MINUTES OF THE REGULAR MEETING
PINOLE PLANNING COMMISSION

January 26, 2026

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

A. CALL TO ORDER: 7:01 p.m.

B. PLEDGE OF ALLEGIANCE

C. 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.*

D. ROLL CALL

Commissioners Present:	Bender, Huey, Uch, Lam-Julian, Vice-Chairperson Menis and Chairperson Sandoval
Commissioners Absent:	Martinez
Staff Present:	David Hanham, Planning Manager Justin Shiu, Associate Planner

Vice-Chairperson Menis reported on his ex-parté communications to his email list about the topics on the meeting agenda and other community events.

E. CITIZENS TO BE HEARD

Cathy McFarland commented on the City's migration towards the State of California's cleaner environment and now the City wanted service stations prohibited.

Chairperson Sandoval advised that public comments on service stations would be discussed as part of agenda Item G(1) and he asked the speaker to hold her comment until that point in the meeting.

F. MEETING MINUTES

1. Planning Commission Meeting Minutes for January 12, 2026

Vice-Chairperson Menis referenced Page 11 of 132 of the agenda packet, Lines 8 through 18, of the January 12, 2026 meeting minutes, and noted most of the statement in the bullet point which had been attributed to him were primarily comments made by the applicant [Beau Reinberg].He also asked that the bullet point include a statement that *"He* [Vice-Chairperson Menis] *had raised a concern that the one-time fee may not offset ongoing needs."*

MOTION with a Roll Call vote to approve the Planning Commission Meeting Minutes for January 12, 2026, as amended by Vice-Chairperson Menis.

MOTION: Sandoval SECONDED: Menis APPROVED: 6-0-1
ABSENT: Martinez

G. PUBLIC HEARINGS:

1. Zoning Code and Specific Plan Amendment PA25-004: New Service Station Prohibitions and Provisions for Modifications and Alternative Fueling Stations

Associate Planner Justin Shiu provided a PowerPoint presentation on the Zoning Code and Specific Plan Amendments PA25-004: New Service Station Prohibitions and Provisions for Modifications and Alternative Fueling Stations. He asked the Planning Commission to adopt Resolution 26-01, recommending to the City Council the adoption of proposed Pinole Municipal Code (PMC) and Specific Plan amendments, as provided in Resolution 26-01, Attachment A, Exhibit A, or with additional recommendations for revisions that may be provided by the Planning Commission.

Mr. Shiu also identified a typographical error in the January 26, 2026 staff report, and noted Page 22 of 132 of the agenda packet, Table 1. Existing Service Stations, had shown the Chevron at 2298 Appian Way as being in the Commercial Mixed Use (CMU) District Service Sub-Area of the Appian Way Corridor, but the CMU should be corrected to read *Office Professional Mixed Use (OPMU) Zoning District.*

Responding to questions from the Planning Commission, Mr. Shiu and Planning Manager David Hanham clarified the following:

- Page 22 of 132 of the agenda packet, Table 1. Existing Service Stations, listed the eight existing service stations in the City, seven of which were located within the corridors covered by the Specific Plan, and one in the Regional Commercial (RC) Zoning District outside of the Specific Plan. The majority of the service stations were existing nonconforming uses as they were not permitted or conditionally permitted uses under the current Zoning Code and Specific Plan. (Bender)

- Attachment A, Page 37 of 132 of the agenda packet, acknowledged a recommendation to revise the third WHEREAS clause to read: *WHEREAS, as further provided in the urgency ordinance, fossil-fuel based transportation remains the largest contributor of greenhouse gas emissions, and the City <u>desire</u> to aid in reducing severe negative public health impacts that residents are experiencing, and will continue to experience, by banning the development of new service stations, prohibiting the expansion of existing service stations, and encourage the use of zero emission vehicles; and* (Bender)

- Attachment A, Pages 56 and 57 of 132 of the agenda packet, Section 17.32.050 Development and Design Standards, E. Building and Canopy Design, acknowledged a recommendation to revise the fourth sentence to read: *In order to reduce the visual impact of the canopy structure and corresponding lighting, the maximum height of the canopy clearance shall be fifteen (15) feet and the maximum height of the canopy fascia shall be thirty (30) inches.* (Bender)

- Pages 45 through 50 of the agenda packet, Table 17.20.03-1, Allowed Uses and Required Entitlements for City of Pinole Base Zoning District, Alternative Fuel Stations would be permitted in the RC, CMU, OPMU and Office Industrial Mixed Use (OIMU) Zoning Districts. Staff clarified the Zoning Code established the general standards in the City, whereas the Three Corridors Specific Plan was the more specific document that applied to many of the major corridors including San Pablo Avenue, Pinole Valley Road and Appian Way. The Specific Plan document was more detailed in zoning designations in each corridor and sub-area, and the Specific Plan document established where exactly the Alternative Fuel Stations would be permitted. (Bender)

- Page 23 of 132 of the agenda packet, clarified the information under Review and Analysis of the January 26, 2026 staff report, particularly the last sentence of the first paragraph which read: *Additionally, the amendments consider enhancements to existing provisions in the Zoning Ordinance that incentivize the expansion, modification, or retrofit of an existing service station to incorporate biodiesel or other alternative fuels or charging stations for electric vehicles*, clarifying a new service station would require a Conditional Use Permit (CUP) and modification of a Use Permit, or discretionary review associated with modifications, and for fuel stations it would be permitted by use in many of the Districts that previously allowed for service stations, reducing some of the application fee requirements associated with some of those uses, and reduce the time associated with notices for a hearing and the like. This was driven by state regulations taking away the discretionary review process for alternative fuel stations, which offered an incentive to reduce permitting costs and fees associated with those uses.

