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

5
6 **April 28, 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:** 7:00 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 Absent: 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 Anthony Vossbrink, stated he had comments about the Safeway project and was informed
40 by the Chair the Planning Commission would have that discussion as part of Item J.1.
41

42 Mr. Vossbrink was unaware of the agenda item and suggested the Planning Commission
43 meeting agendas should be posted on Pinole Community Television (PCTV) as were City
44 Council meeting agendas. He added there were items being posted on PCTV that were
45 out of date and someone on staff should be working with PCTV to ensure information was
46 current and up to date. He also referenced the land acknowledgement statement on the
47 meeting agenda and asked if it was a requirement.
48
49
50

1 Mr. Vossbrink suggested the land acknowledgement statement should be pulled from the
2 meeting agenda since the City Council had not done its due diligence as it had promised
3 to the public for the past two years to acknowledge the Ohlone people. While a City
4 Council Ad-Hoc Committee comprised of Mayor Sasai and Council member Martinez-
5 Rubin had met for over a year, no report out had been provided on the discussions with
6 respect to choosing a location to honor the Ohlone, including his recommendation to
7 consider the trail behind the caretaker's house. He asked about the status of the trail that
8 was to be repaired and/or renovated, but another load of old street debris had been
9 dumped on the side of the trail. He urged members of the Planning Commission to walk
10 the trail with the City Manager to see the breach, which was to be repaired. He also
11 referenced the Trump Administration's direction to lower flags in memory of Pope Francis
12 and asked whether it had been a bipartisan action or a religious preference for the City of
13 Pinole to not lower flags over City facilities, with the exception of the flag at Fire Station
14 74. This had also occurred late in the 30-day mourning period when flags were to be
15 lowered after the passing of former President Jimmy Carter.

16
17 Kayla Gomez, representing NorCal Carpenters Local Union 152, spoke to the values of
18 the union, which had strong apprenticeship training and real health care with livable wages
19 and a commitment to local hires. The Statewide Apprenticeship Program was second to
20 none, ensured a new generation of carpenters were trained to the highest standards and
21 were ready to deliver quality projects done safely. The union also knew the importance of
22 taking care of its people. Carpentry was a demanding job and members deserved access
23 to health care. Healthy workers meant safer and more productive projects for everyone
24 and hiring union carpenters meant creating good local jobs with a livable wage and jobs
25 that allowed workers to support their families by buying homes and contributing to the local
26 economy. Supporting workers with union labor provided quality construction, a strong
27 work force and a better future for everyone.

28
29 Chairperson Menis understood the Planning Commission could not take action on the
30 request to remove the land acknowledgement statement from the meeting agenda since
31 that would fall under the action elements of the Brown Act. In response to the lowering of
32 flags, he asked staff whether lowering of flags was required for the death of the Pope or
33 solely in the event of the death of a President. As to the status of the trail behind the
34 caretaker's house, he asked staff to provide an update.

35
36 Planning Manager David Hanham was uncertain about the City's policy for lowering flags
37 but would look into it with management staff. With respect to the trail behind the
38 caretaker's house, residents with concerns regarding the trail may contact Public Works
39 Manager Joe Bingaman, who should have information on the status of the trail and the
40 dumping of debris.

41 42 **F. MEETING MINUTES**

43 44 1. Planning Commission Meeting Minutes for April 14, 2025

45
46 Vice Chairperson Martinez requested a revision to Lines 46 through 48 of Page 12 of 33
47 of the agenda packet, as follows:
48

- *Annual review of the CUP by Planning Commission could be considered given the proposed custom body art use and to ensure no loitering that may impact those living around the area. (Vice Chairperson Martinez)*

Mr. Hanham clarified that normally annual review of the Conditional Use Permit (CUP) would be at the staff level unless there were issues the Planning Commission needed to address. If the revision was made it would need to be added to the Conditions of Approval for the project. All other CUPs were reviewed at the staff level unless there were complaints.

Vice Chairperson Martinez clarified it was his intent the CUP be reviewed annually by the Planning Commission and if there were any challenges to the CUP, the Planning Commission would have the opportunity for review as part of that annual review period.

Chairperson Menis commented that adjustments could be made to the Conditions of Approval but asked if that was what had been said during the meeting itself since that was what the minutes had reflected.

Mr. Hanham pointed out the meeting minutes were a summary and the minute taker would have to go back and see what was actually said and add the additional language accordingly. In response to the Chair as to whether the meeting minutes should be continued until staff was able to make that review, he commented that either way the agenda item had already been approved. There was a condition that the use would be reviewed yearly, which would be automatically put in and based on the Planning Commission action. As to the intent, if it rose to the Planning Commission level at that point, the meeting tape would have to be reviewed. Staff could go back and insert verbatim comments for that item and if the Planning Commission wanted to continue the meeting minutes to the next meeting that was acceptable.

On the discussion, Vice Chairperson Martinez explained this was the first time the Planning Commission had been asked to approve a tattoo studio for a particular section of a building. He had shared during the April 14, 2025 Planning Commission meeting that the property was not a typical strip mall property and was completely different, with historic tenants in the building that had been a dental office and an ophthalmologist. His concern had been around loitering given there was no area to hang out and when anyone had a tattoo it was common knowledge people may be there for hours and may need to take a break for a cigarette, as an example. The property did not lend itself well to that type of a business and it may need to be moved to a different location because of the loitering that had the potential to occur, and since one nearby home faced the parking lot and another home had side windows which faced down into the property.

Vice Chairperson Martinez wanted to ensure the Planning Commission had the ability to review the use and adjust it appropriately. If left to staff, it would take away the ability to make adjustments. His intent was that the CUP be brought back annually to the Planning Commission until it was known whether or not the use would be a good fit for that particular location.

Chairperson Menis commented as a statement of intent that worked, but the Planning Commission was not discussing changing the item but the meeting minutes where the item had been discussed.

1 Chairperson Menis stated the minutes could be brought back to ensure what the Vice
2 Chair said at the meeting accurately reflected what was said as much as possible. If it
3 turned out it did not reflect the Vice Chair's comments there would have to be a different
4 process to make adjustments to the text.

5
6 Vice Chairperson Martinez asked that the item be brought back with more clarification in
7 verbatim notes.

