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

5
6 **September 25, 2023**

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

11
12 **A. CALL TO ORDER:** 7:03 p.m.
13

14 **B1. PLEDGE OF ALLEGIANCE**
15

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

24 **B3. ROLL CALL**
25

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

29 Commissioners Absent: None
30

31 Staff Present: David Hanham, Planning Manager
32 Erica Gonzalez, Senior Associate, City Attorney's Office
33 Justin Shiu, Contract Planner
34

35 Reporting on ex parte communications, Vice Chairperson Menis reported he had sent out
36 email messages about the meeting to his email list.
37

38 **C. CITIZENS TO BE HEARD**
39

40 Daniel Tashjian, Pinole, stated he lived on the 300 block of Summit Drive in Old Pinole,
41 and reported on the number of pedestrian-versus-vehicle near misses in the Buena Vista
42 Drive and Lefebvre Way corridor, caused by the lack of sidewalks on either side of the
43 street, from the 400 block of Summit Drive to Buena Vista and Valley View Drives. While
44 many residents who lived in the corridor were willing to do whatever possible to alleviate
45 this challenge, he had learned that 2,500 feet of new sidewalk had been estimated to cost
46 approximately \$150,000. Having conducted some research, he had also learned that
47 since this was a safety issue, state or federal funds may be available but he understood
48 that a reportable injury or fatality was required before action would be taken by the City,
49 which residents did not want to see happen. He suggested this matter was a safety and
50 liability concern.

1 Vice Chairperson Menis suggested the speaker reach out to the Traffic and Pedestrian
2 Safety Committee (TAPS) that was actively working to implement the Active
3 Transportation Plan (ATP) while the City was working to identify key areas and to obtain
4 funding.

5
6 Planning Manager David Hanham added he would follow-up with the Public Works
7 Director.

8
9 Anthony Vossbrink, Pinole, commented that during the August 14, 2023 Planning
10 Commission meeting, he had been flagged by staff for taking more than five minutes to
11 speak while he had been experiencing technical issues. He suggested the Planning
12 Manager and the City Attorney should offer an apology for stopping his comments and for
13 not providing a response to his inquiries. He asked about the status of the Old Adobe
14 Road Trail behind the dog park that was to have been repaired years ago, with dirt from
15 an Appian Way sinkhole breach to be taken to the site to fill an existing hole; concrete
16 abutment drain pipes that were to have been removed from the Old Adobe Trail years ago
17 that could be placed around the Pinole-Hercules Wastewater Treatment Plant or around
18 the Bay Front Shore Trail to help with erosion issues or used to fill the breach on the Old
19 Adobe Trail; and the City had removed debris from the dog park maintenance cleanup
20 weeks ago and in violation of City code had dumped debris on either side of the trail which
21 could have been used for the sinkhole repair. He also asked about the status of the Pear
22 and Plum Streets traffic and safety build-out project that was to have been completed
23 between August 28 and September 28, 2023.

24
25 In response to the comments, Mr. Hanham explained that the work around Pear and Plum
26 Streets was a Public Works Department project, he was unaware of the status of the
27 project and would have to follow-up with the Public Works Director.

28
29 Vice Chairperson Menis commented that based on his personal experience, and as of
30 today, the construction work at Pear and Plum Streets was incomplete. He also clarified
31 the cost of the project and noted that the City Council had decided to move forward with
32 a smaller scale demonstration project.

33
34 Mr. Hanham was unaware of what was being dumped on the Old Adobe Trail and would
35 again reach out to the Public Works Director for a report back to the Planning Commission.

36
37 Commissioner Lam-Julian asked whether the consultant preparing the ATP's scope of
38 work had included the 300 block of Summitt and Valley View Drives and Pear and Plum
39 Streets.

40
41 Mr. Hanham stated he would have to contact the Public Works Director to clarify the scope
42 of work for the ATP, and while a risk assessment would likely be identified as part of the
43 ATP, he understood only the public engagement plan was being discussed at this time.

