AGENDA FOR THE

CITY OF PINOLE PLANNING COMMISSION
REGULAR MEETING

Monday, December 11, 2023
7:00 P.M.
Via Zoom Videoconference and In Person

WAYS TO WATCH THE MEETING

- IN PERSON. Attendance at the Pinole City Council Chambers (2131 Pear St).
- LIVE ON CHANNEL 26. The Community TV Channel 26 schedule is published on the City's website at www.ci.pinole.ca.us. The meeting can be viewed again as a retelecast on Channel 26.
- VIDEO-STREAMED LIVE ON THE CITY'S WEBSITE, www.ci.pinole.ca.us. and remain archived on the site for five (5) years.
- ZOOM VIDEOCONFERENCE. Zoom details are included below.
- If none of these options are available to you, or you need assistance with public comment, please contact Planning Manager David Hanham at (510) 724-8912 or dhanham@ci.pinole.ca.us.

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 the Planning Manager.

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

OR

https://zoom.us/join

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 Chair 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 staff that you have a comment to provide. Once you have been identified to speak, please check to make sure you have unmuted yourself in the videoconference application (or press *6 if connecting via telephone).

WRITTEN COMMENTS
Please submit public comments to Planning Staff before the meeting via email to dhanham@ci.pinole.ca.us. Please include your full name, city of residence and agenda item you are commenting on.

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 Community Development Department at (510) 724-8912. Notification of 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.

CITIZEN PARTICIPATION:

Persons wishing to speak on an item listed on the Agenda may do so when the Chair 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 discussed amongst the Commission prior to rendering a decision.

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

Note: If you challenge a decision of the Commission 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.

A. CALL TO ORDER

B1. PLEDGE OF ALLEGIANCE

B2. 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.

B3. ROLL CALL

C. CITIZENS TO BE HEARD:

The public may address the Planning Commission on items that are within its jurisdiction and not otherwise listed on the agenda. Planning Commissioners 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. MEETING MINUTES:

1. **Planning Commission Meeting Minutes from November 27, 2023**

E. PUBLIC HEARINGS:

At the beginning of an item, the Chair will read the description of that item as stated on the Agenda. The City Staff will then give a brief presentation of the proposed project. The Commission may then ask Staff questions about the item.

For those items listed as Public Hearings, the Chair 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 Commission may discuss the item amongst themselves and ask questions of Staff. The Commission will then vote to approve, deny, approve in a modified form, or continue the matter to a later date for a decision. The Chair will announce the Commission's decision and advise the audience of the appeal procedure.

Note: No Public Hearings will begin after 11:00 p.m. Items still remaining on the agenda after 11:00 p.m. will be held over to the next meeting.

1. **Conditional Use Permit (CUP) 23-04 Anabi Shell Station Alcohol Sales Use Permit**

Request: Consideration of a Use Permit request to allow the sale of beer and wine for off-site consumption, under a Type 20 license, at the Anabi Shell Station - 1401 Fitzgerald Dr. The project qualifies for a CEQA exemption under CEQA Guidelines Section 15301.

Applicant: Anabi Shell
1401 Fitzgerald Drive
Pinole, CA 94564

Location: 1401 Fitzgerald Drive (426-080-036)

Staff: David Hanham

F. OLD BUSINESS:

None

G. NEW BUSINESS:

1. **Planning Commission Regular Meeting Schedule 2024**
   Reviewing and adopting the Planning Commission Regular Meeting Schedule dates in 2024.

H. CITY PLANNER'S/COMMISSIONER'S REPORT:

1. **Community Engagement Opportunities - Forums/Workshops/Town Hall Meetings**
2. **City Planner's/Commissioner's Report**

I. COMMUNICATIONS:

J. NEXT MEETING(S):

Planning Commission Regular Meeting, January 8, 2024, at 7:00PM

K. ADJOURNMENT

POSTED: December 7, 2023

_____

David Hanham
Planning Manager

DRAFT

MINUTES OF THE REGULAR MEETING
PINOLE PLANNING COMMISSION

November 27, 2023

THIS MEETING WAS HELD IN A HYBRID FORMAT
BOTH IN-PERSON AND ZOOM TELECONFERENCE

A. **CALL TO ORDER**: 7:04 p.m.

B1. **PLEDGE OF ALLEGIANCE**

B2. **LAND ACKNOWLEDGEMENT:** *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.*

B3. **ROLL CALL**

Commissioners Present:	Banuelos, Bender, Lam-Julian, Sandoval, Vice-Chairperson Menis, Chairperson Benzuly
Commissioners Absent:	Martinez
Staff Present:	David Hanham, Planning Manager Alex Mog, Assistant City Attorney Justin Shiu, Contract Planner

C. **CITIZENS TO BE HEARD**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. MEETING MINUTES

1. Planning Commission Meeting Minutes from September 25, 2023

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

MOTION: Banuelos **SECONDED: Menis** **APPROVED: 6-0-1**
ABSENT: Martinez

E. PUBLIC HEARINGS: None

F. OLD BUSINESS: None

G. NEW BUSINESS

1. Objective Development and Design Standards
Status Update on Ongoing Work

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

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

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

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

- The Ad-Hoc Design Review Committee was currently comprised of Vice-Chairperson Menis and Commissioners Martinez and Bender, although Commissioner Martinez would need to step back due to health issues. While an alternate had been appointed, Commissioner Martinez would not be replaced and the Committee would now be comprised of only Commissioner Bender, Vice-Chairperson Menis and staff.

- Once the Three Corridors Specific Plan, Zoning Code and Old Town Design Guidelines had been changed, most buildings in Old Town would become legal non-conforming uses and would be allowed so long as they continued to operate in the manner in which they were currently operating. Different paint schemes or modifications to a building, as examples, would require a review of the guidelines and checklist. The Ad-Hoc Design Review Committee would be looking at buildings in Old Town with the understanding that some of the buildings would not be able to comply with some of the Objective Development and Design Standards but would be able to continue to operate as legal non-conforming uses.

- The Old Town Subarea was within the San Pablo Avenue Corridor and the guidelines within that area would rule unless changed in some way from a design standard in that particular subarea. The Old Town Guidelines would be adopted along with changes to the Three Corridors Specific Plan. The Old Town Subarea would still be the guiding force for Old Town, with the guidelines and public and private realm to carry most of the weight. The Old Town Guidelines were used in areas of historic structures such as the Queen Anne homes. The new rules and objective development and design standards would be for multifamily projects or projects that were comprised of two or more units. Currently there was no Specific Plan defined for the Old Town area.

- The rules for discussing the Objective Development and Design Standards for members of the Ad-Hoc Design Review Committee were clarified. Members were able to discuss what had been discussed by the Ad-Hoc Design Review Committee with any other Commissioner only at a noticed open public meeting pursuant to Brown Act regulations.

- 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.

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

PUBLIC COMMENTS CLOSED

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

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

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

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

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

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

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

2. Planning Commissioner's Academy
Discuss Commissioner Participation Opportunity

Mr. Hanham provided the staff memorandum dated November 27, 2023, and recommended the Planning Commission send up to five members of the Planning Commission to the Planning Commission Academy scheduled for March 6 through 8, 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.

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

I. COMMUNICATIONS:

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

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

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

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

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

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

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

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

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

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

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

J. <u>NEXT MEETING</u>

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

K. <u>ADJOURNMENT</u>: 8:46 p.m.

Transcribed by:	Reviewed and edited by:
Sherri D. Lewis Transcriber	City Staff

Item E1

Memorandum

TO: PINOLE PLANNING COMMISSION

FROM: DAVID HANHAM, PLANNING MANAGER

SUBJECT: ALCOHOL SALES USE PERMIT

DATE: DECEMBER 11, 2023

Business Owner / Applicant:
Anabi Shell
1401 Fitzgerald Drive
Pinole, CA 94564

PROJECT:	Anabi Shell Station Alcohol Sales Use Permit
FILE:	Conditional Use Permit (CUP) 23-04
LOCATION:	1401 Fitzgerald Drive
APN:	426-080-036
ZONING:	RC, Regional Commercial
SPECIFIC PLAN:	N/A
GP LU Designation:	RC, Regional Commercial

REQUEST

The applicant is seeking approval of a Conditional Use Permit to allow Anabi Shell to sell beer and wine at 1401 Fitzgerald Drive

STAFF RECOMMENDATION

Adopt Resolution 23-09 approving conditional use permit CUP 23-04, which permits sale of beer and wine subject to conditions of approval (Attachment A).

