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

5
6 **December 9, 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:** 7:00 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, Lam-Julian, Sandoval, Uch, Vice-Chairperson
27 Martinez, Chairperson Menis

28
29 Commissioners Excused: Huey

30
31 Staff Present: David Hanham, Planning Manager
32 Justin Shiu, Senior Planner
33

34 Chairperson Menis reported he had ex parte communications having sent emails to his
35 mailing list covering the items on the meeting agenda.
36

37 **E. CITIZENS TO BE HEARD**

38
39 Cathy McFarland, a resident of Rogers Way not far from the project for Public Hearing
40 Item H1, reported her Internet had recently gone out due to digging on the property, with
41 service disrupted for around nine hours. Before any further work was done in the area,
42 she asked that a utility survey be conducted.
43

44 Chairperson Menis noted the comments were related to public hearing Item H1. He asked
45 whether the speaker had any comments for items not on the meeting agenda.
46

47 Ms. McFarland expressed concern with the size and brightness of the pole sign to be
48 installed as part of Item H1.
49
50

1 Chairperson Menis asked that the comments related to Item H1 be saved until the
2 Planning Commission considered the item.
3

4 Ms. McFarland otherwise understood the City was pro-housing and supported high density
5 as part of Senate Bill (SB) 1123. She suggested the federal government and state had
6 made a lot of bad decisions that impacted residents financially, both directly and indirectly.
7 She highlighted the cost of maintaining metering lights, two bills that had been vetoed
8 related to homelessness and the fact Pinole Valley Road, San Pablo Avenue, Appian Way
9 and Fitzgerald Drive would be gridlocked due to planned and future development of high-
10 density housing with little to no regard to parking, traffic or open space. Such development
11 oftentimes resulted in overflow parking on City streets and in residential areas. She
12 suggested when the senior housing project had been built, workers would routinely park
13 in the residential areas.
14

15 Ms. McFarland also expressed concern that additional development would significantly
16 impact Fitzgerald Drive and commercial areas. She reiterated the decisions made by the
17 state would impact residents, homeowners and business owners and she urged the City
18 of Pinole to oppose SB 1123. She added that she had been unaware of many of the
19 projects proposed in Pinole since she had not received a notice other than for the senior
20 housing project. She expressed concern future developments could significantly impact
21 City resources such as water and sewer and suggested many of the buildings would be
22 occupied by people who were not likely to put down roots in Pinole, a pattern she would
23 like to see changed.
24

25 Anthony Vossbrink suggested the public had not been provided an explanation for all of
26 the No Parking signs that had been installed along the major thoroughfares in Pinole.
27 While the Mayor mentioned during a recent City Council meeting the signs were part of
28 daylighting laws or the Active Transportation Plan (ATP) since they were not along
29 unpainted curbs, that information was inaccurate since the signs had been installed absent
30 approval or notification to the public. He opposed those signs as clutter and unnecessary
31 unless there was a law requiring their installation. He asked about the cost for the
32 installation of the signs.
33

34 Mr. Vossbrink also understood new solar street lights would be installed along Pinole
35 Valley Road and he asked if the existing vintage lantern lights would be removed. Those
36 light fixtures had provided a unique appearance to the Pinole Valley Shopping area. He
37 pointed out there had been no discussion with the general public or the Traffic and
38 Pedestrian Safety (TAPS) Committee about where and when the solar lights would be
39 installed. He sought clear information on the status of the lights and emphasized that
40 many of the existing lights required repair. He further requested the status of the recycle
41 bins and toilet seat covers that had been promised for Pinole Valley Park.
42

43 Planning Manager David Hanham clarified the No Parking signs were part of SB 413
44 related to daylighting legislation with some areas of Pinole Valley Road already red-curbed
45 where some signs had been installed. The signs had been budgeted and there would be
46 no additional costs.
47

48 Chairperson Menis noted a large segment of Pinole Valley Road was in a Business District
49 and he asked whether the new solar lights would affect the aesthetics of the existing
50 vintage pole lights.

1 Mr. Hanham advised he would follow-up with Public Works staff.
2

3 For the benefit of the public, Chairperson Menis described how parking and traffic impacts
4 for projects approved in the City were evaluated and explained how the state had changed
5 how a city may assess traffic impacts, which had previously been based on a Level of
6 Service (LOS) but were now analyzed by Vehicle Miles Traveled (VMTs). While a city
7 may note whether a project would lead to more Greenhouse Gas Emissions (GHGs) or
8 make traffic worse, a city could not use that as a reason to stop or modify a project. The
9 environmental impacts of a project fell under the guidance of the California Environmental
10 Quality Act (CEQA), which he highlighted.
11

12 Mr. Hanham clarified LOS had been based on traffic in intersections while VMTs were
13 based on vehicle miles traveled, which was why the identification of traffic was now
14 different than it had been in the past.
15

16 Commissioner Lam-Julian responded to the concerns related to the lack of public
17 notification about City projects and explained the public notification process was based on
18 the distance from a project. She explained that information on City projects had been
19 posted on the City website.
20

