

1
2
3 **MINUTES OF THE REGULAR MEETING**
4 **PINOLE PLANNING COMMISSION**

5
6 **August 12, 2024**
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 **B. PLEDGE OF ALLEGIANCE**
15

16 **C. 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 **D. ROLL CALL**
25

26 Commissioners Present: Bender, Huey, Lam-Julian*, Sandoval, Uch, Chairperson
27 Menis
28 *Arrived after Roll Call
29

30 Commissioners Absent: Vice-Chairperson Martinez
31

32 Staff Present: David Hanham, Planning Manager
33 Justin Shiu, Contract Planner
34

35 Chairperson Menis reported he had received ex parte communications from Vice-
36 Chairperson Martinez who was unable to attend the meeting.
37

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

40 Anthony Vossbrink, Pinole, reported he had previously inquired about the status of trees
41 that were being cut down, particularly in the middle of Pinole Valley Road along the
42 sidewalk frontage where Ellerhorst Elementary School was located and across from Fire
43 Station 74. The trees that had been removed were a combination of 50 years+ in age and
44 consisted of redwoods and pines. While at times some trees had been trimmed from
45 telephone lines, they had recently been removed entirely contrary to the desire to reduce
46 carbon emissions in high traffic areas. He asked whether the removal of the trees had
47 been done absent permits by the West Contra Costa Unified School District (WCCUSD)
48 in violation of Section 17.96 of the City's Tree Ordinance.
49
50

1 Mr. Vossbrink also understood the City had established an unwritten policy or reputation
2 if something was broken there was no replacement, and he detailed the number of street
3 light outages and broken signs along Appian Way and Pinole Valley Road along with over
4 a dozen lights out along Pinole Valley Road, San Pablo Avenue and in the City's public
5 parking lots. In particular, the public parking lot behind the Police Department where
6 cyclone fencing had been proposed needed replacement light bulbs. He urged the City to
7 not only emphasize the importance of the proposed sales tax measure in November but the
8 basic housekeeping needs of the entire City.
9

10 Planning Manager David Hanham responded to the concerns with the removal of trees
11 and explained that if trees had been removed by the WCCUSD and if the trees were
12 located on WCCUSD property, the City had no grounds to cite. If the trees were within a
13 PG&E easement, a tree removal permit would be required. He would have to check with
14 the Public Works Director on the trees that had been removed and who had taken them
15 down. He confirmed, when asked by the Chair, that he could provide an update to the
16 Planning Commission at a future meeting.
17

18 **F. MEETING MINUTES**

19
20 1. Planning Commission Meeting Minutes for June 10, 2024
21

22 Chairperson Menis requested a revision to Lines 20 through 27 of Page 10 of the June 10,
23 2024 minutes, as follows:
24

25 *Chairperson Menis offered a motion, seconded by Commissioner Bender, that all*
26 *projects listed under the CIP were in conformity with the General Plan, as listed under*
27 *staff notes, except for #FA2302, Plum Street Parking Lot Improvements, because it*
28 *did not meet Goal CE.5 due to the reductions it causes in parking, causing it to fall*
29 *below the necessary level of parking to meet that element and that it failed to meet,*
30 *and did not fall within the action item under Policy CS2.6, due to the design of the*
31 *item not being able to provide the necessary public safety improvements, and it did*
32 *not, in fact, meet Goal CS.2 and therefore could not fall under Policy CS2.6 or the*
33 *actions associated with said policy.*
34

35 Chairperson Menis also referenced Page 12 and the bullet on Line 33 and commented he
36 would not have noted *Conditions 114, 115, 116, and 117, as titled were correct as shown,*
37 unless there was an issue and he was unsure why the bullet statement had been included
38 in the meeting minutes.
39

40 **MOTION** with a Roll Call vote to approve the Planning Commission Meeting Minutes for June
41 10, 2024, as amended.
42

43 **MOTION: Bender**

SECONDED: Sandoval

APPROVED: 5-0-2

ABSENT: Lam-Julian, Martinez

44
45
46 **G. PUBLIC HEARINGS**

47
48 1. Subdivision Map (SM24-01) Appian Professional Plaza Subdivision
49

1 Planning Manager Hanham presented a PowerPoint presentation for Subdivision Map
2 (SM24-01) Appian Professional Plaza Subdivision. He recommended the Planning
3 Commission adopt Resolution 24-03 (Exhibit A) approving the subdivision of one lot into
4 two lots located at 1310-1330 and 1410-1420 Tara Hills Drive and 2150 and 2160 Appian
5 Way (SM24-01) consistent with Exhibit B (Tentative Map).
6

