



PINOLE PLANNING COMMISSION MEETING AGENDA

October 27, 2025

7:00 PM

**Attend in Person: PINOLE CITY COUNCIL CHAMBERS - 2131 PEAR STREET
OR**

Attend VIA ZOOM TELECONFERENCE – Details provided below

How to Submit Public Comments:

In Person:

Attend meeting at the Pinole City Council Chambers, fill out a yellow public comment card and submit it to the City Clerk.

Via Zoom:

Members of the public may submit a live remote public comment via Zoom video conferencing. Download the Zoom mobile app from the Apple Appstore or Google Play. If you are using a desktop computer, you can test your connection to Zoom by clicking [here](#). Zoom also allows you to join the meeting by phone.

From a PC, Mac, iPad, iPhone or Android:

<https://us02web.zoom.us/j/86505375301>

Webinar ID: 865 0537 5301

By phone: +1 (669) 900-6833 or +1 (253) 215-8782 or +1 (346) 248-7799

- Speakers will be asked to provide their name and city of residence, although providing this is not required for participation.
- Each speaker will be afforded up to 5 minutes to speak
- Speakers will be muted until their opportunity to provide public comment.

When the Chair opens the comment period for the item you wish to speak on, please use the “raise hand” feature (or press *9 if connecting via telephone) which will alert staff that you have a comment to provide and press *6 to unmute. To comment with your video enabled, please let the City Clerk know you would like to turn your camera on once you are called to speak.

Written Comments:

Please submit public comments to Planning Staff before the meeting via email to ghanham@pinole.gov. Please include your full name, city of residence and agenda item you are commenting on.

OTHER WAYS TO WATCH THE MEETING

LIVE ON CHANNEL 26. They are retelecast the following week. The Community TV Channel 26 schedule is published on the city's website at www.pinoles.gov.

VIDEO-STREAMED LIVE ON THE CITY'S WEBSITE, www.pinoles.gov and remain archived on the site for five (5) years.

If none of these options are available to you, or you need assistance with public comment, please contact Planning Manager David Hanham at (510) 724-8912 or dhanham@pinoles.gov.

Americans With Disabilities Act: In compliance with the Americans With Disabilities Act of 1990, if you need special assistance to participate in a City Meeting or you need a copy of the agenda, or the agenda packet in an appropriate alternative format, please contact the City Clerk's Office at (510) 724-8928. Notification at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Note: Staff reports are available for inspection on the City Website at www.pinoles.gov. You may also contact the City Clerk via e-mail at hbelle@pinoles.gov.

CITIZEN PARTICIPATION:

Persons wishing to speak on an item listed on the Agenda may do so when the Chair asks for comments in favor of or in opposition to the item under consideration. After all of those persons wishing to speak have done so, the hearing will be closed and the matter will be discussed amongst the Commission prior to rendering a decision.

Any person may appeal an action of the Planning Commission or of the Planning Manager by filing an appeal with the City Clerk, in writing, within ten (10) days of such action. Following a Public Hearing, the City Council may act to confirm, modify or reverse the action of the Planning Commission and the Planning Commission may act to confirm, modify, or reverse the action of the Planning Manager. The cost to appeal a decision is \$500 and a minimum \$2,500 deposit fee.

Note: If you challenge a decision of the Commission regarding a project in court, you may be limited to raising only those issues you or someone else raised at the public hearing or in writing delivered to the City of Pinole at, or prior to, the public hearing.

Ralph M. Brown Act. Gov. Code § 54950. In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies, which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. LAND ACKNOWLEDGMENT

Before we begin, we would like to acknowledge the Ohlone people, who are the traditional custodians of this land. We pay our respects to the Ohlone elders, past, present, and future, who call this place, Ohlone Land, the land that Pinole sits upon, their home. We are proud to continue their tradition of coming together and growing as a community. We thank the Ohlone community for their stewardship and support, and we look forward to strengthening our ties as we continue our relationship of mutual respect and understanding.

D. ROLL CALL

E. CITIZENS TO BE HEARD

The public may address the Planning Commission on items that are within its jurisdiction and not otherwise listed on the agenda. Planning Commissioners may discuss the matter brought to their attention, but by State law (Ralph M. Brown Act), action must be deferred to a future meeting. Time allowed: five (5) minutes each.