21 Mr. Hanham clarified the typical 300-foot public notification process, although for larger
22 projects the City had expanded the notification radius to 1,500 feet from the project area,
23 above and beyond the legal requirement.
24

25 (Comments were made from the audience but not captured on the audio or video.)
26

27 Chairperson Menis advised that a list of future events including information on City
28 meetings was available on the City's webpage.
29

30 **F. MEETING MINUTES**

31 **1. Planning Commission Meeting Minutes for November 18, 2024**

32 Chairperson Menis requested a revision to Lines 31 through 35, of Page 8, as follows:
33

34 *He [Chairperson Menis] added the Draft Active Transportation Plan (ATP) was*
35 *available for public comment until December 6, 2024, was available for review on*
36 *the City website and the City Council meeting of November 19 would include a*
37 *discussion of the creation of a City Council Ad-Hoc Subcommittee to serve on a*
38 *Downtown Pedestrian Improvements Subcommittee.*
39
40
41

42 **MOTION** with a Roll Call vote to approve the Planning Commission Meeting Minutes for
43 November 18, 2024, as amended.
44

45 **MOTION: Menis**

SECONDED: Martinez

APPROVED: 5-0-2

ABSTAIN: Bender

ABSENT: Huey
46
47
48
49
50

1 **G. NEW BUSINESS**

2
3 1. Planning Commission Regular Meeting Schedule 2025

4
5 The Planning Commission was presented the Planning Commission Regular Meeting
6 Schedule for 2025. There were no recommendations for modification to the schedule.

7
8 PUBLIC COMMENTS OPENED

9
10 There were no comments from the public.

11
12 PUBLIC COMMENTS CLOSED

13
14 **MOTION** with a Roll Call vote to approve the Planning Commission Regular Meeting
15 Schedule for 2025, as shown.

16
17 **MOTION: Martinez**

SECONDED: Uch

APPROVED: 6-0-1

ABSENT: Huey

18
19
20 **H. PUBLIC HEARINGS**

21
22 1. **VA24-002 and DR24-004 Marathon Sign at 1007 San Pablo Avenue**

23
24 Commissioner Bender reported he had recently visited the site.

25
26 Commissioner Lam-Julian reported she had also conducted a recent site visit both during the
27 day and the evening.

28
29 Senior Planner Justin Shiu provided a PowerPoint presentation for VA24-002 and DR24-004
30 Marathon Sign at 1007 San Pablo Avenue. He recommended the Planning Commission
31 adopt Resolution 24-07 approving VA24-002 and DR24-004, a Variance and Administrative
32 Design Review application allowing for a pole sign with modified setbacks at a commercial
33 business at 1007 San Pablo Avenue, subject to Exhibit A: Conditions of Approval.

34
35 Responding to questions from the Planning Commission, Messieurs Shiu and Hanham
36 clarified the following:

- 37
- 38 • The applicant had not been required to pull permits for a change of light fixtures.
39 (Bender)
 - 40
 - 41 • The applicant requested modification to the standard setback for pole signs
42 through a variance approval and rather than the typical 10 feet from the right-of-
43 way (ROW), the proposed adjustment would reduce the setback to 2 feet from the
44 property line along the San Pablo Avenue side and 6 feet from the Rogers Way
45 side. The applicant had proposed this location due to desired visibility and since
46 that was where the sign had initially been installed. Staff analyzed the application
47 based on the applicant's request. A possible alternate location on the site for the
48 pole sign to be located nearer to Foster Freeze along the western elevation had
49 not been proposed by the applicant or evaluated by staff. (Martinez)
 - 50

- Condition 4 of Exhibit A, Conditions of Approval, required the sign appearance to be maintained in good condition including paint colors being neatly kept and any damage being promptly repaired. Any required maintenance would be complaint driven and be enforced by Code Enforcement, although the Planning Commission may specify a specific timeframe. (Chairperson Menis)

PUBLIC HEARING OPENED

Aaron Hamilton, the applicant, clarified an alternate location (planter) for the pole sign had been considered but it involved even more utilities and would have disturbed existing vegetation. The proposed location had been determined to be the best route. The height of the sign would ensure line of sight for pedestrians and traffic and the lighting must comply with Title 24 requirements for energy usage. The sign would not be illuminated after dark. He otherwise apologized for any inconvenience to the public, reporting that a fiber optic line had been disturbed. He hoped the new proposal was something that could be approved and allow the application to move forward.

Georgia Manassis, a resident of Rogers Way, reported that recently there had been extra lighting installed, three lights had been installed half-way up the side of the building, which were strong and had a glare; the site did not have adequate vegetation; there were two new poles with bright lights directed towards the street and while they had been adjusted, they remained blinding to drivers; the gas station was very busy with traffic oftentimes blocking the street and another pole with a light up high also shined down on the area. She noted an existing gas station on Tennent and San Pablo Avenues involved a larger intersection with a signal, as opposed to the subject location that was narrower than Tennent Avenue. She expressed concern with the number of lights at the property that were annoying, a safety issue and were not necessary. She recognized the canopies also had new lights but they were not as offensive. Not opposed to the sign, she agreed that placing it closer to Foster Freeze was a better idea but did not want it to impact an existing tree at the corner. She also found the size of the sign to be enormous but the building canopy looked nicer.