  There was also an existing provision in the code which allowed for some parking reductions to be carried over, if the applicant could show why it was required to accommodate new alternative fuel service stations. (Uch)

- Pages 45 through 50 of 132 of the agenda packet, Table 17.20.030-1, Allowed Uses and Required Entitlements for City of Pinole Base Zoning Districts. Clarified Alternative Fuel Stations were not permitted in the Low Density Residential (LDR), Suburban Residential (R-1), Medium Density (R-2), High Density (R-3), Very High Density (R-4), Rural (R), Residential Mixed Use (RMU), Open Space (OS), Parks and Recreation (PR), Public Quasi-Public Institutional (PQI) and San Pablo Bay Conservation Zoning Districts. (Uch)

- A new multifamily or commercial development, as an example, would require Comprehensive Design Review and would require review by the Planning Commission. (Uch)

- The Planning Commission may consider potential conflicting impacts between uses and or how uses may be brought together, and should a new use come and a property be redeveloped with new structures, as an example, the project would require Planning Commission comprehensive design review. (Uch)

- Alternative fuel stations were already regulated by the state which dictated how they could be reviewed. Many electric vehicle (EV) charging stations, as an example, went through a ministerial review process for a building permit regardless of any design aspects that the City may impose. (Uch)

- Page 29 of 232 of the agenda packet, Section 17.23.030(C), Loss of Non-conforming Status for Service Stations, (1) had been amended by staff to read: *If the service station is abandoned or ceases the selling, storing, and/or dispensing of fossil fuels for a continuous period in excess of six (6) months, the service station shall lose its nonconforming status and any subsequent use of the site shall be in conformity with regulations of the applicable zoning district. The Community Development Director shall have final determination on the date the service station became abandoned or ceased the selling, storing, and/or dispensing of fossil fuels.* Clarified the environmental remediation was intended to be captured in the six-month period, as reflected in the amendment, with the six-month period added as a minimum time limit. The Community Development Director may extend that period, should additional time for cleanup be needed. The regulatory agencies would impose the standards for any cleanup and included the State Water Resources Control Board (WRCB) and Department of Toxic Substances Control (DTSC). The City would not bear the responsibility to report to these agencies, the service stations would need to coordinate with the state agencies and it would fall under the property owners' responsibility; however, the City may provide guidance to the property owner, if needed. (Huey)

- As to whether there had been any harm to the existing nonconforming service stations during the City's Urgency Ordinance and moratorium, staff was unaware but when preparing the proposed Zoning Code and Specific Plan Amendments, the City's Sustainability Fellow had reached out to the City's service station owners and some had shared their thoughts and comments, but there were no specific challenges and there were no major objections to the prohibition. (Vice-Chairperson Menis)

- Page 22 of 132 of the agenda packet, again clarified the typographical error in Table 1. Existing Service Stations, which had shown the Chevron at 2298 Appian Way as being in the Commercial Mixed Use (CMU) District Service Sub-Area of the Appian Way Corridor, but CMU should be corrected to read *Office Professional Mixed Use (OPMU) Zoning District.* (Vice-Chairperson Menis)

- Page 64 of 132 of the agenda packet, Land Use Development Standards, clarified the standards for Alternative Fuel Stations in the OPMU and CMU Districts which would be permitted with a Use Permit for occupancy and be considered as a Conforming Use. (Vice-Chairperson Menis)

- The use would be nonconforming if it had the (N) designation "Not Permitted." Staff also clarified that the existing service stations on Pinole Valley Road had been established prior to 2010, and were legal nonconforming uses when the General Plan and Specific Plan had been adopted. (Vice-Chairperson Menis)

- Page 24 of 132 of the agenda packet, Section 17. 12.080 (B), had been amended to read: *Applicability. Administrative design review is required for all structural additions to single family, multi-family and non-residential structures, and as otherwise required in this Title*. There were other sections in the PMC which mentioned administrative design review but had not been specifically mentioned in this section, which mostly addressed single-family, additions, multifamily and commercial additions not more than 500 square feet in size, and other portions of the PMC included fence exceptions for additional height required through the administrative design review process that were not specifically mentioned. Also, this modification had been added as a catch-all. (Vice-Chairperson Menis)

- Page 29 of 132 of the agenda packet, Section 17.34.030(C)(2) had been amended to read: *If the service station loses its nonconforming status, the property owner shall be responsible for the removal of all buildings, pumps, pump islands, signs, underground storage tanks, fences, walls, and all other structures and instruments related to the service station, and shall return the property to substantially the condition it was in prior to the construction of the service station. The owner shall submit plans to the Community Development Department showing the proposed removal and obtain all required permits to complete the work. The owner shall complete the removal within six (6) months following the date the service station lost its nonconforming status, or as otherwise approved by the Community Development Director.* Clarified the Community Development Director would determine the timeline, if a specific timeline was recommended, and this regulation was currently open-ended. If the property owner did not follow the timeline in the regulation, code enforcement could be imposed to start the code enforcement process. If all code enforcement remedies were exhausted and the removal was not done, the City may step in and start abatement proceedings with a lien placed on the property to allow the City to recover any applicable fees.

