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**MINUTES OF THE REGULAR MEETING  
PINOLE PLANNING COMMISSION**

January 25, 2021

**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  
WERE NO LONGER OPEN TO IN-PERSON ATTENDANCE. THE MEETING WAS  
HELD VIA ZOOM TELECONFERENCE.**

**A. CALL TO ORDER:** 7:07 P.M.

**B. PLEDGE OF ALLEGIANCE AND ROLL CALL**

Commissioners Present: Benzuly, Flashman, Moriarty, Chair Kurrent

Commissioners Absent: Wong

Staff Present: David Hanham, Planning Manager  
Alex Mog, Assistant City Attorney

**C. CITIZENS TO BE HEARD**

The following speaker submitted written comments via e-mail that were read into the record and would be filed with the agenda packet for this meeting: **Rafael Menis**. (See Attachment to Meeting Minutes)

**D1. CONSENT CALENDAR:** None

**D2. MEETING MINUTES:**

1. Planning Commission Meeting Minutes from December 14, 2020

The following amendments were made to the Meeting Minutes from December 14, 2020:

Lines 35 through 38 of Page 1 amended to read:

**MOTION: Moriarty      SECONDED: Benzuly**

**APPROVED: 4-0-1  
ABSENT: Flashman**

Lines 11 through 12 of Page 2 amended to read:

**MOTION: Moriarty**

**SECONDED: Benzuly**

**APPROVED: 4-0-1**  
**ABSENT: Flashman**

**MOTION** by a Roll Call Vote to adopt the Planning Commission Meeting Minutes from December 14, 2020, as amended.

**MOTION: Benzuly**

**SECONDED: Moriarty**

**APPROVED: 3-0-1**  
**ABSTAIN: Flashman**  
**ABSENT: Wong**

Chairperson Kurrent reported there were only four Planning Commissioners present and two lived within the proximity of Item E2 and would have to recuse themselves. As a result, no action would be taken on the item although public comments would be accepted. Item E2 would be continued.

**E. PUBLIC HEARINGS:**

**1. Pinole Square (Appian 80) Shopping Center – Parcel Map 651-21**

**Request:** Consideration of a Parcel Map for the purpose of merging seven parcels into three located in the Appian 80 Shopping Center at 1201-1577 Tara Hills Drive in the CMU District. The project includes the merger of seven parcels into three parcels for the purpose of allowing the applicant to establish Lease Lines (condominiums) for the suite located on the south end of the property, the Safeway store and fuel station and for the group of buildings located on the west side of the property.

**Applicant:** AMS Associates, Inc.  
801 Ygnacio Valley Road, Suite 220  
Walnut Creek, CA 94563

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

**Staff:** David Hanham

Planning Manager David Hanham presented the staff report dated January 25, 2021, and clarified the project would merge eight parcels into one parcel, not seven parcels, contrary to the agenda description, with the parcels having been outlined on the map previously established and owned by separate property owners.

Mr. Hanham recommended the Planning Commission adopt Resolution 21-01 approving Tentative Map MS 651-21 for the Pinole Square Shopping Center Project, subject to the conditions of approval shown in Exhibit A to the staff report.

1 Responding to the Commission, Mr. Hanham again clarified the applicant's request  
2 to merge eight parcels into one parcel (Parcel One) for the purpose of allowing the  
3 applicant to establish Lease Lines for commercial condominiums for the suite  
4 located on the south end of the property, the Safeway store and fuel station and  
5 for the group of buildings located on the west side of the property. Parcels L3 and  
6 L7 as shown on the map were outside of the consolidation. The applicant is the  
7 owner of the land and if the Planning Commission approved the Tentative Map,  
8 once finalized, the parcels would still exist and operate in their current manner. He  
9 also clarified there was an agreement between the parcels regarding parking for  
10 cross access; there were no restrictions to subdivide the parcel in the future but  
11 that would require future action by the Planning Commission; and the project was  
12 categorically exempt from the California Environmental Quality Act (CEQA)  
13 pursuant to Section 15315, Minor Land Divisions, as detailed in the staff report.  
14

