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**MINUTES OF THE REGULAR
PINOLE PLANNING COMMISSION**

May 27, 2020

**DUE TO THE STATE OF CALIFORNIA'S DECLARATION OF EMERGENCY – THIS
MEETING WAS HELD PURSUANT TO AUTHORIZATION FROM GOVERNOR
NEWSOM'S EXECUTIVE ORDERS – CITY COUNCIL AND COMMISSION MEETINGS
ARE NO LONGER OPEN TO IN-PERSON ATTENDANCE. THE MEETING WAS HELD
VIA ZOOM TELECONFERENCE.**

A. CALL TO ORDER: 7:03 P.M.

B. PLEDGE OF ALLEGIANCE AND ROLL CALL

Commissioners Present: Flashman, Kurrent, Moriarty, Murphy, Ojeda, Wong,
Chair Brooks

Commissioners Absent: None

Staff Present: Tamara Miller, Development Services Director/
City Engineer
David Hanham, Planning Manager
Alex Mog, Assistant City Attorney
Justin Shiu, Contract Planner

C. CITIZENS TO BE HEARD

The following speaker submitted written comments via email that were read into
the record and would be filed with the agenda packet for this meeting: ***Irma
Ruport.***

D. CONSENT CALENDAR

1. Planning Commission Meeting Minutes from February 24, 2020

MOTION to adopt the Planning Commission Meeting Minutes from February 24,
2020, as submitted.

MOTION: Kurrent

SECONDED: Moriarty

**APPROVED: 6-0-1
ABSTAIN: Flashman**

E. PUBLIC HEARINGS:

1 **1. Pinole Square (Appian 80) Shopping Center – Design Review DR-17-23,**
2 **Conditional Use Permit CUP 17-12, 17-13, 17-14, 17-15, 17-16, 17-17, 17-**
3 **18, 20-01, 20-02; Variance VAR 20-01, 20-02; Specific Plan Amendment**
4 **SPA 20-01**

5
6 **Request:** Consideration of design review and conditional use permit,
7 variance, and specific plan amendment requests to make
8 modifications to the Appian 80 Shopping Center at 1201-1577
9 Tara Hills Drive in the CMU District. The project includes 1)
10 demolition of the existing building housing the Safeway and
11 CVS building, the car wash building, the antique restoration
12 building, and a portion of the existing building housing the
13 former O'Reilly Wheel Works and Pizza Hut; 2) construction of
14 new structures, including, but not limited to, a Safeway fuel
15 station and associated kiosk, a drive-through restaurant, a
16 causal sit-down restaurant, and a new building for the Safeway
17 grocery store and other shops; and 3) no change to the two
18 existing pad buildings, which include the dry cleaner/fitness/
19 restaurant/vacant space and the China Delight restaurant,
20 located on the eastern portion of the site.

21
22 **Applicant:** Eric Price
23 Lowney Architecture
24 360 17th Street
25 Oakland, CA 94612

26
27 **Location:** 1201-1577 Tara Hills Drive (APN: 402-282-002, 06, 07, 08, 09,
28 10, 14 and 19)

29
30 **Planner:** David Hanham

31
32 Planning Manager David Hanham provided a PowerPoint presentation for the Pinole
33 Square (Appian 80) Shopping Center project as outlined in depth in the May 27, 2020
34 staff report. The Planning Commission was asked to take the following actions:

- 35
36 • Adopt Resolution 20-02, recommending approval to the City Council of a
37 Mitigated Negative Declaration and accompanying Mitigation Monitoring
38 Reporting Program for the Pinole Square Shopping Center.
39
40 • Adopt Resolution 20-03, recommending approval to the City Council for a
41 SPA 20-01 allowing a fuel station in the CMU zone district within the Appian
42 Way Corridor.
43
44 • Adopt Resolution 20-04, recommending approval to the City Council of the
45 design review request (DR 17-23) for development of the Pinole Square

1 Shopping Center including four new commercial buildings.

- 2
- 3 • Adopt Resolution 20-05, recommending approval to the City Council of
- 4 conditional use permit (CUP 17-14) for the Pinole Square Shopping Center
- 5 Pylon Sign.
- 6
- 7 • Adopt Resolution 20-06, recommending approval to the City Council for a
- 8 Public Convenience Necessity for conditional use permit 20-01 for alcohol
- 9 sales Safeway Kiosk.
- 10
- 11 • Adopt Resolution 20-07, recommending approval to the City Council of
- 12 conditional use permits (CUP 17-15, 17-17, and 17-18) allowing outdoor
- 13 dining for Shops 4-10 and Shop 1, outdoor merchandise sales for Safeway.
- 14
- 15 • Adopt Resolution 20-08, recommending approval to the City Council of
- 16 variances (VAR 20-01 and 20-02) allowing a wood fence and allowing the
- 17 Safeway Fuel Station proximity to the Chevron Station.
- 18
- 19 • Adopt Resolution 20-09, recommending approval to the City Council of
- 20 conditional use permits (CUPs 17-16 and 20-02) allowing a Commercial Pad
- 21 (Drive Through) and reduced parking.
- 22
- 23 • Adopt Resolution 20-10, recommending approval to the City Council of
- 24 conditional use permits (CUP 17-13 and 20-01) for the addition of alcohol
- 25 sales at the Safeway Store and Kiosk; and
- 26
- 27 • Adopt Resolution 20-11, recommending approval to the City Council of a
- 28 conditional use permit (CUP 17-12) for the approval of a new Safeway Fuel
- 29 Station Kiosk and Canopy.
- 30