7 Responding to questions from the Planning Commission, Mr. Hanham clarified:
8

- 9 • The parcel was located in the Office Professional Mixed-Use (OPMU) Zoning
10 District, which would allow 20 to 25 units per acre if housing were proposed.
11 (Sandoval)
12
- 13 • Any residential development proposal on the OPMU parcel would have to come
14 back to the Planning Commission with any conversion of the existing buildings
15 requiring Planning Commission review and approval of a Comprehensive Design
16 Review application. (Lam-Julian)
17
- 18 • No residential had been planned as part of the subdivision of the parcel. The
19 zoning designation of OPMU would allow for residential development depending
20 on the description of the project. The project, as proposed, would maintain the
21 existing uses of professional offices, and as part of the Subdivision Map the
22 applicant would be allowed to take the Parcel Map to the Department of Real
23 Estate (DRE) for a Condominium Map as part of that process. (Huey)
24
- 25 • The drive between proposed Lot 2 and Tara Hills Drive was part of Lot 2. (Bender)
26
- 27 • No changes had been proposed to the existing land uses of the property at this
28 time. Any change of use to the property would require Comprehensive Design
29 Review. (Menis)
30
- 31 • Typographical errors in the first sentence of Condition 5, Site Parking and in the
32 last sentence of Condition 8, Covenants, Conditions and Restrictions (CC&R's) of
33 Exhibit A, Planning Commission Resolution 24-03, Conditions of Approval, would
34 be corrected. (Menis)
35
- 36 • Condition 9, Homeowner's Association (HOA), had been imposed as part of the
37 avenue used besides CC&Rs, with an HOA/business owner association to be used
38 as the governing body for the condominiums. (Menis)
39

40 PUBLIC HEARING OPENED 41

42 Mark Heavey, Appian Associates, explained that there would be no physical
43 improvements other than enhancements to the buildings and work on the interiors, with
44 the Subdivision Map commercial condominium map allowing the tenants to become
45 owners. The property was currently owned by a group of doctors who had built it decades
46 ago, were retiring, with some heirs taking over and the project would allow those tenants
47 to have the benefit of pride of ownership, maintain the HOA, ensure landscaping was done
48 and the tenants and current owners were behaving pursuant to the CC&Rs.

1 The project offered an excellent opportunity to bring fresh light and air into an existing
2 stale project, tenants were excited about this opportunity and liked the control of
3 ownership, ability to get 90 percent Senate Bill (SB) 8 financing, lock in costs of ownership
4 and not have landlords change rules and knock the buildings down for housing. The
5 applicant had worked with staff throughout the process and was in agreement with the
6 recommended conditions of approval.
7

8 PUBLIC HEARING CLOSED 9

10 Commissioner Sandoval asked whether there were any plans to redevelop the lot, and
11 Mr. Heavey reiterated there were no plans to redevelop the lot. The goal was to sell the
12 condominium map to the doctors and establish the HOA where the tenants would become
13 the owners, as described.
14

15 Commissioner Lam-Julian asked about the vacancy rate for the Appian Way Professional
16 Plaza and was informed by the applicant there was a 50 percent vacancy rate. Some of
17 the current tenants had tenant allowances, which allowed some tenants to move out and
18 not re-tenant the spaces and allow those spaces to be sold. The applicant was scheduled
19 to purchase the property in the next month, start to refresh the units and start the sales
20 campaign for the doctors to move in right way. Typically, from start to finish once they
21 had the map, it would take one to two years to sell out all units. There were also some
22 leases in place and everyone would be offered the opportunity to purchase and existing
23 tenants would be offered a discount. Refreshing the units would involve painting,
24 carpeting or repair of some ceiling tiles. As to whether the units would include green
25 building improvements, the applicant would do what they could to provide state-of-the-art
26 construction.
27

28 Commissioner Uch understood no physical changes had been proposed for the lots but
29 since the sellers were professionals, he asked whether it would be possible to have infill
30 development on the lots.
31

32 Mr. Hanham advised the lots had been built out and unless development was a higher
33 density and the entire site demolished with new buildings that would not be possible. As
34 the applicant stated, the buildings would be refreshed.
35

36 Commissioner Huey asked whether any tenants had leases that wanted to continue
37 leasing.
38

39 Mr. Heavey advised that those with leases could remain. He described the development
40 as commercial condos with a small niche and the applicant found it a win for the doctors.
41 The applicant had seen people purchase similar buildings such as in Southern California
42 and knock them down to build high-rise residential development. In this case, the
43 applicant was purchasing the property allowing most of the buyers to control their real
44 estate.
45

46 Chairperson Menis understood the building had initially been built with shared ownership
47 but was now comprised of leases, and he asked whether things had changed or the
48 situation was fundamentally based on a different ownership structure.
49

1 Mr. Heavey reiterated a small group of doctors had built the project, added to it over time,
2 and there had been a board of doctors involved, none of whom were still practicing,
3 although there were heirs on the board. As described, this project would allow a
4 restructure of the ownership of the building so that the individual units could be sold, with
5 the new owners subject to the CC&Rs.
6