  Additionally, in terms of the potential for lead gasoline and hazardous substances, those hazards would be regulated under federal or state laws, and those regulatory agencies would monitor any remediation the service station would require when discontinuing operations. (Vice-Chairperson Menis)

- Pages 30 and 31 of 132 of the agenda packet, Section 17.34.050, Development and Design Standards for Service Stations and Alternative Fuel Stations, (E), Building and Canopy Design, reiterated the Specific Plan would override the Zoning Code when there was a conflict, although the Specific Plan did not include any specific height requirements for accessory type structures, which would capture fuel canopies, but there were structural compatibility and design guideline requirements that would apply to this section. Possibly the Specific Plan phrasing could be stricken from this section to avoid any conflicts. (Vice-Chairperson Menis)

- Attachment A, Pages 45 through 50 of 132 of the agenda packet, again clarified the Zoning Districts which permit or did not permit Alternative Fuel Stations, and clarified in consultation with the City Attorney, many of the alternative fuel infrastructure pieces could not be required to go through the discretionary review process, and the infrastructure itself not required to have a CUP. The permitted uses being shown in the table provided a cleaner method to note the specific types of fueling that would be allowed and would not be in violation of any prohibition on discretionary review. (Vice-Chairperson Menis)

- Attachment A, Pages 56 and 57 of 132 of the agenda packet, Section 17.34.050 Development and Design Standards for Service Stations and Alternative Fuel Stations, G. Accommodation of Refueling Trucks, clarified the text amendment shown in this section was intended to capture all types of review processes and a broader application of the requirement. (Vice-Chairperson Menis)

- Attachment A, Pages 56 and 57 of 132 of the agenda packet, Section 17.34.050 Development and Design Standards for Service Stations and Alternative Fuel Stations (E), clarified the language that had been stricken from this section would have required a lighting study in conjunction with the design review process. This was a cleanup item, with the provision and requirement for a lighting study having been merged with subsection (K), Lighting, which read: *Where there is change to the exterior lighting in conjunction with a permit application for new or modified structures, a lighting study shall be submitted to demonstrate consistency with the requirements of Chapter 17.46 (Lighting). In addition to the lighting requirements of Chapter 17.46 (Lighting), canopy lighting shall be recessed so that the luminary does not extend below the surface of the underside of the canopy.* (Vice-Chairperson Menis)

- Attachment A, Page 37 of 132 of the agenda packet, acknowledged the Vice-Chair's statement the third WHEREAS clause was intended to be past tense. (Vice-Chairperson Menis)

- Attachment D, Survey Results, Pages 99 through 125 of 132 of the agenda packet, staff clarified there were no specific identifiers in the survey results. (Vice-Chairperson Menis)

- Page 25 of 132 of the agenda packet, Section 17.22.020(G)(7), had been amended to read: *ALTERNATIVE FUEL STATION. A retail business whose primary on-site use is the sale and dispensing of motor vehicle fuel other than fossil fuels, including hydrogen, electricity, and biofuel. Vehicle services, which are incidental to fuel services, are included under "Vehicle Services - Minor."* Staff clarified these types of energy sources had been referenced in the City's Climate Action and Adaptation Plan (CAAP). If one of these service stations changed owners or ownership transferred, there would be no change to the regulations, but if the specific type of use ceased and no fueling dispensing storage for more than six months, the existing nonconformity would be gone. Change in ownership and rebranding would be permitted and the service station would have to continue as a service station. If the service station were to close, the zoning designation would remain the same, just the permitted use would change. (Chairperson Sandoval)

PUBLIC HEARING OPENED

Whitney Villa Greswold noted that in the year 2050, her children would be 30 and 32 years old, and according to the state's Fourth Climate Change Assessment under High Emissions Scenarios, which the area could be heading towards without more global unified action, average temperatures could rise by approximately four degrees above late 20th century averages. Rising temperatures would spur drastic changes to the weather with more prolonged and extreme heat, higher frequency and severity of fires, more droughts and severe rain. The world had not experienced such extreme warming at such a rapid rate and the tipping points to climate destruction were unknown. With environmental protection rollbacks, she suggested the City of Pinole needed to do its part to encourage emission reductions. Global issues could be solved at the local level and she suggested the purpose of government was to look out for the best interests of residents by taking into account sound science. The proposed ban on new service stations was part of a larger portfolio of actions the City should take to reduce emissions and increase community reliance to climatic events that would incur in the coming years. The City could include more bicycle/pedestrian paths, support transit, increase EV chargers, support community emergency response team training, fire hazard mitigation and the like. Proud to be a resident of a City that had foresight and made decisions based on science and who watched out for the health and safety of its residents, she supported the ordinance to prohibit new service stations in the City.

Cathy McFarland commented on the City's migration towards the state's cleaner environment. The City now wanted service stations prohibited, and provisions and modifications for alternative fuel stations. She found that Pinole was following the state down the rabbit hole with unrealistic goals of all-electric, and suggested it was all about balance and what the system could support along with the cost of operating that system. The state could not support the current grid system on an extremely hot day and as of 2024, there were only 1.8 million registered electric vehicles in the state. Most people were barely surviving financially and could not afford a new vehicle, let alone the outrageous electric costs to operate electric vehicles now or in the future.

Per the top 25 sales tax revenue generators for the City, Ms. McFarland noted five were gas stations which provided the City gas tax revenues. She commented the City also added high density homes with approximately 200 units built with another 400 units to be built in the near future. She questioned where they would get the gas to operate those units. The City needed to take care of Pinole's residents, with the state's pro-housing agenda not protecting the community given all of the project's residents had been subjected to. The City also built senior housing with little parking, which had caused many new issues in the surrounding areas including safety issues. She noted the City now wanted $390,000 from residents for those areas to help correct the problem. This was the first of three major problems the City was facing, with more pro-housing developments to be built with the same blueprints on Appian Way and Fitzgerald Drive.