31 Responding to questions from the Commission, Mr. Hanham clarified the following:

- 32
- 33 • The site layout and entrances into the project site.
- 34
- 35 • The Western Contra Costa County Transit (WestCAT) bus turnout lane on
- 36 Plan C.2.1, Horizontal Control Plan, as part of Attachment A, Project Plans
- 37 and Project Description.
- 38
- 39 • The area on the site plan identified as Shop 16E, which was underutilized and
- 40 may allow for residential development on the eastern edge of the property. If
- 41 a residential project were to be defined in that area any application would be
- 42 reviewed if and when submitted, and would use the same access points in/out
- 43 of the property (shared access in/out of the parking lot) as the center.
- 44 • Parking needs as part of any future residential application would have to be
- 45 analyzed at that time and any residential development would be High Density

1 between 20 to 30 units to the acre.

- 2
- 3 • A Transportation Demand Management (TDM) program would be required as
- 4 a condition of approval and the applicant would be required to enter into an
- 5 agreement with the City to provide a car share spot in perpetuity for the
- 6 project.
- 7
- 8 • Six to seven parking spaces between Row 6 may accommodate electrical
- 9 vehicle (EV) charging stations.
- 10
- 11 • The proposed pylon sign for the Pinole Square Shopping Center was within
- 12 the purview of the Planning Commission. Staff would inspect the sign to
- 13 ensure it met the approved parameters in terms of size, square footage, and
- 14 appearance as part of the City's due diligence during the construction of the
- 15 project. The applicant's design package had described the signage for the
- 16 stores for the individual spaces which staff would verify once under
- 17 construction. If there were any issues with those signs they could be brought
- 18 forward to the Planning Commission as part of the design review process.
- 19 The pylon sign included additional display (illuminated signage) and Pinole's
- 20 Sign Code allowed for illumination. The height of the pylon sign had been
- 21 proposed at 75 feet. The Sign Code allowed a sign up to 60 feet in height;
- 22 however, with an approved CUP the sign was permitted to be as high as 75
- 23 feet on the freeway side.
- 24
- 25 • The nearby Chevron Station would be within 500 feet of the Safeway gas
- 26 station kiosk but on the opposite side of the intersection of Appian Way and
- 27 Tara Hills Drive, with the Safeway kiosk to serve the Tara Hills Drive area.
- 28 The Safeway kiosk would not be separate and would be part of Safeway. In
- 29 the event the kiosk was not approved, everything associated with the kiosk
- 30 would be eliminated from the project.
- 31
- 32 • Social distancing requirements related to the outdoor dining areas as part of
- 33 Shops 4-10 and Shop 1 would involve a separate requirement from the
- 34 County Health Department apart from the plans presented. Safeway would
- 35 be required to comply with any local or State health orders that may be in
- 36 place.
- 37
- 38 • The circulation around the Safeway fuel stations. Fuel trucks would be able
- 39 to enter through the main entrance, circle around to fuel the pumps, and then
- 40 out. The direction of the fuel pumps were anticipated to be one way, to be
- 41 clarified by the applicant.
- 42
- 43
- 44 • While the Three Corridors Specific Plan and CMU District did not allow for gas
- 45 stations, in this case the gas station would be connected to Safeway, and the

1 applicant had proposed a Specific Plan Amendment (SPA) to only allow the
2 gas station if part of a larger retail center of 50,000 square feet or more. The
3 Planning Commission's decision on the SPA would determine the viability of
4 the other applications (gas station and kiosks). The fuel station would involve
5 only the kiosks and a canopy over the pumps. No car wash had been
6 proposed as part of the project.
7

- 8 • Safeway delivery trucks were anticipated to have the same delivery schedule
9 as the existing Safeway to the rear of the property, to be clarified by the
10 applicant.
11
- 12 • Staff was unaware whether Safeway and the fuel station had been proposed
13 to be open 24 hours/7 days a week, to be clarified by the applicant.
14

15 Mr. Hanham also reported the applicant had requested the following revisions via
16 comments received May 27, 2020:
17

- 18 • Remove reference of Eric Price from all resolutions, to be replaced with
19 *Lowney Architecture on behalf of Hillsboro Properties, Inc.*
20
- 21 • Revise the statement on Page 11 of the staff report that the Joint City Council
22 and Planning Commission Study Session had been held in 2019, not 2017.
23
- 24 • While staff was of the opinion that Finding 4 had been met given the text of
25 the finding on Pages 11 and 12, the applicant requested that the finding not
26 apply.
27
- 28 • Correct the missing third finding in the text on Page 16.
29
- 30 • Add a reference to Attachment N on Page 20.
31
- 32 • With respect to additional Findings for the drive through on Page 25, staff
33 clarified in response to Finding 1 that the drive through did not exit onto a
34 street but entered into the shopping center. In response to Finding 2, with
35 eleven cars stacking as well as an addition of two to three more it would not
36 interfere with access in/out of the center, and based on time frames for the
37 drive throughs would not have an effect on the existing parking lot. When an
38 actual tenant comes in there would be additional approvals for whatever drive-
39 through came through. In response to Finding 3, based on the location,
40 people would be able to access the facility easily from Tara Hills Drive and
41 right in/out, and based on the location staff was of the opinion this finding could
42 be met.
43
- 44 • While the applicant had proposed revised language to Pages 26 and 28, staff
45 was of the opinion the language, as shown, met the intent of the findings in

1 this section.