44
45 Commissioner Lam-Julian suggested Mr. Tashjian keep an eye on the City's website given
46 that feedback from the public was being solicited for the ATP.

47
48 **D. MEETING MINUTES**

49
50 1. Planning Commission Meeting Minutes from August 14, 2023

1 **MOTION** with a Roll Call vote to approve the Planning Commission Meeting Minutes from
2 August 14, 2023, as submitted.

3
4 **MOTION: Menis**

SECONDED: Bender

APPROVED: 5-0-2

ABSTAIN: Banuelos, Martinez

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6
7 **E. PUBLIC HEARINGS:**

8
9 **1. Zoning Code Text Amendment Regarding Campaign Signs (PA-23-01)**

10
11 **Request:** Consideration of a recommendation to City Council for an
12 amendment to Pinole Municipal Code Chapter 17.54 to
13 clarify regulations for posting of political and campaign signs
14 on City property. The project qualifies for a CEQA
15 exemption under CEQA Guidelines Section 15061(b)(3).
16

17 **Applicant:** City of Pinole

18
19 **Location:** Citywide

20
21 **Planner:** Erica Gonzalez/David Hanham

22
23 Erica Gonzalez, Senior Associate, City Attorney's Office provided a PowerPoint
24 presentation on the Zoning Text Amendment Regarding Campaign Signs (PA-23-01).
25 She recommended the Planning Commission adopt Resolution 23-08, recommending the
26 City Council adopt an ordinance amending Chapter 17.54 "Signs on City Property" and
27 Section 17.54.030 "General Prohibitions" of the Pinole Municipal Code (PMC) to include
28 political and campaign signs.
29

30 Responding to questions from the Planning Commission, Ms. Gonzalez and Mr. Hanham
31 clarified the following:
32

- 33
- 34 • In the event of a violation of the proposed Zoning Text Amendment, enforcement
35 would be through the Nuisance Code where staff could enforce any sign deemed
36 a nuisance. In most cases, staff would remove the political sign in violation and
37 store it in the City's Corporation Yard and contact the candidate to pick-up the sign.
38 If a candidate continued to violate the City's code, the City may file a Nuisance
39 Complaint pursuant to Section 8.32 of the Nuisance Code through a citation
40 process detailed under the code.
 - 41 • The Zoning Text Amendment did not apply to campaign or political signs on private
42 property.
 - 43 • The Zoning Text Amendment was a result of staff's observation of an increase in
44 the number of campaign and political signs on City property and was intended to
45 provide clarification.
46
47
48

- The Zoning Text Amendment applied to campaign or political signage on prominent street corners, as an example, presuming the street corner was City-owned; the Zoning Text Amendment would apply only to City-owned property. Political and campaign signage on fences or posts in intersections, as another example, were allowed but not on City-owned property.
- Section 17.54.040 Signs Allowed on City Property D, which read: *Signs allowable under Section 17.54.050 (Temporary Signs Displaying Noncommercial Message) of this chapter*; was further clarified, with any other sections under this Chapter to apply.
- The Zoning Text Amendment had been brought before the Planning Commission since this action fell under the Zoning Code of the PMC requiring Planning Commission recommendation to the City Council; and
- In terms of making the general prohibition more specific to political and campaign signs, language had been crafted to be broader and not weaken the general prohibition.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

Commissioner Bender commented that freeway on- and off-ramps were under the jurisdiction of Caltrans which had express policies in place to prohibit campaign signs.

Commissioner Sandoval asked for more detail on how to file a public nuisance complaint and what that would actually look like.

Mr. Hanham explained that if someone placed a political sign on public property and the candidate did not remove it, the City would provide a courtesy notice for the removal of the sign within a certain number of days, and if not removed a citation notice would be filed subject to a fine as permitted in the code until such time as the sign was removed. Or the City could mitigate and remove the sign. If there were multiple signs in multiple areas, City staff would notify the candidate of the need to remove the signs, as described.