Ms. McFarland added a storm drain project that was to be built prior to and near the senior project had doubled over its projected estimate to over $700,000. She understood in talking with a City department head there had been issues with the contractor that helped to inflate the new price. The City's lack of oversight rushing into this pro-housing project would cost the City around $740,000 and the City may turn to residents to pay.

Ms. McFarland added a Walk Score had shown the City of Pinole was a car dependent City. On average there were around 21,000 vehicles a day in Pinole, a lot of traffic, all of which would need to continue fueling up. In addition, the City's impact fees and how they would be spent in upcoming years had shown the City was not there for its residents, with the majority of those fees to go towards City-owned property and not to the roads or police. She asked what would happen when taking away the tax revenue from fueling stations and additional gas taxes, and the City became all housing, with no money to support the City. She suggested the City was creating its own problems which were greatly multiplied daily, asked that each and every decision count now and for the future of the entire City of Pinole, and that decisions made be right for the City and its residents.

Anthony Vossbrink asked what brought the original subject up, assuming it was the City Council, and suggested that be revisited to see where they were, where they were going and why they were there in the first place. He asked whether state or federal agencies had imposed a mandate for the City. He found it odd this started at the same time that some members of the City Council pushed through a moratorium absent public feedback. He suggested there could be an ulterior motive and he would like to know what it was since it could be political.

Mr. Vossbrink added at the time the Appian 80 project was to get underway the moratorium had been imposed, which stopped the project since Safeway found out what was happening in the City and with the City Council. He learned in planning meetings with the public that Safeway had shown its plans for the property, which included 12 to 18 gas pumps. While things had been green-lit at that time, the majority of the City Council decided against it, and the City lost that income and gas taxes to neighboring cities. Many people, including former City Council member Pete Murray, suggested the City Council consider what Lucky Stores had done and who the City offered a rubber stamp on EV charging stations. The City could have considered EV charging stations to match the number of proposed gas pumps rather than lose the entire Safeway project. He also found it odd the Union 76/Valero Station had been grandfathered-in and picked up additional gas pumps, which occurred at the same time. That service station opened up a couple of years late but was allowed a new gas station after breaking ground twice. He suggested looking at what happened in that situation.

Mr. Vossbrink further commented the City had not wanted to consider realigning or re-queuing the lights on Pinole Valley Road to limit and reduce carbon emissions and the egress/ingress to the freeway, with traffic back up that caused many problems and carbon emissions along Pinole Valley Road.

Shoshana Wechsler supported the adoption of Resolution 26-01. A West County resident, and Coordinator for the Sunflower Alliance, an environmental justice organization and Chair of the County Sustainability Commission, but speaking as a Contra Costa County resident, responded to the questions raised by the previous caller as to why to do this. She commented on the President's calls to drill and lead the nation back to the stone age of increased fossil fuel production and consumption by any means necessary. Despite the President's mythologizing about the new Golden Age that awaited, the facts on the ground and in the shared air and waters, told a different story. The world was in a fossil fuel emergency that was intensifying rapidly. She found the City of Pinole was taking action by protecting residents from fossil fuel-related pollution and worsening environmental impacts of climate change.

While some were worried about running out of gas or possible gas spikes, and while serious issues, Ms. Wechsler noted the City of Pinole had eight gas stations, running out of gas was not a real likelihood and gas prices were in the hands of a volatile global market and not City government. On a local level, the City could minimize exposure to known health hazards like benzine and carcinogens emitting from gas stations. When speaking of affordability, one also had to factor in the high price of work missed and spiking health care costs and the costs of human life. She noted that 80 percent of gas stations had been projected to be unprofitable by 2035, and remediating a gas station could cost more than $2 million, with an average cost of over $243,000 per site. She asked the City planners to adopt the resolution and recommended the City Council adopt the zoning code amendments.

PUBLIC HEARING CLOSED

Vice-Chairperson Menis provided the following comments on the agenda item and in response to the public comment:

- A reference to $390,000 costing citizens was not the net cost to the City; it was the amount of a grant in total with the matching portion of local funds for the City at around $130,000.

- Referenced Attachment D, survey results, which responses addressed questions about the free market, prices and the potential harm to store owners; and important to note, the ordinance, as amended, would not shut down any existing gas stations now, in 2035 or in 2050, but would prohibit the construction of new gas stations, expansion of gas station pumps at existing gas stations and if the pumps stopped at existing gas stations for a period of time they would no longer be allowed.

- Appreciated the overall polite and reasoned tone taken by both sides in the survey results, and while he recognized one of the respondents had used obscenities and race-based remarks about Council members, he suggested as a community the City could do better about expressing its thoughts and views on issues without stooping to Ad hominem and making racist attacks as a matter of policy.

- Page 25 of 132 of the agenda packet, Section 17.22.020(G)(7), definition for ALTERNATIVE FUEL STATION and Attachment A, Page 49 of 132 of the agenda packet, noted hydrogen had the potential for seepage issues that biofuels and gasoline may not due to the nature of the molecule and how the gas was stored. Suggested fire conditions be imposed on the permitted by right use for Alternative Fuel Stations.

Mr. Shiu clarified that permitted by right meant it was a land use that was allowed on the site without any special discretionary review and approval. There would be applicable standards outside local regulatory standards, such as state or federal standards.

- Page 29 of 132 of the agenda packet, Section 17.34.030(C), Loss of Nonconforming Status for Service Stations, recommended the end of the clause include a reference to the segments of the PMC that spoke to what happened if there was no compliance with this section.

Mr. Shiu suggested it could be noted the use could be subject to code enforcement in the event of non-compliance, which would happen to any use that did not comply with the PMC.

