement between the City property and her  
2 property but nothing had been done, and while she had worked with two City Managers, no  
3 one wanted to reassess the easement or provide assistance through the Mayor's Office.  
4

5 Ms. Contreras added that she valued the downtown area and recognized the need for  
6 economic vitality in the downtown along with the need to have viable businesses, although  
7 she expressed concern the City was losing businesses interested in locating in Pinole given  
8 the lack of density and shoppers in the downtown, with residents of Pinole shopping outside  
9 of the City. She emphasized the recent impacts on retail businesses with brick-and-mortar  
10 restaurants failing since they had become too costly and noted that half of restaurants failed  
11 within six months and the other half at five years. She asked for assistance to reassess the  
12 easement so she could use the City-owned trash structure.  
13

14 Assistant City Attorney Alex Mog clarified this was not an agenda item and the request was  
15 under the jurisdiction of the City Council, not the Planning Commission, which had no ability  
16 to grant any of Ms. Contreras' requests. He acknowledged the property had a reciprocal  
17 easement agreement shared between the property, City-owned property and adjacent  
18 properties, which easement included a parking lot for reciprocal access and parking.  
19 Removal of the easement was not necessarily something the City wanted to do since it also  
20 served as a shared parking easement for the area, although it was possible to amend the  
21 easement which could be challenging due to the multiple parties that would be involved. He  
22 suggested the speaker's comments would be best addressed to the City Council since the  
23 Planning Commission had no ability to move the request forward.  
24

25 Ms. Contreras asked for assistance since she had received no support from the City to date.  
26

27 Planning Manager David Hanham explained that the easement had been discussed before  
28 but he would speak with the Public Works Director in the next week to learn whether a new  
29 easement could be re-drawn.  
30

31 Ms. Contreras stated she had been working with the City for the past three years, nothing  
32 had been done and she had made her request in writing to the former Assistant City Manager  
33 and former City Manager.  
34

35 Mr. Hanham asked that the written request be resubmitted to him and he would follow-up.  
36

37 Vice-Chairperson Menis asked whether the City had a dedicated contact person for the public  
38 to contact with respect to questions about economic development in Pinole, and Mr. Hanham  
39 advised the Community and Economic Development Director could be contacted to respond  
40 to any economic development questions.  
41

42 Vice-Chairperson Menis reported on ex parte communications and stated he had sent out  
43 email messages about the meeting to his email list.  
44

45 Anthony Vossbrink, Pinole, reported he had raised a number of concerns repeatedly with the  
46 City Council, Planning Commission and City staff but none of his concerns had been  
47 addressed. He was frustrated that public concerns were not being taken seriously. He again  
48 expressed concern with street lighting problems with outages and timers that were  
49 dysfunctional up and down Pinole Valley Road that could have been the reason for a recent  
50 accident in the middle of Pinole Valley Road near Trader Joe's.

1 Mr. Vossbrink reported there were also light outages up and down San Pablo Avenue past  
2 Sugar City and at San Pablo Avenue near Sunnyview Plaza adjacent to the former Animal  
3 Shelter, which facility had recently changed hands again to a non-animal owner and which  
4 had been reported to the City on numerous occasions with no resolution. He questioned the  
5 fact that the lighting issues had been reported on numerous occasions and for some time,  
6 with no action by the City and which he found to be a health and safety hazard.

7  
8 Mr. Vossbrink also questioned why new trash cans had not been installed in and around  
9 Adobe Road, the Pinole Valley Dog Park and the Adobe Barbeque Grove while newer trash  
10 cans had been installed in more highly visible areas such at City Hall, Fernandez and  
11 Bayfront Parks. He requested additional time to speak beyond the five-minute time period  
12 given the prior speaker had been allowed to ask questions of the Planning Commission and  
13 staff. He further asked why the Adobe Road Trail remained unrepaired.

14  
15 Mr. Hanham commented with respect to the lighting issues that he was unsure whether City-  
16 owned or PG&E light poles were involved and he would speak with the Public Works Director.  
17 He also reported he continued to work on the issue related to the Adobe Road Trail.