In response to Commissioner Lam-Julian, Mr. Hanham commented that oftentimes when a sign was removed a new sign would be installed in its place a few days later. Since candidates were aware of where their signs were placed and if they noticed them missing, the candidates typically contacted the City and asked whether the City had their signs and they would then be informed the City had removed the signs since they were in a place they did not belong. City staff tried to work with candidates to ensure these signs were not installed in the public areas. Regardless of who had installed the signs, the candidate or County representative or coordinator for a proposition, as an example, were responsible for the signs. Code Enforcement was in the field often, although typically non-compliance was complaint driven.

Commissioner Martinez asked whether staff could provide contact information for the community to contact the City with any code enforcement violations, to which Mr. Hanham explained that once the election cycle came into play, residents may contact City Hall or the Community Development Department when signs were found in the wrong location, with the complaint then routed to Code Enforcement. Candidates were informed of the City's regulations on signage when filing for candidacy and the candidate must sign-off on that process with the City Clerk's Office.

Commissioner Banuelos confirmed that candidates were made aware of the regulations when filing for candidacy and were well aware of the City's rules about signage. While a candidate may not always control an overzealous supporter when installing signs, the candidate was ultimately responsible for the signs.

Vice Chairperson Menis was aware candidates within the City of Pinole received information from the City Clerk's office but asked whether regional or state candidates received the same information.

Mr. Hanham reiterated that whether the candidate was local, county, regional, state, federal or otherwise, the Zoning Text Amendment would apply and that candidate would be contacted if political or campaign signs had illegally been posted on City property. He emphasized the City dealt directly with the candidate and did not go so far as to try and find out who had actually placed the sign.

Commissioner Banuelos found that violations of the City code for political and campaign signs were not City candidates but outside candidates. He also commented on the number of signs that were not removed after an election was over, which was also problematic.

Mr. Hanham clarified due to the election cycles and if there was a runoff, as an example, some signs were allowed to remain up pursuant to County election laws and there were many rules and regulations governing how long signs may be up before and after an election.

Chairperson Benzuly asked whether there were state and county regulations with the same type of language as the City had proposed as part of the Zoning Text Amendment, and Mr. Hanham commented that in most cases political signs were not allowed on public property.

MOTION to adopt Planning Commission Resolution 23-08, with Exhibit A: Zoning Text Amendments, a Resolution of the City of Pinole Planning Commission Recommending that the City Council Adopt an Ordinance Amending Chapter 17.54 "Signs on City Property" Section 17.54.030 "General Prohibition" of the Pinole Municipal Code to Include Political and Campaign Signs.

MOTION: Banuelos

SECONDED: Bender

APPROVED: 7-0

F. OLD BUSINESS: None

G. NEW BUSINESS: None

H. CITY PLANNER'S / COMMISSIONERS' REPORT

Mr. Hanham reported the Housing Element had been certified by the State of California.

1 The City was in compliance with state law and staff was working on the Objective
2 Development Design Standards with the Ad Hoc Planning Commission Subcommittee to
3 review the changes, with the changes to be presented to the Planning Commission in
4 November.
5

6 Mr. Hanham added in response to Commissioner Lam-Julian that the City provided funds for
7 three Planning Commissioners, the Planning Manager and the Community Development
8 Director to attend the Annual League of California Cities Planning Commissioners' Academy.
9 Commissioners interesting in attending the next event would be allowed on a rotating basis.
10

11 Mr. Hanham also reported that plans were anticipated to be submitted for Pinole Vista;
12 Appian Village was in plan check for the first phase; and staff continued to work with BCRE
13 and SAHA. Staff also continued to work with Pinole Shores II, with the applicant working on
14 securing clients for their building, and Conditional Use Permits (CUPs) were also anticipated
15 with staff working with a number of property owners.
16