F. MEETING MINUTES:

1. Planning Commission Meeting Minutes for September 22, 2025

G. PUBLIC HEARINGS

At the beginning of an item, the Chair will read the description of that item as stated on the Agenda. The City Staff will then give a brief presentation of the proposed project. The Commission may then ask Staff questions about the item.

For those items listed as Public Hearings, the Chair will open the public hearing and ask the applicant if they wish to make a presentation. Those persons in favor of the project will then be given an opportunity to speak followed by those who are opposed to the project. The applicant will then be given an opportunity for rebuttal.

The Public Hearing will then be closed and the Commission may discuss the item amongst themselves and ask questions of Staff. The Commission will then vote to approve, deny, approve in a modified form, or continue the matter to a later date for a decision. The Chair will announce the Commission's decision and advise the audience of the appeal procedure.

Note: No Public Hearings will begin after 11:00 p.m. Items still remaining on the agenda after 11:00 p.m. will be held over to the next meeting.

1. Conditional Use Permit UP25-0004: Quick EMart Alcohol Sales
2. Conditional Use Permit UP25-0006: Yo Sushi Alcohol Sales

H. OLD BUSINESS

I. NEW BUSINESS

1. ADU Outreach and Implementation Intern - Project Presentation

J. CITY PLANNER'S/COMMISSIONER'S REPORT

K. COMMUNICATIONS

L. NEXT MEETING(S)

1. Planning Commission Regular Meeting on November 10, 2025 at 7:00PM

M. ADJOURNMENT

I hereby certify under the laws of the State of California that the foregoing Agenda was posted on the bulletin board at the main entrance of Pinole City Hall, 2131 Pear Street Pinole, CA, and on the City's website, not less than 72 hours prior to the meeting date set forth on this agenda.

David Hanham
Planning Manager
POSTED: _____

DRAFT

MINUTES OF THE REGULAR MEETING
PINOLE PLANNING COMMISSION

September 22, 2025

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

A. **CALL TO ORDER:** 7:00 p.m.

B. **PLEDGE OF ALLEGIANCE**

C. **LAND ACKNOWLEDGEMENT:** *Before we begin, we would like to acknowledge the Ohlone people, who are the traditional custodians of this land. We pay our respects to the Ohlone elders, past, present and future, who call this place, Ohlone Land, the land that Pinole sits upon, their home. We are proud to continue their tradition of coming together and growing as a community. We thank the Ohlone community for their stewardship and support, and we look forward to strengthening our ties as we continue our relationship of mutual respect and understanding.*

D. **ROLL CALL**

Commissioners Present: Bender, Lam-Julian, Martinez, Uch, Vice-Chairperson Menis, Chairperson Sandoval

Commissioner Excused: Huey

Staff Present: David Hanham, Planning Manager
Justin Shiu, Senior Planner

E. **CITIZENS TO BE HEARD**

There were no comments from the public.

F. **MEETING MINUTES**

1. Planning Commission Meeting Minutes for September 8, 2025

Commissioner Bender requested the following amendments to the September 8, 2025 Planning Commission meeting minutes:

Page 14 of 165 of the agenda packet, Lines 41 through 43:

Commissioner Bender reported the Brandt Court historic house that was to be relocated from the City of Hercules to property in Pinole had disappeared and the property had been for sale for some time.

1 Page 8 of 165 of the agenda packet, Lines 42 through 49:
2

3 *Exhibit A, Design and Development, No. 27, acknowledged agreement with the statement*
4 *in principle, although a developer looking at the site would entertain providing a parking*
5 *structure, such as ground floor parking for a residential multifamily building, with the*
6 *benefits of that approach being reduced surface parking and allowing for more housing*
7 *development and more public/private amenity spaces, all with the knowledge that the*
8 *status of retail would be unknown. (Bender)*
9

10 **MOTION** with a Roll Call vote to approve the Planning Commission Meeting Minutes for
11 September 8, 2025, as amended by Commissioner Bender.
12

13 **MOTION: Sandoval**

SECONDED: Martinez

APPROVED: 6-0-

ABSENT: Huey

14 **1**

15
16 **G. PUBLIC HEARINGS:**
17

18 **1. Adoption of a Resolution to Recommend the Safety and Environmental**
19 **Justice Elements Updates to the General Plan**
20

21 Planning Manager David Hanham presented the staff report dated September 22, 2025,
22 and introduced Consultant Noelle Anderson, Project Manager, Community Planning
23 Resilience Lead, Michael Baker International (MBI), who provided an extensive
24 PowerPoint presentation on the Updates to the Safety and Environmental Justice
25 Elements of the General Plan.
26

