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

5
6 **February 24, 2025**

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

11
12 **A. CALL TO ORDER:** 7:02 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, Vice-Chairperson
27 Martinez, Chairperson Menis
28

29 Commissioners Absent: None
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 Anthony Vossbrink, commended the Planning Commission and the Planning Manager for
40 being responsive to encouraging public engagement during public comment and
41 throughout the meeting as opposed to the City Council and other City Commissions that
42 wanted comments in writing and did not want to provide a response in writing via email or
43 telephone. He otherwise asked why the latest Traffic and Pedestrian Safety (TAPS)
44 Committee meeting had been canceled at the last minute. Interested participants had
45 been locked out with no posting on the bulletin board at City Hall or through Pinole
46 Community Television (PCTV). He had later learned that all of TAPS meetings had been
47 canceled for the month of February due to a staff shortage and he asked how often staff
48 met with the City Council to ensure information that should be made available to the public
49 would be discussed.
50

1 Mr. Vossbrink also asked whether there had been any changes in statute that the Planning
2 Commission may review making it easier for businesses to open their doors and obtain a
3 license to do business in the City of Pinole. He noted the City of San Ramon was revisiting
4 its statutes since it too had many retail vacancies and he suggested the City of Pinole
5 should be making it easier for people to do business in Pinole. He also asked about the
6 status of a meeting with the Safeway/Tara Hills property owner.
7

8 Planning Manager David Hanham explained he was not involved in the
9 Manager's/Department Head meetings and was unsure what was discussed during those
10 meetings unless it involved something he was directly tasked to do. As to the status of
11 the TAPS meetings, the Public Works Department had been short-staffed and a new
12 Public Works Director was to start in the next week. He was uncertain who would staff
13 the TAPS meetings and acknowledged the meetings had been canceled for the month of
14 February. As to the status of the Safeway/Tara Hills property, staff had not met with the
15 property owner but was working to schedule a meeting. Any meeting with the private
16 property owner would be confidential since no application had been proposed. The
17 Planning Commission would be kept apprised once an application had been submitted.
18

19 **F. MEETING MINUTES**

20 1. Planning Commission Meeting Minutes for January 27, 2025

21
22 Chairperson Menis referenced Page 13 of 42 of the agenda packet, Lines 39 through 48,
23 as shown, and commented it appeared there was some duplicate wording. He was
24 uncertain that was the final text and asked that be double checked to ensure clarity.
25
26

27 Mr. Hanhan clarified the statement, as shown, included some original text in italics from
28 Section 17.32.020 of the Pinole Municipal Code (PMC). The paragraph showed what was
29 said, having been underlined, and what had been changed in the same paragraph, which
30 could be modified to reflect the new text.
31

32 Chairperson Menis suggested the second to last sentence of the statement, Lines 43
33 through 46, could be revised to read:
34

35 *The remaining affordable rental units of the 15 percent must be affordable.*
36

37 Senior Planner Justin Shiu again explained why the revision had been made and shown
38 as it had in the meeting minutes per the Planning Commission's discussion during the
39 January 27, 2025 meeting.
40

41 Chairperson Menis again recommended the second to last sentence of the same
42 paragraph be revised to read:
43

44 *The remaining affordable rental units of the 15 percent must be affordable.*
45

46 Senior Planner Justin Shiu clarified the actual wording would be in the ordinance itself
47 providing the clarity but the phrasing could be modified.
48

49 Mr. Hanham cautioned removing language that was in the ordinance.

Chairperson Menis offered a motion to adopt the meeting minutes, subject to his recommended revision to Lines 43 through 46.

Commissioner Sandoval asked if the Planning Commission was approving the meeting minutes in totality or just the revisions, and if just the revisions, asked why the meeting minutes could not be approved at one time, subject to revision.

Chairperson Menis suggested it made sense to approve one item at a time but withdrew his motion.

There were no further revisions to the January 27, 2025 meeting minutes.

Chairperson Menis restated his motion.

MOTION with a Roll Call vote to approve the Planning Commission Meeting Minutes for January 27, 2025, as modified by the Chair.