REBUTTAL:

The applicant did not provide rebuttal comments.

PUBLIC HEARING CLOSED

Commissioner Bender found the sign to be too large but he appreciated that the lower section was open given the tight corner and need to provide visibility. While it would have been nice for the sign to be located on the west side of the property, he understood that was infeasible given the existing utilities and the fact the applicant preferred the subject location. In response to the public comments, he suggested the concerns with the glare from the lights should be raised with code enforcement. Having visited the site, he identified three lights on the side of the building that had not been shielded and was a code enforcement issue. Pursuant to the Pinole Municipal Code (PMC), the applicant must meet Title 24 requirements. In this case, the light fixtures were fully exposed with no shielding and were Light Emitting Diode (LED) fixtures that resulted in more light.

Vice Chairperson Martinez thanked the public for their comments and urged the members of the public to contact Code Enforcement to address the lighting issues.

1 As to the site maintenance, Vice Chairperson Martinez read into the record Condition 5,
2 which required *The owner shall ensure orderly maintenance of the site, including clearance*
3 *of any waste and debris on site. The surrounding area shall be cleaned of any waste and*
4 *debris that may result from the project. All exterior on-site lighting shall be maintained in*
5 *good condition at all times. Any graffiti that appears shall be removed or painted over*
6 *within 72 hours.* Having patronized the gas station for a number of years, he found there
7 had been consistent issues with maintenance, including a lack of maintenance in the trash
8 bin area and the storage of stacked cartons and crates outside in violation of Condition 5.
9 He emphasized the need for the property owner to maintain the site. He otherwise asked
10 whether staff could work with the building owner to move the light pole to the western
11 elevation and review the infrastructure underneath to possibly move the pole light to the
12 western lot line near Foster Freeze.

13
14 Mr. Hanham clarified this was a legal non-conforming use, as detailed in the December 9,
15 2024 staff report. The pole sign had been proposed to be installed in the area shown and by
16 moving it to a new location, the applicant may lose the legal non-conformity status for the
17 existing sign by the creation of a new sign. If the applicant moved the sign, they could not
18 move any sign to the corner in the future. Also, there were more utilities in the area at the
19 western lot line but possibly the applicant could provide documentation of the utilities in the
20 area to determine whether relocation of the sign could even work.

21
22 Mr. Hamilton explained that with the relocation of the sign, they would also have to relocate
23 the power and it would require threading a needle through different utilities for conduit and
24 power to the planter along with required footings for the structure.

25
26 Moe Hamadi, the property owner, explained he had owned the property for the past 12
27 months. He described the effort to secure the Marathon brand to enhance the site strategy
28 and shops, and there were many things that would change in the operations pursuant to the
29 Marathon standards to keep that brand. He operated a similar Marathon Gas Station in the
30 City of Benicia and he invited the Planning Commission to view that site. He added that lights
31 installed by the previous owner had been immediately removed once he had become aware
32 of issues.

33
34 Chairperson Menis thanked everyone for sharing their various positions on the project.
35 Speaking again to Condition 5, Site Maintenance, he asked staff whether the condition
36 applied to the area around the sign itself or the entire parcel, and was informed by Mr.
37 Hanham the condition applied to the entire parcel.

38
39 Chairperson Menis asked that Condition 5 be modified to integrate the standards the property
40 owner had spoken of.

41
42 Mr. Hanham suggested Condition 5 could be modified to read:

43
44 *The owner shall ensure orderly maintenance of the site, including clearance of any*
45 *waste and debris on site. The surrounding area shall be cleaned of any waste and*
46 *debris that may result from the project. All exterior on-site lighting shall be*
47 *maintained in good condition at all times and in compliance with Section 17.46 of*
48 *the Pinole Municipal Code. Any graffiti that appears shall be removed or painted*
49 *over within 72 hours.*
50

1 Responding to the concerns with the debris and waste on the property, Mr. Hanham
2 suggested with the modification to the condition, code enforcement could enter the property
3 and conduct any code enforcement, and Condition 5 could be further amended to read:
4

5 *The owner shall ensure orderly maintenance of the site, including clearance of any*
6 *waste and debris on site concurrent with Section 8.32 of the Pinole Municipal*
7 *Code. The surrounding area shall be cleaned of any waste and debris that may*
8 *result from the project. All exterior on-site lighting shall be maintained in good*
9 *condition at all times and in compliance with Section 17.46 of the Pinole Municipal*
10 *Code. Any graffiti that appears shall be removed or painted over within 72 hours.*
11

12 Commissioner Bender reiterated in response to the Chair that at a recent visit of the site he
13 had viewed three lights on the Rogers Way elevation absent shielding with the lights blazing
14 towards the street, which corresponded with the concerns raised by members of the public.
15