27 Mr. Hanhan asked the Planning Commission to adopt Resolution 25-09 recommending
28 approval to the City Council of the Updates to the Safety and Environmental Justice
29 Elements of the City of Pinole General Plan.
30

31 Responding to questions from the Planning Commission on Exhibit A, Safety Element, Mr.
32 Hanham and Ms. Anderson clarified the following:
33

- 34 • Hazardous material pipelines had not been included in the Safety Element but had
35 been addressed in the Contra Costa County Multi-Jurisdictional Hazard Mitigation
36 Plan (HMP). Clarified in the context of Safety Elements, data about the exact
37 location of pipelines was not available making it challenging to derive policy
38 objectives from them in addition to the fact they were owned by third-party entities
39 making it further challenging to include policy directives. They had been included
40 by reference with a link to the HMP. (Bender)
41
- 42 • Page 79 of 165 of the agenda packet, clarified a statement in the first paragraph
43 under Fire Services, that references Station 74 “will be reopened” because at the
44 time of the preparation of the Safety Element updates, the Contra Costa County
45 Fire Protection District (CCCFPD) had not yet reopened Station 74.
46 Acknowledged Station 74 was now open and the statement could be so amended.
47 (Uch)
48
49
50

- 1 • Page 79 of 165 of the agenda packet, acknowledged a typographical error in the
2 first full paragraph which should be amended to read: *Pinole currently doesn't*
3 *have a community emergency response team (CERT) program, but the City of*
4 *Pinole Strategic Plan 2020 – 2025 Implementation Action Plan, adopted in August*
5 *2020, has called out to exploring restoring the CERT program and conducting*
6 *annual tabletop exercises and community drills as one of its strategies to satisfy*
7 *the goal of safe and resilient Pinole.* (Uch)
8
- 9 • Clarified the Community Emergency Response Team (CERT), was a regional
10 organization that operated on a community basis, with the Federal Emergency
11 Management Agency (FEMA) and other public safety agencies offering directives
12 on training as to how one could be certified. CERT empowered local residents to
13 take charge of their neighborhoods and provide first aid and/or preliminary
14 emergency response in the absence of a formal public safety agency in the event
15 of a major disaster. (Uch)
16
- 17 • Clarified the City would have to rely on Contra Costa County, the State of
18 California, and the federal government to create a CERT since the City had not
19 implemented a CERT plan. There were policies and programs in the Safety
20 Element to help Pinole become more fire safety and fire smart. Noted building
21 codes were ever changing making the City more fire safe and smart. Clarified the
22 Safety Element did not specifically reference Firewise or other programs in which
23 the City may participate to become certified or be designated as a community that
24 was actively working to reduce fire risk. The Safety Element included policies
25 related to wildfire preparedness under Wildfire, Policy SE 1.8, as shown on Page
26 90 of 165 of the agenda packet, with the majority of the policies written prior to the
27 changes in the Wildfire Severity Hazard Maps. Policy SE 1.10, as shown on Page
28 91 of 165 of the agenda packet, would coordinate and cooperate with regional
29 agencies on wildfire preparedness and programs with action measures included,
30 which were also outlined. (Martinez)
31
- 32 • Page 81 of 165 of the agenda packet, Figure 18: Evacuation Routes, clarified the
33 connection between Galbreth and Rancho Roads was currently locked but could
34 be unlocked in the event of an emergency. This route had not been included or
35 identified in Figure 18 with only major thoroughfares considered. While there were
36 a couple of access points that could be used in the valley between the cities of
37 Hercules and Pinole, they also had not been included given the unknown status of
38 the condition of the routes in an emergency since the routes may not be able to
39 accommodate a large volume of vehicles, or there could be possible third-party
40 property ownership. In the event of an emergency, all first responder agencies
41 would be involved and an Emergency Operations Plan (EOP) would be put in
42 place.
43

44 From a policy perspective, the Safety Element identified only the major evacuation
45 routes along Pinole Valley Road and I-80, with the smaller connections not
46 included, not only because everyone may not know where they were located, but
47 since the Fire Department determined which routes to be used as part of an EOP.
48 Acknowledged a recommendation that the routes of Galbreth Road and the area
49 north of the City of Hercules should be included in the identified evacuation routes.
50 (Martinez)