8
9 Mr. Hanham clarified the Planning Commission had approved the project (UP-25-0003
10 Sixteenth Studio) under discussion unanimously at its last meeting. He understood the
11 Vice Chair was trying to clarify the language in the condition regarding the review. If there
12 were any complaints about the use, even before the year was up, the CUP could be
13 brought back to the Planning Commission for review pursuant to the Pinole Municipal
14 Code (PMC). They just need to make sure the modification to the condition required the
15 CUP to come back to the Planning Commission every year. If not, the language would be
16 modified to what was approved by the Planning Commission that night. Moving forward,
17 the Planning Commission still had the ability to review and modify CUPs.

18
19 Mr. Hanham recommended if the Planning Commission desired, staff could bring back the
20 item in a verbatim format in order to clarify what had been said at the meeting that night
21 and clarify what had been approved. The meeting minutes could be approved as is at this
22 time, not be approved and wait until the next Planning Commission meeting until staff had
23 gone through that particular item to verify what had actually been said to clarify the intent,
24 or approve the meeting minutes with the exception of that one item to come back for
25 approval at a later meeting.

26
27 Chairperson Menis suggested the meeting minutes could be approved with the exception
28 of Item 2, UP-25-0003 Sixteenth Studio, as shown on Pages 12 through 14 of 33 of the
29 agenda packet.

30
31 Vice Chairperson Martinez suggested the Commission could also approve the changes
32 as is, noting the intent, as discussed.

33
34 Mr. Hanham urged caution with intent when imposing conditions since intent involved
35 interpretation, at which point staff did not want to have to interpret the intent of what the
36 Planning Commission wanted as part of this condition. He wanted to ensure the Planning
37 Commission's Conditions of Approval and as a side note identify that the Planning
38 Commission had the ability to review a CUP at any time for revocation or modification. He
39 commented the meeting minutes were a reflection of had been said at the meeting and
40 represented a summary of the discussion. He recommended the minutes be brought back
41 to clarify what the Vice Chair had said during that item.

42
43 Vice Chairperson Martinez commented since the CUP would be reviewed within the next
44 year, he would leave it as is and would accept the approval of the April 14, 2025 meeting
45 minutes at this time. He planned in the next 10 months from now to send an e-mail to staff
46 to inquire whether the Planning Commission could review any issues with any City
47 Department about the CUP and bring that information back to the Planning Commission
48 for review.

1 Mr. Hanham referenced Chapter 17.10 of the PMC regarding permit time limits, extensions
2 and expirations, which outlined the process the Planning Commission had to pursue
3 related to time limits, extensions and expirations, which could be included in an e-
4 mail/memorandum to the Planning Commission. He advised that part of the discussion
5 could still be brought back as a verbatim item if the Planning Commission desired, but the
6 Vice Chair stated that would not be necessary.

7
8 **MOTION** with a Roll Call vote to approve the Planning Commission Meeting Minutes for April
9 14, 2025, as submitted.

10
11 **MOTION: Menis**

12 **SECONDED: Bender**

13 **APPROVED: 6-0-1**

14 **ABSENT: Huey**

15 **G. RE-ORGANIZATION OF PLANNING COMMISSION**

- 16 1. Select Chairperson, Vice Chairperson and Design Review Ad-Hoc Committee

17
18 Mr. Hanham presented the staff report dated April 28, 2025, and asked the Planning
19 Commission to select the Planning Commission Chair, Vice Chairperson and select
20 members for the Design Review Ad-Hoc Committee for 2025/2026.

21
22 **PUBLIC COMMENTS OPENED**

23
24 There were no comments from the public.

25
26 **PUBLIC COMMENTS CLOSED**

27
28 Commissioner Sandoval nominated Christy Lam-Julian as the Chair of the Planning
29 Commission. In the event, Commissioner Lam-Julian were to reject the nomination, he
30 nominated himself as the Chair.

31
32 Chairperson Menis expressed the willingness to continue as the Chair.

33
34 Mr. Hanham closed the nominations.

35
36 Commissioner Lam-Julian respectfully declined to accept the Chair duties at this time.

37
38 Chairperson Menis again expressed the desire to continue as the Chair, if appointed.

39
40 Commissioner Sandoval also expressed a desire to serve as Chair, if appointed.

41
42 **MOTION** with a Roll Call vote to elect **Rafael Menis** as the Planning Commission
43 **Chairperson** for 2025/2026. The motion failed by the following vote:

44
45 Failed: 3-3-1
46 Ayes: Lam-Julian, Martinez, Menis
47 Noes: Bender, Sandoval, Uch
48 Abstain: None
49 Absent: Huey
50

MOTION with a Roll Call vote to elect ***Gabriel Sandoval*** as the Planning Commission ***Chairperson*** for 2025/2026. The motion carried by the following vote:

Passed:	5-1-1
Ayes:	Bender, Martinez, Menis, Sandoval, Uch
Noes:	Lam-Julian
Abstain:	None
Absent:	Huey

Chairperson Menis nominated Christy Lam-Julian as the Vice Chairperson of the Planning Commission.

Vice Chairperson Martinez nominated Rafael Menis as the Vice Chairperson.

Mr. Hanham closed the nominations.

Commissioner Lam-Julian respectfully declined to accept the Vice Chair duties at this time.

Chairperson Menis accepted the nomination.

MOTION with a Roll Call vote to elect ***Rafael Menis*** as the Planning Commission ***Vice Chairperson*** for 2025/2026. The motion carried by the following vote:

Passed:	6-0-1
Ayes:	Bender, Lam-Julian, Martinez, Menis, Sandoval, Uch
Noes:	None
Abstain:	None
Absent:	Huey

Mr. Hanham turned the meeting over to newly-elected Chairperson Sandoval who chaired the meeting at this time.

Mr. Hanham explained the Planning Commission Design Review Ad-Hoc Committee met sporadically to provide input on Planning Commission-related projects on an as-needed basis and would be comprised of three Commissioners. The current members of the Ad-Hoc Committee included Commissioners Bender, Uch and Vice Chairperson Menis.

The current members of the Design Review Ad-Hoc Committee expressed the desire to remain seated. There was no interest from any other Planning Commissioner to serve on the Design Review Ad-Hoc Committee.

MOTION with a Roll Call vote to reappoint Commissioners Bender and Uch, and Vice Chairperson Menis to serve on the Planning Commission Ad-Hoc Committee for 2025/2026.