18  
19 Commissioner Banuelos suggested the response to changing the timing for the lights in  
20 response to Daylight Savings should be done routinely each year, had been an issue for  
21 years and he was uncertain why the Public Works Department was not changing the timing  
22 on a routine basis.

23  
24 Mr. Hanham reiterated he would speak with the Public Works Director on these issues. As  
25 to the status of the trash cans, he would have to get back to the Planning Commission with  
26 an update. When asked, he was unaware whether the Public Works Department was  
27 experiencing a backlog but he would check on the status of the street lights, the Adobe Road  
28 Trail and the other issues raised.

29  
30 **D. MEETING MINUTES**

31  
32 1. Planning Commission Meeting Minutes from September 25, 2023

33  
34 **MOTION** with a Roll Call vote to approve the Planning Commission Meeting Minutes from  
35 September 25, 2023, as submitted.

36  
37 **MOTION: Banuelos**

**SECONDED: Menis**

**APPROVED: 6-0-1**

**ABSENT: Martinez**

38  
39  
40 **E. PUBLIC HEARINGS: None**

41  
42 **F. OLD BUSINESS: None**

43  
44 **G. NEW BUSINESS**

45  
46 1. **Objective Development and Design Standards**  
47 Status Update on Ongoing Work

48  
49 Planning Manager Hanham presented the staff memorandum dated November 27, 2023.  
50

1 Mr. Hanham explained that the overall work program had been estimated to be complete by  
2 June 2024, consistent with the timeline outlined in Program 13 of the adopted 2023-2031  
3 Housing Element Update. The Ad-Hoc Design Review Committee would meet throughout  
4 the process with the Objective Development Design Standards to go to the full Planning  
5 Commission in May 2024 and the City Council in June 2024. Attachment 1 to the November  
6 27, 2023 staff memorandum, Schedule of Activities had outlined the schedule of the  
7 Objective Development Design Standards scope of work.  
8

9 Mr. Hanham stated there was no staff recommendation at this stage of the project. Staff was  
10 working with the Ad-Hoc Design Review Committee to complete the work to be brought back  
11 to the Commission when completed.  
12

13 Responding to questions from the Planning Commission, Mr. Hanham and Assistant City  
14 Attorney Mog clarified the following:  
15

- 16 • The Ad-Hoc Design Review Committee was currently comprised of Vice-Chairperson  
17 Menis and Commissioners Martinez and Bender, although Commissioner Martinez  
18 would need to step back due to health issues. While an alternate had been  
19 appointed, Commissioner Martinez would not be replaced and the Committee would  
20 now be comprised of only Commissioner Bender, Vice-Chairperson Menis and staff.  
21
- 22 • Once the Three Corridors Specific Plan, Zoning Code and Old Town Design  
23 Guidelines had been changed, most buildings in Old Town would become legal non-  
24 conforming uses and would be allowed so long as they continued to operate in the  
25 manner in which they were currently operating. Different paint schemes or  
26 modifications to a building, as examples, would require a review of the guidelines and  
27 checklist. The Ad-Hoc Design Review Committee would be looking at buildings in  
28 Old Town with the understanding that some of the buildings would not be able to  
29 comply with some of the Objective Development and Design Standards but would be  
30 able to continue to operate as legal non-conforming uses.  
31
- 32 • The Old Town Subarea was within the San Pablo Avenue Corridor and the guidelines  
33 within that area would rule unless changed in some way from a design standard in  
34 that particular subarea. The Old Town Guidelines would be adopted along with  
35 changes to the Three Corridors Specific Plan. The Old Town Subarea would still be  
36 the guiding force for Old Town, with the guidelines and public and private realm to  
37 carry most of the weight. The Old Town Guidelines were used in areas of historic  
38 structures such as the Queen Anne homes. The new rules and objective  
39 development and design standards would be for multifamily projects or projects that  
40 were comprised of two or more units. Currently there was no Specific Plan defined  
41 for the Old Town area.  
42
- 43 • The rules for discussing the Objective Development and Design Standards for  
44 members of the Ad-Hoc Design Review Committee were clarified. Members were  
45 able to discuss what had been discussed by the Ad-Hoc Design Review Committee  
46 with any other Commissioner only at a noticed open public meeting pursuant to  
47 Brown Act regulations.  
48  
49