- 2
- 3 • With respect to Resolution 20-06, recommending approval to the City Council
- 4 for a Public Convenience Necessity for conditional use permit 20-01 for
- 5 alcohol sales Safeway Kiosk, the applicant had requested additional language
- 6 to one of the whereas clauses, although staff was of the opinion the additional
- 7 language was not needed and the existing recital met the intent.
- 8
- 9 • With respect to Resolution 20-03, recommending approval to the City Council
- 10 for a SPA 20-01 allowing a fuel station in the CMU zone district within the
- 11 Appian Way Corridor, eliminate the ninth whereas clause reference to a car
- 12 wash with the CEQA recitals to mirror the language in the other resolutions
- 13 and reliance on the Initial Study/Mitigated Declaration (IS/MND), which would
- 14 be corrected by staff.
- 15
- 16 • With respect to Resolution 20-03, revise the footnote shown on the bottom of
- 17 the table on Page 5, to read: *The service station must be accompanied with*
- 18 *a larger retail establishment with a minimum of 50,000 square feet.*
- 19
- 20 • With respect to Resolution 20-09, recommending approval to the City Council
- 21 of conditional use permits (CUPs 17-16 and 20-02) allowing a Commercial
- 22 Pad (Drive Through) and reduced parking, revise Additional Parking
- 23 Reduction Findings, 4 on Page 2, to read: *The applicant had provided on-site*
- 24 *parking for car share vehicles via a recorded written agreement between the*
- 25 *landowner and the city that runs with the land. Agreement shall provide for*
- 26 *proof of a perpetual agreement with the City to provide at least one (1) car*
- 27 *share vehicle-on-site.*
- 28
- 29 • With respect to Resolution 20-10, recommending approval to the City Council
- 30 of conditional use permits (CUP 17-13 and 20-01) for the addition of alcohol
- 31 sales at the Safeway Store and Kiosk; change the reference on Page 1 from
- 32 Eric Price, Lowney Architecture, to *Safeway* as the Applicant.
- 33
- 34 • With respect to Exhibit A, Conditions of Approval 4, the applicant had
- 35 requested clarification of this condition and staff would clarify the language
- 36 further to make it clear.
- 37

38 In terms of the Environmental Impact Report (EIR) as to whether there had been

39 ample opportunity for public comment even with the COVID-19 pandemic

40 restrictions, Mr. Hanham stated the deadline for the EIR had been April 2, 2020. The

41 EIR had been posted in the City of Pinole, and distributed to all associated agencies

42 including additional agencies that had submitted comments. Staff was of the opinion

43 there had been adequate time for public comment.

44 Two comments had been submitted by Caltrans and the Bay Area Air Quality

45 Management District (BAAQMD).

1
2 As to solar panel requirements, the applicant would be required to comply with all
3 building codes in effect at the time of building permit issuance. In addition, Condition
4 57(E) of Exhibit A for Resolutions 20-04 to 20-11, did not apply to the project and
5 would be eliminated.
6

7 PUBLIC HEARING OPENED
8

9 TODD GREEN, Vice President, Hillsboro Properties, Inc., San Mateo, explained that
10 the Appian 80 Shopping Center had been family-owned since 1964. The intent had
11 been to reinvigorate and redevelop the shopping center, with a Safeway with a 60-
12 year horizon to anchor the center and enhance the shopping experience for
13 neighbors and regional shoppers. The project involved a major upgrade and
14 rebranding into a state-of-the-art regional shopping center, maximizing the site retail
15 potential and creating the new center as a gateway into Pinole generating much
16 needed sales tax revenue for the community.
17

18 ERIC PRICE, Lowney Architecture, 360 17th Street, Oakland, provided a PowerPoint
19 presentation with an overview of the site plan, improvements to parking, plantings
20 and accessibility. The project would include 10 percent more building area, improved
21 quality, the texture of the buildings to be more contemporary and modern and with
22 improved parking at 90 degrees making it easier to navigate and pull out of the
23 parking stalls, along with improving pedestrian and vehicle circulation. The three
24 pedestrian connections from Tara Hills Drive would pull people into the site and help
25 circulation throughout. Other improvements included on-site storm water
26 management through bio-swales and bio-planters to assist with water quality.
27

28 The project was large enough to be phased, with the western half to be built first,
29 including the site improvements to limit the time the Safeway Store was down, and
30 once that was constructed the eastern half would continue to be built. There would
31 be substantial improvements in plants and trees with a variation in the plant palette.
32