MOTION: Sandoval

SECONDED: Menis

APPROVED: 6-0-1

ABSENT: Huey

1 Vice Chairperson Menis explained the reason he had run for re-election as the Chair as
2 opposed to Vice Chair of the Planning Commission was because he wanted to maintain
3 an order of transition rather than have someone jump directly from Commissioner to Chair,
4 with the normal order Commissioner, Vice Chair then Chair.
5

6 **H. PUBLIC HEARINGS**

7 8 **1. Diosa Restaurant UP-25-0001**

9
10 Planning Manager Hanham provided a PowerPoint presentation for Diosa Restaurant UP-
11 25-0001. He recommended the Planning Commission adopt Resolution 25-06 approving a
12 Conditional Use Permit (CUP) for the selling of alcoholic beverages and outdoor dining
13 subject to Exhibit A: Conditions of Approval.
14

15 Responding to questions from the Planning Commission, Mr. Hanham clarified the following:
16

- 17 • The State Department of Alcoholic Beverage Control (ABC) required a CUP for the
18 consumption of alcohol outdoors. Drinks may not be transferred, cannot be taken
19 from indoors to outdoors, but could be ordered outdoors and brought to the customer
20 and served at the table. ABC had no fencing requirements. In this case, the Pinole
21 Bank building (where the restaurant would be located) had an existing patio on both
22 sides of the building with the patios contained along the building. Fencing may be a
23 requirement of the City in cases of desired separation between sidewalks and where
24 alcohol was served. (Bender)
25
- 26 • Planning Commission Resolution 25-06, Exhibit A: Conditions of Approval, Condition
27 2 should be revised to read: *The proposed use shall be operated in a manner*
28 *consistent with the statement of operations dated 02/19/25 and in a manner which*
29 *is consistent with all federal, state & local laws.* (Bender)
30
- 31 • Condition 11, a typographical error at the end of the last sentence would be corrected.
32 (Bender)
33
- 34 • Pinole Bank was listed on the National Register of Historic Places. Most of the
35 historic elements of the building were located on the outside of the building. No
36 modifications had been proposed to the exterior of the building. Any modifications to
37 the outside of the building would require Planning Commission review and approval.
38 (Lam-Julian)
39
- 40 • Condition 12 reads: *If the operation of the use results in conflicts pertaining to*
41 *parking, noise, nuisance, traffic, or other impacts, at the discretion of staff, the use*
42 *permit may be referred to the Planning Commission for subsequent review at a*
43 *public hearing. Subsequent review may result in modification of conditions of*
44 *approval or revocation of the use permit.* The City did not have a threshold on the
45 number of complaints. Any complaints about noise would be referred to the Pinole
46 Police Department to ensure the business was operating in an appropriate
47 manner. (Lam-Julian)
48

- Conditions 14 and 21 were clarified with one condition more detailed than the other, although the language was very similar in both conditions. Staff was unaware of the Police Department's actual program for a "complaint response/community relations" program, but the Police Department worked with businesses once a liquor license had been established. (Lam-Julian)
- Condition 16, read: *Trash receptacles shall be located at convenient locations outside the establishment, and operators of the business shall remove all trash on a daily basis.* Condition 17 read: *The applicant shall be responsible for maintaining free of litter in that area in front of and adjacent to the premises over which they have control.* The restaurant would be required to keep the site maintained at all times including the landscaping in the area. (Lam-Julian)
- Condition 24, read: *Make attempts to limit alcohol-related problems which negatively impact those living or working in the neighborhood.* The restaurant would be required to control its patrons to ensure they get to their vehicles or Uber, as an example, safely and if there were any complaints the Planning Commission had the ability to review and possibly revoke the CUP. (Lam-Julian)
- Condition 31, read: *All amplified music shall be inside. All outdoor music will be acoustic and will end by 8:00 pm during the weekdays and 5:00 pm during the weekends.* This condition was consistent with other restaurants in Pinole, with the time for the music to end prior to the close of business. (Lam-Julian)
- Acknowledged concerns there was little information provided on the background of Diosa Restaurant, or the applicant as being established with a great record. Also acknowledged concerns with the business having a Type 47 License from ABC. Acknowledged a request for the Planning Commission to review the license after one year and a request for the business to start with the sale of beer and wine only for a year to see how the business integrated into the community prior to having a full Type 47 License. Further, acknowledged the information contained in Table 1, as shown on Page 20 of 33 of the agenda packet, which listed the number of On-Site Retail Alcohol Sales Establishments in Census Tract 3591.03, were all within 10 to 20 feet of one another and all had Type 47 Licenses.

Staff clarified in response to these concerns, the City had no control over the type of licensing the applicant applied for with ABC. No stepping of liquor licenses was required. Once the applicant applied for a license with ABC, the City would go through its own process.

Clarified this was a new restaurant concept for Pinole, with the applicant proposing a farm-to-table restaurant. Staff asked that the business not be penalized as a new business that had not been established as a restaurant in Pinole. A condition for a one-year review of the Conditional Use Permit (CUP) by the Planning Commission could be added in the event there were any issues. The business would use local people for their different products and would bring the entertainment, which none of the City's existing restaurants provided. The applicant desired to bring in a full-scale restaurant with entertainment. The applicant liked the atmosphere of Old Town Pinole, the synergy of East Bay Coffee and Pear Street Bistro, which was why the applicant wanted to come to Pinole.

1 Reiterated a condition could be added that the applicant shall in one year come back
2 to the Planning Commission to ensure they were reviewing all of their policies.
3 Further, acknowledged a request for a condition for Planning Commission review of
4 the CUP annually for the first five years to ensure the safety and tranquility of the
5 area. (Martinez)
6