Mr. Hanham suggested if the Vice-Chair wanted to refer to another section of the PMC, there could be reference to code enforcement actions since there were a number of different sections in the code. He did not recommend limiting it to one section, rather to state that non-compliance could result in code enforcement action.

Chairperson Sandoval referenced Page 52 of 132 of the agenda packet, Section 17.22.020 Allowed Use Definitions, and suggested "renewable fuels" be added to the definitions. He did not want to limit to specifics and recommended leaving it open ended in the event of a solar or water-powered vehicle or some other form of transportation that was necessarily defined, but could still be defined, as "renewable" or "green technology." The same change should be made to Pages 55 and 56 of 132 of the agenda packet, Section 17.34.030 Operation and Modification of Service Stations (B)(3), Addition of Alternative Fuel.

Mr. Shiu confirmed the change could be made anywhere the definition of Alternative Fuel was shown in the documents.

Chairperson Sandoval otherwise referenced the required setbacks for the pump stations and asked whether the same setbacks would apply to EV charging stations. He commented if a parking lot or prior gas station was converted, as an example, EV infrastructure could be placed closer to the street, and asked whether the infrastructure must be 15-feet from the public right-of-way (ROW).

Mr. Shiu explained the standard was in the Zoning Code. For many sites EV charging stations were permitted or conditionally permitted. For Alternative Fuel Stations, EV charging stations would be a permitted use and would refer to the setback standards in the Three Corridors Specific Plan, which he described as very generous. EV charging stations as a standalone and not the primary use of the site was governed by typical building code requirements.

Vice-Chairperson Menis continued his comments, as follows:

- Page 24 of 132 of the agenda packet, Section 17.12.080 (B), which currently read: *Applicability. Administrative design review is required for all structural additions to single family, multi-family and non-residential structures, and as otherwise required in this Title,* and recommended this section be modified to specifically detail what would be "otherwise required in this Title."

- Page 52 of 132 of the agenda packet, Section 17.22.020 Allowed Use Definitions, recommended an expanded definition of "fossil fuels" be included, while also clearly defining what was being included in the definition. Expressed concern with potential changes from the federal government related to the use of fossil fuels in the future and offered a number of examples where that may happen.

Mr. Shiu confirmed a more detailed definition could be considered for fossil fuels. If there were changes imposed by the federal government, the City would have to follow those changes.

Mr. Hanham confirmed if the federal government changed the definition of fossil fuels, the PMC would have to be amended automatically as had been done with changes to state and federal housing codes.

Speaking to the public comments about the background of the Appian 80 Shopping Center project, Vice-Chairperson Menis noted the initial proposal had been in place before the gas station moratorium. Had the developer used the approved entitlements, the project would not have been impacted by the moratorium. He also responded to the concerns raised by members of the public that the City's moratorium had allowed the property to become blighted, which he stated was not accurate since the original property owner could have built under the approved entitlements. The property had been sold and the current property owner allowed the property to become blighted.

Messiers Shiu and Hanham clarified the original entitlements for the Appian 80 Shopping Center had been approved in 2020. There had been extensions after that time with the last extension ending in 2023. The property had been sold in 2022 and the new property owner allowed the entitlements to expire. None of the requirements of the moratorium had been in effect at that time.

Vice-Chairperson Menis also recognized that some gas station properties had been grandfathered-in such as the Union 76/Valero Station since it was approved before the moratorium was enacted. He asked staff to provide clarification.

Mr. Hanham confirmed the entitlements for the Union 76/Valero Station had been approved far in advance of the moratorium. There had been PG&E issues that caused delay in construction. This service station would have become a legal nonconforming use with the passage of the ordinance, but at the time it was current and the emergency ordinance would not have affected the construction of that project.

Vice-Chairperson Menis added there was also some confusion about the overall scope of the ordinance and the zoning text amendments. He reiterated the ordinance, as amended, would not shut down existing gas stations and the approximate 21,000 vehicles passing through the City could still continue to get gas as they did today. He also took the opportunity to highlight many of the findings in Attachment D for the survey results, and based on the responses, the existing network of gas stations in Pinole would remain permitted and would provide an adequate support base for vehicles passing through the City. He hoped with the shift from electric vehicles and associated infrastructure in the future, the number of internal combustion powered vehicles on the road would decrease and the need for gas service stations would likewise drop over time.

Vice-Chairperson Menis added even given the broader concerns over the practically of this ordinance or its infringement on the free market, per the survey results, which he again highlighted, respondents had not identified that as a concern. He also recognized the concern that the vast majority of people in Pinole primarily relied on gasoline powered vehicles and the ability to continue to access fossil fuels to power those vehicles along with the concerns with the cost of acquiring new or used electric vehicles. He noted the most likely reason a service station would close down would be due to the free market, as evidenced by the survey results.

When there were fewer internal combustible vehicles on the street and where it was no longer profitable to own and maintain the gas service stations, they may close naturally. At that point, non-internal combustible vehicles may presumably be reduced in price where the affordability concern would no longer be valid.

Commissioner Lam-Julian asked what extra revenue the City received from gas stations. She understood the revenue generated from grocery stores was miniscule.

Mr. Hanham explained the City budget outlined all of the gas taxes the City received, staff did not have that information at hand at this time but it was available in the budget.

Chairperson Sandoval again requested the addition of “renewable fuels” in the definitions to capture new types of fuels a service station or alternative fuel station could adapt to.