16 Chairperson Menis referenced the simulation for the new sign and asked whether the open
17 space underneath the sign could have a sign board similar to the current sign. He asked if
18 that would be in opposition to the Marathon brand.
19

20 Mr. Shiu identified a 7.5-foot clearance from the grade that was required for the pole sign.
21

22 Chairperson Menis asked whether the applicant would consider adding signage within the
23 space between 10 feet and 7.5 feet. He recommended that a message board or some sort
24 of public art be considered. He wanted something like a sign board that had existed on the
25 former sign.
26

27 Mr. Hamilton suggested that with property owner approval they may be amendable but he
28 was uncertain whether or not Marathon would approve the change. He could present the
29 idea to his team to get an answer.
30

31 Vice Chairperson Martinez recognized corporations had specific guidelines and when those
32 types of signs were designed, they must meet corporate requirements. He recognized the
33 reason why the sign was much higher than the prior sign since most American vehicles and
34 trucks had grown in height.
35

36 Commissioner Bender added the corporate world had standards and rarely deviated from
37 them. He assumed the graphic package reflected the Marathon image, which Mr. Hamadi
38 confirmed.
39

40 Mr. Hanham further commented that most corporate images and design features were
41 patented, with the actual signage to be maintained in that regard.
42

43 Chairperson Menis withdrew his recommendation as unfeasible. He otherwise requested
44 the following modifications to the Conditions of Approval:
45

- 46 - Condition 4, revise the last word to read: *repaired*.
- 47
- 48 - Condition 5, to be modified, as discussed.
- 49

- Condition 6, revise the last sentence to read: *Plantings shall be maintained so that clear visibility is maintained between 2.5 to 7 feet above grade.*
- Condition 11e, revise to read: *Newly disturbed soil surfaces shall be watered down regularly by a water truck maintained on site during all daylight hours and construction grading activity shall be discontinued in wind conditions greater than 10 miles per hour.*
- Condition 13, revise the second sentence to read: *The owner shall notify the Community Development Department at least 48 hours prior to starting any work pertaining to on-site drainage facilities, grading, or paving, as well as any work on the City's right-of-way.*
- Condition 6, clarified the condition required the maintenance of the existing tree.
- To Page 21 of the December 9, 2024 staff report, Variance 3, suggested moving the pole sign would run into issues and damage fiber optic or electrical lines moving through the planters, but was uncertain to what extent Variance 3 had taken into consideration the factors of Condition 5. As to whether compliance with Condition 5 could be taken into consideration as meeting Variance 3, staff confirmed that could be done.

On the discussion, Condition 5 was modified further to read:

The owner shall ensure orderly maintenance of the site, including clearance of any waste and debris on site. The surrounding area shall be cleaned of any waste and debris that may result from the project. All exterior on-site lighting shall be maintained in good condition at all times and shall adhere to Section 17.46 of the Pinole Municipal Code. Any graffiti that appears shall be removed or painted over within 72 hours.

MOTION with a Roll Call vote to adopt Resolution 24-07 approving VA24-002 and DR24-004, a Variance and Administrative Design Review application allowing for a pole sign with modified setbacks at a commercial business at 1007 San Pablo Avenue, subject to Exhibit A, Conditions of Approval and subject to modification of Condition 5 and the typographical errors identified by the Chair, as read into the record.

MOTION: Martinez

SECONDED: Menis

APPROVED: 6-0-1

ABSENT: Huey

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

2. UP24-02 Sprouts Farmer's Market Upgrade of Liquor License to Type 21 located at 1300 Pinole Valley Road

Planning Manager Hanham presented the December 9, 2024 staff report.

1 Mr. Hanham recommended the Planning Commission adopt Resolution 24-08, approving
2 Conditional Use Permit UP-24-02, for Sprouts Farmers Market (1300 Pinole Valley Road) to
3 upgrade its existing liquor license to a Type 21, off-site consumption of beer, wine, and spirits
4 subject to the conditions of approval contained in Exhibit A.
5