33 Mr. Price described the layout of the center and explained that the promenade plan
34 stretched from the front of Safeway with seasonal outdoor merchandise and outdoor
35 seating in front of the shops and the junior anchor and would provide places for
36 people to linger. The promenade area would be 30 feet deep providing plenty of area
37 for people to sit and comply with future social distancing, if required. Seats walls
38 would be provided and randomly placed boulders would also allow for sitting and
39 areas for children to play. At the same time, as much landscaping as possible would
40 be introduced to buffer the main drive aisle and in the outdoor areas to ensure it was
41 as beautiful as possible.
42

43 The Tara Hills Drive elevation had accommodated a bus turn lane/pocket so when
44 buses stopped it would not impact Tara Hills Drive.
45 Directly to the bus stop was a pathway in front of Shops 2E and 3E and another
46 pathway connecting to the kiosk and to the main driveway. Decorative paving would

1 be provided at each of the vehicular entrances and the sidewalks to calm and slow
2 traffic.

3
4 The fueling station would be enhanced with planting to screen the areas, and the
5 viewing triangles, with right in/out turning movements would be pulled back a bit with
6 the landscaping to ensure visibility.
7

8 Views of the architecture were provided, with a mixture of stone, wood and stucco.
9 The shops buildings had been articulated in a way to appear like a collection of
10 smaller shops, with glass and canopies to cast shadow and interest. The buildings
11 would appear cool and would be an armature for signage for tenant identity. The
12 Safeway building would be designed with the use of glass and natural light evoking
13 classic 50s and 60s Safeway stores. The parking areas would include a lot of trees
14 to beautify the area, with parking lot lights at 25 feet in height and consist of energy
15 efficient luminaires reducing impacts to the environment with no spillover into the
16 neighboring properties. In addition, the pylon sign would be 75 feet in height versus
17 the existing pylon sign at 50 feet high.
18

19 Responding to Commission questions, Messieurs Green and Price advised there were
20 no plans to change the truck deliveries for Safeway. It had been determined that a
21 wood fence barrier on the left side would control any noise. There was also a grade
22 difference of 10 feet along that elevation. A community meeting had been held on
23 the project and the applicants could not recall any concerns with that issue. As to
24 the use of electric vehicle (EV) charging stations, there would be 20 EV stalls
25 scattered throughout the site and the project would comply with any requirements in
26 place at the time of pulling permits. In terms of solar, the project would be required
27 to be built solar-ready but would not be required to install solar panels and solar
28 panels would not be installed.
29

30 There were no plans to remove stairs on Tara Hills which would connect well for the
31 plans for walkability. The pathway in front of Shops 2E and 3E would stretch across
32 the main drive aisle, connect to most of the parking bays and connect back in front
33 of the main drive aisle, with two locations for people to walk between parking stalls
34 and connect back down to the front of Safeway and the front of Shop 9. Bicycle
35 lockers would be located at the backs of the stores intended for long-term bicycle
36 storage for employees who commuted to work, with approximately 40 bike racks
37 across the front of the promenade plaza. The pathways would be delineated through
38 the use of truncated domes and the main areas may be stamped asphalt, with simple
39 color and texture changes at the main points of crossing.
40

41 The fueling stations were part of the extension Safeway wanted to provide its
42 customers as a convenience and revenue generator for the City, and Mr. Green
43 confirmed, when asked, that Safeway wanted the fueling stations.
44

45 The que for the fueling stations would be to the east, pursuant to the site plan, with
46 two cars at the pumps and two cars in the que, which circulation had been reviewed

1 as part of the CEQA documents. There would be eight fueling stations and sixteen
2 pumps and no backup or blockage of the main drive aisle was anticipated. The
3 parking lanes would all be two way.

4
5 The civil plans for the project had detailed the truck route into the site, with the service
6 entrance used for Safeway and the main shops. Trucks would exit at the Tara Hills
7 Drive main entrance. Standard delivery trucks could easily navigate the shopping
8 center and the rear of the shopping center.

9
10 As reported, the project would be constructed in phases estimated to take about a
11 year to 18 months. The extreme northwest corner entrance from Tara Hills Drive had
12 been identified as one of the truck entry routes and the existing width of the two-way
13 driveway was 26 feet wide. New trees would be planted immediately west of the
14 Safeway building, consisting of 24-inch box trees, to stop at the top edge of the north
15 edge of Safeway. Storm water treatment would be required for the project to be
16 strategically located in areas that made sense, particularly downhill, with many of the
17 existing screening trees at 40 to 50 feet in height to remain in place.

18
19 The junior anchor and fast food restaurant had not yet been identified, Pizza Hut
20 would be eliminated, and the façade of the Bank of America building would be
21 improved. The applicants also clarified the square footage of the outdoor space for
22 the Shops at College in Claremont in the Rockridge neighborhood of the City of
23 Oakland, facility was about the same size as the proposal for the subject property at
24 3,500 square feet.