SITE LOCATION

Figure 1 Location Map

The project site is located along the west side of Fitzgerald Drive at the northeast corner of the signalized intersection to the Pinole Vista Crossing Shopping Center. Adjacent land uses are summarized below.

Direction from Project Site	Existing Land Use
North	Retail Commercial (Roundtable Pizza)
West	I-80 Highway
South	Retail Commercial (Applebee's, Outback Steakhouse)
East	Retail Commercial (Target/Pinole Vista Crossing)

PROJECT DESCRIPTION

The applicant is seeking approval for a Conditional Use Permit to allow Beer and Wine alcohol sales (Type 20 license) for off-site consumption.

BACKGROUND

The Shell Station has been operating at 1401 Fitzgerald since 2007. The business has twelve fueling stations, a convenience store, and a car wash. The property is approximately 31,980 square feet. The convenience store is approximately 2,667 square feet. The convenience store is open

twenty-four hours and is staffed from one to five employees on approximately three to four shifts depending on needs for the business.

ANALYSIS

Alcohol Sales Conditional Use Permit

To supplement offerings provided as part of the business operation, Anabi Shell has applied for a Type 20 Alcohol License through the Department of Alcohol Beverage Control (ABC). The Type 20 License allows the sale of beer and wine for off-site consumption. Section 17.20.080 of the Pinole Municipal Code (PMC) requires review and approval of a Conditional Use Permit for alcohol sales.

Review Process

PMC Section 17.59.030 prescribes the review process which is required before the opening of a new business, extending the hours of operation of any establishment that sells or serves any alcoholic beverage, or adding to the capacity, floor area or shelf space devoted to alcoholic beverages of any establishment that sells or serves any alcoholic beverages. The criteria required to approve the conditional use permit are as follows:

A) Conditional Use Permit. The Planning Commission shall review all conditional use permit requests for proposed alcohol sales. The following information must be provided to approve conditional use permit requests:

1) A list of all establishments within one thousand (1,000) foot radius with similar size and array of products. If there is any other establishment, other than a food service establishment with incidental service of beer and/or wine within a one thousand (1,000) foot radius of the site of the proposed use that is in the same category of alcoholic beverage sales or service, the City of Pinole shall not approve the application unless it makes all of the following findings of "Public Convenience or Necessity,"

Staff Response: A determination of Public Convenience or Necessity (PCN) is required and was approved by Pinole City Council on November 7, 2023 (see more information below).

2) The number of businesses having authority to sell alcoholic beverages in the census tract of applicant,

Staff Response: ABC indicated that there is an overconcentration of off-sale alcohol licenses in Census Tract 3630. However, the Pinole City Council approved a determination of Public Convenience and Necessity which satisfies requirements through Alcohol Beverage Control to provide a license for alcohol sales where there is an overconcentration in the Census Tract.

3) The extent to which the crime reporting district in which applicant is located exceeds the average for crime reporting districts subject to the jurisdiction of the Pinole

Police Department,

Staff Response: A formal review by the Police Department has determined that crime reporting for the district does not exceed the average for crime reporting districts. The Police Department did not raise any objections or concerns related to the alcohol sales request.

4) *The proximity of the applicant to school, park, playground, recreational center, day care, or similar use.*

Staff Response: There are five establishments located at Fitzgerald Drive which have off-site licenses, including Target, Bev Mo, Lucky Grocery, Food Maxx, and Pinole Vista Liquors. Anabi Shell is a gas station and convenience store that provides small merchandise items. The establishment is in a commercial area and is not near any school, parks, or other public facilities.

B) *Public Convenience and Necessity. A determination of Public Convenience or Necessity (PCN) is required by the Department of Alcoholic Beverage Control (ABC) when there is an overconcentration of alcohol sales licenses within a defined census tract. ABC determines if there is an overconcentration of licenses in a census tract and will require a determination of public convenience or necessity from the city. The City Council is the appropriate authority to review and make a PCN determination. This determination must be made prior to Planning Commission review of a conditional use permit to allow alcohol sales.*

Staff Response: A determination of Public Convenience or Necessity (PCN) is required and was approved by Pinole City Council on November 7, 2023.

On November 7, 2023, the City Council approved a determination of Public Convenience or Necessity. This determination allows an additional off-site alcohol sales license in Census Tract 3630. Currently, there are eleven (11) off-site alcohol sales licenses in the Census Tract, with five (5) licenses in Pinole. **Table 1** provides a list of other establishments in Census Tract 3630 that possess off-sale alcohol licenses.

Table 1: On-Site Retail Alcohol Sales Establishments in Census Tract 3630*

Business Establishment	Location	License Type
Appian Express Mart & Gas	4917 Appian Way	20
Appian Food and Liquor	4247 Appian Way	21
BevMo!	1220 Fitzgerald Drive	21
Food Maxx	1370 Fitzgerald Drive	21
Grocery Outlet	1460 Fitzgerald Drive	21
Lucky Supermarket	1530 Fitzgerald Drive	21
Pinole Vista Liquors	1586 Fitzgerald Drive	21
Target Stores	1400 Fitzgerald Drive	21
*United Food Mart***	521 Appian Way	20

*San Pablo Shell***	3621 San Pablo Dam Road	21
*Hilltop Food Mart***	4251 Hilltop Drive	21

**Source: State Department of Alcoholic Beverage Control, October 2023*
*** Located outside of Pinole*

C) <u>Other criteria</u> that may come under consideration when reviewing the application for the use permit include:

1) The proposed establishment will promote the city's economic health, contribute to General Plan or Area Plan policies or further district purposes.

Staff Response: The Applicant proposes to continue operating 24 hours per day in its 2,667 square-foot retail space, though beer and wine sales will be limited to the hours permitted by state and local law (6am to 2am). The total square footage of the property is 31,980 square feet, with six on-site parking spaces, which includes one ADA compliant space. There are also 12 gasoline pump vehicle spaces.

The Shell service station and convenience store is located in the Pinole Vista Development Area and is zoned Regional Commercial (RC) zone. The Pinole General Plan's Land Use Element states that Regional Commercial areas are intended for large regional shopping centers serving the West County market area. Pinole Vista is adjacent to I-80 on- and off-ramps and contains several large retailers such as Ace Hardware and Target. Smaller ancillary uses include, but are not limited to restaurants, various retail stores, and personal service commercial uses. These uses, along with the Applicant, provide a wide diversity of goods and services within a single area convenient to both freeway and local traffic. The proposed use enhances the commercial nature of the Pinole Vista development and would increase the range of services available to local customers, workers, and residents.

The sales of beer and wine expand the available services in the Pinole Vista area generally, and at this location specifically, and will broaden the City's tax bases by generating sales tax revenue at this retail business location.

The addition of alcohol at the subject site would increase the economic health of Pinole by supplying additional one-stop-shopping convenience to both residents and travelers on the I-80. The site is located at a commercial location containing numerous retail, restaurant, and commercial service offerings that is patronized by large numbers of residents and visitors. The Applicant's customers consist of residents in this and surrounding areas; employees and customers of the many commercial uses in the vicinity; and other who are traveling down both major thoroughfares. The requested finding of Public Convenience or Necessity, along with a CUP and ABC license to sell beer and wine for off-site consumption in an existing gas station minimart, will enable existing customers to conveniently purchase these items, rather than taking their business to another gas station and minimart in the greater area.

Goal LU.7 of the Land Use and Economic Development Element calls for encouraging commercial development which provides services for residents and broadens the tax base of the community to provide needed revenue for public services.

2) *The economic benefits associated with the establishment could not reasonably be achieved without the proposed alcohol sales.*

Staff Response: The Applicant has successfully operated their gas station and convenience store for years in the Pinole community. It is their belief that while the Pinole Vista and Pinole Vista Crossing developments do an excellent job of catering to the needs of the community, there is a niche which a full-service convenience store that also stocks beer and wine could fill. There are no convenience stores in the area which offer alcohol; the current vendors are large stores such as Target, or specialty retailers such as BevMo! The closest convenience or gas-station store which is currently licensed for alcohol sales is on Appian Way in the unincorporated area of El Sobrante, a two-mile drive away per Google Maps.

Shoppers who visit the large retailers in the Pinole Vista commercial developments are often on extended shopping trips, purchasing a wide range of items at once. Additionally, shopping at similar locations may take longer than individuals in a hurry would prefer to spend. A full-service convenience store at a well-established gas station enables quick-trip access to a wide range of grocery, beverage, and utility goods, and captures business that might otherwise pass the area. If the Applicant is unable to sell a small amount of beer and wine, then it may not only lose that sale of beer and wine but also the other groceries that the customer intends to buy because they will go to one of the other less-convenient alcohol retailers. As there are other gas stations within the City and just outside the city limits that are able to sell alcoholic beverages, this Shell Station cannot obtain the economic benefits that its competitors enjoy without the ability to sell a small amount of beer and wine.