- The purpose of the update to the Three Corridors Specific Plan, Zoning Code and Old Town Design Guidelines was to create Objective Development and Design Standards and not adopt new subjective standards. The current subjective standards remained in place but they were often unenforceable as it related to multifamily development or mixed uses. The new standards would not apply to commercial or single-family residential development.
- The City of Pinole may only adopt new objective requirements and not new subjective requirements, with the Old Town Design Guidelines admittedly very subjective and not binding as they had currently been written.
- Staff would likely roll out the changes to the Three Corridors Specific Plan, Zoning Code and Old Town Design Guidelines in sections and a number of meetings with the Planning Commission had been anticipated. There would likely be a three-meeting a month schedule (April to May 2024) to allow the Planning Commission to review each section to be revised, which would necessitate the scheduling of Special Meetings in order to meet the City Council timeline as shown in Attachment 1 to the staff report. Given that the review of the documents would be in sections, everything would remain in a draft form until each document was ready for adoption.
- Planning Commissioners were encouraged to look at what other cities had done to update their Objective Development and Design Standards, such as the cities of Los Gatos and Antioch, and review documents previously distributed to the Planning Commission from the City's consultant as part of this process.
- Senate Bill (SB) 35 would sunset but would be replaced with possible enhanced requirements.
- The State Department of Housing and Community Development (HCD) had a document available for review for the general public about Objective Development and Design Standards.

#### PUBLIC COMMENTS OPENED

Anthony Vossbrink, Pinole, asked that the Ad-Hoc Design Review Committee, Planning Commission and staff consider the signage in Old Town. In particular, he cited Antlers Tavern located at the corner of San Pablo and Tennent Avenues, which had a large sign that was illuminated at night and hung over the sidewalk possibly protruding into the curb on the street. He asked whether the City would grandfather the business in given it had been in existence for years or whether there was a possible violation of the Building Code. Another example was a new massage/spa/salon located on San Pablo Avenue and Appian Way, which business had been prevented from having similar signage. He suggested a variance fee should be levied for any exceptions that could be granted to these businesses given that the City needed the revenue.

Mr. Vossbrink also referenced the parking lot behind Tina's Place Restaurant, which served Fernandez Park, the playhouse, some tenants and the Park and Recreation Building and noted that when it had been designed it had failed to provide proper Americans with Disabilities Act (ADA) egress striping.

1 Mr. Vossbrink added that the parking stalls along the south side of the same parking lot  
2 fronting the sidewalk had a stone brick wall that had been damaged and had not been  
3 repaired for several years, which should be written into the code. He recommended a proper  
4 and safe pedestrian walkway along the brick wall with bumper guards to prevent vehicle  
5 wheels from damaging the wall. He also asked that any update to the Objective Development  
6 and Design Standards consider a more formal update to the traffic study.  
7

## 8 PUBLIC COMMENTS CLOSED 9

10 Mr. Hanham clarified the Antlers Tavern sign had been legally approved years ago and the  
11 sign standards had not changed much in the past several years. If the standards did change,  
12 the sign would have to comply with the Sign Ordinance. As to the concerns with the parking  
13 lot and brick wall, he would forward the ADA concerns to the Public Works Director.  
14

15 Vice-Chairperson Menis asked whether the concerns with the brick wall or maintenance of  
16 the brick wall could be addressed as part of the Objective Development and Design  
17 Standards, such as ensuring the materials used could be easily maintained, creating a  
18 certain level of maintenance or requiring clear path requirements.  
19

20 Mr. Hanham explained that clear path requirements were already part of ADA requirements.  
21 As to the materials, certain materials used with walls and fences could be included as part of  
22 an objective standard for maintenance issues. The City had some control over maintenance  
23 as part of a condition of approval for a project, but if the project had already been built, once  
24 the wall had become a safety issue the City could go back to the property owner to address  
25 any repair concerns.  
26