25
26 The following speakers submitted written comments via email that were read into the
27 record and would be filed with the agenda packet for this meeting: **Daniel Allen,**
28 **Rafael Menis, J. Vossbrink, Jim, Neighbors and Friends, and Citizens for a**
29 **Better Pinole.**

30
31 Responding to public comment read into the record, Mr. Hanham clarified the
32 developer had no plans to erect a sound wall but had applied for a variance for a 7-
33 foot high new wood fence for the entire length of the property. As conditioned, if the
34 wood fence were to fall into disrepair the applicant would be required to erect a
35 decorative wall. Air quality standards were set by the BAAQMD and the property
36 proponents were to mitigate any air quality impacts pursuant to the mitigation
37 measures identified in the environmental documents. The kiosk would typically
38 employ one to two people depending on the availability and store employees tended
39 to keep the facilities clean. The gas pump stations would be located in the northwest
40 portion of the project in between the main aisle way and Shops 1E, 2E and 3E. The
41 gas station was Safeway's standard model as part of the design for Safeway's larger
42 stores. The parking stalls would be designed and consistent with Pinole Municipal
43 Code (PMC) 9 x 18-foot spaces for the 90-degree angled parking spaces. The
44 applicant may install compact parking spaces as well, to be identified on the plans.
45 In terms of the potential for residential development, if in the future a developer
46 proposed to demolish the buildings on 15E or 16E, there was the potential for

1 residential development, which was why the City did not want to lose the High Density
2 Overlay status.

3
4 Mr. Hanham explained that at this time this would be the only gas station associated
5 with the main Safeway store. The kiosk was smaller than most convenience stores.
6 Pinole's Police Chief had submitted written correspondence and had expressed no
7 concerns with the gas station and kiosk, as proposed. Staff had determined the
8 variances could be justified since the gas station and kiosk were attached to the
9 larger retail (Safeway) component. The reason for the SPA was also further clarified,
10 with staff noting the entire project area was under the IS/MND and the SPA was part
11 of the review of the project, with some changes in the language in the resolutions
12 required to ensure consistency with all of the resolutions.

13
14 Mr. Hanham responded to concerns that the Hercules Safeway project would be
15 completed ahead of Pinole's project. As to why the subject project had taken so long
16 to bring forward for consideration by the City of Pinole, there was acknowledgement
17 that staffing issues had been one factor although staff had been working diligently
18 with the applicants to bring the project forward and were almost at the end of the
19 entitlement process.

20
21 Mr. Green also spoke to the staff turnover which he agreed had delayed the project
22 along with unexpected state and local regulations, which had been challenging.
23 Everyone wanted the project to commence as soon as possible.

24
25 TODD PARADIS, Real Estate Manager, Safeway, explained that the fueling stations
26 had been an issue in some communities where there had been difficulties with
27 circulation and stacking. Those stations involved a different design than what had
28 been proposed for the Pinole Square Shopping Center. In this design, there was the
29 ability to stack in eight rows allowing for easy stacking and providing additional draw
30 to the Pinole Safeway store.

31
32 Mr. Paradis commented that most cities had not counted the queuing positions as
33 parking stalls, and in reality with eight dispensers on two sides, there would be
34 sixteen parking stalls as well as the ability to stack another eight vehicles on the
35 outside, equating to having room for 24 vehicles to stack, which still left room for the
36 tanker truck to come in the primary driveway, as shown on the original plans. There
37 would also be fuel ambassadors on-site at times to bring people in to ensure a
38 smooth and safe circulation. Given the design, he did not anticipate vehicles would
39 be stacked and waiting. He acknowledged vehicles may come in on the side of the
40 primary driveway with headlights facing the existing Bank of America building, and
41 vehicles may exit left into the store parking lot or turn right leaving the shopping center
42 entirely. In terms of the delivery truck circulation, the trucks already came in from the
43 service driveway along the side, pulled into the rear and into the loading dock, and
44 exited out the front.

45 As to the hours of operation, Mr. Paradis could not state at this time the Safeway
46 store and fueling stations would be open 24/7 since the store currently closed at

1 10:00 P.M. and opened at 6:00 A.M. Safeway sought the ability to provide a 24/7
2 service if it made sense.
3

4 Mr. Paradis did not see that any of those changes would alter existing conditions to
5 the neighborhood and noted that the construction of the Safeway store was not
6 expected for a year pending approval of the required entitlements and City
7 processes.
8

9 Assistant City Attorney Alex Mog noted the lateness of the hour and the City's
10 procedure with respect to public meetings, to end at 11:00 P.M. unless there was a
11 motion to continue the meeting past 11:00 P.M. He encouraged the Commission to
12 move towards acting on the resolutions before them at this time. Alternatively, the
13 item could be continued to a future Planning Commission meeting at the
14 Commission's discretion. He explained that if the Planning Commission desired to
15 extend the meeting beyond 11:00 P.M., a motion must be made to that effect.
16

17 No motion was made at this time.
18

19 PUBLIC HEARING CLOSED 20

21 The Planning Commission discussed the Pinole Square (Appian 80) Shopping
22 Center project and offered the following comments and/or direction to staff:
23

- 24 • Expressed concern with the fueling station and diesel and gas emissions
25 which could be problematic with pedestrian safety, traffic, and air quality; and
26 the potential for future residential development, particularly that the property
27 could become a hazardous/toxic site and as such would like greater
28 information on mitigation measures to address those impacts. Questioned
29 whether or not the project could move forward absent the fueling station and
30 requested more discussion on that possibility. Also requested more
31 information on trash and waste management mitigation measures. (Murphy)
32