3) *The applicant has not operated a licensed establishment, which has been the subject of verified, complaints, or violations regarding alcohol, public safety or nuisance statutes or regulations.*

Staff Response: Over the years, the Applicant has operated approximately 14 ABC-licensed locations and none of them have been the subject of verified complaints or violations regarding alcohol, public safety or nuisance statutes or regulations. The Applicant is dedicated to being a good corporate neighbor and will happily work with both local and state authorities to ensure that all regulations and laws are obeyed, and its business is conducted in a peaceable and beneficial way.

4) *The Police Department has reported that the proposed establishment would not be expected to add to crime in the area.*

Staff Response: The Police Department has reviewed the proposed business plans and related statement and has not raised any objections to Anabi Shell selling beer and wine for off-site consumption.

5) *The extent to which products other than alcoholic beverages are sold by applicant and the extent to which alcoholic beverages are incidental to the other products.*

Staff Response: The site will provide a variety of goods and services that customers at a full-service service station and convenience store expect, including basic grocery items, snacks, beverages, basic utility, automotive, household, and dry goods, and of course fuel. The sale of alcoholic beverages will make this location a convenient "one-stop" shop, enabling the surrounding community to purchase everyday essential grocery and utility items, including alcoholic beverages, at the same time. The primary use at this site is an automotive service station and convenience store, of which alcohol sales will be a small portion, both in terms of floor area and shelf space. The alcohol sales are being provided as a convenience to customers so that they may purchase all of their shopping needs at one time in one trip. The sale of a partial line of alcoholic beverages will be ancillary to the main retail sales of the convenience store and automotive services that will be provided at the site. The project will be beneficial to the local community and the local economy by enhancing a revenue generating use which has faithfully served the development for years.

Findings for Conditional Use Permit

1. *The proposed use is consistent with the general plan, any applicable specific plans, and all applicable provisions of this title.*

   Staff Response: The subject property is consistent with the general plan and specific zoning of the Pinole Municipal Code. Pursuant to Pinole Muni Code §17.20.020, the Applicant submits this Conditional Use Permit (CUP) Application to request approval for the sale of beer and wine in conjunction with an existing Shell Service Station located at 1401 Fitzgerald Drive in the City of Pinole. The site is an existing service station, car wash, and convenience store, operating 24 hours daily, and located next to the Interstate Highway 80 in the Regional Commercial (RC) Zone. The subject property is a commercial use within an area designated for general commercial land uses. The proposed alcohol sales hours would be from 6 a.m. to 2 a.m., as allowed by the State Department of Alcoholic Beverage Control. There are no changes being requested with this Application to the premises' footprint or its current operations, other than the Applicant's request to add the incidental sale of beer and wine for offsite consumption (Type 20 ABC License).

2. *The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.*

Staff Response: The proposed use will not adversely affect the welfare of the pertinent community because as stated above, the premise has continuously been operated as a gas station and car wash with a convenience mart for many years. This is an existing business that provides most goods and services that have come to be expected from a national service station and convenience market. The request to add a small amount of beer and wine sales will better serve the needs of its customers and will allow the existing grocery inventory to better serve its customers and diminish the need for customers to travel to multiple locations to retrieve all necessary items. The subject property is a commercial use within an area designated for General Commercial land uses and has been operating this neighborhood convenience market as a "one-stop" shopping experience for its customers and the surrounding neighborhood. Approval for adding the incidental sale of beer and wine would ensure the Applicant's ability to continue providing this desired convenience to the surrounding community. The business has been a long-standing anchor in the shopping center and the Applicant will continue to operate and improve the store with this goal.

3. *The site of the proposed use is physically suitable for the type, density and intensity of the use and related structures being proposed.*

Staff Response: The site of the use is physically suitable for the requested addition of an ancillary amount of beer and wine sales for off-site consumption. The Applicant already owns and operates the convenience store on the property, which carries a wide range of grocery and utility items. The sale of beer and wine for off-site consumption, while incidental to the overall goods and services provided by the Shell Station, is an important aspect in maintaining the ability to act as a full-service convenience store. The convenience store occupies a footprint of 2,776 feet, and the entire property encompassing the convenience store and service station is 31,980 feet. The proposed addition of beer and wine would not physically impact the site at all and would only represent an addition of some items to the store's already existing shelves and coolers. The continued operation of this store, with strict adherence to the imposed conditions, proper management, and supervision, will continue to provide a retail service that is beneficial, convenient, and necessary for the community. As a result, the proposed use will not require physical alteration of the applicant's property, and no additional construction is proposed at this time.

4. *It will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in which it is located. The proposed use and related structures are compatible with other land uses, transportation, and service facilities in the vicinity.*

Staff Response: The Applicant is located in the Regional Commercial zoning district. Per the Pinole Zoning Code, sites in the Regional Commercial zoning district are intended to serve as "large regional shopping centers serving the West County market area." High-density commercial retail is encouraged, as are a diversity of secondary uses such as "toy stores, hotels, and restaurants," all geared towards meeting the needs of both local residents as well as capturing business from travelers on the nearby 80 freeway. The Applicant's business is aimed at both functions. The grocery items sold in the convenience store serve local residents who want to purchase food items and gas, as well as toys, clothing, medical care, automotive products, or any other good offered by the other

establishments in Pinole Vista. Allowing an expansion of the grocery offerings to include beer and wine would be in keeping with the requirements of the Regional Commercial zone by expanding the diversity of goods and services offered to customers, as well as improving local convenience by reducing the number of trips required by residents who want to make a quick and simple shopping trip or impulse buy. Additionally, the fueling portion of the business attracts customers from the freeway to the larger development in Pinole Vista.

Conditions of Approval

Staff has worked with the Community Preservation Team in the Police Department to impose appropriate conditions for alcohol sales. The Police Department required that the standard alcohol conditions listed in PMC 17.59.040 be included for this project request. The standard Conditional Use Permit alcohol sales conditions are included as Exhibit A in Resolution 23-09 (**See Attachment A**).

Applicable Standard Conditions of Approval for Alcohol Sales Establishments

- Beer, malt beverages, and wine coolers in container of sixteen (16) ounces or less cannot be sold as single items but must instead be sold in manufacturer prepackaged multi-unit quantities.

- There shall be no sales of beers, ales or wines that have screw tops in bottles less than three hundred and seventy-five (375) milliliters, unless sold in manufacturer prepackaged multi-unit quantities.

- The applicant shall be responsible for maintaining free of litter that area in front of and adjacent to the premises over which they have control.

- No signs advertising the sale of alcoholic beverages shall be displayed outside of the store.

- Licensee or its employees shall regularly police the area under the licensee's control in an effort to prevent the loitering of persons about the premises.

- The sale of liquor in the store shall be limited to no more than two hundred (200) linear feet of display, which shall include the use of multi-tiered shelving not to exceed thirty-six (36) inches in depth.

- If any of conditions are found to be disregarded, the use permit for alcohol sales will be subject to revocation. If necessary, the Planning Commission may modify the use permit after holding a noticed public hearing and making applicable findings.

- Establish and maintain a “complaint response/community relations” program with the Police Department.

Off-sale Conditions

- No sale of alcohol is allowed for on-site consumption.
- Trash receptacles shall be located at convenient locations outside the establishment, and operators of the business shall remove all trash on a daily basis.
- Pay telephones on the site of the establishment, when applicable, must be of the type that only allow outgoing calls.
- In establishments with glass storefronts, windows shall allow for unobstructed interior viewing of the cash register area from the street.
- A sign concerning the California law prohibiting minors to drink alcohol and a sign prohibiting loitering or public drinking must be posted.
- A copy of any use permit conditions of approval will need to be kept on premises and available upon request.
- All employees shall receive “responsible beverage service training,” and any employee on duty between 10:00 p.m. and 2:00 a.m. will be at least twenty-one (21) years of age, and documentation of this training shall be retained on the premises and made available upon request.
- Make attempts to limit alcohol related problems which negatively impact those living or working in the neighborhood.

In addition to the conditions mentioned above, Staff has included within Exhibit A of the proposed Resolution 23-09 security-related conditions of approval calling for updating a business emergency information form and holding an on-site training event with the Police Department prior to the commencement of alcohol sales. These security related conditions have been discussed with the applicant and the applicant has no objections.