MOTION: Menis

SECONDED: Bender

APPROVED: 6-0-1

ABSTAIN: Martinez

G. PUBLIC HEARING

1. PA25-0002 Accessory Dwelling Unit Amnesty Program

Senior Planner Justin Shiu provided a PowerPoint presentation on PA25-0002, Accessory Dwelling Unit (ADU) Amnesty Program. He recommended the Planning Commission recommend to the City Council the adoption of proposed Municipal Code Amendments as provided in Resolution 25-02, as contained in Attachment A, Exhibit A of the February 24, 2025 staff report, or with additional recommendations for revisions as provided by the Planning Commission.

PUBLIC HEARING OPENED

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

- After the sunset of the ADU Amnesty Program, if the ADU was found to be substandard it would roll over into a Code Enforcement case in order to bring it into compliance and ensure it met health and safety standards, to be considered on a case-by-case basis. The ADU would be required to meet the current Building Code standards at that time. Depending on what had been constructed, it may involve a modification or a demolition. The ADU must be code compliant regardless; if not, it could lead all the way to demolition. Staff hoped people would take advantage of the Amnesty Program since amnesty allowed for some flexibility but strict application of the Building Code and compliance with Health and Safety Code standards. (Sandoval)
- The Amnesty Program provided notification from the City, but not a typical public hearing notice, since it would fall under a Building Permit or Administrative Permit requirement, which did not involve notification.

1 Noticing would be framed in the way noticing and information would be provided to
2 the property owner or the person participating in the Amnesty Program, letting them
3 know of eligibility, options available including the checklist that was available, ability
4 to seek out third party inspections and consultation from staff. The City had one Code
5 Enforcement Officer on staff with the expectation word would spread about the
6 Amnesty Program and information would be posted on the City website, although a
7 traditional meeting notice would not be provided. (Sandoval)
8

- 9 • The City's current inspection rate was unknown but could be researched. As to when
10 the City would have its own version of the checklist, that was anticipated in the next
11 few months with various ordinance update packages would be presented to the City
12 Council at its next meeting including consideration of the Amnesty Program. Building
13 Department staff had been working on the checklist, which was close to being
14 released and may coincide with the various ordinance updates. (Lam-Julian)
15
- 16 • The City website would be updated with information about the Amnesty Program.
17 Staff could speak with the Community Development Director whether a sheet of
18 information could be prepared for those interested in the Amnesty Program. (Lam-
19 Julian)
20
- 21 • The number of legal ADUs in the City of Pinole could be tracked but the number of
22 unpermitted ADUs was unknown. Part of the goal of the Amnesty Program was to
23 legalize those unpermitted units and provide a pathway for additional housing units
24 that could be utilized, those that met health and safety standards. Typically, one to
25 two ADUs go through the legalization process through the Building Department. The
26 Housing Element set a target of three to five ADUs per year, with the City to meet
27 that standard through more participation in the Amnesty Program and with increased
28 interest from the general public. (Vice-Chairperson Martinez)
29
- 30 • Page 28 of 42 of the agenda packet, Attachment B, Housing Element Programs
31 Associated with ADU Amnesty Program, Program 4. Facilitate ADU Protection, Fee
32 Waivers for Affordable ADUs; reference to *PLHA or in-lieu fees* in this section referred
33 to the Pinole Low Income Housing Fund or may refer to a fund through the Successor
34 Agency as part of the former Redevelopment Agency, which would have to be
35 clarified (although staff noted the successor funds had been expended) and
36 acknowledged PLHA should be spelled out. (Vice-Chairperson Martinez)
37
- 38 • Page 32 of 42 of the agenda packet, Amnesty Program for Unpermitted Dwelling
39 Units Owner's Pre-Submittal Questionnaire and Checklist, and the different types of
40 construction for an unpermitted ADU, acknowledged a request to have someone
41 review foundations to ensure they were solid or be added as an item for review.
42 Clarified the City's Chief Building Inspector reviewed all foundations to ensure
43 compliance with health and safety guidelines and appropriate construction for the
44 type of structure being built. (Vice-Chairperson Martinez)
45
- 46 • Page 37 of 42 of the agenda packet, Amnesty Program for Unpermitted Dwelling
47 Units Owner's Pre-Submittal Questionnaire and Checklist, Alarm and Fire Protection
48 Systems, acknowledged a request for more clarity on the required ADU setbacks.