- 7 • Acknowledged Conditions 4, 7, 15, and 23 appeared to be duplicative. Staff
8 recommended the more stringent conditions be retained and that Conditions 7 and
9 15 could be deleted. (Vice Chairperson Menis)
10
- 11 • Clarified again the Pinole Bank Building had an existing patio on both sides of the
12 building. Given the orientation of the property, any patio area for Pear Street Bistro
13 would have to be removed and Diosa Restaurant would then be able to take over
14 that portion. (Vice Chairperson Menis)
15
- 16 • Condition 11 could be modified to read: *The operating hours of Diosa Restaurant*
17 *shall be Monday through Sunday from 8:00 am to 10:00 pm. Any modifications of*
18 *operating hours shall be referred to the Planning Manager for approval. All alcohol*
19 *sales shall end 30 minutes prior to closing.* (Vice Chairperson Menis)
20
- 21 • Condition 12 could be modified to address Commissioner Martinez's concerns with
22 annual Planning Commission review. (Vice Chairperson Menis)
23
- 24 • Condition 25 read: *Install security camera(s) with recording storage capabilities*
25 *that capture the interior of the establishment, including entry/exit points and the*
26 *bar service areas, and the exterior of the establishment including any approach*
27 *and entry/exit of the establishment.* Clarified most of the cameras would not
28 necessarily be on the building itself but be placed on a pole or something next to
29 the building. This was a condition imposed by the Police Department. An
30 additional sentence could be added at the end of the condition to read: *In*
31 *accordance with Secretary of Interior Standards.* (Vice Chairperson Menis)
32
- 33 • Conditions 27 and 28 were standard conditions of approval for beer and wine sales,
34 with a measurement of alcohol in spirits, which was why the sale of spirits had not
35 been included. (Vice Chairperson Menis)
36
- 37 • Condition 31 was again clarified and was a judgment call by staff. The hours for
38 amplified music could be extended and the condition could be modified if the Planning
39 Commission desired. Staff emphasized all amplified music needed to be inside.
40 (Vice Chairperson Menis)
41
- 42 • Page 20 of 33 of the agenda packet, and the reference to the address for AMF Pinole
43 Valley Lanes, would be corrected to read: *1580 Pinole Valley Road.* (Vice
44 Chairperson Menis)
45
- 46 • Finding 4, as shown on Page 22 of 33 of the agenda packet, which read: *The*
47 *proximity of the applicant to school, park, playground, recreational center, day*
48 *care, or similar use,* was clarified and staff would determine whether or not the
49 application met all of the required findings. (Vice Chairperson Menis)

- Pages 22 and 23 of 33 of the agenda packet, Outdoor Eating Findings, which read:
1. Required findings for approval of outdoor seating. The designated approving authority may issue an administrative use permit in conjunction with the requirements of Section 17.12.060 (Administrative Use Permit) if he or she finds that the proposed outdoor seating would not: and subsection (a), which reads: *Encroach into a continuous pedestrian path of travel of at least six (6) feet in width, and would not obstruct pedestrian and wheelchair access;* with staff clarifying there was a door on the east side of Pear Street Bistro, which may be an emergency exit from the back of the building where there was a door on the right hand side where one could exit from the kitchen. The area was not a public right-of-way (ROW) but the applicant would have to maintain at least a 36-inch gap between tables if Pear Street Bistro had outdoor dining against its wall and would have to maintain a three-foot path through as part of the project pursuant to federal law. While there was no public area between the two restaurants, any use of outdoor dining on that side would have to maintain a three-foot pathway to ensure clients could move through that area. (Vice Chairperson Menis)
- Acknowledged a recommendation to modify Condition 31 and extend the time period for amplified music up to 7:00 or 8:00 p.m. on Saturdays. (Chairperson Sandoval)

PUBLIC HEARING OPENED

Mr. Hanham reported the applicant/owner, Veronica Rivera, had earlier indicated there may be an issue attending the meeting. There was no one present to speak on behalf of the applicant at this time.

Anthony Vossbrink, commented on the potential properties/businesses the new restaurant could impact regarding trash and the use of the trash bin given an issue in that regard, particularly during the weekend market, which at one time had involved an easement. He asked staff to clarify the issue with the easement.

As to the request for live music/entertainment, Mr. Vossbrink suggested the Planning Commission grant the business the same hours as it had for Pear Street Bistro and East Bay Coffee, which were closer to residential properties and include the restrictions placed on Antler's Tavern, which often had heavy live music. When the doors were open, the music was audible a block away from residences on Park Street behind Tina's Place.

PUBLIC HEARING CLOSED

Commissioner Lam-Julian asked about the time restrictions for live music for Antlers Tavern and the other uses, to which Mr. Hanham advised amplified music for the subject application would be inside with all outdoor music to be acoustic. Uptown Yard had an acoustic person and the City allowed the business to have live music until 6:30 or 7:00 p.m.

Mr. Hanham added that he would have to review the application for East Bay Coffee, but it was likely music was not permitted beyond 7:00 or 8:00 p.m., possibly longer on the weekends, with the exception of Sundays. Most of the music for that establishment was inside with some outside music in the outdoor dining area.

1 Commissioner Lam-Julian reported she heard from some residents close to Antlers Tavern
2 that the noise was loud and occurred beyond 8:00 p.m. If a condition for live entertainment
3 was being imposed on Diosa Restaurant, she wanted it to be consistent with the other
4 businesses as well.
5

6 Mr. Hanham clarified that Condition 31, read: *All amplified music shall be inside. All outdoor*
7 *music will be acoustic and will end by 8:00 pm during the weekdays and 5:00 pm during*
8 *the weekend.* Antlers Tavern was not allowed to have music outdoors and that business
9 did not have an outside area. Condition 31 was consistent with other businesses, and
10 while it may be tighter than the other businesses the Planning Commission may extend
11 the hours shown, if desired.
12

13 Vice Chairperson Menis understood there was an error message being shown for
14 speakers online and asked if there was an issue with Zoom or the live broadcast, and Mr.
15 Hanham advised staff did not touch the audio-visual equipment and the Chair asked
16 everyone to be patient if there were technical difficulties.
17

18 Vice Chairperson Menis commented that while it would have been nice to know more
19 information about the applicant, staff had indicated the applicant had existing relationships
20 with current restaurateurs in the City and had positive recommendations from those
21 individuals.
22

23 Mr. Hanham clarified in response to the public comment that there was a City drainage
24 easement that ran along the east side of Uptown Yard and in the back there was a City
25 easement where the business was allowed to operate but not to do any improvements. The
26 application for Diosa Restaurant would not affect that easement. Uptown Yard had its own
27 trash receptacles as part of its project and there was also a small trash bin in the back used
28 by other businesses. The businesses were using both the small trash enclosure and a larger
29 bin near the Chinese Restaurant.
30

31 Commissioner Bender asked whether the applicant had submitted building permits, and Mr.
32 Hanham advised the applicant was not proposing a lot of tenant improvements at this time,
33 and staff had not reviewed anything since nothing had been submitted.
34

35 Commissioner Bender also clarified for informational purposes the historical classification
36 related to the exterior of the building, not the interior, with the interior having been heavily
37 remodeled over time. He read the past report when the building had been submitted to the
38 Department of the Interior for its historic status designation and the only items that remained
39 original were the marble floors and a few wall sconces.
40

41 Commissioner Uch referenced Condition 31 and suggested the condition should be modified.
42 Limiting the amplified music indoors on Saturdays to 5:00 p.m. was too early and he would
43 be open to extending the hours to be the same as the weekdays other than 5:00 p.m. on
44 Sundays.
45

46 Vice Chairperson Menis asked Commissioner Bender if he was aware if the exterior walls of
47 the building were new as compared to the flooring, and Commissioner Bender clarified he
48 was speaking about the interior of the building only.
49

Commissioner Martinez agreed that Condition 31 should be modified to allow the amplified live music until 8:00 p.m. on Saturdays and 5:00 p.m. on Sundays.