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 commercial building.

ATTACHMENTS

A. Resolution 23-09 with Exhibit A: Conditions of Approval
B. Site Plan/Floor Plan

Attachment A

PLANNING COMMISSION RESOLUTION 23-09
WITH EXHIBIT A: CONDITIONS OF APPROVAL

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PINOLE, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION AT 1401 FITZGERALD DRIVE, PINOLE, CA 94564, APN: 426-080-036

WHEREAS, the Anabi Shell filed an application for a use permit (CUP 23-04) with the City of Pinole to request a Conditional Use in order to allow for the sale of beer and wine for off-site consumption; and

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

WHEREAS, the State Department of Alcoholic Beverage Control (ABC) did confirm to the City of Pinole that there will be an undue concentration resulting from this use permit request for a Type 20 alcohol sales license within Census Tract 3630.00 requiring Public Convenience or Necessity Findings for this request; and

WHEREAS, the City Council approved the required Public Convenience or Necessity Findings for this request on November 7, 2023; and

WHEREAS, said property is designated Regional Commercial in the Pinole General Plan; and

WHEREAS, the property is in a Regional Commercial (RC) Zoning District; and

WHEREAS, the Pinole Municipal Code permits alcohol sales subject to securing a Use Permit in the RC zone; and

WHEREAS, The Police Department has confirmed that the sale of alcohol as conditioned is not expected to increase calls for service or crime activity at this location; 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 Planning Commission of the City of Pinole has conducted a duly noticed public hearing to consider CUP 23-04 on December 11, 2023; and

WHEREAS, after the close of public hearing, the Planning Commission 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 development;

NOW, THEREFORE, the Planning Commission hereby finds that:

1. The proposed use is consistent with the general plan, any applicable specific plans, and all applicable provisions of this title.
2. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.
3. The site of the proposed use is physically suitable for the type, density and intensity of the use and related structures being proposed.
4. It will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in which it is located. The proposed use and related structures are compatible with other land uses, transportation, and service facilities in the vicinity.
5. 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 Planning Commission of the City of Pinole hereby approves CUP 23-04, 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 Planning Commission of the City of Pinole on this 11th day of December 2023, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Adam Benzuly, Chair (2023-2024)

ATTEST:

_____
David Hanham, Planning Manager

PLANNING COMMISSION RESOLUTION 23-09 EXHIBIT A
CONDITIONS OF APPROVAL: ANABI SHELL STATION ALCOHOL SALES CONDITIONAL USE PERMIT

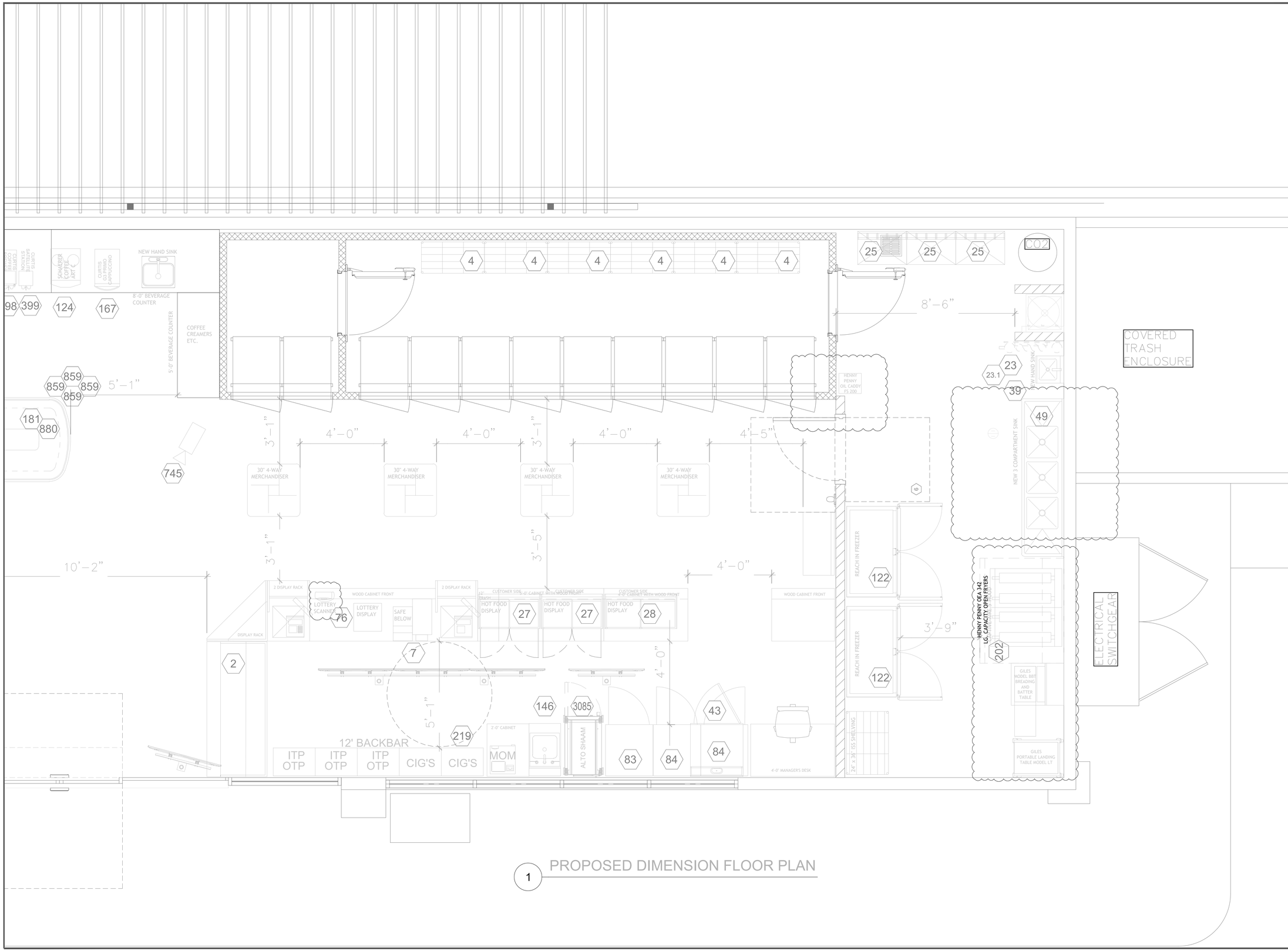
		Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
1.	If any of conditions are found to be disregarded, the use permit will be subject to revocation and the business subject to potential closure. If necessary, the Planning Commission may modify or may recommend to the City Council revoking the use permit after making applicable findings.	On-Going	Police/ Community Development	
2.	The proposed use shall be operated in a manner consistent with the statement of operations dated 03/01/2023 and in a manner which is consistent with all federal, state & local laws.	On-Going	Police/ Community Development	
3.	The Applicant 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 or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	On-Going	Community Development	
4.	There shall be no sale of alcohol for on-site consumption.	On-Going	Police/ Community Development	
5.	A sign concerning the California Law Prohibiting Minors to Drink Alcohol and a sign prohibiting loitering or public drinking must be posted inside the establishment in clear public view to the satisfaction of the City of Pinole Police Department.	On-Going	Police/ Community Development	
6.	A copy of the conditions of approval will need to be kept on premises and available upon request.	On-Going	Police/ Community Development	
7.	All staff within 90 days of employment receive “responsible beverage service training.” Applicant shall include these training details as part of the “complaint response/community relations.”	On-Going	Police/ Community Development	

		Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
8.	Proposed modification of the hours or other aspects of the business shall be submitted for review and approval by staff. Staff will determine if changes are substantial and require further review by the Planning Commission.	On-Going	Community Development	
9.	The surrounding area shall be maintained in a clean and orderly manner at all times. Landscaping material shall be regularly maintained around the site so that it cannot be used as a hiding place. On-site lighting shall be maintained in good working condition at all times.	On-Going	Community Development	
10.	Applicant shall obtain the applicable State Alcohol Beverage Control license and no alcohol shall be sold for on-site consumption. A copy of the license shall be submitted to the Community Development and Police Departments prior to commencement of alcohol sales.	On-Going	Police/ Community Development	
11.	The operating hours of the Shell Station shall be 24 hours a day with the selling of beer and wine from 6:00am to 2:00 am.	On-Going	Police/ Community Development	
12.	If the operation of the use results in conflicts pertaining to parking, noise, nuisance, traffic, or other impacts, at the discretion of staff, the use permit may be referred to the Planning Commission for subsequent review at a public hearing. Subsequent review may result in modification of conditions of approval or revocation of the use permit.	On-Going	Police/ Community Development	
13.	If use permit conditions are not adhered to, the use permit is subject to subsequent review by the Planning Commission Action by the review body may include but are not limited to imposing corrective action for the project to adhere to conditions, modifications to conditions, or revocation of the permit after giving 10-day notice following a public hearing.	On-Going	Police/ Community Development	
14.	Establish and maintain a “complaint response/community relations” program with the Police Department.	On-Going	Police	

		Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
15.	The sale of liquor in the store shall be limited to no more than two hundred (200) linear feet of display, which shall include the use of multi-tiered shelving not to exceed thirty-six (36) inches in depth.	On-Going	Community Development	
16	Beer, malt beverages, and wine coolers in container of sixteen (16) ounces or less cannot be sold as single items, but must instead be sold in manufacturer prepackaged multi-unit quantities.	Ongoing	Community Development	
17	There shall be no sales of beers, ales or wines that have screw tops in bottles less than three hundred and seventy-five (375) milliliters, unless sold in manufacturer prepackaged multi-unit quantities.	Ongoing	Community Development	
18	No sale of alcohol is allowed for on-site consumption.	Ongoing	Community Development	
19	Trash receptacles shall be located at convenient locations outside the establishment, and operators of the business shall remove all trash on a daily basis.	Ongoing	Community Development	
20	The applicant shall be responsible for maintaining free of litter that area in front of and adjacent to the premises over which they have control.	Ongoing	Community Development	
21	No signs advertising the sale of alcoholic beverages shall be displayed outside of the store.	Ongoing	Community Development	
22	Licensee of its employees shall regularly police the area under the licensee's control to prevent the loitering of persons about the premises.	Ongoing	Community Development	
23	If any of these conditions are found to be disregarded, the use permit for alcohol sales will be subject to revocation. If necessary, the Planning Commission may modify the use permit or may revoke the use permit after holding a noticed public hearing and making applicable findings.	Ongoing	Community Development	

		Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
24	The Applicant shall establish and maintain a “complaint response/community relations” program with the Police Department or similar method to assure cooperation with the Police Department.	Ongoing	Community Development	
25	Pay telephones on the site of the establishment, when applicable, must be of the type that only allow outgoing calls.	Ongoing	Community Development	
26	In establishments with glass storefronts, windows shall allow for unobstructed interior viewing of the cash register area from the street.	Ongoing	Community Development	
27	All employees shall receive “responsible beverage service training,” and any employee on duty between 10:00 p.m. and 2:00 a.m. will be at least twenty-one (21) years of age, and documentation of this training shall be retained on the premises and made available upon request.	Ongoing	Community Development	
28	Make attempts to limit alcohol related problems which negatively impact those living or working in the neighborhood.	Ongoing	Community Development	

Attachment B



1 PROPOSED DIMENSION FLOOR PLAN

ANABI

1450 N. Benson Ave.,
Upland, CA 91786 USA
www.anabioil.com - (909) 394-4728

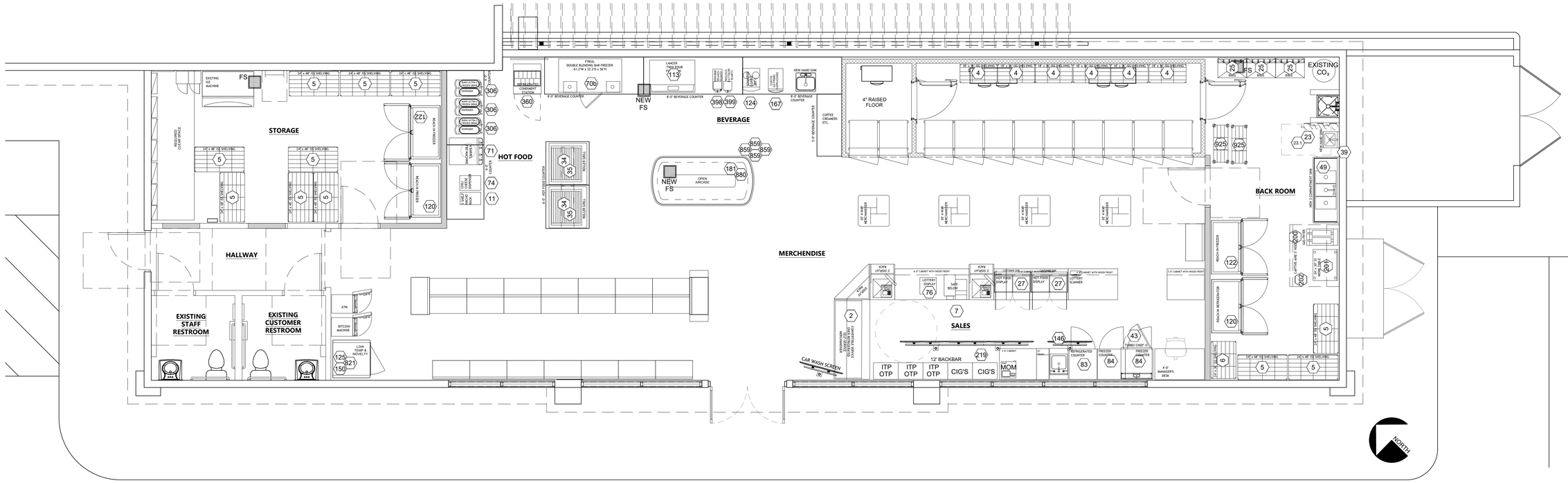
PAGE:	A1.0	SCALE:	1/2" = 1'-0"
DESIGNER:	DV	DATE:	10-24-2022
REVISION #:	09	STORE #:	378

PROJECT FILE NAME: REBEL EXTERIOR COLOR ELEVATIONS

PROJECT ADDRESS: 1401 FITZGERALD PINOLA, CA

SEAL

PL23-0035 CYCLE 1 REVIEW



Rebel Store #		378	Address	1401 FITZGERALD, PINONE, CA
ITEM	QTY	SUPPLIER	PART NUMBER	DESCRIPTION
1		Vendo (Sadden)	RSC6RA014	6' Vendo Open face craft beer cooler
1A		Heatcraft Bohn	BCH0020MBACZA0000	RSC6 Sanden Vendo Remote Condenser
1B		Sanden Vendo America Inc		RSC, Refrigeration Line Set 50' (3/8" / 3/4")
2	1	Federal	SSRC7752	Convertible Service over refrigerated Self-Service specialty merchandiser. 77" x 34" x 52" (Self Contained with condensate Pan)
3		SPG Storage Products Group	1848E	ISS Shelving and Posts 18" x 48"
4	6	SPG Storage Products Group	1836E	ISS Shelving and Posts 18" x 36"
5	11	SPG Storage Products Group	2448E	ISS Shelving and Posts 24" x 48"
6	1	SPG Storage Products Group	2436E	ISS Shelving and Posts 24"x 36"
7	1	Tidel	Gen4-Dual XL	Series 4 Tube Vend XL Cassettes Safe.
10		Summerset	SDP-850	Duel Heat Pizza Press
11	1	Merchandising Systems Inc	NAC3T	3 Shelf Nacho Counter Rack
14		Turbo Air	TIOM-36RSB-N	Refrigerated Island display case
23	1	Ecolab Inc.	TO-10	Filter Cartridges 92213684 / Service Provider - TO10
23.1	1	Ecolab Inc.	TO-10S	Filter Cartridges 92213688 / Service Provider - TO10S
25	3	Lancer Corporation	85-1803-020401A	10 Box, 10 Pump 2 Wide Bib Rack
27	2	Vendo (Sadden)	HFDC00003	Hot Food Display case (HFD) impulse Series
34	2	Star	30SC	Grill-Max Roller Grills
35	2	Star	SS30BBC	Grill-Max Bun Drawer
39	1	John Boos	PBHS-W-1410-1-X	Pro-Bowl Hand Sink with T&S Brass and Bronze works Model B-1115-132X ADA compliant Faucet
42		KTI Klinger's Trading Inc.	ECS1DR	1 Compartment Heavy Duty Stainless Steel sink with drainboard
43	1	TurboChef	I3	TurboChef Oven
44		HoshiZaki	CR60A	60: Low-Profile Refrigerated Chef Base
49	1	Mixrite	MRSA-3-D	3 Compartment Sink with Fisher Model 34398 faucet
50		John Boos	PBMS2016-6-X	Pro-Bowl Stainless Steel Mop sink
51		Ice-O-Matic	GEM0650R	Ice-O-Matic Nugget Ice Maker
52		Ice-O-Matic	B55PS	Ice-O-Matic Ice Bin
53		Ice-O-Matic	CIM0530HR	Ice-O-Matic Elevation services cube ice maker with TCA-1001 Remote condenser
54		Xlerator	XL-SB	Xlerator Hand Dryer Stainless Steel finish.
58		Koala Kare Products	KB200-11	KB200 Horizontal Wall mounted baby changing station
60		Atosa USA Inc.	MBF8501GR	Bottom Mount Reach-in Freezer 1 Door Freezer
61		Atosa USA Inc.	MBF8503GR	Bottom Mount Reach-in Freezer 2 Door Freezer
62		Atosa USA Inc.	MBF8504	Bottom Mount Reach-in Freezer 3 Door Freezer
65		Amana	RCS10TS	Commercial 1000 watt microwave
70a		Freal	Blending Bar Freezer	Freal Self-Service Blending Bar Freezer 45.5"w x 32.2"d x 56"h
70b	1	Freal	Double Blending Bar Freezer	Freal Self-Service Double Blending Bar Freezer 61.2"w x 32.2"d x 56"h
70c		Freal	Mini Blending Bar Freezer	Freal Self-Service Mini Blending Bar Freezer 33.5"w x 32.2"d x 56"h
71	1	Frozen Beverage Dispensers FBD	774	FBD Model 774 4 barrel frozen beverage dispenser
74	1	Star Manufacturing Int'L Inc	HPD2-120V	Chili Cheese Dispenser - 8mhpde2-120v Peristaltic Dispenser, Accy Kit 8mhpd2-711-P-K
76	1	Take A Ticket Inc	ICM(I) 32	32 Game Lottery Ticket Unit
82		Turbo Air Inc	EF19-1-N	One Door 6' tall Solid Door Freezer
83	1	Turbo Air Inc	MUF-28-711S-ADA	Freezer Counter, Work Top, One Section, 27" Wide, 7.0 Cubic Feet, Ada Model, Sneezeguard, 1 Yr Warranty
84	2	Turbo Air Inc	MUR-28-N-1C-711S	Refrigerated Counter, Work Top, Left Hinge, One Section, 27" Wide, 7.0 Cubic Feet, Ada Model, Sneezeguard - All Stainless Exterior, 1 Yr Warranty