33 Mr. Green stated for the record there would be no Safeway store absent the fueling
34 station which he described as a deal breaker.
35

- 36 • Suggested the traffic study had been inadequate and had not considered the
37 specific geometry of right turn lanes onto Appian Way, but was willing to
38 approve the IS/MND and Mitigation Monitoring and Reporting Program
39 (MMRP), with the caveat that a condition be added to design review that a
40 more extensive traffic study be prepared. Also, questioned whether Finding 2,
41 as shown on Page 20 of the May 27, 2020 staff report, was a true statement
42 and recommended it be stricken from the staff report. (Kurrent)
43

44 Mr. Mog recommended as an option that in order to expedite the process the
45 Planning Commission may consider one motion for all of the resolutions, and the

1 Planning Commission may identify and list its concerns with traffic, location of the
2 fuel station and the like, to be forwarded on to the City Council. If there were any
3 concerns with any of the specific resolutions, Mr. Mog stated they could be pulled out
4 for discussion.
5

- 6 • Opposed packaging all of the resolutions into one motion and expressed
7 concern the Planning Commission was being pushed by a member of staff. If
8 that was the direction to be taken he would abstain from voting on the item.
9 Preferred each of the resolutions be considered individually. (Wong)

- 10 • Agreed each of the resolutions be considered individually (Brooks).
11
12

13 While no motion was made or vote taken, Planning Commission consensus
14 (although not unanimous) had been to extend the Planning Commission meeting
15 beyond 11:00 P.M.
16

17 **MOTION** to adopt Resolution 20-02, a Resolution of the Planning Commission of the
18 City of Pinole Recommending that the City Council Approve the Initial
19 Study/Mitigated Declaration and Mitigation Monitoring and Reporting Program for
20 New Development at Pinole Square APN: 402-282-002, 06, 07, 08, 09, 10, 14 and
21 19, subject to Exhibit A, Initial Study/Mitigated Negative Declaration and Mitigation
22 Monitoring and Reporting Program.
23

24 **MOTION: Kurrent**

SECONDED: Moriarty

APPROVED: 6-0-1

ABSTAIN: Wong
25
26

27 **MOTION** to adopt Resolution 20-03, a Resolution of the City of Pinole Planning
28 Commission Recommending that the City Council approve A Three Corridors
29 Specific Plan Amendment Modifying the Appian Way Service Sub-Area Commercial
30 Mixed Use Zone (SPA 18-01), subject to Exhibit A, Specific Plan Amendment.
31

32 **MOTION: Kurrent**

SECONDED: Ojeda

APPROVED: 5-2

NOES: Flashman, Murphy
33
34

35 [Resolutions 20-04 through 20-11 were approved by Roll Call votes]
36

37 Motion by Commissioner Wong, seconded by Commissioner Moriarty to adopt
38 Resolution 20-04. On the motion, Commissioner Kurrent recommended the gas
39 station and drive through locations be swapped to improve traffic flow and circulation,
40 limit truck deliveries to 10:00 P.M. to 7:00 A.M. to minimize noise impacts on
41 residents, install solar panels, and finance traffic studies to evaluate safety and
42 efficiency of Tara Hills Drive/Appian Way shopping center intersections.
43

44 Commissioner Wong accepted the modification to his initial motion.
45

1 **MOTION** to adopt Resolution 20-04, a Resolution of the Planning Commission of the
2 City of Pinole Recommending Approval to the City Council of Design Review to
3 Construct New Commercial Structures and Make Site Modifications in Pinole Square
4 at APN: 402-282-002, 06, 07, 08, 09, 10, 14 and 19, subject to Exhibit A, Conditions
5 of Approval, and subject to the following additional conditions:
6

- 7 • The gas station and drive through locations to be swapped to improve traffic
8 and circulation.
- 9 • Limit truck deliveries to 10:00 P.M. to 7:00 A.M. to minimize noise impacts on
10 residents.
- 11 • Install solar panels.
- 12 • Finance traffic studies to evaluate safety and efficiency of Tara Hills
13 Drive/Appian Way shopping center intersections.
14

15 **MOTION: Wong**

SECONDED: Moriarty

APPROVED: 7-0

16
17 Speaking to Resolution 20-05, Commissioner Kurrent expressed concern whether
18 the gas price display would be allowed on the pylon sign pursuant to the regulations
19 of the City's Sign Ordinance. He recommended a statement be included in any
20 motion that the additional display was not allowed unless permitted by the Pinole
21 Sign Ordinance.
22

23 Development Services Director/City Engineer, Tamara Miller advised the PMC
24 allowed for the digital sign pursuant to Section 17.52.110, Special Sign
25 Requirements.
26

27 **MOTION** to adopt Resolution 20-05, a Resolution of the Planning Commission of the
28 City of Pinole Recommending Approval to the City Council of Use Permits for a 75-
29 Foot Pylon Sign at Pinole Square at APN: 402-282-002, 06, 07, 08, 09, 10, 14 and
30 19, subject to Exhibit :A Conditions of Approval
31