MOTION to adopt Resolution 25-06 approving a Conditional Use Permit for the selling of alcoholic beverages and outdoor dining, subject to Exhibit A: Conditions of Approval, as modified as follows:

- Revise Condition 2, to read:

The proposed use shall be operated in a manner consistent with the statement of operations dated 02/19/2025, and in a manner which is consistent with all federal, state and local laws.

- Strike Conditions 7 and 15.

- Revise Condition 11, to read:

The operating hours of Diosa Restaurant shall be Monday through Sunday from 8:00 am to 10:00 pm. Any modifications of operating hours shall be referred to the Planning Manager for approval. All alcohol sales shall end 30 minutes prior to closing.

- Revise Condition 25, to read:

Install security camera(s) with recording storage capabilities that capture the interior of the establishment, including entry/exit points and the bar service areas, and the exterior of the establishment including any approach and entry/exit of the establishment. The applicant must comply with the requirements of the Department of Interior's Registry for Historic Buildings.

- Revise Condition 31, to read:

All amplified music shall be inside. All outdoor music will be acoustic and will end by 8:00 pm Monday through Saturday and 5:00 pm on Sunday.

- Add a new Condition 32, to read:

The Conditional Use Permit (CUP) shall be reviewed by the Planning Commission on a yearly basis for the first five-years. *[Condition added by Commissioner Martinez as a friendly amendment.]*

MOTION: Menis

SECONDED: Martinez

APPROVED: 6-0-1

ABSENT: Huey

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

I. OLD BUSINESS: None

1 **J. NEW BUSINESS**

2
3 **1. Discussion of Redevelopment of Appian 80 Shopping Center**

4
5 Mr. Hanham presented the staff report dated April 28, 2025, and recommended the Planning
6 Commission discuss the redevelopment of the Appian 80 Shopping Center and at another
7 regular meeting bring back a recommendation of policies and uses to the City Council.

8
9 Responding to Commissioner Bender, Mr. Hanham clarified there were approximately eight
10 to nine parcels on the site. Balboa Properties owned five or six of the eight parcels that made
11 up 12.7-acres. The Appian 80 Shopping Center (Pinole Square) was around 13.7-acres in
12 size including all of the buildings on the site, and the House of Worship, restaurant in the
13 back and two buildings that had been demolished. Hillsborough Properties owned 12.7-
14 acres.

15
16 Staff was unaware whether Balboa Properties had acquired the entire Appian 80 Shopping
17 Center but that could be verified. Safeway and CVS were located on two separate parcels
18 that extended into the parking lot. There were additional parcels to the west including the
19 parking lots with a cross-access agreement required for most shopping centers to allow
20 anyone the ability to park anywhere within the shopping center; however, when certain
21 portions of the shopping center were sold the parking would go with it.

22
23 The buildings to the front right of the property were separate parcels and the building to the
24 left where Bank of America was located was two separate parcels, with eight to nine parcels
25 within the property. Whether or not Balboa Properties planned to acquire all parcels was
26 unknown. Approval of the initial Pinole Square development involved all remediation
27 requirements and the site had been cleaned up years ago. The subject site was not listed
28 on any Hazardous Materials Sites.

29
30 Commissioner Bender suggested the site was perfect for a combination of residential and
31 commercial, more of a Pinole-oriented Santana Row located in the City of San Jose, which
32 property was comprised of fairly high density commercial and residential development. He
33 could support something beyond just single-family homes with a community-oriented
34 development and with some public space as opposed to being another version of a strip mall,
35 although with multiple property owners that may be difficult to develop. He had concern with
36 the demand for more commercial space while he is interested in the movement in England
37 to reuse buildings to reduce environmental impacts. He was uncertain the subject buildings
38 could qualify.

39
40 Commissioner Bender found the initial proposal for Pinole Square to be a nicer version, but
41 it was still a version of a strip mall. He recognized Safeway had been the driver of the initial
42 approved plans, although those plans had since expired, as detailed in the staff report.

43
44 Mr. Hanham clarified the initial design that had been approved for Pinole Square included a
45 gas station for Safeway and that design had a lot of appealing details for the renovation of
46 the center. It was important to understand what had initially been approved to the present
47 and while a good thing at that time, things had changed including the fact the City Council
48 had imposed a moratorium on new gas stations.

49
50 Commissioner Martinez recommended the new property owner consider installing Electric

1 Vehicle (EV) charging stations and consider current requirements to meet the needs of the
2 City of Pinole with a more forward-thinking vision.

3
4 Vice Chairperson Menis acknowledged the initial designs for Pinole Square called for
5 housing on top of Safeway and commented the consultant at that time objected to housing
6 on the site given traffic impacts. The then-City Council objected to any housing on the site
7 as well. He clarified again with staff as the staff report noted: *The project site is within the*
8 *Appian Way corridor included within the Three Corridors Specific Plan. The General Plan*
9 *land use designation is Service Sub-area (SSA) and the Zoning for the project site is*
10 *Commercial Mixed Use/High Density Residential Overlay (CMU/HDRO). The Overlay*
11 *Districts require that a minimum of 20 percent of a site develop at a density of between*
12 *20.1 and 35.0 dwelling units per acre. There will continue to be a High-Density Residential*
13 *Overlay District zone on this property. The requirements of the Overlay District can be*
14 *satisfied by future development in portions of the site not impacted by the proposed*
15 *project, or the Overlay District can be removed by the City Council at a future date.*

16
17 Mr. Hanham explained that Safeway always wanted a gas station as part of the project,
18 but there was currently a moratorium on new gas stations or gas station expansions in the
19 City. Since the initially approved entitlements had expired, any proposal would be a new
20 use subject to current restrictions such as the moratorium.