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

- 8 • Staff did not have information on crime statistics for the site at this time although the
9 information could be provided to the Planning Commission. The Police Department
10 had indicated Sprouts was not an issue in the community and at 5:00 p.m. the area
11 cleared out as compared to other shopping centers in Pinole. (Lam-Julian)
12
- 13 • Condition 27 required *Coolers containing alcohol shall be locked between 2:00 a.m.*
14 *and 6:00 a.m.*, with the condition included in the event Sprouts desired to be open
15 24-hours. (Bender)
16
- 17 • Acknowledged a recommendation for an additional condition for signage that no
18 animals shall be allowed unless service animals and require signs to be placed at
19 each entrance at a height of three to four feet, and that the signage also note that
20 emotional support animals were not service animals pursuant to Title 2 of the
21 Americans with Disabilities Act (ADA), with the tasks performed by a service animal
22 to be related to the person's disability; however, staff noted this request was outside
23 of the Conditional Use Permit (CUP) for the sale of alcohol; the store was to address
24 the request directly. Staff could discuss the request with the Police Department and
25 Code Enforcement so the applicant was made aware of this requirement at the time
26 of employee training for the Type 21 Liquor license. (Martinez)
27
- 28 • Acknowledged some of the conditions of approval in Exhibit A may appear duplicative
29 but in most cases, there were little nuances. Condition 17 could be eliminated since
30 it was a duplicate with Condition 3. (Chairperson Menis)
31
- 32 • Condition 24 was a condition outlined in the PMC and was required to be included.
33 (Chairperson Menis)
34
- 35 • Condition 26 required the applicant to: *Make attempts to limit alcohol related*
36 *problems which negatively impact those living or working in the neighborhood* and
37 limit those occurrences on the site as much as possible, with the condition meant
38 to be vague. (Chairperson Menis)
39

40 PUBLIC HEARING OPENED 41

42 Terri Dickerhoff, Sprouts Farmers Market, suggested staff had done a great job outlining all
43 of the findings and she appreciated the opportunity for the upgrade in liquor license since a
44 few select Sprouts locations in California had considered this license roll out. Sprouts would
45 try this program over the next several months in a number of California cities to see how it
46 fared and whether it would be a success. The offerings in Sprouts would not change but
47 would now include spirits such as a packet of wine coolers or Topo Chico's.
48

1 Ms. Dickerhoff referenced Condition 14, which was different from the findings, and asked for
2 clarification of the requirement for *The sale of liquor in the store shall be limited to no more*
3 *than two hundred (84 linear feet of display, which shall include the use of multi-tiered*
4 *shelving not to exceed twenty-two (22) inches in depth.*

5
6 Mr. Hanham clarified the lineal footage was the maximum and the Sprouts proposal was
7 within the maximum allowed by the City.

8
9 Ms. Dickerhoff also clarified Condition 15, *Beer, malt beverages, and wine coolers in*
10 *container of sixteen (16) ounces or less cannot be sold as single items, but must instead*
11 *be sold in manufacturer prepackaged multi-unit quantities.* She noted that Sprouts had a
12 sake product in a smaller single-serve size with a cup on top, all integrated and she was
13 uncertain whether sake would be considered beer, malt or a wine cooler. Under the
14 Department of Alcoholic Beverage Control (ABC) sake could be sold as wine and under
15 the Type 20 license. She asked staff to clarify whether or not sake could be sold.

16
17 Mr. Hanham explained that singling out products could be problematic but if sold in
18 packets would not be an issue. While the product may not initially be prepackaged, if
19 Sprouts could find a way to do that, it would be possible to sell the product.

20
21 Ms. Dickerhoff expressed the willingness to work with the store on prepacking the product.
22 She also clarified the coolers at Sprouts did not lock and she was uncertain how Sprouts
23 would comply with Condition 27.

24
25 Mr. Hanham understood that Sprouts coolers did not lock since Sprouts did not operate
26 between 2:00 and 6:00 a.m., but if the business were to operate from 2:00 to 6:00 a.m.
27 locked coolers would be required and the condition at this time was preemptive. At this
28 time Sprouts would be in compliance unless it operated between 2:00 and 6:00 a.m.

29
30 In terms of Condition 24, Ms. Dickerhoff, clarified Sprouts would have a lot of signage with
31 no unobstructed views through the storefront. She would check on the request for signage
32 related to service animals but emphasized there was some signage that would negate an
33 unobstructed view of the storefront.

34
35 Anthony Vossbrink expressed his opposition to the request for extending the alcohol
36 license for Sprouts. He asked why Sprouts had chosen the Pinole location; whether other
37 Sprouts locations sold alcohol; the experiences in those communities that may have young
38 people; suggested the San Rafael Sprouts location may be similar to the Pinole location;
39 asked why Sprouts was asking for a modification to the liquor license now when the store
40 had been open for years; whether Sprouts had made application in the past for this liquor
41 license and whether it had been denied; and expressed concern the store was sandwiched
42 between a grade school, near an open creek, with homeless camping or hanging out
43 behind the bowling alley near the creek.

44
45 Mr. Vossbrink suggested this was not a good location to expand the alcohol license. He
46 also suggested the area had experienced an increase in criminal activities, there was a
47 lack of adequate security and if Sprouts' request was approved security should be
48 provided.