32 **MOTION: Flashman**

SECONDED: Kurrent

APPROVED: 6-1

NOES: Moriarty
34

35 **MOTION** to adopt Resolution 20-06, a Resolution of the Planning Commission of the
36 City of Pinole Recommending Approval to the City Council of a Public Convenience
37 Or Necessity Determination Request to Allow Beer and Wine Sales for Off-Site
38 Consumption for the Safeway Market and the Safeway Fuel Center Kiosk of Pinole
39 Square at APN: 402-282-002, 06, 07, 08, 09, 10, 14 and 19.
40

41 **MOTION: Kurrent**

SECONDED: Moriarty

APPROVED: 7-0
42
43

44 **MOTION** to adopt Resolution 20-07, a Resolution of the Planning Commission of the
45 City of Pinole Recommending Approval to the City Council of Use Permits to Allow

1 for Outdoor Dining and Outdoor Merchandise Sales at Pinole Square at APN: 402-
2 282-002, 06, 07, 08, 09, 10, 14 and 19, subject to Exhibit A: Conditions of Approval.

3
4 **MOTION: Moriarty SECONDED: Murphy APPROVED: 7-0**

5
6 **MOTION** to adopt Resolution 20-08, a Resolution of the Planning Commission of the
7 City of Pinole Recommending Approval to the City Council of a Variance to Allow for
8 a Gas Station Use In Proximity to an Existing Gas Station and for a Wood Fence in
9 Place of a Masonry Wall at Pinole Square at APN: 402-282-002, 06, 07, 08, 09, 10,
10 14 and 19, subject to Exhibit A: Conditions of Approval.

11
12 **MOTION: Kurrent SECONDED: Moriarty FAILED: 2-4-1**
13 **AYES: Kurrent, Ojeda**
14 **NOES: Murphy, Moriarty, Flashman, Brooks**
15 **ABSTAIN: Wong**
16

17 Mr. Mog requested the resolution be modified and rephrased as a recommendation
18 for denial to the City Council.

19
20 Ms. Miller recommended the two action items in the resolution could be split into
21 two separate motions to allow for better clarity to the City Council, and Mr. Mog
22 confirmed that could be done.

23
24 **MOTION** to adopt a Resolution Recommending Approval to the City Council of a
25 Wood Fence in Place of a Masonry Wall at Pinole Square at APN: 402-282-002, 06,
26 07, 08, 09, 10, 14 and 19, subject to Exhibit A: Conditions of Approval.

27
28 **MOTION: Wong SECONDED: Flashman APPROVED: 5-2**
29 **NOES: Moriarty, Brooks**

30
31 Commissioner Moriarty moved to adopt a resolution recommending approval to the
32 City Council of a variance to allow for a gas station use in proximity to an existing gas
33 station at Pinole Square at APN: 402-282-002, 06, 07, 08, 09, 10, 14 and 19, subject
34 to Exhibit A: Conditions of Approval.

35
36 Commissioner Flashman understood the recommendation would be to
37 recommend denial of the variance request to allow for a gas station use in proximity
38 to an existing gas station at Pinole Square, although Mr. Hanham advised the motion
39 would be as stated by the Chair, and as offered by the motion by Commissioner
40 Moriarty. If the motion failed, the Chair should state the recommendation was for
41 denial and staff would change the resolution to show that modification if the majority
42 of the Planning Commission voted in the negative.

43
44
45 *[Please note: The Chair stated the motion and second carried for the following item,*
46 *although there was no audible second to this motion.]*

1
2 **MOTION** to adopt a Resolution Recommending Approval to the City Council of a
3 Variance to Allow for a Gas Station Use In Proximity to an Existing Gas Station at
4 Pinole Square at APN: 402-282-002, 06, 07, 08, 09, 10, 14 and 19, subject to Exhibit
5 A: Conditions of Approval.
6

7 **MOTION:** Moriarty **SECONDED:** **FAILED: 3-2-2**
8 **AYES:** Kurrent, Ojeda, Brooks
9 **NOES:** Flashman, Murphy
10 **ABSTAIN:** Moriarty, Wong
11

12 Mr. Mog advised that a resolution required four affirmative votes to pass. The
13 motion failed and the recommendation should be modified.
14

15 At this time, Commissioner Moriarty changed her vote from an abstention to a yes
16 vote, with the motion to be shown as follows:
17

18 **MOTION** to adopt a Resolution Recommending Approval to the City Council of a
19 Variance to Allow for a Gas Station Use In Proximity to an Existing Gas Station at
20 Pinole Square at APN: 402-282-002, 06, 07, 08, 09, 10, 14 and 19, subject to Exhibit
21 A: Conditions of Approval.
22

23 **MOTION:** Moriarty **SECONDED:** **APPROVED: 4-2-1**
24 **AYES:** Kurrent, Moriarty, Ojeda, Brooks
25 **NOES:** Flashman, Murphy
26 **ABSTAIN:** Wong
27

28 Speaking to Resolution 20-09, Commissioner Kurrent commented the shopping
29 center was a closed facility and if the parking availability was not sufficient there
30 should be no overflow parking allowed on neighborhood streets.
31