17 Contract Planner Justin Shiu added for the BCRE project that the applicant had submitted a
18 grading permit and staff was waiting for the submittal of a building permit application.
19

20 Mr. Hanham also added, when asked by the Chair, that the Appian Village project was a
21 phased project and the Subdivision Map and other entitlements remained to be completed.
22 The first four buildings had been submitted for development, with the backbone (water and
23 sewer), driveways and circle road to be completed as part of the first phase of the project.
24 The building plans had been submitted but actual improvement plans had yet to be
25 submitted.
26

27 Commissioner Lam-Julian asked about the status of the Safeway project and the former
28 Pinole Animal Shelter.
29

30 Mr. Hanham reported he had no update for the former Pinole Animal Shelter. Staff was
31 working with property owner Balboa Properties for the Safeway project, which was diligently
32 working on a new site plan since the prior conceptual plans approved in 2020 had expired.
33 He was uncertain the new plan would be submitted prior to the end of the year but staff
34 remained in regular contact with the property owner. Any new site plan would require review
35 and approval by the Planning Commission.
36

37 PUBLIC COMMENTS OPENED 38

39 Anthony Vossbrink, Pinole, referenced the Safeway project and his understanding that major
40 landscaping work or other development was ongoing adjacent to the property on the hillside.
41 He asked whether staff had any update on the Kroger buyout and new property owner for
42 the Safeway project since there had been little update provided over the past few months.
43 He also referenced the improvement project at Pear and Plum Streets and asked whether
44 the City had to place a downpayment for the project since nothing had been done other than
45 white paint striping on the street corners and the placement of cones over the past few weeks,
46 with only a few days left to complete the project. If the contractor did not meet the project
47 requirements, he asked whether the contractor would be penalized. He also understood the
48 funds for the project were intended as a temporary "band-aid" and the City would have to
49 spend more funds in the future for the balance of a much larger project.
50

1 PUBLIC COMMENTS CLOSED

2
3 Mr. Hanham clarified that Safeway leased the property from the property owner, Balboa
4 Properties. He was unaware whether Safeway had reached a new business agreement with
5 Balboa Properties, nor did he have any news on who Safeway may be under negotiations
6 since the City was not privy to negotiations. Again, the property owner was working diligently
7 to do a project on the site and had been working with its design team to work out contract
8 negotiations with their tenants. As to the Pear and Plum Streets project, he was not involved
9 in the project and was not aware of the project details and would have to follow-up with the
10 Public Works Director. In addition, the work on a hill near Safeway may involve some hillside
11 shoring-up work but he was uncertain of the details and would follow-up with a status report
12 at the next meeting.

13
14 As to whether there was a Public Works Department forum or meeting where the public may
15 participate, Mr. Hanham commented that members of the public may contact the Public
16 Works Department directly or participate in City Council meetings to raise concerns.

17 PUBLIC COMMENTS CLOSED

18
19
20 **I. COMMUNICATIONS:**

21
22 Commissioner Lam-Julian reported on her attendance at several community
23 engagements in her personal capacity including the Asian American & Pacific Islander
24 Legislative Caucus (AAPILC) Leadership Summit, Parks and Recreation Master Plan
25 Workshop and Community Engagement discussion for the ATP, and briefed the Planning
26 Commission on the discussions.

27
28 Vice Chairperson Menis also reported on his attendance at City Committee meetings
29 including the Walk N Roll Plan Outreach and reported that National Night Out would be
30 held on Tuesday, October 4, 2023.

31
32 **J. NEXT MEETING**

33
34 The next meeting of the Planning Commission to be a Regular Planning Commission
35 Meeting scheduled for October 23, 2023 at 7:00 p.m.

36
37 **K. ADJOURNMENT: 8:19 p.m.**

38 Transcribed by:

39
40
41
42 Sherri D. Lewis
43 Transcriber