1 Further, Mr. Vossbrink noted the proximity of Sprouts to the I-80 on-ramp, which raised
2 serious concerns along with littering in the area although trash cans had been placed
3 along the creek along with fencing. For those reasons, he opposed the request to upgrade
4 the liquor license.
5

6 REBUTTAL:

7

8 Ms. Dickerhoff clarified Sprouts was expanding its offerings in some cities in the state. Some
9 cities had not required a CUP or a Public Convenience or Necessity (PCN), some cities in
10 Marin County did not require CUPs for the sale of alcohol and the San Rafael Sprouts had
11 not required a license for the sale of alcohol. Sprouts had not applied for the sale of alcohol
12 when it had requested the initial CUP but had applied for a beer and wine license. Sprouts
13 was not trying to bait and switch and upsell but their model had changed a bit. She was also
14 unaware of the criminal activity referenced and would have to speak with the Store Manager.
15

16 Mr. Hanham clarified the bowling alley had a Type 47 liquor license, which allowed for on-
17 site consumption and he acknowledged there had been some issues as a result.
18

19 Ms. Dickerhoff recognized other uses such as a bowling alley and restaurants may
20 experience some of the issues described, but that was not typical for a grocery store.
21

22 Mr. Hanham noted the bowling alley shared parking with the Gateway Shopping Center with
23 the trash enclosures at the rear of the property and with the creek on the other side, and
24 there had been some issues with litter but there had been improvements due to work the City
25 has done with the property owners and the Contra Costa County Flood Control District.
26

27 Chairperson Menis asked the status of an assault of an individual in the Sprouts parking lot
28 and Mr. Hanham stated he had no information on the incident.
29

30 PUBLIC HEARING CLOSED

31

32 Commissioner Lam-Julian commented her son received a Sprouts t-shirt when the store
33 initially opened and she commended Sprouts for being attentive and good folks with
34 exceptional service.
35

36 Vice Chairperson Martinez was excited about the new Sprouts business model and was
37 confident in its success. He again asked for signage to prevent animals other than service
38 animals from accessing the store, and wanted some training with the Store Manager given
39 that it was a health and cleanliness issue, which he had personally witnessed. He otherwise
40 recognized the City Council had previously approved the PCN and he was confident with that
41 approval to support the project.
42

43 Chairperson Menis pointed out the role of the City Council related to its approval of the PCN
44 was different from the current request before the Planning Commission. He asked Ms.
45 Dickerhoff about her role with Sprouts.
46

47 Ms. Dickerhoff advised she had served as Land Use Consultant for Sprouts in the State of
48 California over the past 20 years.
49

1 Chairperson Menis asked whether the proximity of the homeless encampment near the creek
2 was within the radius of influence of Sprouts for it to be concerned for the purpose of this
3 license.
4

5 Mr. Hanham suggested no because that was more of a general item than the item before the
6 Planning Commission. He was unaware of the status of the homeless population that was
7 monitored by West County and the Pinole Police Department. Most of the homeless situated
8 more towards the trail between I-80 and the bowling alley where most of the trash and litter
9 had been concentrated. He was also only aware of sporadic incidents with the homeless
10 and would have to check with the Police Department.
11

12 Chairperson Menis was more concerned with the after effects of the Type 47 license from
13 the bowling alley than the homeless but he recognized the opinions of the community may
14 differ. As to the concern with the proximity to the elementary school, if this had involved a
15 new license he may have shared the concerns but since Sprouts' liquor license had been in
16 existence for years and Sprouts had been selling products broadly for years with no
17 complaints from the elementary school, he suggested adding spirits would not likely change
18 that condition.
19

20 Chairperson Menis referenced Condition 15 and suggested it could be modified to address
21 the applicant's concerns but was uncertain it could be modified without violating the PMC.
22

23 Mr. Hanham suggested the applicant could prepackage the sake product.
24

25 Ms. Dickerhoff provided comments from the audience that were not audible on the recording.
26

27 Mr. Hanham suggested the sake item may be difficult to sell unless prepackaged. If Sprouts
28 had an idea how to address the sale of the item it could be brought back to the Planning
29 Commission as an administrative item.
30

31 Chairperson Menis suggested the City Council could also be asked to modify the PMC but
32 was informed by Mr. Hanham that would not be a quick process.
33

34 Chairperson Menis asked that Condition 27 be modified, to read:
35

36 *Coolers containing alcohol shall be locked between 2:00 a.m. and 6:00 a.m. if the*
37 *store is open during those hours.*
38

39 Mr. Hanham clarified if Sprouts were to change its business hours related to the sale of
40 alcohol, it would have to return to the Planning Commission for review and approval.
41

42 **MOTION** with a Roll Call vote to adopt Resolution 24-08, approving Conditional Use Permit
43 UP-24-02, for Sprouts Farmers Market (1300 Pinole Valley Road) to upgrade its existing
44 liquor license to a Type 21, off-site consumption of beer, wine, and spirits subject to the
45 conditions of approval contained in Exhibit A, and subject to:
46

- 47 • Eliminate Condition 17; and
- 48 • Condition 27, to be revised to read:
49
50

Coolers containing alcohol shall be locked between 2:00 a.m. and 6:00 a.m. if the store is open during those hours.

MOTION: Menis

SECONDED: Lam-Julian

APPROVED: 5-0-2

ABSENT: Huey, Sandoval

Commissioner Sandoval, who was not present at the dais when the vote was taken, asked that the vote be reopened to allow him to participate.

Mr. Hanham asked that the motion and second be restated for the record.