15 Todd Green, Vice President, Hillsboro Properties, Inc., San Mateo, confirmed there  
16 was a co-ownership agreement in place with respect to the parking.  
17

#### 18 PUBLIC HEARING OPENED 19

20 The following speaker submitted written comments via e-mail that were read into  
21 the record and would be filed with the agenda packet for this meeting: **Jessica**  
22 **Delgado.** (See Attachment to Meeting Minutes)  
23

24 In response to the public comment, Mr. Hanham clarified no residential  
25 condominiums would be added to the site. The application was for a commercial  
26 project with commercial condominiums in existing buildings that had been  
27 approved in September 2020. Attempting to provide further clarification, he  
28 explained that the original building had been approved in September 2020  
29 consisting of six to seven suites with a minor anchor and additional shops. The  
30 commercial condominiums would allow the developer over the course of time to  
31 set Lease Lines into what a tenant was leasing and offered an example scenario  
32 of how that would be achieved.  
33

34 The Lease Lines allowed the developer/property owner to define what the tenant  
35 wanted to use and then determine what the tenant was leasing. The project  
36 application pertained only to the merger of the parcels and had nothing to do with  
37 increasing or decreasing the square footage of the project. There would be no  
38 impact on the size of the buildings or the parking. The project would not impact  
39 public health since it only involved the merger of the parcels and would not affect  
40 the uses on the property.  
41

42 Further responding to concerns of potential impacts to public health, Assistant City  
43 Attorney Alex Mog stated there would be no improvements as part of the  
44 subdivision.  
45

#### 46 PUBLIC HEARING CLOSED

1 The Planning Commission discussed Pinole Square (Appian 80) Shopping Center  
2 – Parcel Map 651-21 and there was agreement there would be no potential  
3 negatives with the applicant's request; the project had previously been approved  
4 with the request to merge parcels, a legal step to create one parcel; and although  
5 there were concerns with what could happen if the project was not built, the project  
6 was already in existence.  
7

8 **MOTION** by a Roll Call Vote to adopt Resolution 21-01, a Resolution of the Planning  
9 Commission of the City of Pinole, County of Contra Costa, State of California,  
10 Approving a Tentative Parcel Map (MS 651-21) to Merge Eight (8) Parcels into One  
11 (1), 1201-1577 Tara Hills Drive, APN: 402-282-002, 06, 07, 08, 09, 10, 14, and 19,  
12 subject to Exhibit A: Conditions of Approval.  
13

14 **MOTION: Benzuly                      SECONDED: Moriarty                      APPROVED: 4-0**  
15 **ABSENT: Wong**  
16

17 Chairperson Kurrent identified the 10-day appeal period of a decision of the  
18 Planning Commission in writing to the City Clerk.  
19

20 Mr. Mog reported Commissioners Flashman and Moriarty would have to recuse  
21 themselves from the discussion of Item E2 due the proximity of their homes to the  
22 proposed Historic Preservation Overlay District. Since Commissioner Wong was  
23 absent, a process which would have allowed either Commissioner Flashman or  
24 Moriarty to be brought back into the discussion to reach a quorum by randomly  
25 choosing one of them to participate in this discussion was not feasible. Given the  
26 lack of a quorum, the item would be continued automatically to the next meeting  
27 of the Planning Commission scheduled for February 22, 2021. Public comments  
28 should be accepted at this time but the public hearing could not be opened due to  
29 the lack of quorum.  
30

31 Mr. Mog acknowledged concerns raised by the Chair regarding the challenges in  
32 reaching a quorum of the Planning Commission particularly given there were  
33 currently two vacancies. He clarified there was a provision which would allow  
34 Planning Commissioners to participate even if there was a conflict of interest if the  
35 decision would affect the public generally, which had been defined in the law as  
36 15 percent of residences in the City. In this case, while the proposed ordinance  
37 would affect two Planning Commissioners, it was far below the 15 percent  
38 threshold. At this time, he recommended Planning Commissioners hold their  
39 comments until the next meeting but allow comments from the public.  
40