113	1	Lancer	4900	Twin Pour 44 fountain
120	2	Turbo Air Inc	M3F47-2	Reach-In Freezer,Two-Section,54" Wide, 47 Cubic Feet - All Stainless Exterior - 18 Months Warranty
121		Turbo Air Inc	TGM-48R[B]-N	Sliding glass door merchandiser.
122	2	Turbo Air Inc	TSR-49SD-N6	Reach-In Refrigerator,Two-Section,54" Wide, 47 Cubic Feet - All Stainless Exterior - 18 Months Warranty
124	1	Schaerer	040381-00051EUS	Schaerer Coffee Art C
125	1	Zero Zone Inc	1478254	1-Door Remote Freezer W/ Black Doors
144		Leer Inc.	L040SASE	1 Door Outdoor Ice Merchandiser Model 40 Slant
145		Leer Inc.	L060SASE	2 Door Outdoor Ice Merchandiser Model 60 Slant
146	1	Royston	60079088-004	counter, sink, 34H, cab-18x29 door, top-flat stainless steel 18x30, sink-15x15, 12x16x12 splash guard, legs; gunmetal gray
150	1	Heatcraft Bohn	BZT006L6BF	Outdoor Condenser (Use With #125, 1-Door Low Temp)
167	1	Curtis	PCGT3	G3 Primo Cappuccino Dispensing Systems 3 station Dispenser
176		Lancer Corporation	320	Select Tea TST Touchscreen Tower
181	1	Structural Concepts (Oasis)	Bzt030m6b	Bzt030m6b 208-230/1/60 Scroll 3hp Outdoor Condensing Unit, R404a, Non- Beacon, Without Low Ambient Kit, With 5 Years P&L
200	1	Motak	MGF3	Gas Fryer - Floor Model
201	1	BlendPort	BPT-2430FL	24" x 30" Stainless Steel Kitchen work table
202	1	CaptiveAire Systems Inc.	4212SND-2-5'	SND-2 Series type I sloped wall canopy hood
219	1	Shopco USA		12 ft Tobacco Fixture
306	3	Bunn	34000.0079	Frazil bunn Ultra-2 Frozen Beverage
360	1	Turbo Air Inc	MST-28-711S-ADA	Refrigerated Condiment Station, One Section, 27" Wide, 7.3 Cubic Feet, Sneezeguard, Ada Model - 1 Yr Warranty
398	1	Curtis	GEMSIF10A1000	Intellifresh Coffee Brewing Systems
399	1	Curtis	GEM3IF (Satellite)	Intellifresh Coffee Brewing Systems Satellite Station
600	1	T&S Brass and Bronze Works, Inc.	MPY-8WCN-08-CR	EasyInstall Pre-Rinse Unit: 8" Wall Mount Faucet, Add-On faucet w/ 8" swing nozzel, Cerama Cartridges, Compact Spring & Flex Hose, B-0107-C Spray Valve, & 6" wall bracket & Club Handles
651		Vendo (Sadden)	RSC3RA007	Type II Air Cooler 3' Display Case (Black/Black) (Center Only. No Side Panels)
652		Vendo (Sadden)	RSC4RA011	Type II Air Cooler 4' Display Case (Black/Black) (Center Only. No Side Panels)
653		Vendo (Sadden)	RSC6RA011	Type II Air Cooler 6' Display Case (Black/Black) (Center Only. No Side Panels)
745		Tyco Integrated Security LLC		Security System for stores that sell gasoline
821	1	Zero Zone Inc	70-0585-01P2 (PLUS SIDES)	20 1/4" Shroud For 1rmzc30im
839		Intermetro Industries Corp	7114244	Vault 24"X48" Shelving Unit 4 Tier - Metroseal
840		Lancer Corporation	35ITF8C3G3	3 X 5, Top Mount, 7 Pump Rack
859	4	Adco Industries/American Distributing Company	09980	Check Temp: St-2 Temperature Checking Device (Solar-Powered Thermometer)
868		Royston CO2 Cabinet		Exterior CO2 enclosure
880	1	Structural Concepts (Oasis)	Fsi863r	Refrigerated Self-service Island 120/1/60 Remote Cid Case With Type Ii Refrigeration, 99 3/4"L X 48"D X 63"H, For Use W/ Remote R404a Refrigeration, 1 Year P&L Warranty
911		Intermetro Industries Corp	711DCC5B	60" Metro Workstation - DCC Work Station Click and Collect - 30 x 60 x 74
925	2	Intermetro Industries Corp	711RC143CH	COS Replenishment Cart - 16"D x 38"W x 60"H, 5 shelves, 6 bins

REBEL 0378 - 1401 FITZGERALD, PINOLE, CA - LAYOUT 7 - EF SHEET

10/27/21

SCALE: 1/4"=1'-0"

APPROVED: YES ☒ NO ☐
12/07/21

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www.anabioil.com

Rev. #	Date	Description
1	12/07/21	LAYOUT 7 APPROVED
2	12/14/21	EF SHEET

MARX | OKUBO
Marx|Okubo Associates, Inc.
790 Colorado Boulevard | Suite 250 | Pasadena, CA 91101
P: 626.792.6842 MarxOkubo.com