Commissioner Sandoval withdrew his request for a revote on the item.

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

Vice Chairperson Martinez left the meeting at 10:00 p.m.

3. PA24-002 Municipal Code Amendments for Housing Element Implementation

Senior Planner Justin Shiu provided a PowerPoint presentation for PA24-002, Municipal Code Amendments for Housing Element Implementation. He recommended the Planning Commission adopt Resolution 24-09, recommending to the City Council the adoption of proposed Municipal Code amendments as provided in Resolution 24-09 of Attachment A, Exhibit A, or with additional recommendations for revisions provided by the Planning Commission.

Responding to questions from the Planning Commission, Messieurs Shiu and Hanham clarified the following:

- Section 17.24.040, Objective Design Standards for Single Family Districts, applied to primary dwelling units to be constructed such as new Single-Family homes or duplexes. (Sandoval)
- Section 17.71.060, Standards and Requirements for Urban Lot Splits, Page 83 of 88 of the agenda packet, E. Setbacks, clarified the front yard setback requirements. (Bender)
- Section 17.71.060, Standards and Requirements for Urban Lot Splits, Page 83 of 88, again clarified the proposed Municipal Code Amendments; Senate Bill (SB) 9 only applied to lots with Single-Family Residential Zoning, with general subdivision requirements for the subdivision of a Commercial lot. (Uch)
- Section 17.70.040, Performance Standards, Page 75 of 88 of the agenda packet, the added language was required by state law. (Chairperson Menis)
- Section 17.70.040, Performance Standards, Page 76 of 88 of the agenda packet, 4. Exterior Access and Design b., clarified the proposed amendment, as shown. (Chairperson Menis)

- Section 17.24.040 Objective Design Standards for Single Family Zoning Districts, Pages 71 and 72 of 88 of the agenda packet, acknowledged concern more objective design standards had been discussed at the subcommittee level; clarified the subcommittee had focused mostly on the Three Corridors Specific Plan and general guidelines with the proposed amendments focused more on Single-Family Zoning Districts. Clarified SB 9 objective design standards had been included as separate standards. (Chairperson Menis)

PUBLIC HEARING OPENED

There were no comments from the public.

PUBLIC HEARING CLOSED

Commissioner Bender referenced the full paragraph under Section 17.24.020 Development Standards, Page 70 of 88 of the agenda packet and the language shown in Section 17.71.040 Eligibility on Page 81 of 88 of the agenda packet, subparagraph (d)(3)(a), which referenced Chapter 7A of the California Building Code (Title 24 of the California Code of Regulations). He commented the Uniform Building Code (UBC) had last been published in 1997 and had disappeared and there had been a 15-year effort to consolidate the codes nationally, with all three buildings codes and Title 24 having morphed into the International Building Code, which the State of California used but added on to. He pointed out the UBC no longer existed and the reference in the document should be to the California Building Code.

Commissioner Bender also commented that while setbacks could be waived if a certain minimum standard was achieved per the state, he was not a fan of such developments which ultimately created problems with parking in a neighborhood, although he recognized it was state law and the Planning Commission, as a body, must follow state law.

Commissioner Uch referenced Section 17.70.040 Performance Standards 4, Exterior Access and Design (b), related to ADUs as shown on Page 76 of 88 of the agenda packet, and understood an ADU could never be built directly in front of a home as a detached unit, but for a particular property could be sized not to appear as the main residence.

Mr. Shiu explained that ADUs may be constructed at the side and rear provided they met the required setback and they did not need to appear differently from the main residence. The standard was merely the location and to not have the ADU detached in front of a small lot.

Commissioner Uch also understood a property could have both an ADU and a Junior ADU (JADU) but not two ADUs, and Mr. Shiu advised that state law only required one ADU and one JADU but the City could adopt more flexible standards than state law to allow more ADUs. Single-Family homes were allowed to have one JADU and one ADU, and with a multi-family property there could be multiple ADUs detached or within the existing building.

Commissioner Uch further understood ADUs may be two-stories, and Mr. Shiu confirmed the ADU could be two-stories if it met the height standards, as shown. If the ADU was attached to the main residence, it could be a second story attached and must comply with the height limits set for the Single-Family Residential Zoning District, typically 35-feet.

Chairperson Menis referenced the third bullet point as shown on Page 87 of 88 of the agenda packet, and identified a typographical error in the paragraph, and Mr. Shiu recommended the first sentence of the third bullet be revised to read:

The City will reduce the level of approval for a parking reduction or shared parking agreement from a conditional use permit to an administrative use permit, which is approved by the Zoning Administrator.

MOTION with a Roll Call vote to adopt Resolution 24-09, with Exhibit A: Municipal Code Amendments, Recommending that the City Council adopt an Ordinance Amending Chapters 17.12, 17.24, and 17.70 of the Pinole Municipal Code and Adding Chapter 17.71 to the Pinole Municipal Code.