27 Commissioner Banuelos understood project conditions of approval included standard  
28 conditions regarding maintenance.  
29

30 Mr. Hanham commented that most conditions of approval were related to a building, not a  
31 wall or fence. For commercial structures with walls, that usually involved a requirement for  
32 building and maintenance. In terms of development in the downtown, most of the buildings  
33 had been constructed in the 1950s and 1960s but for future developments conditions could  
34 be imposed to ensure the maintenance of any structures to be built.  
35

36 Commissioner Banuelos cited the Burger King located on Fitzgerald Drive as an example,  
37 which had been required to have a certain level of landscaping and noted the City had fought  
38 for years to ensure the business met its conditions of approval.  
39

40 Mr. Hanham commented that from an objective standard standpoint, the City would be able  
41 to identify specific materials that would have a long life and require less maintenance and  
42 new projects would have to maintain its structures.  
43

## 44 **2. Planning Commissioner's Academy**

### 45 Discuss Commissioner Participation Opportunity 46

47 Mr. Hanham provided the staff memorandum dated November 27, 2023, and  
48 recommended the Planning Commission send up to five members of the Planning  
49 Commission to the Planning Commission Academy scheduled for March 6 through 8,  
50 2024 in Long Beach, CA.

Commissioners Banuelos, Lam-Julian, Sandoval and Vice-Chairperson Menis expressed the desire to attend the upcoming Planning Commissioner's Academy in 2024.

Mr. Hanham clarified the City would pay for the conference, hotel, travel and meals. He suggested it would be beneficial for new Commissioners to attend and learn what was happening in other cities along with the networking opportunities.

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

Mr. Hanham reported the City had received a new application for Pinole Shores II for a new building; staff was working with Pinole Vista to formalize the affordable housing agreement and Lot Line Adjustment (LLA); staff was scheduling meetings with downtown vendors to discuss parklets and outdoor dining opportunities; staff continued to work on the Objective Development and Design Standards and implementation of the Housing Element for Year 1; and the Planning Commission meeting scheduled for December 11, 2023 would include an application for a Conditional Use Permit (CUP) and approval of the Planning Commission meeting schedule for 2024.

Mr. Hanham also provided an update on Safeway with staff in discussions with the new owners who were working to put a plan together. He expressed the hope that an update could be provided to the Planning Commission after the holidays.

#### **PUBLIC COMMENTS OPENED**

Anthony Vossbrink, Pinole, asked about the status of the 7-Eleven build out, the build out across from CVS Pharmacy for multiple units in the former Doctor's Hospital facility and requested a formal traffic study review of the Fitzgerald Drive Corridor to include the areas up and down Appian Way, Tara Hills with Safeway, the Kmart build out and up and down Mann Drive and Pinole Middle School.

Assistant City Attorney Mog explained that this portion of the agenda was for comments related to the City Planner's/Commissioner's Reports and not for general public comments.

Mr. Vossbrink stated his comments were related to the City Planner's Report. He commented that a formal traffic study had been done a long time ago and should be updated and this all contributed to major public health and safety issues related to school children and people driving the major corridors in the City. He asked for that to be incorporated into the Objective Development and Design Standards.

#### **PUBLIC COMMENTS CLOSED**

Mr. Hanham reported that Appian Village still had to record a final Subdivision Map for the 26-units and complete the affordable housing agreement. He added that 7-Eleven was close to finalizing the building but work remained to be completed with PG&E and the property owner was working with PG&E to reach a solution while staff was looking at a traffic study for the corridor mentioned, but had not reached a conclusion and City Council direction would be required. He explained that each individual project in the corridor mentioned involved individual traffic studies, which studies were available online and posted on the City website. He added the City could only mitigate traffic from the individual projects and not pass-through traffic through the City's corridors.