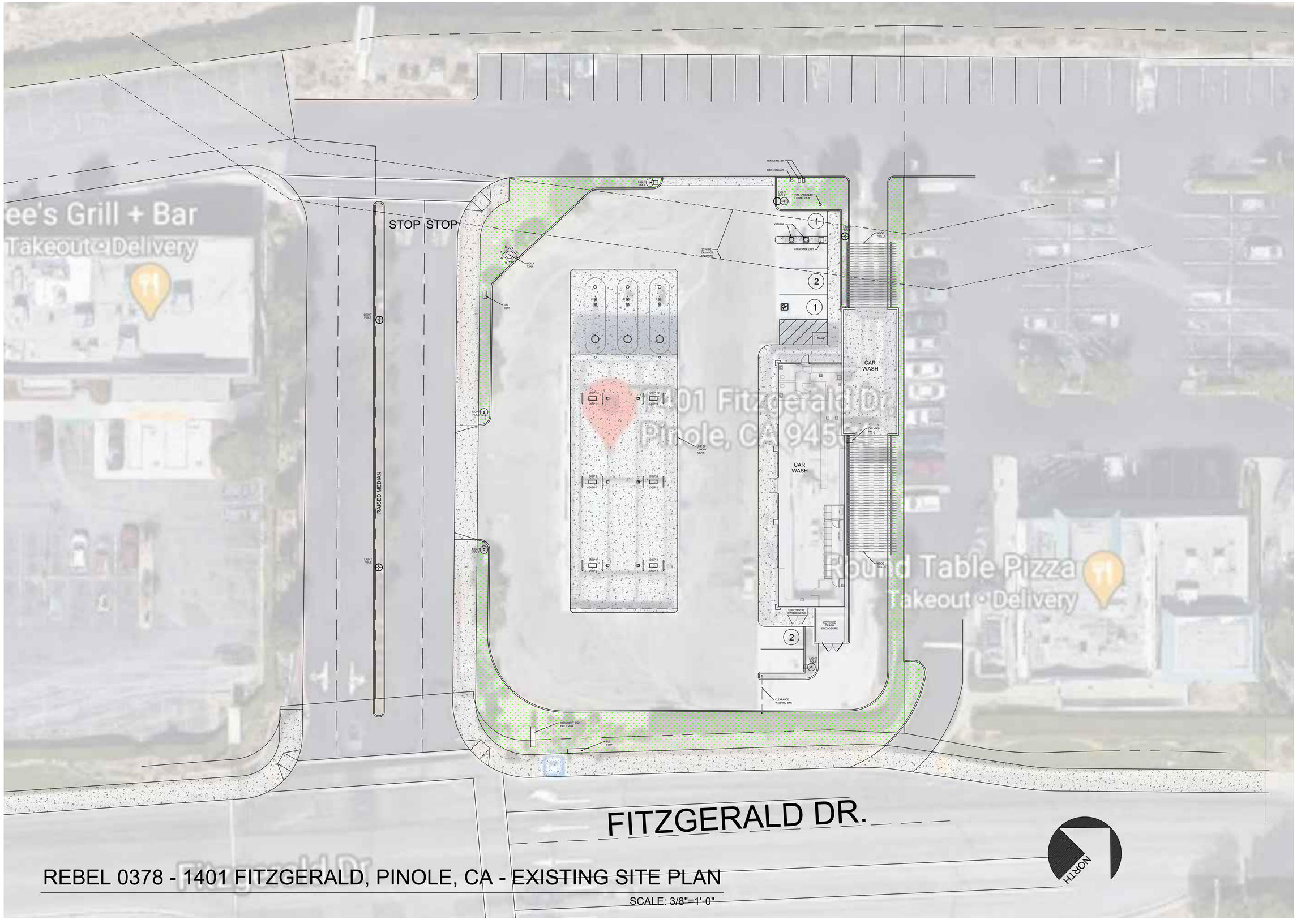
ANABI OIL
REBEL 0378
1401 FITZGERALD
PINOLE, CA
STORE LAYOUT

Job#: 20-5015
Scale: AS NOTED
Date:
Drawn By: JPD
Checked By: JPD

PRELIMINARY DRAWINGS
DESIGN DEVELOPMENT
NOT FOR CONSTRUCTION

SHEET:

PL23-0035 CYCLE 1 REVIEW



REBEL 0378 - 1401 FITZGERALD, PINOLE, CA - EXISTING SITE PLAN

SCALE: 3/8"=1'-0"

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REBEL 0378
1401 FITZGERALD
PINOLE, CA

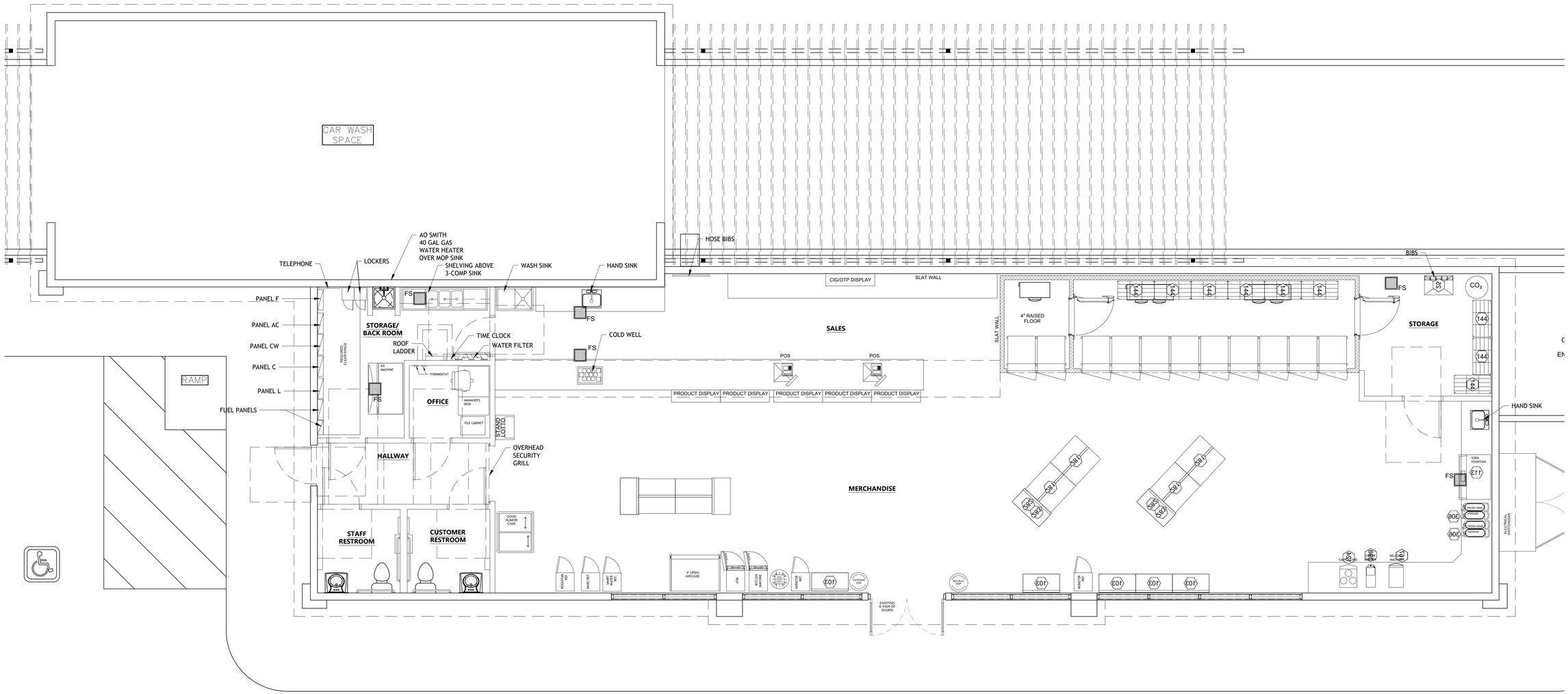
EXISTING SITE PLAN

Job#:	20-5015
Scale:	AS NOTED
Date:	05/17/21
Drawn By:	JPD
Checked By:	JPD

PRELIMINARY DRAWINGS
NOT FOR CONSTRUCTION

SHEET:
A-1

PL23-0035 CYCLE 1 REVIEW



REBEL 0378 - 1401 FITZGERALD, PINOLE, CA - EXISTING FLOOR PLAN

SCALE: 1/4"=1'-0"

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REBEL 0378
1401 FITZGERALD
PINOLE, CA