1 The questionnaire had asked whether the ADU was located within 150-feet of the
2 public right-of-way (ROW), which involved a requirement of the Contra Costa County
3 Fire Protection District, (CCCFPD), and was used to assess the distance from the
4 ADU to the curb to ensure fire trucks had enough access and distance to reach the
5 ADU. Most lots were within 150-feet of a fire hydrant with ADUs at the rear of the
6 lots. If there was more than 150-feet from a fire hydrant, more requirements such as
7 sprinklers or fire suppression may be required by the CCCFPD. (Vice-Chairperson
8 Martinez)
9

- 10 • Acknowledged a request to capture the rental pricing for the ADU at the beginning of
11 the process to ensure the unit met one of the various income categories pursuant to
12 state guidelines. Clarified the City was in the process of creating a survey form or
13 some other method along those lines for those applying for ADUs to understand the
14 affordability levels. The City's Housing Element had indicated that the City was on
15 track to reach its Regional Housing Needs Allocation (RHNA) if everything that had
16 been approved or was in the pipeline was built, but acknowledged a shortage in the
17 Moderate and Very Low-Income categories. (Vice-Chairperson Martinez)
18
- 19 • Page 28 of 42 of the agenda packet, Attachment B, Housing Element Programs
20 Associated with ADU Amnesty Program, Program 4. Facilitate ADU Protection, Fee
21 Waivers for Affordable ADUs, reference to PLHA and acknowledged the Chair's
22 correction that the reference was to the Permitted Local Housing Allocation Program,
23 a fund source provided by the State Department of Housing and Community
24 Development (HCD). (Chairperson Menis)
25
- 26 • Page 28 of 42, Attachment B, Housing Element Programs Associated with ADU
27 Amnesty Program, Program 4. Facilitate ADU Protection, Fee Waivers for Affordable
28 ADUs, clarified there are provisions in state law and HCD guidance that the City could
29 not deed restrict ADU units as affordable units. (Chairperson Menis)
30
- 31 • Page 27 of 42, Chapter 17.70 Accessory Dwelling Units and Junior Accessory
32 Dwelling Units, Section 17.70.070 Amnesty and Enforcement Delay Ordinance for
33 Unpermitted ADUS and JADUS, G. Sunset Provisions, 1., which read: *Applications*
34 *for Amnesty JADU/ADU Permits and enforcement delays will not be approved after*
35 *January 2, 2030; and G.2, which states No enforcement delays shall extend beyond*
36 *January 1, 2035, at which point this Section shall be repealed.* A notice could be
37 provided to the property owner to ensure progress was being made on building
38 permits during the five-year period, and if progress was not made, the program
39 technician would catch that. The Planning Division would also be involved in the
40 Amnesty Program and would provide additional monitoring of the time frames. (Huey)
41
- 42 • ADUs would be eligible for the City's Energy Rebate Program. (Huey)
43
- 44 • Assuming the Amnesty Program goes live before the Energy Rebate Program, and
45 whether a hyperlink to the Energy Program could be provided, would be brought up
46 with the Community Development Director. (Huey)
47
48