41 **2. Zoning Code Text Amendment Adding Chapter 17.28, Historic**  
42 **Preservation Overlay, to the Municipal Code and Adopting Old Town**  
43 **Design Guidelines – ZCA 21-01**  
44  
45  
46

1                   **Request:**     Consideration of a Zoning Ordinance Text Amendment for  
2                                   creating a Historic Preservation Overlay (HPO) District. The  
3                                   District will define areas of the City of Pinole that have historic  
4                                   significance. The Ordinance will create standards of  
5                                   development within borders as described in Exhibit A of the  
6                                   Old Town Design Guidelines, as well as properties that may  
7                                   be subsequently added to the HPO District.

8  
9                   **Applicant:** City of Pinole  
10                                  2131 Pear Street  
11                                  Pinole, CA 94564

12  
13                   **Location:** Old Town Pinole as defined in the Old Town Design  
14                                  Guidelines, and applicable citywide

15  
16                   **Staff:**         David Hanham

17  
18                   The following speaker submitted written comments via e-mail that were read into  
19                   the record and would be filed with the agenda packet for this meeting: **Rafael**  
20                   **Menis.**

21  
22                   Commissioner Moriarty asked for a printout of any public comment received, and  
23                   Mr. Hanham advised that all comments would be inserted into the meeting  
24                   minutes. (See Attachment to Meeting Minutes)

25  
26                   No motion was made to continue this item. Continued by consensus; did not have  
27                   quorum.

28  
29                   **F.     OLD BUSINESS:**     None

30  
31                   **G.     NEW BUSINESS:**     None

32  
33                   **H.     CITY PLANNER'S / COMMISSIONERS' REPORT**

34  
35                   **1.     Verbal Updates of Projects**

36  
37                   Mr. Hanham reported the environmental work for a proposed 29-unit apartment  
38                   complex with an additional 10,000 square-foot addition to the existing commercial  
39                   property at 2801 Pinole Valley Road would be commencing soon to allow the  
40                   application to be presented to the Planning Commission in the next three to four  
41                   months. Staff was working with potential applicants for a project at 811 San Pablo  
42                   Avenue; continued to work with the project proponent for the former Doctor's  
43                   Hospital site; and other project proponents for other potential developments on  
44                   sites on San Pablo Avenue and the former Kmart Center. Given the size of these  
45                   projects there would be community outreach.

1  
2 Commissioner Flashman encouraged greater community outreach including  
3 consideration of public walk-throughs of some of the project sites, such as the  
4 former Doctor's Hospital property consistent with COVID-19 restrictions, and Mr.  
5 Hanham described the different public outreach approaches that could be  
6 considered through the public hearing process. Site visits with the Planning  
7 Commission would require an agendaized meeting consistent with the requirements  
8 of the Brown Act, but Planning Commissioners could visit project sites at any time  
9 individually.

10  
11 In response to Commissioner Moriarty, Mr. Hanham provided an update of the  
12 landscape plan for the Pinole Square project and reported once the applicant had  
13 filed for the building permit the landscape plan would be submitted at the same  
14 time. The City had not yet established a Tree Mitigation Fund but had a Tree  
15 Maintenance Fund, a yearly budget item, as part of the Public Works Department.  
16 Dr. Lee's Ophthalmology Center had resubmitted the landscape plan with  
17 approximately eight to nine additional trees, and staff had directed the applicant to  
18 provide more native tree species. There would be no tree mitigation fees involved  
19 for this project since the applicant would provide trees on-site. The building would  
20 not be finalized until the landscape plan had been finalized.

21  
22 Mr. Hanham clarified the Sprout's project also involved the planting of trees on-site  
23 and had not required the payment of a tree mitigation fee. As to the status of the  
24 planting of trees along the creek, on the other side of the fence but still on the  
25 Sprout's property, which had ultimately been prohibited by the Contra Costa  
26 County Flood Control District (CCCFCD), he explained that the project had  
27 occurred prior to his employ with the City. He was unaware of the specifics of the  
28 project and would follow-up with the City Engineer with an update to be provided  
29 at the next meeting.