21
22 Commissioner Martinez clarified with staff the Residential Overlay for the parcel had never
23 been deactivated, with the zoning still as noted for the High-Density Overlay. If a new
24 proposal were to be submitted that did not include residential development on the project
25 site, the Planning Commission and the City Council would then have to adopt a finding that
26 no residential development would be required based on findings. He agreed a Santana Row
27 type of development could be good for Pinole. He cited the Veranda Shopping Center in the
28 City of Concord as another example, which included numerous tenants and nice restaurants
29 such as Yard House. That development had a good look and feel but had no housing. The
30 subject parcel would have easy access to the I-80 corridor. He expressed concern Pinole
31 was losing revenue to neighboring jurisdictions since it did not have the same type of tenant
32 mix/restaurants that would bring patrons to Pinole.

33
34 Commissioner Martinez referenced a report that had been prepared for the City of Pinole
35 around 2017, which listed the types of tenants that could be a good fit for Pinole including
36 Yard House and which may add significant sales tax revenue to the City. He was concerned
37 Pinole was top heavy on grocery stores such as Trader Joe's or Safeway and emphasized
38 the need to be thoughtful when planning and shifting to a service economy and big box
39 restaurants.

40
41 Commissioner Uch suggested the site was a great opportunity for mixed-use development
42 like Santana Row, or for a mixed-use development space. He envisioned the property as a
43 destination location where there may be other activities involved. He referenced Paris,
44 France, which was the size of the City of San Francisco but with a population of over seven
45 million people. The majority of the buildings in Paris were around six stories with mixed uses.
46 Not suggesting Pinole should be like Paris, France, he envisioned a mixed-use development
47 that would offer the opportunity to make Pinole more walkable and offer residents options to
48 choose where they wanted to go while also making it a key destination where people wanted
49 to be.

50 Speaking to the Veranda Shopping Center in the City of Concord, Commissioner Uch pointed

1 out it was a nice shopping center but the parking was horrendous and while there was public
2 transportation available, the shopping center was not walkable. He sought greater emphasis
3 on multi-modality rather than mono-modality, offering other forms of transportation. He
4 suggested the Appian 80 Shopping Center could be a jumping point for Pinole to become a
5 walkable city.
6

7 Commissioner Lam-Julian agreed mixed-use was the way to go and should include an event
8 space for people to have meetings and function space given the limited options in the area.
9 Other options could be a co-op for a micro-office to rent space or shared work space similar
10 to CoBiz in the City of Richmond, which offered a multi-space for the community. She also
11 referenced 812 Kitchens, a small business incubator, where they could take it a step further
12 and create pop-ups and space where food could be tested and where the space could be
13 converted for use for multiple events.
14

15 Commissioner Lam-Julian recognized there had been a shift away from big box stores and
16 given the current situation with tariffs, there was a need to support small local businesses. It
17 could also be possible to partner with the West Contra Costa Unified School District
18 (WCCUSD) or supplement space with the Senior Center in addition to possible housing.
19

20 Commissioner Martinez wanted to work with the developer to address the community's
21 needs and suggested this could be an opportunity and a jumping point, to take the initial
22 design and tweak it to add housing and also consider some of the businesses identified or
23 offices that furthered the needs of the community. With the way the buildings had been
24 oriented and with the proximity of the I-80 corridor, he found there had been a missed
25 opportunity. The parcel enjoyed multimillion-dollar views developers had missed with prior
26 and current design iterations. Even with housing at five to six stories, there could be water
27 views that anyone would want to enjoy. He liked all of the ideas provided, and asked the
28 developer to go further and include housing and ensure it took advantage of the water views.
29

30 Vice Chairperson Menis liked a lot of the points expressed and asked to what extent the
31 comments would have on what the property owner ultimately chose to do. He asked whether
32 or not the City could compel a vacancy tax and questioned whether the property owner could
33 leave the property empty if they chose to do so.
34

35 Mr. Hanham reported the City was working on a vacant parcel tax but there was no official
36 action at this time.
37

38 Vice Chairperson Menis asked whether or not Balboa Properties had to take any of the
39 comments from the Planning Commission into consideration when developing the site.
40

41 Mr. Hanham explained that the developer did not have to consider the Planning
42 Commission's comments when developing the site. When a proposal was ultimately
43 submitted, the Commission could discuss with the developer its concerns and the City
44 Council may consider policies that may change what could be proposed. The Safeway
45 building was 65,000 square feet in size, CVS offered more square footage with a total of
46 105,000 square feet for the strip mall. Safeway had added the gas station pad in the front
47 as well as a drive through pad, with room for buildings, with a total square footage of the
48 property between 105,000 and 110,000 square feet. Safeway dominated the square footage.
49 The developer would have to consider any policy changes as part of the submittal process.
50 Vice Chairperson Menis reiterated a prior City Council decided it did not want housing on the

1 site due to potential impacts from traffic but he understood there were ways to mitigate that
2 concern. There had been significant turnover on the City Council since that decision had
3 been made. He also recognized past Planning Commissions had suggested housing on the
4 site whereas past City Councils had disagreed and that was something that needed to be
5 taken into account as part of the discussions and planning for the property. He wanted to
6 get a sense of the current City Council's position while not violating the requirements of the
7 Brown Act.
8

9 Mr. Hanham clarified the City Council and the developer had determined during prior public
10 workshops that residential development was not desired on a site that had always been
11 commercial; however, it did have a residential component pursuant to the current zoning, as
12 shown in the staff report. The Planning Commission could send a message as to what it had
13 envisioned for the property and the fact it wanted to ensure the zoning was maintained when
14 a project was proposed and there was consideration of uses that were compatible and
15 consistent with current trends and markets. Or, the Planning Commission could consider a
16 Specific Plan Amendment. There were a number of options the Planning Commission may
17 recommend to the City Council. From a regulatory standpoint, the developer must propose
18 something that conformed to the City's zoning regulations, policies and strategies as set forth
19 in the current documents.
20

21 Vice Chairperson Menis suggested if there was residential on the site, he wanted assurance
22 there would be mitigations in place to address pollution since there would be pollution from
23 the I-80 corridor and the pathway into Tara Hills Drive. He recognized the City needed more
24 residential development and he liked the Kmart development given the proximity to the
25 shopping center and shared parking as part of revitalizing that area, although in that case
26 there had been a significant amount of opposition from the community about the project
27 converting from commercial to residential. If that project ever happened, it would revitalize a
28 blighted building and reenergize the commercial area. Something like that could be
29 beneficial for the Appian 80 Shopping Center, although the pollution issue was greater given
30 the proximity to the I-80 corridor and that needed to be addressed given the health and safety
31 concerns.
32