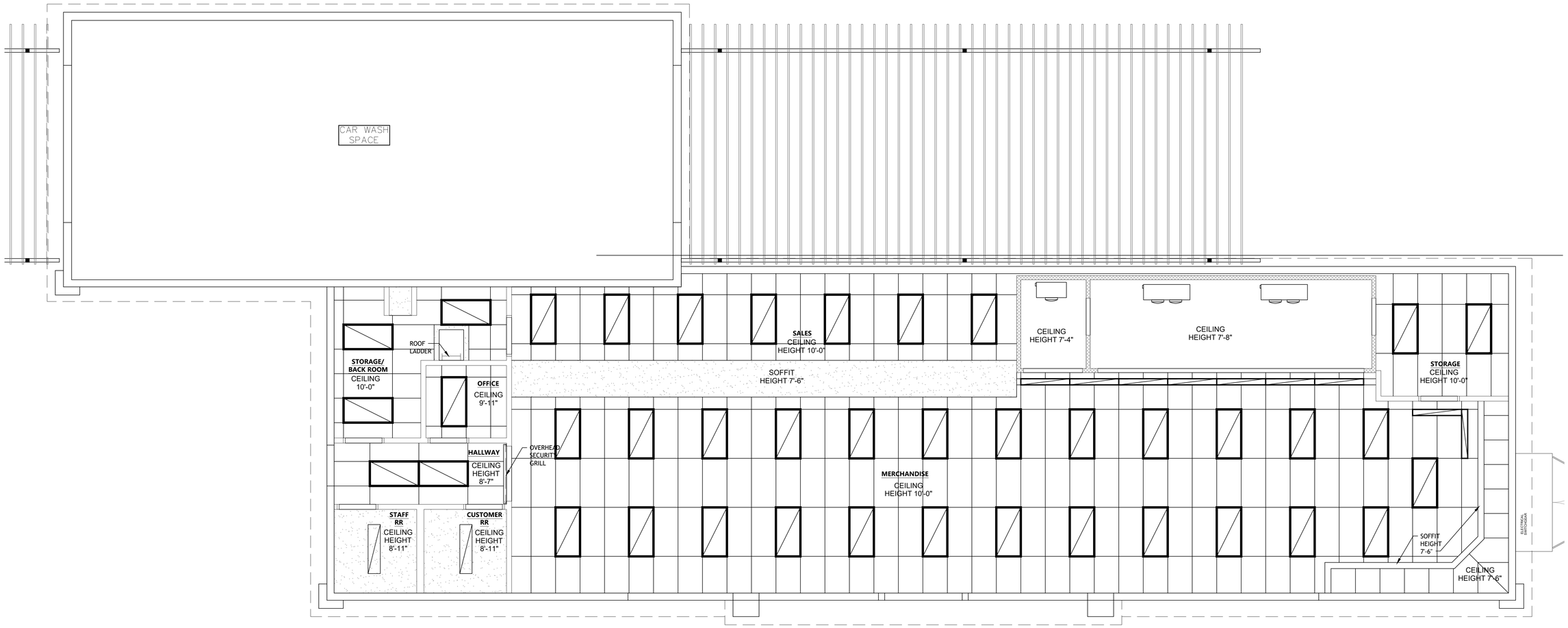
EXISTING FLOOR PLAN

Job#:	20-5015
Scale:	AS NOTED
Date:	05/17/21
Drawn By:	JPD
Checked By:	JPD

PRELIMINARY DRAWINGS
FOR DESIGN REVIEW
NOT FOR CONSTRUCTION

SHEET:
A-2

PL23-0035 CYCLE 1 REVIEW



REBEL 0378 - 1401 FITZGERALD, PINOLE, CA - CEILING PLAN

SCALE: 1/4"=1'-0"

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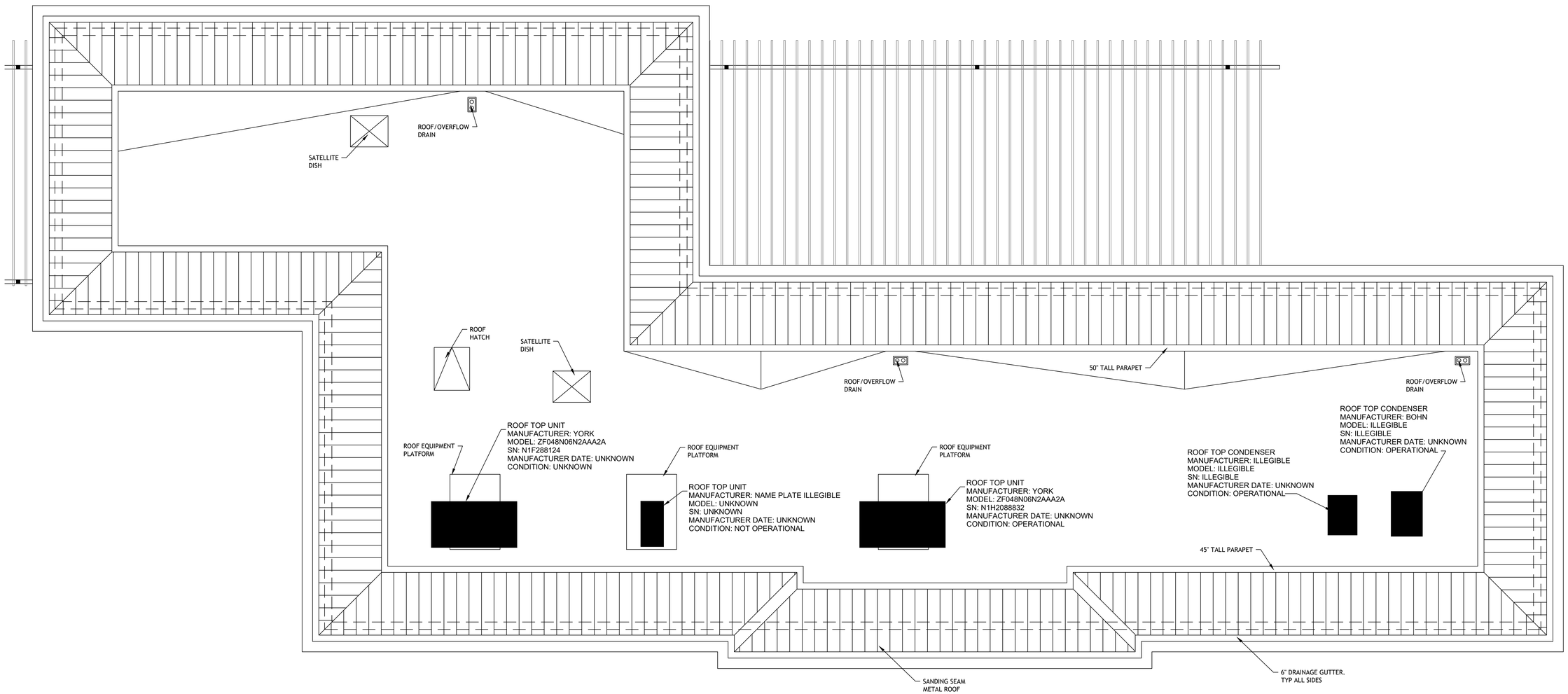
ANABI OIL
REBEL 0378
1401 FITZGERALD
PINOLE, CA
EXISTING CEILING PLAN

PL23-0035 CYCLE 1 REVIEW

Job#:	20-5015
Scale:	AS NOTED
Date:	05/17/21
Drawn By:	JPD
Checked By:	JPD

PRELIMINARY DRAWINGS
NOT FOR CONSTRUCTION

SHEET:
A-3



REBEL 0378 - 1401 FITZGERALD, PINOLE, CA - EXISTING ROOF PLAN

SCALE: 1/4"=1'-0"

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PL23-0035 CYCLE 1 REVIEW

ANABI OIL
REBEL 0378
1401 FITZGERALD
PINOLE, CA
EXISTING ROOF PLAN

Job#:	20-5015
Scale:	AS NOTED
Date:	05/17/21
Drawn By:	JPD
Checked By:	JPD

PRELIMINARY DRAWINGS
PRELIMINARY DRAWINGS NOT FOR CONSTRUCTION

SHEET:
A-4

ITEM G1

2024 Planning Commission Regular Meeting Schedule

MONTH	DATE	TIME
January	**Monday, 1/8/24**	7:00 PM
January	**Monday, 1/22/24**	7:00 PM
February	**Monday, 2/12/24**	7:00 PM
February	**Monday, 2/26/24**	7:00 PM
March	**Monday, 3/11/24**	7:00 PM
March	**Monday, 3/25/24**	7:00 PM
April	**Monday, 4/8/24**	7:00 PM
April	**Monday, 4/22/24**	7:00 PM
May	**Monday, 5/13/24**	7:00 PM
June	**Monday, 6/10/24**	7:00 PM
June	**Monday, 6/24/24**	7:00 PM
July	**Monday 7/8/24**	7:00 pm
July	**Monday, 7/22/24**	7:00 PM
August	**Monday 8/12/24**	7:00 PM
August	**Monday, 8/26/24**	7:00 PM
September	**Monday 9/9/24**	7:00 PM
September	**Monday 9/23/24**	7:00 PM
October	**Monday, 10/28/24**	7:00 PM
November	**Monday 11/25/24**	7:00 PM
December	**Monday, 12/9/24**	7:00 PM
	TOTAL MEETINGS: 20	