- There was nothing in the Amnesty Program to prevent a landlord from raising the rent after legalizing the ADU and nothing in state law establishing that standard, which was difficult to enforce. Many ADUs may be considered affordable by design, but they could be rented out for exorbitant amounts in the Bay Area; however, by their nature they may be rented out at a lower cost. There was no specific program requiring rentals at certain rates. (Huey)
- Page 28 of 42 of the agenda packet, Attachment B. Housing Element Programs Associated with ADU Amnesty Program, Program 4. Facilitate ADU Production, ADU Tracking, whether this information could be available to the public could be evaluated and a Public Records Act request (PRA) could be made. Staff was looking at potential software associated with ADUs as a means of providing information and may show where ADUs had been developed or the areas eligible for ADUs. (Uch)
- Once an ADU had amnesty, it would be officially catalogued once fully legalized and under the amnesty permit with an application number to recognize the unit had been developed under the Amnesty Program, which may contain different standards from the typical building permit standards. (Uch)
- Pages 26 and 27 of 42 of the agenda packet, Chapter 17.70, Accessory Dwelling Units and Junior Accessory Dwelling Units, Section 17.70.070 Amnesty and Enforcement Delay Ordinance for Unpermitted ADUs and JADUs, C. Application Process, 1. Amnesty JADU/ADU, which read: *The owner of an Unpermitted Junior/Accessory Dwelling Unit that can provide suitable proof that said unit was constructed prior to January 1, 2020, may submit an Amnesty JADU/ADU Permit application in the form and manner prescribed by the Community Development Director or their designee. Suitable proof includes but is not limited to*, subsections (a) through (f), clarified one could choose one of the options shown. (Huey)
- Pages 26 and 27 of 42 of the agenda packet, Chapter 17.70, Accessory Dwelling Units and Junior Accessory Dwelling Units, Section 17.70.070 Amnesty and Enforcement Delay Ordinance for Unpermitted ADUs and JADUs, C. Application Process, 1. Amnesty JADU/ADU, (a) Assessor's records, clarified sometimes it was reported to the assessor there were additional structures on a property, and in most cases it was an accessory structure that was reported but was not necessarily a living unit. There would be a review of the number of structures on the property and if an accessory structure required a permit that would be reported. (Bender)
- Page 26 of 42 of the agenda packet, Chapter 17.70, Accessory Dwelling Units and Junior Accessory Dwelling Units, Section 17.70.070 Amnesty and Enforcement Delay Ordinance for Unpermitted ADUs and JADUs, B. Eligibility and Owner Rights, 1, acknowledged it may be a duplicate of the statement in Section B and it could be stricken, or this section could be renumbered accordingly. (Chairperson Menis)
- Page 27 of 42 of the agenda packet, Chapter 17.70, Accessory Dwelling Units and Junior Accessory Dwelling Units, Section 17.70.070 Amnesty and Enforcement Delay Ordinance for Unpermitted ADUs and JADUs, F. Enforcement Actions, 1. Notice and Compliance Requirements, subsections (a) and (b), as shown,

acknowledged there may be some overlap with the two sections in terms of setbacks and other requirements and staff clarified the statements in the two subsections.

- Page 20 of 42 of the agenda packet, ADU/JADU Amnesty Program Process, clarified the information contained therein as it related to the prior discussion. Also clarified in the event a property owner requested a delay in enforcement to legalize the ADU, they would have five years as long as it did not have public health and safety issues whereas it must be legalized immediately. Acknowledged a concern the text appeared clear with the staff report clearer, amnesty only applied to a narrow subset of potential Pinole Municipal Code violations and not to all of the Building Code requirements, although that was not what the text in the ordinance said and acknowledged the public may view it that way by default. Staff clarified the building checklist/pre-submittal checklist would allow review of the substandard conditions. (Chairperson Menis)
- Page 27 of 42 of the agenda packet, Chapter 17.70, Accessory Dwelling Units and Junior Accessory Dwelling Units, Section 17.70.070 Amnesty and Enforcement Delay Ordinance for Unpermitted ADUs and JADUs, F. Enforcement Actions, 2, Penalties, clarified this section applied only to ADUs/JADUs. (Chairperson Menis)

PUBLIC HEARING OPENED

There were no comments from the public.

PUBLIC HEARING CLOSED

Commissioner Bender felt sorry for Building Department officials because he was uncertain how to verify foundations absent documentation or through core drilling and was concerned the Building Department would have to go through that portion of the checklist to be developed by staff since it would be a task.

Mr. Hanham explained that staff would be looking for cracks and if the foundation was on a slab whether the slab was clean but he agreed it could be a task if noticing cracks or wrong blocks.

Commissioner Bender remained concerned but agreed enforcement was something that was sorely needed in the community.