7 **MOTION** with a Roll Call vote to adopt Resolution 24-03 with Exhibit A: Conditions of
8 Approval, a Resolution of the Planning Commission of the City of Pinole, County of Contra
9 Costa, State of California, Approving a Tentative Parcel Map (SM24-01) to Establish a Two
10 Lot Subdivision at 2150 and 2160 Appian Way, 1310, 1320, 1330, 1410, 1420 Tara Hills
11 Drive, APN: 402-281-005, and subject to the typographical corrections to Conditions 5 and
12 8.
13

14 **MOTION: Menis**

SECONDED: Bender

APPROVED: 6-0-1

ABSENT: Martinez

15
16
17 Chairperson Menis detailed the 10-day appeal process in writing to the City Clerk.
18

19 **H. OLD BUSINESS:** None

20
21 **I. NEW BUSINESS:** None

22
23 **J. CITY PLANNER'S/COMMISSIONER'S REPORT**

24
25 Mr. Hanham reported staff was moving forward with an extension request for Pinole Vista to
26 be considered by the City Council at its August 20, 2024 regular meeting; continued to work
27 on the Parklet Ordinance to be presented to the Planning Commission by the end of the year;
28 with zoning text amendments in response to state housing laws and objective development
29 design standards, which would be presented to the Planning Commission in October.
30

31 In terms of existing projects, Appian Village was continuing with rough grading and utilities
32 with 11 of the 26 buildings working on a Final Map; SAHA was moving forward; Vista Woods
33 was close to occupancy; staff was working with BCRE on the submittal of a grading plan; the
34 Pinole Shores II map had been finalized, to be recorded soon, with building plans to be
35 submitted by the end of the year; and the affordable housing agreement had been approved
36 for Pinole Vista.
37

38 Contract Planner Justin Shiu reported the City's website had recently been updated and the
39 new online permitting and tracking system was now live.
40

41 **PUBLIC COMMENTS OPENED**

42
43 Anthony Vossbrink, Pinole, asked the Planning Manager about the status of the Union/76
44 Gas Station/Convenience Store project on Fitzgerald Drive and Appian Way, which property
45 was an eyesore having been fenced off and the business not open. He also asked about the
46 status of the empty lot on Pinole Valley Road across from the storage units and library, the
47 vacant City-owned caretaker's property on Adobe Road adjacent to the dog park and the
48 barbeque grove which he suggested should be considered for a multiuse or be sold by the
49 City, and the former Animal Shelter property commenting that the City was paying for animal
50 services to Contra Costa County, but West County was not receiving adequate services.

1 PUBLIC COMMENTS CLOSED

2
3 Mr. Hanham reported the Union 76/Gas Station project had issues with PG&E, which must
4 be resolved before the business could open with the applicant and property owner working
5 with PG&E to resolve the issues. He was uncertain of the status of the former caretaker's
6 home and would have to refer the issue to the Community Services Director, but a future
7 presentation was anticipated to be provided to the City Council from Contra Costa County
8 Animal Services. Also, there had been some interest in the vacant lot at the corner of
9 Ramona Street and San Pablo Avenue but the proposed uses (which were highlighted) had
10 not been compatible in the designated zoning district.

11
12 **K. COMMUNICATIONS**

13
14 Chairperson Menis and the Planning Commission expressed their appreciation to former
15 Commissioner Tim Banuelos for his service to the City of Pinole and in recognition of his
16 tenure on the Planning Commission and his background as an architect. They wished
17 him the best on his future endeavors.

18
19 PUBLIC COMMENTS OPENED

20
21 Anthony Vossbrink, Pinole, also extended his gratitude to Commissioner Banuelos for his
22 service and tenure on the Planning Commission. He was disappointed that Commissioner
23 Banuelos, who had asked to continue on the Planning Commission, had ultimately not
24 been reappointed. He emphasized Commissioner Banuelos' architectural and design
25 background and hoped he could reapply in the future.

26
27 PUBLIC COMMENTS CLOSED

28
29 Chairperson Menis reported the low-income seniors' food distribution would be held at the
30 Senior Center on August 13, 2024; Coffee with the City would be held on August 14, 2024
31 from 8:00 to 10:00 a.m., and a Traffic and Pedestrian Safety Committee (TAPS) meeting
32 had been scheduled for August 14, 2024 at 6:00 p.m.

33
34 **L. NEXT MEETING(S)**

35
36 The next meeting of the Planning Commission to be a Regular Planning Commission
37 Meeting scheduled for August 26, 2024 at 7:00 p.m.

38
39 **M. ADJOURNMENT: 8:18 p.m.**

40
41 Transcribed by:

Reviewed and Edited by:

42
43 Sherri D. Lewis
44 Transcriber

City Staff