Vice-Chairperson Menis commented he looked at the agenda packet for the January 20, 2026 City Council meeting when the City Council considered the Annual Comprehensive Financial Report (ACFR). The ACFR included information on the taxable sales category for the last 10 fiscal years. Page 474 of the City Council agenda packet included information on taxable sales by category and fuel and service stations as a business group, and included the sale of gas and convenience store goods, which reached a peak of $412,186 point of sale total in Fiscal Year (FY) 2021, but declined to $335,807 in FY 2024/25. This was considerably less than the general consumer good category or restaurants/hotels category but close to matching the building/construction category, with food and drugs higher.

Vice-Chairperson Menis reiterated a request to amend Page 24 of 132 of the agenda packet, Section 17.12.080(B), which currently read: *Applicability. Administrative design review is required for all structural additions to single family, multi-family and non-residential structures, and as otherwise required in this Title,* and recommended this section be modified to explain more explicitly the statement “otherwise required in this Title.” He left it up to staff whether to include the specifics in the staff report, or the text itself.

Vice-Chairperson Menis reiterated a request to amend Page 29 of 132 of the agenda packet, Section 17.34.030(C)(2), and suggested it would be worthwhile to indicate in this section some of the potential consequences for non-compliance with this section, such “as would occur in any other loss of use,” “x” would happen in this order and identify the potential consequences to be clear to the public and those relying on that segment of the ordinance.

The Vice-Chairperson again referenced Page 31 of 132 of the agenda packet, Section 17.34.050, Development and Design Standards for Service Stations and Alternative Fuel Stations (E) Building and Canopy Design, and asked that the language reading “or Specific Plan” in the notwithstanding clause be stricken.

Mr. Shiu suggested leaving that section as written, since the Specific Plan did include different height standards depending on the Zoning District and Sub-Areas that could be higher than the 25-foot regulation shown in this section.

Mr. Hanham added there were gas stations in the RC Zoning District outside of the Specific Plan and that standard would be associated to those stations within the RC Zoning District. If standards in the Specific Plan were already set, they would be used for those stations in the Three Corridors Specific Plan. The way Section 17.34.050(E) had been written, and while vague, there were two different areas; one non-Specific Plan and the other Specific Plan, with different standards in each.

Vice-Chairperson Menis understood, although this was a notwithstanding clause in Section 17.34.050(E) and the text in this section stated it overrode Specific Plans, but the Specific Plan would still govern.

Mr. Shiu understood the concern was that this section, as written, may provide unnecessary restrictions to heights that would otherwise be provided in the Specific Plan, in which they should strike the reference to "or Specific Plan" in this section, since it would override the Zoning Code.

Vice-Chairperson Menis referenced Page 57 of 132 of the agenda packet, Section 17.34.050, Development and Design Standards, C. Setbacks, which included new language which read: *Where the site is located within the Three Corridors Specific Plan area, the development standards of the Specific Plan shall apply* as compared to subsection (E), Building and Canopy Design, which read: *The service station or alternative fuel station building and/or canopy shall be designed for architectural compatibility with the surrounding area. Notwithstanding any other requirements in the Zoning Code or Specific Plan, the maximum height for all service station buildings (including canopy) shall be twenty-five (25) feet. Pitched roofs are preferred, but not required. In order to reduce the visual impact of the canopy structure and corresponding lighting, the maximum height of the canopy clearance shall be fifteen (15) feet and the maximum width of the canopy fascia shall be thirty (30) inches. The canopy fascia shall match the color and texture of the primary building. See Figure 17.34.050-1 (Service Station Building and Canopy Design). Deviations from these requirements may be allowed in conjunction with comprehensive design review (Section 17.12.150).*

Mr. Shiu again understood the concern with the interpretation and recommended striking the language *or Specific Plan* from the notwithstanding clause of Section 17.34.050 (E).

Vice-Chairperson Menis reiterated his request that "fossil fuels" be added to the definitions to clarify what fossil fuels were.

Mr. Hanham advised that a definition of fossil fuels could be added.

Chairperson Sandoval recommended for clarity that fossil fuels be defined as fuels derived from fossil fuels or which were petroleum based. As an example, petroleum-based fuels such as both gas and diesel could be both renewable in the sense if they had carbon captured gasoline that was renewable or biodiesel, fuel derived biologically and used in the same way as a fossil fuel. He would be cautious and wanted to keep the definition vague in a way and not limit a future type of fuel whatever that may be. He preferred not to specifically define fossil fuels.

Vice-Chairperson Menis asked if the Chair had concerns with the proposed definition of Alternative Fuel Station, as shown on Page 52 of 132 of the agenda packet. He again recommended a clarification for fossil fuels.

Chairperson Sandoval again suggested being cautious with the definition since most gasoline sold in the state was around 10 to 15 percent Ethanol, which was a biofuel. He again suggested the definition be vague.

Vice-Chairperson Menis recommended "biofuel" be defined.

Chairperson Sandoval reiterated the need to be cautious because there were different fuels that contained different percentages of alcohol and Ethanol, and he offered examples.

Vice-Chairperson Menis wanted to clarify the intent to the City Council on what would become law and what would not. Again, he wanted more specificity on fossil fuels, as discussed and he wanted the definitions the City was required to use to be noted assuming some of them, such as biofuel, was explicitly defined as a kind of alternative fuel source in state code.

Mr. Shiu stated staff could do some research on definitions in the state code if that was the direction from the Planning Commission.

Chairperson Sandoval would be open to defining fossil fuels as a petroleum-based fuel.

Vice-Chairperson Menis was unsure that should be done since some people still burned coal. Rather, he sought a proper definition of "biofuel" and "fossil fuels," without which there could be situations where there could be prohibitions.