- 1 • The PowerPoint presentation was the same presentation provided to the public
2 during the most recent public workshop, with the exception of the last few pages
3 outlining responses from the surveys. (Lam-Julian)
4
- 5 • Page 76 of 165 of the agenda packet, Table 7, Hazardous Materials Sites, clarified
6 the database was a snapshot in time as reported by GeoTracker and the California
7 Department of Toxic Substances Control (DTSC), and was not meant to be an
8 exhaustive or inclusive list of every past, current or future release within the City.
9 As cited, on March 15, 2022 when the data had been pulled, it was intended to
10 provide some context on the typical hazardous materials users in the City and also
11 meant to acknowledge the types, not the specific locations of hazardous materials
12 use. Clarified as an example that not every dry cleaner was identified as an issue
13 in either of the databases and it was possible there were dry cleaners in Pinole
14 that had not been flagged. (Lam-Julian)
15
- 16 • Acknowledged the area of Tara Hills was looking for volunteers to participate in
17 CERT. Acknowledged a recommendation to amend Policy SE 3.1, as shown on
18 Page 96 of 165 of the agenda packet. Rather than start or create a CERT program
19 from scratch, recommended partnering with local CERT programs and highlighting
20 that for the community as an ongoing conversation. Staff clarified the intent of
21 Policy SE 3.1 was that it be broad and not identify a specific program or name and
22 not reference the creation of something from scratch, and rather highlight existing
23 CERT programs as a good idea. Language had been included about participating
24 in Contra Costa County programming and resource sharing, with community
25 sharing and educational awareness programs to be included under that umbrella.
26 (Lam-Julian)
27
- 28 • Page 45 of 165 of the agenda packet, Figure 6: Landslide Areas and Page 87 of
29 165 of the agenda packet, Policy SE 1.2, which reads: *Require appropriate control*
30 *measures to control and minimize the impact of flooding and erosion*, with staff
31 clarifying these policies were not intended to prohibit development but prohibit
32 development where it was objectively unsafe to do so, with a multitude of mitigation
33 actions that could be integrated into design and development at the project
34 proposal phase to make it safe to develop in any hazard zone, with the exception
35 of flooding, and which the policy language was trying to outline. (Vice-Chairperson
36 Menis)
37
- 38 • Page 63 of 165 of the agenda packet, clarified the last sentence of the full
39 paragraph on this page, which reads: *The CAAP is fully integrated into Safety*
40 *Element*, and which meant the CAAP would be incorporated by reference in the
41 Safety Element, similar to the HMP. (Vice-Chairperson Menis)
42
- 43 • Page 79 of 165 of the agenda packet, and the last sentence of the first paragraph
44 under Fire Services, which reads: *It should be noted that Fire Station 74 is located*
45 *in the Very High Fire Hazard Severity Zone*, and acknowledged this was no longer
46 accurate. There were other instances in the document that referenced the Very
47 High Fire Hazard Severity Zone, although CAL FIRE recently redesignated most
48 of Pinole into the Moderate Fire Hazard Severity Zone. (Vice-Chairperson Menis)
49