Chairperson Menis reiterated his prior questions that the exact boundaries of what the amnesty applied to should be clear in the public facing documents, to match with the text of the ordinance itself, and the ordinance should be amended as previously discussed. He asked about the number of pages expected for the pre-submittal questionnaire and checklist. When told that due to formatting, the document may be shorter, he noted the checklist was not stated explicitly in the ordinance but the City may draft and amend it as it sees fit per Section 17.70.070 Amnesty and Enforcement Delay Ordinance for Unpermitted ADUS and JADUS, E. City Support and Resources, 2. which read: *An online self-assessment checklist for owners of Unpermitted Junior/Accessory Dwelling Units interested in pursuing an Amnesty JADU/ADU Permit.*

1 Mr. Hanham confirmed the code outlined the fact that the City would have a checklist, which
2 allowed the City to devise the checklist as needed.

3
4 Chairperson Menis referenced the clock for the enforcement delay, with a maximum of five
5 years per request, and asked if an owner went through the building inspection and requested
6 a delay for five years but finished the work after four years and code enforcement found a
7 new issue in that time period whether a new five-year clock would start at that point.

8
9 Mr. Shiu explained that if finding another issue that was related to the ADU, the ADU unit
10 would no longer be qualified to be in the program.

11
12 Mr. Hanham advised that once a correction was made and the ADU unit became a legal unit
13 and additional complaint was filed, it would be handled through the normal complaint system.

14
15 Chairperson Menis reiterated his question about the five-year period, and Messieurs Shiu and
16 Hanham clarified that if the process had never been closed out, it would be in the initial five-
17 year period.

18
19 Chairperson Menis offered a motion, seconded by Commissioner Bender to amend Page
20 26 of 42 of the agenda packet, as follows:

- 21
22 • Section 17.70.070 Amnesty and Enforcement Delay Ordinance for Unpermitted
23 ADUS and JADUS, B. Eligibility and Owner Rights, strike subsection 1 which read:
24 *The owner of an Unpermitted Junior/Accessory Dwelling Unit has a right to*
25 *request;* replace bullet point (a) to read: 1 and replace bullet point (b) to read 2.

26
27 **MOTION** with a Roll Call vote to amend Page 26 of 42 of the agenda packet, as follows:

- 28
29 • Section 17.70.070 Amnesty and Enforcement Delay Ordinance for Unpermitted
30 ADUS and JADUS, B. Eligibility and Owner Rights, strike subsection 1 which read:
31 *The owner of an Unpermitted Junior/Accessory Dwelling Unit has a right to*
32 *request;* replace bullet point (a) to read: 1 and replace bullet point (b) to read: 2.

33
34 **MOTION: Menis**

SECONDED: Bender

APPROVED: 7-0

35
36 Commissioner Bender offered a motion to recommend to the City Council the adoption of
37 proposed Municipal Code Amendments as provided in Resolution 25-02, as contained in
38 Attachment A, Exhibit A of the February 24, 2025 staff report.

39
40 Mr. Hanham explained the motion would be to recommend that the City Council adopt an
41 ordinance amending Chapters 17.70 to add an Accessory Dwelling Unit (ADU) Amnesty
42 Program to the Pinole Municipal Code, with the amendments previously approved.

43
44 **MOTION** with a Roll Call vote to recommend City Council adoption of an ordinance amending
45 Chapters 17.70 to add an Accessory Dwelling Unit (ADU) Amnesty Program to the Pinole
46 Municipal Code, subject to:

- 47
48 • Revise Section 17.70.070 Amnesty and Enforcement Delay Ordinance for
49 Unpermitted ADUS and JADUS, B. Eligibility and Owner Rights, strike subsection
50 1 which read: The owner of an Unpermitted Junior/Accessory Dwelling Unit has a

1 right to request; replace bullet point (a) to read: 1 and replace bullet point (b) to
2 read 2.

3
4 **MOTION: Bender**

SECONDED: Menis

APPROVED: 7-0

5
6 Chairperson Menis identified the 10-day appeal period of a decision of the Planning
7 Commission in writing to the City Clerk.