30  
31 Commissioner Moriarty requested an agenda item to provide information regarding  
32 recent state housing legislation given the challenges obtaining information from  
33 the League of California Cities website, to which Messieurs Hanham and Mog  
34 reported the intent to have a workshop to allow presentations on state housing  
35 legislation that could impact Pinole and which could be presented during the next  
36 meeting, if possible. A summary of housing legislation from 2019 could also be  
37 provided to the Planning Commission prior to the next meeting.

38  
39 Mr. Hanham added that staff continued to work on the Request for Proposal (RFP)  
40 for Senate Bill (SB) 2 funds and was also considering other grant opportunities.  
41 Also, the Association of Bay Area Governments (ABAG) along with the Contra  
42 Costa Transportation Authority (CCTA) were working on a bench of consultants  
43 who prepared Housing Elements to assist the City in hiring a consultant for the  
44 Housing Element Update.

1 Also in response to Commissioner Moriarty, Mr. Hanham acknowledged the Old  
2 Town Design Guidelines had been provided to the Planning Commission on  
3 multiple occasions, and rather than continually print out the document, he would  
4 make sure the information was available via a link to the City's website and would  
5 verify with staff that the information had been posted on the City's website.  
6

7 Commissioner Moriarty thanked staff for the written information on project updates.  
8

9 **I. COMMUNICATIONS:** None  
10

11 **J. NEXT MEETING**  
12

13 The next meeting of the Planning Commission to be a Regular Meeting to be held  
14 on Monday, February 22, 2021 at 7:00 P.M.  
15

16 **K. ADJOURNMENT:** 8:26 P.M. ***In Memory of Judy Harder*** (mother of  
17 *Commissioner Ann Moriarty*).  
18

19 Transcribed by:  
20

21  
22 Sherri D. Lewis  
23 Transcriber  
24

## **ATTACHMENT TO MEETING MINUTES January 25, 2021**

Public Comments Received During the January 25, 2021 Planning Commission Meeting

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### **Item C. Citizens to be Heard**

From Rafael Menis,

1. Greetings Planning commissioners, staff, and members of the public. I am writing today to inform the public that there is an active application process for planning commission vacancies. You can find more information at [https://www.ci.pinole.ca.us/city\\_government/city\\_clerk/boards\\_and\\_commission](https://www.ci.pinole.ca.us/city_government/city_clerk/boards_and_commission). The filing period will close on February 11th. I have applied, and I encourage others to apply as well- there are multiple vacancies, and the commission would benefit from a further diversity of backgrounds and skill sets.

### **Item E1. Pinole Square (Appian 80) Shopping Center – Parcel Map 651-21**

From Jessica Delgado,

1. As homeowners on Alberdan Circle, and watching the live stream information, are there going to be " residential condominiums" added to the site? The letter we received discussed that?
2. As the project has already been approved, is there a way we can obtain access to a preliminary site map of the approved project? A website or link, or perhaps an existing agenda from meeting past?  
As residents of Alberdan Circle, one of our concerns is the location of the construction of the proposed gas station and its proximity to the residential homes.  
Will there be a safety / sound wall constructed for the residential neighborhood.  
I appreciate any information you may be able to share with us, as many of our neighbors have the same questions.

### **Item E2. Zoning Code Text Amendment Adding Chapter 17.28, Historic Preservation Overlay, to the Municipal Code and Adopting Old Town Design Guidelines – ZCA 21-01**

From Rafael Menis,

1. I have two comments on this item, one technical and one broader. The technical one is that there is a typo in the proposed ordinance exhibit A. 17.28.060 B reads Own Told Preservation Design Guidelines, and it probably should read Old Town Design Guidelines to be compatible with 17.28.060 A.  
The second comment is with regards to the designation process, as described in 17.28.040. Will private citizens be able to petition the planning commission, zoning administrator or council to add the HPO designation to a property or group of properties? The cultural resources definition in 17.28.020 is broad, and it seems as though much of the city could fall under at least one of its subheadings.