Chairperson Sandoval again recommended fossil fuels be defined as "petroleum-based," which would identify the issue and to counter that, an argument could be made for grey hydrogen, which was sometimes petroleum derived and sometimes used as a renewable resource, but not necessarily green fuel. He was of the opinion the Planning Commission could be considering something contrary to the intent.

Commissioner Bender agreed with the Chair's opinion. He too found the discussion was going too far. He was not thrilled about the use of hydrogen as a fuel source, but he would let it stand. He stated there was a bigger intent for this ordinance to put a stop to new gas stations and he was comfortable with that and overall, with the way the ordinance had been laid out.

Vice-Chairperson Menis expressed concern if following the Chair's suggestion to narrow the definition of fossil fuels to petroleum-based, which could run into the other direction and narrow the definition of alternative fuels. He commented there had been direct conversion of coal into oil and then gasoline and asked if that would count as a petroleum-based derivative. He noted the current definition of fossil fuels in the ordinance, if it were not changed, would cover that. If petroleum-based was added to the definition to fossil fuels, he expressed concern they could be adding an exception.

Chairperson Sandoval was unaware of any vision for a vehicle to use coal and gas to power a vehicle in the future. The definition could be left as is and be open to interpretation later on.

Vice-Chairperson Menis would be open to that but did not want to narrow the definition of fossil fuels.

Chairperson Sandoval did not want to get too narrow and wide at the same time.

At this time, Vice-Chairperson Menis withdrew his suggestion on that particular topic. He also referenced Page 60 of 132 of the agenda packet, Land Use and Development Standards, and clarified with staff the land use classifications shown for Alternative Fuel Station and Service Stations, and why some uses were barred, with the intent to line up with the permitted status for Service Stations, which was a carryover item.

MOTION with a Roll Call vote to adopt Resolution 26-01, with Exhibit A: Municipal Code Amendments, a Resolution of the City of Pinole Planning Commission Recommending that the City Council adopt an Ordinance to Prohibit New Service Stations, include Standards for Operation and Modification of Service Stations, and Provide for Alternative Fuel Stations by Amending Chapters 17.12, 17.20, 17.22 and 17.34 of the Pinole Municipal Code and Chapters 6 and 11 of the Three Corridors Specific Plan, subject to the following modifications:

- Chapter 17.12, Entitlements, Section 17.12.080, Administrative Design Review, B. Applicability, staff recommended inclusion in the staff report to the City Council, various other types of projects that may require administrative design review.

- Chapter 17.34, Automobile Service Stations and Alternative Fuel Stations, Section 17.34.030, Operation and Modification of Service Stations, C. Loss of Nonconforming Status for Service Stations, (2), to add additional text referencing code enforcement actions for corrections after loss of nonconforming status.

- Chapter 17.34 Automobile Service Stations and Alternative Fuel Stations, Section 17.34.050, Development and Design Standards for Service Stations and Alternative Fuel Stations, E. Building and Canopy Design, strike the added text which read: *or Specific Plan*.

- Chapter 17.22, Allowed Use Definitions, Section 17.22.020, Allowed Use Definitions, G. Automobile and Vehicle Uses, 7. Alternative Fuel Station, to be amended to read: ALTERNATIVE FUEL STATION. A retail business selling and dispensing motor vehicle fuel other than fossil fuels, including hydrogen, electricity, biofuel or any other renewable fuel. Vehicle services which are incidental to fuel services are included under “Vehicle Services - Minor,” and potentially make the same modifications in the documents anywhere the phrase Alternative Fuel Station was used.

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

Chairperson Sandoval identified the 10-day appeal process of a decision of the Planning Commission in writing to the City Clerk.

H. OLD BUSINESS

1. Appian 80 Ideas and Concepts for Resolution to City Council

Mr. Hanham presented the staff report dated January 26, 2026, and recommended the Planning Commission select a Planning Commissioner to bring the Appian 80 Ideas and Concepts Resolution to the City Council.

Chairperson Sandoval was interested in serving as the Planning Commission spokesperson but asked of the role and what was expected when he attended the City Council meeting.

Mr. Hanham stated a staff report on the Appian 80 Ideas and Concepts Resolution would be presented to the City Council at an upcoming City Council meeting. After the staff presentation, he would turn it over to the Planning Commission representative for further discussion/questions from the City Council on the presentation.

Commissioner Bender suggested it made sense the Chair would serve as the spokesperson for the Planning Commission who was also the instigator of the Appian 80 Ideas and Concepts.

Vice-Chairperson Menis agreed and while he would have liked to have made the presentation, he recognized Chairperson Sandoval was the Chair and it was his idea and reasonable he would explain the presentation.

Chairperson Sandoval welcomed any additional feedback the Planning Commission may like forwarded to the City Council.

PUBLIC COMMENT OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

Commissioner Uch clarified with Mr. Hanham that Planning Commissioners may attend the future City Council meeting when the item was presented, sit in the audience but not sit together so as not to violate the Brown Act, and Planning Commissioners may address the City Council as private citizens if commenting on the item.

Commissioner Uch agreed the Chair should represent the Planning Commission. He otherwise complimented the Chair on a great job handling Planning Commission meetings.

Vice-Chairperson Menis reported that he offered public comment during City Council meetings all the time and there were no issues.

MOTION to select Chairperson Sandoval to present the Appian 80 Ideas and Concepts Resolution to the City Council.