8
9 **H. OLD BUSINESS:** None

10
11 **I. NEW BUSINESS:** None

12
13 **J. CITY PLANNER'S/COMMISSIONER'S REPORT**

14
15 Messieurs Hanham and Shiu provided updates on the following:

- 16
17 - With the approval of the Amnesty Program staff would be taking further amendments
18 related to the Housing Element implementation to the City Council to be considered at a
19 meeting in March.
- 20
21 - The Objective Development Design Standards would be prepared in a final draft form to
22 be presented to the Planning Commission soon.
- 23
24 - Staff was working on the final maps for Appian Village and the Hazel Street Subdivision.
- 25
26 - The Affordable Housing Agreement for Appian Village had been sent out for approval.
- 27
28 - Staff continued to work with the developer of Pinole Shores II, which had some fire issues
29 yet to be resolved with building plans to be issued.
- 30
31 - SAHA and Vista Woods were on final inspections to receive Certificates of Occupancy
32 (COOs).
- 33
34 - Appian Village was moving forward and anticipated to have permits in hand in April/May.
- 35
36 - The Planning Commission Ad-Hoc Committee would meet on February 26 at 1:00 p.m.
37 to discuss the proposed parklet regulations.
- 38
39 - Staff hoped to meet with the property owners of Appian 80 in the next few weeks to
40 discuss the status of the property. No application had been filed but staff hoped to have
41 an idea of future plans soon.
- 42
43 - Staff was considering alternative uses and a potential new business owner at the old
44 Pinole Bank building located at 890 San Pablo Avenue.
- 45
46 - Staff continued to work on the Housing Element Implementation and the City had hired
47 a Housing Fellow from Partnership for the Bay's Future for a two-year period.

48
49 Chairperson Menis asked about the status of the Kmart property and BCRC projects.
50

1 Mr. Hanham reported staff was completing lot line adjustments for the Kmart property and
2 working with the property owner to see whether the Kmart building remained viable given
3 there had been some roof damage over past winters, and because the current entitlements
4 involved deadlines.

5
6 Mr. Shiu reported BCRE was still working on grading permits.

7
8 Mr. Hanham also announced that with the passage of Measure I input was being sought from
9 the community on how to support essential services such as public safety, roads, and parks,
10 with input able to be provided via a survey at www.pinole.gov/city-measures or attendance
11 at an in-person Measure I Workshop scheduled for Saturday March 1, 2025 at 9:00 a.m. at
12 the Senior Center. The workshop would be available in-person only and not virtually.

13
14 Vice-Chairperson Martinez commented on work being performed on Appian Way for Appian
15 Village and Vista Woods, changes to the underground infrastructure and the fact it appeared
16 the contractors doing the work were repairing some areas where they were working. While
17 the contractors involved in that work were doing a great job, other contractors doing work in
18 the area were only replacing the gravel and not sealing the roads, which were getting
19 progressively worse. He asked whether the project conditions or the City would ensure the
20 quality of the road work was at a required City standard.

21
22 Mr. Hanham explained much of the work referenced was done at the end of a project and
23 much of the work along San Pablo Avenue was part of a seal project for the City and not
24 associated with the Vista Woods development, which had finalized its improvements. He
25 could speak with the Public Works Department to learn of the status of projects, to ensure
26 the pavement was put back in a manner where it was not breaking up every two weeks or
27 every rain storm. He acknowledged the City's roads were in poor shape and the Public
28 Works Department was currently short-staffed. He did not see any changes until the new
29 Public Works Director was available and the City's Capital Improvement Plan (CIP) was
30 approved.

31
32 Mr. Hanham also reported there remained some work yet to be completed for the Appian
33 Village development and once the permits were pulled and buildings built more public off-site
34 improvements would be realized.

35
36 Commissioner Lam-Julian referenced the Appian Village development and asked whether
37 the construction crew could inform the City when they would be ramping up construction
38 given concerns with congestion and the proximity of multiple schools in the area.

39
40 Mr. Hanham advised there would be some notices posted when the project progressed, likely
41 in May/June.

42
43 Chairperson Menis understood the City planned to hold the Senior Food Distribution on
44 February 25, 2025 at the Senior Center from 10:00 to 11:00 a.m. but asked staff whether
45 that was still happening, and Mr. Hanham was uncertain whether or not that was the case.

46
47 Chairperson Menis reported the February 26, 2025 Community Services Commission
48 meeting had been canceled and an in-person Measure I Workshop had been scheduled for
49 Saturday, March 1, 2025 at 9:00 a.m. at the Senior Center, with more information on the City
50 website.