- 1 • Clarified the policies and action measures, as stated, would remain, with the
2 narrative and background to be revised to indicate that Fire Station 74 was now
3 open and operational and identify some areas of the City that had been moved
4 from the Very High to Moderate Fire Hazard Severity Zone. (Vice- Chairperson
5 Menis)
6
- 7 • Clarified some of the data sources in the document were linked to 2022 data and
8 the consultant explained that due to the timing of the document preparation and
9 contract scope of services, the original scope of work had not anticipated the pause
10 for the HMP, and the data was unable to be revised from 2022 without additional
11 scope and fee. (Vice-Chairperson Menis)
12
- 13 • Page 88 of 165 of the agenda packet, Action SE 1.3.5, which reads: *Pursue*
14 *funding for adequate protection from sea-level rise and subsidence*, and
15 acknowledged a request for the term “adequate” to be defined. The consultant
16 suggested the term be defined at a later date by specific infrastructure projects
17 directed by the Public Works Department. Clarified the term used was intended to
18 be broad and not provide specific direction since sea-level rise was the most
19 expensive to structurally engineer and plan for. This term had been left
20 intentionally broad. While sea-level rise had not affected Pinole too much, it may
21 in the future and had been included in some operational plans, particularly for the
22 Hercules-Pinole Wastewater Treatment Plant, which was near the Bay. Clarified
23 the City had prepared no studies as yet on the impacts of sea-level rise. (Vice-
24 Chairperson Menis)
25
- 26 • Page 61 of 165 of the agenda packet, Table 3, California Coastal Commission Sea
27 Level Rise Projections, was clarified as it related to Action SE 1.3.5, and it was
28 noted the City of Pinole was seeing impacts from sea-level rise at the 66-inch level,
29 as compared to the lower estimations in Table 3. Tables provided from the Coastal
30 Commission had not included the definition of the term “adequate” since it could
31 mean different things for different infrastructures. Based on current projections,
32 sea-level rise would not be seen until reaching the 66-inch level. (Vice-Chairperson
33 Menis)
34
- 35 • Page 91 of 165 of the agenda packet, Action SE 1.9.10, which reads: *Construct*
36 *an emergency access road extending Galbreth Road to South Rancho Road and*
37 *a fire access gate to be opened by emergency responders and explore the*
38 *possibility of making this a permanent public road*. Clarified staff could check on
39 the status of this action measure and it may be possible to modify the action
40 measure to reflect the status of construction of the remainder of the access road.
41 (Vice-Chairperson Menis)
42
- 43 • Page 92 of 165 of the agenda packet, Action SE 1.11.14, which reads: *When*
44 *feasible, require all development to be located outside of the Very High Fire Hazard*
45 *Severity Zone (VHFHSZ). Should development be located in VHFHSZs, then they*
46 *must maintain certain defensible space through specific fuel modification (brush*
47 *clearing) requirements as outlined in Government Code Sections 51175-51189*
48 *and required to be built to the current California Building Code and Fire Code.*
49

1 Clarified this action measure could be eliminated or the language modified to
2 reflect the “Moderate” Fire Hazard Severity Zone and removal of the reference to
3 the Government Code section. (Vice-Chairperson Menis and Commissioner
4 Martinez)
5

- 6 • Page 94 of 165 of the agenda packet, Action SE 2.1.3, which reads: *Maintain and*
7 *expand, where feasible, the network of surveillance cameras in the community to*
8 *discourage and help investigate criminal activity based on Pinole Police*
9 *Department advice and experience.* The consultant clarified Crime Subsection
10 Policy SE 2.1, which reads: *Reduce the risk of crime through site planning,*
11 *surveillance, and information* was not statutorily required, per the Safety Element.
12 Existing policies had been retained in working with the Pinole Police Department
13 but it was not primarily the focus of the scope of work. The Safety Element’s
14 primary goal was to address natural hazards, not human costs. Staff
15 recommended Action SE 2.1.3 could be revised to read: *Maintain, expand, secure*
16 *where feasible, the network of surveillance cameras in the community to*
17 *discourage and help investigate criminal activity based on Pinole Police*
18 *Department advice and experience.* (Vice-Chairperson Menis)
19
- 20 • Page 97 of 165 of the agenda packet, Action SE 3.1.5, which reads: *Explore*
21 *restoring the CERT program and conducting annual tabletop exercises and*
22 *community drills.* Clarified CERT was a nationwide program with a pre-set
23 curriculum which inherently relied on the basis of the nationwide curriculum that
24 was already produced and recommended, including tabletop exercises and other
25 drills practiced as part of the certification process. Clarified there were some cities
26 that facilitated partnerships through their CERT programs and it was not unusual
27 for multiple cities to host a program where participants could come from the
28 jurisdictions as part of the partnership. Keeping the policy as is allowed for
29 maximum flexibility. (Vice-Chairperson Menis)
30
- 31 • Page 82 of 165 of the agenda packet, Figure 19: Neighborhood Access to
32 Evacuation Routes, acknowledged concerns with limited evacuation routes from
33 the Pinole Valley. Clarified any route possible would be used depending on the
34 nature of the incident, with the primary routes having been identified. Clarified the
35 City’s evacuation zones, as reflected on Table 8: Travel Times Estimates
36 Summary, and as shown on Page 83 of 165 of the agenda packet. (Chairperson
37 Sandoval)
38
- 39 • Page 86 of 165 of the agenda packet, acknowledged a request to revise Scenario-
40 1, as written, to update the information related to the status of improvements for
41 the connection on Galbreth Road. (Vice-Chairperson Menis)
42