MOTION: Sandoval **SECONDED: Bender** **APPROVED: 6-0-1**
ABSENT: Martinez

I. NEW BUSINESS: None

J. CITY PLANNER'S/COMMISSIONER'S REPORT

Messiers Shiu and Hanham provided the following updates:

- The next Planning Commission meeting scheduled for February 9, 2026 would include a CUP review for Uptown Yard.
- The Safety and Environmental Justice Elements had been adopted by the City Council and the Planning Commission was thanked for its work on the documents.
- The Lighting and Landscaping Assessment District (LLAD) for Appian Village had been approved with staff highlighting the purpose of the LLAD.
- Staff had been in contact with the property owners for the former Kmart building who were proceeding with the demolition process, and with the entitlements for the project having been extended to October 2026.
- The property owner for Pinole Shores was in the process of preparing building plans.
- An upcoming Planning Commission meeting would include coordination with the Public Works Department for a Subdivision/Parcel Map for someone who wanted to donate land to the City.

Vice-Chairperson Menis asked if the demolition for the former Kmart property occurred prior to the expiration of the entitlements in October 2026, and if that meant it would keep the entitlements going.

Mr. Hanham clarified the applicant may submit for building permit plans any time up to October 2026. The demolition was a condition of approval of the project the applicant had to comply with prior to issuance of a building permit.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

K. COMMUNICATIONS

Vice-Chairperson Menis reported on upcoming community events.

Those events included January 27, 2026, Senior Food Distribution at the Senior Center from 10:00 to 11:00 a.m.; Special City Council meeting on January 27, 2026 at 6:00 p.m. for a Closed Session; the Community Services Commission meeting scheduled for January 28, 2026 was to be canceled and he invited everyone to a protest on Saturday, January 31, 2026 from 11:00 to 2:15 p.m. at the intersection of Tennent and San Pablo Avenues.

PUBLIC COMMENTS OPENED

Anthony Vossbrink asked staff for an update on the property behind the 7-Eleven on Pinole Valley Road, which project had been stalled, and for an update on the Parklet Regulations. He reported a new restaurant in the Trader Joe's Shopping Center, Dave's Hot Chicken or an adjoining business, had violated public access and asked staff to check on the matter. He also expressed concern other retailers in the same shopping center had placed outdoor wrought-iron tables and chairs, which obstructed 40 to 50 percent of the existing sidewalk causing possible pedestrian hazards. He noted many businesses in Pinole routinely placed signage/story boards outside of their stores on weekends, which also obstructed the sidewalk corridors up and down Pinole Valley Road, Fitzgerald Drive Shopping Centers, the downtown and along San Pablo Avenue. In one instance, a story board had been chained in front of Pear Street Bistro for around a year and a half, obstructing access to the light switch to cross the street. That sign was finally removed after completion of a development behind the Senior Center. He suggested more active code enforcement and follow-up be provided on those issues in the community. He also asked the Vice-Chair to provide an explanation about a previous comment he made about lane expansion on the Pinole Valley Road on-ramp near Jack in the Box, which was needed to help the flow of traffic.

PUBLIC COMMENTS CLOSED

Chairperson Sandoval asked when the Parklet Regulations would go into effect, to which Mr. Hanham explained the City had existing regulations on outdoor dining businesses must adhere to, and staff would have to take a look at the shopping centers to determine whether outdoor dining had been approved. If not, code enforcement could be asked to look into the matter. The outdoor dining furniture was not supposed to impede the path of travel and that was something staff would have to check.

Chairperson Sandoval also recommended the speaker reach out to Code Enforcement with any code enforcement issues.

Mr. Hanham added the use of A-frame signage was not allowed in certain districts and staff would have to take a look at that as well. Oftentimes such signage was used on the weekends when City offices were closed and it could be something for code enforcement to research. He also clarified the property behind 7-Eleven was a 29-unit apartment complex with a 17,000 square foot commercial addition to the back of the building, which sat behind 7-Eleven and which was an ongoing project. There had been some issues with faults on the property and due to that major expense, the City allowed the activation of the exercise of the entitlements and they were pushing that forward to see the progress. The City may take action based on the conditions of approval and what had been done up to this point.

Mr. Hanham also acknowledged there had been a real estate sign posted near Pear Street Bistro advertising a subdivision that had been built some time ago.

Mr. Hanham was uncertain the developer had permission for the sign, but in lot of cases developers placed signs and arrows advertising new development. The development in question occurred prior to his time with the City.

Mr. Shiu clarified the owner of the property behind 7-Eleven was working on another project, and the Pinole project had outstanding comments on the grading permit, with staff waiting for a response.

Vice-Chairperson Menis responded to the speaker's question directed to him, and explained he had referenced a project that the County Department of Transportation brought before the City of Pinole in 2020, possibly 2019, where they had discussed various projects linked to Measure J and C funds and Smart Streets and how that was linked to the expansion of the on-ramps. One project had been listed for Pinole, but did not include a timeline and involved the expansion of the eastbound on-ramp from Pinole Valley Road to I-80 eastbound, from one to two lanes to relieve some of the traffic issues. The project depended on County and Caltrans funding and was not something where the City of Pinole had direct influence.

Mr. Hanham commented in most cases the projects could be something recommended by the City, but anything to do with the on- and off-ramps were part of the Association of Bay Area Governments (ABAG) Regional Transportation Plan, and he was uncertain of the status of those projects.

Vice-Chairperson Menis asked whether an approved outdoor dining permit for Peet's Coffee automatically extended to cover Dave's Hot Chicken, and Mr. Hanham commented staff would have to determine what had been approved for the shopping center. If staff could not locate an approved outdoor dining permit for the businesses in the shopping center, the businesses would be required to obtain approval of outdoor dining permits.

L. NEXT MEETING

1. Planning Commission Regular Meeting on February 9, 2026 at 7:00 p.m.

M. ADJOURNMENT: 9:44 p.m.

Transcribed by:

Sherri D. Lewis
Transcriber