1 PUBLIC COMMENTS OPENED

2
3 Anthony Vossbrink, asked about the status of the Safeway/Tara Hills property and his
4 understanding Safeway/Albertson's had removed themselves from the project, which he
5 suggested was a black eye for the City. He asked why the company had backed out, whether
6 it involved the unsuccessful Kroger merger or the fact that a gas station would not be
7 permitted as part of the project as a result of City Council action last year. He suggested the
8 City should have been more proactive and more open to different things. He referenced
9 former Mayor/Council member Pete Murray who had asked that the City go back and
10 consider electric vehicle (EV) charging stations along with a gas station for the site rather
11 than a moratorium prohibiting more gas stations while the City had grandfathered-in the
12 Valero/Union 76 Gas Station. He also expressed concern with the loss of taxes to the City
13 of Hercules and other neighboring communities with the loss of a gas station and anchor
14 tenant on the property.

15
16 Mr. Vossbrink also commented on his understanding the City would be out \$250,000 for a
17 new HVAC system and roof for the Senior Center and referenced a prior City Council, which
18 had opted out of having the roof repaired at that time. He pointed out costs had doubled or
19 tripled for the repairs since that time. Further, he asked about the status of the Faria House,
20 property at 900 San Pablo Avenue and the caretaker's house given his understanding the
21 City Council recently had a Closed Session about the status of real property.

22
23 PUBLIC COMMENTS CLOSED

24
25 Chairperson Menis reported the status of the caretaker's house would be discussed during
26 the Measure I Workshop and was one of the actions on the City's Measure I page. As to the
27 Safeway project, he understood the permit for the original entitled project with a gas station
28 had expired.

29
30 Mr. Hanham explained the owner of the Safeway property, Hillsborough Properties, had
31 owned the property for 30 to 40 years and had proposed the Pinole Square Project, which
32 had approved entitlements including a gas station. Hillsborough Properties subsequently
33 sold the property to Balboa Properties who let the entitlements expire and there was no
34 entitlement or known plan and nothing from an applicant standpoint or design review
35 standpoint for Safeway. The City had been taken aback about Safeway closing and while
36 Safeway had notified City Hall the City had no control over Balboa Properties and had no say
37 about its tenants. The City became involved when a property was blighted and the City had
38 conducted a lot of code enforcement on the property related to fencing to block trucks. Until
39 the property owner submitted a project, the City could only sit back and wait. The City
40 recognized the importance of Safeway and having a grocer in the area and staff planned to
41 meet with Safeway but due to numerous circumstances an upcoming meeting had been
42 rescheduled. The City was working with Balboa Properties to learn of any plans for the
43 property, when and whether something would be submitted and when the public could be
44 informed.

45
46 With respect to the gas station moratorium, Mr. Hanham confirmed the moratorium prohibited
47 any new gas stations in the City of Pinole but he could not confirm whether that was the
48 trigger for Safeway to close. Additionally, he understood the Faria House was on the market
49 for sale, but he was uncertain if there was a buyer and he was unaware of the status of a
50 recent Closed Session with the City Council.

1 **K. COMMUNICATIONS**

2
3 Chairperson Menis reported as part of the last City Council meeting and with respect to the
4 adoption of the PAL Program, there would be an ongoing outreach process with respect to
5 what needed to be permitted for window, door, or weather-stripping replacement. He asked
6 whether it would be possible for the Planning Commission to have an informational item with
7 the Community Development Director invited to explain what items would require a permit
8 as part of the program.
9

10 Mr. Hanham advised he would speak with the Community Development Director and Chief
11 Building Official to see whether a presentation could be made or information could be
12 provided to the Planning Commission.
13

14 **MOTION** with a Roll Call vote to request a presentation to the Planning Commission on the
15 PAL Program and various building permit requirements, as a future agenda item.
16

17 **MOTION: Menis SECONDED: Huey APPROVED: 7-0**
18

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

20
21 The next meeting of the Planning Commission to be a Regular Planning Commission
22 meeting scheduled for March 10, 2025 at 7:00 p.m.
23

24 **M. ADJOURNMENT: 9:00 p.m.**

25
26 Transcribed by:

27
28 Sherri D. Lewis
29 Transcriber