32 Also speaking to Resolution 20-09, Commissioner Flashman suggested that drive-
33 throughs significantly affected public health and should not be encouraged.
34

35 On the discussion, it was recommended that the two actions in Resolution 20-09
36 also be broken into two separate motions.
37

38 **MOTION** to adopt a Resolution of the Planning Commission of the City of Pinole
39 Recommending Approval to the City Council to Create a New Drive-Through Facility
40 for Pinole Square at APN: 402-282-002, 06, 07, 08, 09, 10, 14 and 19, subject to
41 Exhibit A: Conditions of Approval.
42

43 **MOTION:** Moriarty **SECONDED:** Wong **APPROVED: 4-3**
44 **NOES:** Flashman, Kurrent, Moriarty

45 **MOTION** to adopt a Resolution Recommending Approval to the City Council of Use
46 Permits to Allow for a Parking Reduction for Pinole Square at APN: 402-282-002, 06,

07, 08, 09, 10, 14 and 19, subject to Exhibit A: Conditions of Approval.

MOTION: Ojeda SECONDED: Moriarty APPROVED: 7-0

MOTION to adopt Resolution 20-10, A Resolution of the Planning Commission of the City of Pinole Recommending Approval to the City Council of Use Permits to Allow Beer and Wine Sales for Off-site Consumption for the Safeway Market and the Safeway Fuel Center Kiosk of Pinole Square at APN: 402-282-002, 06, 07, 08, 09, 10, 14 and 19, subject to Exhibit A: Conditions of Approval.

MOTION: Moriarty SECONDED: Wong APPROVED: 7-0

MOTION to adopt Resolution 20-11, A Resolution of the Planning Commission of the City of Pinole Recommending Approval to the City Council of Use Permits to Allow For A Fueling Kiosk and Canopy at Pinole Square at APN: 402-282-002, 06, 07, 08, 09, 10, 14 and 19, subject to Exhibit A: Conditions of Approval

MOTION: Kurrent SECONDED: Moriarty APPROVED: 4-1-2
NOES: Murphy
ABSTAIN: Wong, Flashman

Mr. Mog reported for the record that all resolutions had been adopted by varying votes and one resolution had been split into two parts, with both parts having been recommended for approval to the City Council.

[Please note: Neither the Chair nor staff identified the 10-day appeal period for decisions made by the Planning Commission.]

F. OLD BUSINESS: None

G. NEW BUSINESS: None

H. CITY PLANNER'S / COMMISSIONERS' REPORT

1. Verbal Updates of Projects

Mr. Hanham reported staff was working on a two residential projects; one in the Kmart Shopping Center and another project behind the 7-Eleven on Pinole Valley Road; multiple applications for Accessory Dwelling Units (ADUs) and other applications that had been received; and an ADU Ordinance would be brought to the Planning Commission at a future meeting as well as a Subdivision Map application.

Ms. Miller added that staff was also entertaining permits for sidewalk dining with the City Council to consider an Emergency Ordinance for the processing of sidewalk

dining permits in response to COVID-19.

Mr. Mog highlighted the Draft Emergency Ordinance for the processing of sidewalk dining permits for 90 days with extensions in anticipation of sidewalk dining requests in response to social distancing requirements, to be considered by the City Council during its June 2, 2020 meeting.

Commissioner Moriarty recommended Item H2, be continued to the next meeting. She also requested an update on the Old Town Pinole Parking and Pedestrian Safety Study and the Artisanal Garden application, and was informed by Mr. Hanham the Old Town Pinole Parking and Pedestrian Safety Study would be presented to the City Council at a future meeting in June or July, and the Artisanal Garden application may be brought back to the Planning Commission at its next meeting.

Commissioner Moriarty also understood the Chair's term had expired and inquired when a new Planning Commissioner would be appointed, to which Mr. Hanham stated while Chair Brook's term had expired, due to COVID-19 the City had not commenced recruitment at this time. Chair Brooks had agreed to remain on the Planning Commission until a replacement could be appointed.

Commissioner Moriarty further requested that future EIRs be distributed in a more timely manner to the Planning Commission and be made available to the public.

Mr. Mog explained that when an EIR was published in draft form the Planning Commission could be notified to allow for the draft to be reviewed. Comments on a Draft EIR were not available until they were complete and ready to be released to the public.

Commissioner Wong agreed it would have been helpful for the Planning Commission to have the Draft EIR for the Pinole Square project as soon as it had been available.

Commissioner Flashman reported she had not received copies of the staff report or the resolutions prior to the meeting, and Mr. Hanham advised that all of the information had been provided to Planning Commissioners electronically although paper copies could be made available upon request.

2. Planning Commissioner's Discussion Following the League of California Cities Planning Commissioner's Academy

Item continued to the next meeting of the Planning Commission scheduled for June 22, 2020.

I. COMMUNICATIONS: None

J. NEXT MEETING

1 The next meeting of the Planning Commission to be a Regular Meeting to be held
2 on Monday, June 22, 2020 at 7:00 P.M.
3

4 **K. ADJOURNMENT: 11:47 P.M**

5
6 Transcribed by:

7
8
9 Sherri D. Lewis
10 Transcriber
11
12