

**PLANNING COMMISSION RESOLUTION 20-18  
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 MODIFICATION TO ALLOW THE SALE OF DISTILLED SPIRITS FOR OFF-SITE CONSUMPTION, IN ADDITION TO THE EXISTING SALES OF BEER AND WINE FOR OFF-SITE CONSUMPTION AT 1460 FITZGERALD DRIVE, PINOLE, CA 94564, APN: 426-010-023**

**WHEREAS**, the Grocery Outlet, Inc., c/o Compass Commercial filed an application for a use permit (CUP 20-05) with the City of Pinole to request a modification to an existing use permit in order to allow the sale of distilled spirits for off-site consumption; and

**WHEREAS**, an existing use permit for the site permits to sale of beer and wine for off-site consumption (CUP 10-01); and

**WHEREAS**, the sale of distilled spirits for off-site consumption was not covered in the previous use permit approval and thereby requires consideration and approval of a use permit modification to permit their sales; 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 21 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 September 1, 2020; 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 20-08 on September 28, 2020; 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 use permit request is consistent with General Plan in that the location of sales is a grocery store with existing sales of beer and wine, and the sale of beer, wine and distilled spirits would allow Grocery Outlet to be a full-service grocery store where alcohol sales constitute a small portion of overall sales and floor area for the store. The sale of beer, wine and distilled spirits strengthens the commercial competitiveness with other full-service grocery stores within the City;
2. The use permit request, as conditioned, is consistent with the Zoning Code and will help ensure the protection and preservation of public health, safety, and welfare; and
3. The use permit request is Categorical Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines because it involves minor physical improvements to an existing commercial mixed-use building without expanding the building.

**NOW, THEREFORE BE IT RESOLVED** by the Planning Commission of the City of Pinole hereby approves CUP 20-05, as provided in the staff report, and subject to the Conditions of Approval attached as Exhibit A to this Resolution. These Conditions of Approval shall supersede and replace any other previously approved Conditions of Approval for 1460 Fitzgerald Drive.

**PASSED AND ADOPTED** by the Planning Commission of the City of Pinole on this 28<sup>th</sup> day of September 2020, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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David Kurrent, Chair (2020-2021)

ATTEST:

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David Hanham, Planning Manager