1 Mr. Hanham also reported a traffic signal on Mann Drive would be part of the Appian Village  
2 project that would have a spring build; the former Kmart building was expected to be  
3 demolished in the spring along with the finalization of the affordable housing agreement and  
4 LLA; Vista Woods was continuing with its first phase; SAHA had commenced with framing  
5 and BCRC was finalizing items. More progress on all projects was expected in 2024.  
6

7 **I. COMMUNICATIONS:**  
8

9 Commissioner Lam-Julian reported she had participated in a number of community  
10 engagement events including Pinole Solar Eclipse, Movie Night in Fernandez Park, served  
11 as an Interact Club advisor at Pinole Valley High School, Pinole Walk & Roll Active  
12 Transportation Plan (ATP) meeting, Veterans Day at Fernandez Park, canvassing for  
13 United Against Hate Week (UAHW), California vs. Hate Kick-Off Rally at Civic Center in  
14 the City of Berkeley and a Women's Leadership Conference in New York.  
15

16 Commissioner Lam-Julian requested as an ongoing future agenda item a discussion of  
17 community engagement options/activities to allow the Planning Commission to provide  
18 feedback to the community on City projects, such as at the Farmer's Market or at pop-ups  
19 at Pinole Walk & Roll.  
20

21 Assistant City Attorney Mog explained that would be fine for some groups as long as there  
22 was not a majority of the Planning Commission present nor a discussion of too much detail  
23 on a project to taking action on a specific development project. As an example, a stand  
24 at the Farmer's Market would be acceptable.  
25

26 As to whether public workshops could be held, Mr. Hanham stated that public workshops  
27 had been held for a number of the larger development projects in the City, which had  
28 occurred during the pandemic and where the discussions had been virtual. Such  
29 discussions had been pursued for the larger projects prior to them coming to the Planning  
30 Commission to allow for public engagement. He cited the Vista Woods development as  
31 an example. In terms of holding public workshops after a project had been adopted, that  
32 would require a vote of the Planning Commission.  
33

34 Assistant City Attorney Mog suggested the discussion should be placed on a future  
35 agenda to determine the Planning Commission's interest in options. He noted there were  
36 costs associated with staff time for a workshop that would require authorization from the  
37 City Manager. Some of the public workshops held for the larger projects were sponsored  
38 by the specific developer.  
39

40 Commissioner Lam-Julian emphasized the importance of educating the public on what  
41 was happening in the community and Mr. Hanham suggested that discussion could be  
42 placed on a future agenda.  
43

44 Assistant City Attorney Mog clarified a formal vote to add an item to a future agenda was  
45 not required and an informal vote was acceptable.  
46

47 Chairperson Benzuly agreed that public engagement would be warranted if there was  
48 confusion or questions about a project.  
49  
50



1 Mr. Hanham further clarified the function of the Community Development Department, with  
2 staff working on economic development strategies to help to encourage businesses to  
3 come to the City of Pinole and he would work to place an item on a future agenda.  
4

5 Vice-Chairperson Menis read into the record Pinole Municipal Code (PMC) Section  
6 2.40.030 Duties of the Planning Commission (5), and suggested it was appropriate for the  
7 Planning Commission to have pop-ups at community events with respect to the  
8 Community Safety and Environmental Justice Elements of the General Plan to encourage  
9 community engagement. He otherwise reported that he had attended a Walk & Roll Plan  
10 Outreach for the ATP Subcommittee meeting, and it would be beneficial for the City  
11 website and contracted websites to be HTTPS, not HTTP, since oftentimes there were  
12 web browsers throughout with warnings when forcing connections through an insecure  
13 website. He had also attended a meeting on the Parks Master Plan with more information  
14 at pinoleparksmasterplan.com, and a new survey was available through December 3,  
15 2023 for the public to provide information on what it wanted to see in the City's parks.  
16

17 Commissioner Bender reported he had attended a conference at the Turner Center for  
18 Housing Innovation at UC Berkely on affordable housing related to recent legislation, and  
19 briefed the Planning Commission on the discussions.  
20

21 **J. NEXT MEETING**  
22

23 The next meeting of the Planning Commission to be a Regular Planning Commission  
24 Meeting scheduled for December 11, 2023 at 7:00 p.m.  
25

26 **K. ADJOURNMENT: 8:46 p.m.**  
27

28 Transcribed by:

Reviewed and edited by:

30 Sherri D. Lewis  
31 Transcriber  
32

City Staff