MOTION: Menis

SECONDED: Lam-Julian

APPROVED: 5-0-2

ABSENT: Huey, Martinez

I. OLD BUSINESS: None

J. CITY PLANNER'S/COMMISSIONER'S REPORT

Mr. Hanham reported the Planning Commissioners Academy would be held on March 5 through March 7, 2025 in the City of Santa Rosa. Commissioners desirous to attend were asked to contact staff immediately so that reservations could be made.

Commissioner Bender reported two start ups had been working to implement a type of stove range that was battery powered and functioned like a car, and when not in use would take the power from the grid and store in the battery. It was being considered because of the fact many houses built prior to 1970 were expensive if upgraded with gas stoves. The first installation in the Bay Area was occurring in an apartment building in Martinez. He suggested this was a technological breakthrough.

Commissioner Uch understood the deadline for public comment for the Draft ATP was now closed but encouraged everyone to review the document.

Chairperson Menis reported the TAPS Committee had been scheduled to meet on December 11, 2024 at 6:00 p.m. and the Draft ATP would be discussed at that time.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

K. COMMUNICATIONS

Chairperson Menis wished everyone Happy Holidays and reported on upcoming events including Senior Food Distribution on December 10, 2024 at the Senior Center from 10:00 to 11:00 a.m. for Low Income Seniors; Coffee with the City, December 11, 2024 from 8:00 to 10:00 a.m. at Pinole Value Starbucks; TAPS Committee meeting December 11, 2024 at 6:00 p.m. at City Hall.

1 In addition, there would be a Holiday Breakfast, December 14, 2024 from 9:00 to 11:00
2 a.m. at the Senior Center; deadline for registration for Glow Pinole was December 15,
3 2024; and Pinole Community Television (PCTV) continued to have a survey available
4 online on the City website.
5

6 PUBLIC COMMENTS OPENED 7

8 Anthony Vossbrink understood the Holiday Breakfast scheduled for December 14 involved
9 a deadline given there were limited reservations; there had been no public notice about
10 the groundbreaking for 16 Tesla Charging Stations to be located at the Lucky Supermarket
11 on Fitzgerald Drive, and the public should have been notified with a public announcement
12 or signage. He also asked for an update on the Safeway Tara Hills project, other building
13 projects in the City, the caretaker's home on Adobe Road, the Adobe Road Trail and the
14 dog park.
15

16 Mr. Vossbrink also commented on the number of telephone poles banded together along
17 Pinole Valley Road by the telephone company with plastic ropes and the like, in violation
18 of ADA regulations and causing safety hazards. The telephone company was to remove
19 the poles after build out of Pinole Valley High School with the utility lines to be buried
20 underground. He asked someone on City staff to contact the telephone company and
21 possibly consult with resident Peter Murray who had raised concerns about this situation
22 during a recent City Council meeting.
23

24 PUBLIC COMMENTS CLOSED 25

26 In response to the public comments, Mr. Hanham stated he had not been employed with
27 the City when the work had been done at Pinole Valley High School and the concerns with
28 the telephone poles was a Public Works issue, not a Planning Department issue. He
29 would have to check with Public Works. As to the status of the Adobe Road Trail, he
30 noted the former Public Works Director had provided updates at City Council meetings but
31 with the position currently vacant, there was no new information. He also understood
32 there had been general maintenance work at the caretaker's house and staff continued to
33 work with the new property owner to improve the Safeway Tara Hills property. Staff was
34 working with the property owner to ensure the site remained clean, the property owner
35 was doing their due diligence but no proposal has been presented to the City at this time.
36

37 Mr. Hanham added that Vista Woods was due to receive a temporary occupancy permit
38 for Wings C and D and the sign permit had been approved, with additional tenants
39 expected in the building in the next couple of months; Appian Village was working on
40 utilities and had bond estimates for the subdivision improvements and were working on
41 the Final Map; he had no new updates for BCRE; Pinole Vista had received an extension
42 to 2026; and he was uncertain of the status of the Adobe Trail, although he understood
43 material that had been placed in the area was intended to repair the trail. He was unaware
44 of the schedule of the repairs and more information would be available when the new
45 Public Works Director was on board.
46

47 Mr. Hanham clarified the 16 Tesla Supercharges were part of the improvements to the
48 shopping center and staff was unaware of the start date, but Tesla was now moving
49 forward with the hope the work would be done in the next few weeks.
50

1 Mr. Hanham clarified that building permits were not noticed to the public, were processed
2 quickly and administratively and staff was not always aware when building permits would
3 be pulled, but staff was working on a new public engagement process with the City
4 Manager and City Attorney's Office.

5
6 Chairperson Menis reported he had checked during the meeting and there remained
7 openings for the Holiday Breakfast.
8

9 **L. NEXT MEETING(S)**

10
11 The next meeting of the Planning Commission to be a Regular Planning Commission
12 meeting scheduled for January 13, 2025 at 7:00 p.m.
13

14 **M. ADJOURNMENT: 11:00 p.m.**

15
16 Transcribed by: Edited by:
17
18 Sherri D. Lewis City Staff
19 Transcriber