33 Commissioner Lam-Julian reported she had many conversations with patrons of the former
34 Safeway, which involved an older population who had patronized the store for some time. It
35 had been difficult for that segment of the community to navigate the jungle of a parking lot at
36 the other Safeway located in the City of Hercules, where some may be forced to shop at
37 Sprouts, which was a different price point than Safeway and a concern for seniors on fixed
38 incomes. She suggested a Las Montañas Supermarket or H Mart, an Asian Supermarket
39 chain, would appeal to that segment of the community. She urged being mindful of the
40 community around the former Safeway. She added that many Safeway employees were
41 also on fixed incomes and urged being mindful of that segment of the population as well.
42

43 Vice Chairperson Menis stated he heard on social media and from talking to people in the
44 area that the Appian 80 Shopping Center was physically easier to get to from Tara Hills than
45 getting to Sprouts and other grocery outlets since they were further away. In terms of
46 walkability and although it was a strip mall, it was still closer to a neighborhood walking
47 destination that tied into possible future tenants desired for the site, such as low-cost grocery
48 stores, which could act as a walking nexus for the neighborhood and which had been
49 identified as a neighborhood desire.
50

Chairperson Sandoval agreed with many of the sentiments. He wanted to see residential

1 mixed-use housing and suggested the property would offer a great opportunity for the City to
2 meet its Regional Housing Needs Allocation (RHNA) numbers, and for the City to continue
3 to be prohousing, although he understood the concerns with pollution which he suggested
4 could be mitigated. As to what should be seen in the space, he would personally be okay
5 with another grocery store but one that was unique like H Mart, Las Montañas Supermarket
6 or Whole Foods, although he also recognized Sprouts and Trader Joe's covered that niche
7 of the market. He noted the City of Daly City had a Korean grocery store and another Asian
8 grocery store was opening on Bay Street. He suggested there was a market for those types
9 of grocery stores in Pinole, which was a demographically diverse community. He suggested
10 Pinole could be invigorated in a modern way, which did not necessarily mean a strip mall,
11 but something more walkable, with green spaces for the community, offices or community
12 spaces and something new, unique and vibrant. It did not need to be a skyscraper, but
13 possibly five to seven stories more or less in height of high-density affordable units would fit
14 into the aesthetic of Pinole.

15
16 Chairperson Sandoval also recognized the Commission could also look at what other cities
17 had done such as the Veranda Shopping Center in Concord, although he agreed the parking
18 was a nightmare. He liked the idea of offering the developer a blueprint of what the City
19 wanted and this was an excellent starting point to what they wanted to see.

20
21 Commissioner Lam-Julian referenced the Hilltop Mall located in the City of Richmond, which
22 had been abandoned but proposed to the community as repurposed buildings that were
23 envisioned to have community space, green space, open space and brick and mortar stores
24 as well. She suggested the subject site could be a possible mini-version of that concept.

25
26 Mr. Hanham acknowledged there had been rumors about resurfacing or refinishing the
27 buildings or combining the buildings (Safeway and CVS buildings) but there had been no
28 proposal to do that. If that was done, there was still room on the site for additional residential
29 since the gas station and drive through pad would be removed and there was still room for
30 other types of businesses.

31
32 Mr. Hanham added there was existing residential to the west of the property which Tara Hills
33 was above and they had to be cognizant of that as well but there was room to create the
34 destination location the Planning Commission desired. He noted there had been a trend over
35 the years for all old shopping centers to be repurposed to commercial, community or
36 destination uses, which was what Pinole Square had tried to do although it had not met all
37 components. Balboa Properties may try to create the same thing by acquiring or working
38 with the other property owners. He again clarified his understanding of the building
39 ownership for the shopping center parcels.

40
41 Commissioner Lam-Julian commented the City of San Jose not only had Santana Row but
42 that jurisdiction also revitalized its downtown. St. James Square, also in San Jose, was
43 comprised of an odd-shaped piece of land that had been proposed to be converted to small
44 micro-businesses and community space to serve as a destination location. That was a good
45 direction for Pinole to pursue knowing the trends.

46
47 Commissioner Bender stated he did not shop in Pinole and shopped primarily in the City of
48 Berkeley as a personal preference.

49
50 Commissioner Bender found the best things that came out of the former Kmart site was the

1 use of a trellis as a pedestrian linkage to the existing shopping center, which he suggested
2 had been a brilliant move and what he envisioned for the subject site with connectivity for the
3 elements of the project. He cited a mixed-use development in the City of Sunnyvale, which
4 involved commercial on the ground floor with a major tenant on the bottom and housing
5 above, a good project in terms of its size; however, when entering into negotiations with the
6 project lenders, the lenders required the grocery store as a standalone building with the
7 housing separate, which he found to be unfortunate but which showed the power that lenders
8 had to dictate what would be built.

9
10 Commissioner Bender also spoke to the views of the Appian 80 Shopping Center property
11 to the west, and reported that some homeowners below had masked the scenic views, which
12 was something they had to be cautious of when having a property overlooking someone
13 else's property. He agreed with the Vice Chair there needed to be some environmental
14 safeguards if considering housing in the area. Part of that mitigation could be a heavy
15 landscaped zone along the freeway, similar to what had been done with the distribution
16 center along San Pablo Avenue where trees lined the property line. Heavy landscaping like
17 that was needed, and while it would take time for trees to mature the City would have to
18 address not only the pollution but the noise. He had been to the Pinole Kaiser recently and
19 found the traffic noise to be an issue.

20
21 Commissioner Martinez asked whether the report he earlier referenced, which had been
22 prepared in 2017 or 2019 and which identified the income levels in Pinole by households,
23 could be provided to the Planning Commission since the report had identified the types of
24 businesses that would be a good fit for Pinole and should be shared with Balboa Properties.
25 That report had identified Yard House or Whole Foods as good fits for Pinole and the report
26 could possibly be tweaked to add all of the other things the community needed and wanted.

27
28 Vice Chairperson Menis recalled the report had been prepared in the summer of 2020, with
29 part of the reporting done over Zoom as part of public workshops. He asked that the public
30 comment be opened for this discussion.

31 32 PUBLIC COMMENTS OPENED

33
34 Anthony Vossbrink, found some of the Planning Commission's comments on the Appian 80
35 shopping center to be pretty good, although he could not hear much of the discussion. He
36 suggested Commissioners should speak closer to the mic or move their mics closer. He also
37 suggested the online audience should be monitored to ensure the public could hear the
38 discussion. He added that Zoom had been down and he had been unable to log in.

39
40 Mr. Vossbrink otherwise found it sad that a prior City Council leaned one way and now a new
41 majority on the City Council was leaning another way. He agreed with the need to work with
42 the general public. He reported that side of Tara Hills was pretty upset about the closure of
43 Safeway as was he because he did not want to have to fight the parking at the Hercules
44 Safeway or give his tax dollars to the City of Hercules. He expressed concern with the current
45 economy and his understanding the former Kmart project ran out of financing options which
46 stalled the project. He suggested that property owner should pay a vacancy tax. He asked
47 about the status of the Hilltop Mall project which sounded good on paper, but something
48 happened there as well. That project was to include 99 Ranch, a new cinema and different
49 restaurants along with mixed-use housing.

1 Mr. Vossbrink suggested the Appian 80 Shopping Center should be an international
2 marketplace given the different ethnicities in Pinole and the proximity of the I-80 corridor,
3 where people from outside Pinole could enjoy different restaurants and boutique shops. He
4 also suggested the City of Pinole and politicians had missed an opportunity by not requiring
5 EV charging stations on the property that could have included a Safeway gas station.
6

7 **PUBLIC COMMENTS CLOSED**
8

9 Chairperson Sandoval advised all comments would be taken into consideration. He
10 suggested the current City Council may be more amicable towards residential development
11 or potential redevelopment of the entire parcel, although the Planning Commission was
12 limited as to what it could do other than providing recommendations to the City Council or a
13 developer. In terms of next steps, he understood the Planning Commission may consider
14 potentially a resolution to the City Council or the developer, listing some of the things the
15 Planning Commission had discussed or policy recommendations like a vacancy fee to the
16 City Council. He recommended a two-part resolution including the recommendations the
17 Planning Commission wanted to see on the property and the potential solutions and action
18 items that could be recommended to the City Council. He asked that be compiled into a
19 motion for staff to draft a resolution that would be brought back to the Planning Commission
20 for action.
21

22 Mr. Hanham confirmed staff could prepare a resolution with whereas clauses based on some
23 of the comments along with some of the policy documents on the redevelopment of the site.
24

25 Vice Chairperson Menis asked whether staff wanted the discussion to come back in the form
26 of a resolution or some other form like a staff report compiling everything that had been
27 discussed that would be more actionable at the City Council level.
28

29 Mr. Hanham stated he could prepare a staff report, including the items discussed and as part
30 of a resolution outline a recommendation to the City Council. He asked for a motion and
31 second to direct staff to bring back this item for review and approval.
32

33 Commissioner Martinez asked that the motion also include bringing back the economic report
34 he had earlier referenced.
35

36 Mr. Hanham advised he would have to research the report which had been presented to the
37 City Council but would get a copy out to the Planning Commission.
38

39 **MOTION** to direct staff to bring back at another regular meeting, a recommendation of policies
40 and uses based on the Planning Commission's discussion and a resolution to more formally
41 adopt the various topics discussed regarding the Appian 80 Shopping Center.
42

43 **MOTION: Menis**

SECONDED: Bender

APPROVED: 6-0-1

ABSENT: Huey
44
45

46 **K. CITY PLANNER'S/COMMISSIONER'S REPORT**
47

48 1. Planning Commission Academy
49

50 Mr. Hanham provided the following updates:

- Staff was working to have the Local Hazard Mitigation Plan (LHMP) approved by the City Council.
- Staff was working on the Growth Management Plan to be submitted to the Contra Costa Transportation Authority (CCTA).
- Staff was working on changes to the Fire and Resource Assessment Program (FRAP) Map approved by Cal Fire, to be approved by the City Council.
- The Safety and Environmental Justice Elements would be scheduled for Planning Commission review as part of a public workshop, date and location to be determined, and later brought back to the Planning Commission for formal recommendation in July and to the City Council in August.
- The Objective Development Design Standards draft document had been forwarded to the Planning Commission Design Review Ad-Hoc Committee and the Community Development Director for comment to later be presented to the Planning Commission for review and recommendation for approval to the City Council in the summer.
- The Parklet Regulations document was currently being formatted and would be presented to the Planning Commission in the summer.

Commissioner Martinez referenced an approximate 30-acre property that had been listed for sale in the Pinole Valley to the tune of millions of dollars and posted on Zillow and Realtor.com but the listing had later disappeared. He asked if the property was part of the City of Pinole and whether it was open space or potential developable land.

Mr. Hanham advised the property was comprised of four parcels in the Silvercrest neighborhood. There had been different ideas for the parcels, which had previously been for sale but he understood there was a scenic easement on the property that would have to be addressed with any potential residential development. Each parcel had a flat area that could accommodate one unit. The property had been taken off the market for reasons he could only speculate.

Vice Chairperson Menis asked whether the Planning Commission would discuss the Planning Commission Academy.

Mr. Hanham reported he had attended the Planning Commission Academy, there had been a lot of great sessions on housing, the legislative update was all about housing and he had met a number of great people.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

Vice Chairperson Menis provided a brief summary of his attendance at the Planning Commission Academy and reported he had been unable to attend the entire conference, but had attended a number of sessions where he learned the following:

- The Builder's Remedy was triggered on 20 percent Low Income housing, did not apply to the City of Pinole at this time, but may in the future.
- It was still possible to use pre-2020 subjective standards for Conditions of Approval, not for findings necessarily, but as long as it did not reduce density.
- Senate Bill (SB) 937 limited fee collection until Certificate of Occupancy (COO), which would be significant for the City to consider.
- In terms of the California Environmental Quality Act (CEQA) process, going for more complicated environmental review may protect the City and developers with regard to lawsuits.
- It was good public policy to ask if there was anything staff wanted to put on the record after public comment.

Commissioner Lam-Julian reported she had attended the Planning Commission Academy last year, which helped her to better prepare for Planning Commission meetings now. Having another opportunity to attend the most recent Planning Commission Academy and having attended the more advanced sessions with a deep dive on housing and what it looked like in terms of legislation had been helpful. She also noticed a difference in the makeup of attendees from last year to this year, which made for more robust conversations.

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

L. COMMUNICATIONS: None

M. NEXT MEETING(S)

1. Planning Commission Regular Meeting on May 12, 2025 at 7:00 p.m.

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

N. ADJOURNMENT: 10:26 p.m.

Transcribed by:

Sherri D. Lewis

Transcriber