43 PUBLIC HEARING OPENED (Safety Element)

44 There were no comments from the public.

45
46
47 PUBLIC HEARING CLOSED
48
49

1 Vice-Chairperson Menis referenced Page 63 of 165 of the agenda packet, and asked that
2 the last sentence of the full paragraph under 2.5.6 Climate Action and Adaptation Plan, be
3 revised to read: *The CAAP is fully integrated into the Safety Element. He also referenced*
4 *Page 79 of 165 of the agenda packet, and asked that the first full paragraph on the page*
5 *be revised to read: Pinole currently doesn't have a community emergency response team*
6 *(CERT) program, but the City of Pinole Strategic Plan 2020 – 2025 Implementation Action*
7 *Plan, adopted in August 2020, has called out exploring the restoration of the CERT*
8 *program and conducting annual tabletop exercises and community drills as one of its*
9 *strategies to satisfy the goal of safe and resilient Pinole. Also, on the same page, he*
10 *asked for a revision to the second sentence of the first full paragraph under Fire Services,*
11 *to reflect that Fire Station 74 will not be reopened, but “has opened.”*

12
13 Commissioner Bender referenced Page 56 of 165 of the agenda packet, and the second
14 sentence of the second paragraph under Section 2.4.2, Dam Inundation, which reads:
15 *Maloney Reservoir is a recreational, artificially impounded body of water located near the*
16 *intersection of Appian Way and Mann Drive. He stated, as discussed during the Planning*
17 *Commission Ad Hoc Committee meeting, Maloney Reservoir was not recreational, but a*
18 *covered facility with locked gates and did not show up as a recreational opportunity or*
19 *facility in the East Bay Regional Parks District (EBRPD) website. He also found it ironic*
20 *that the Hayward Fault reminded everyone this morning due to a recent earthquake what*
21 *this was all about.*

22
23 Chairperson Sandoval referenced Page 92 of 165 of the agenda packet, and Action SE
24 1.11.4. He asked that the intent of the language remain given CAL FIRE and the
25 CCCFPD could change how the City was categorized. He was open to an amendment to
26 reflect that the City could encourage fire mitigation or defensive space for parcels or areas
27 that were at a higher fire risk in the valley. If a wildfire were to come through that part of
28 the City, a number of the parcels between the Wildland Urban Interface (WUI) should have
29 strict fuel breaks and mitigation.

30
31 Chairperson Sandoval also referenced Page 94 of 165 of the agenda packet, and Action
32 SE 2.1.3, and suggested the language change staff had recommended for a secure
33 network would be acceptable.

34
35 Vice-Chairperson Menis suggested further revision to Action SE 2.1.3, as shown on Page
36 94 of 165 of the agenda packet, to read: *Maintain and expand, and secure, where feasible,*
37 *the network of surveillance cameras in the community to discourage and help investigate*
38 *criminal activity based on Pinole Police Department advice and experience.*

39
40 Chairperson Sandoval found the revision too wordy and recommended a further revision
41 to Action SE 2.1.3, as follows:

42
43 *Maintain and expand, where feasible, the secure network of surveillance cameras*
44 *in the community to discourage and help investigate criminal activity based on*
45 *Pinole Police Department advice and experience.*

46
47 Commissioner Martinez commented he had worked with a number of agencies throughout
48 the years and he was appreciative of the concern with the language. He recommended
49 additional revision to Action SE 2.1.3, for consideration, as follows:

1 *Maintain and expand, and secure, the network of surveillance cameras in the*
2 *community to discourage and help investigate criminal activity based on Pinole*
3 *Police Department advice and experience ensuring the appropriate security*
4 *protocols are administered.*
5

6 Chairperson Sandoval agreed with the revision.
7

8 Vice-Chairperson Menis found that adding the language about security protocols would be
9 helpful. He expressed concern with the revision in that if the Planning Commission was
10 saying “secure network” it was implying several things, that a network existed and implying
11 the network was secure to some standard, which standard was not stated. There was a
12 difference in saying something was secure and making something more secure, one was a
13 state of being and the other an action. He suggested if the Commission was looking for
14 action, it was appropriate to maintain the action focus of security, particularly if under a crime
15 element, and he offered more scenarios to explain his position. He found that the revision
16 did not provide the suggested security, as his suggested wording would have done.
17

18 Chairperson Sandoval suggested the secure network was implied in the language since the
19 Commission expected the City would have a secure network.
20

21 Vice-Chairperson Menis again disagreed in that if the Commission was just speaking of City
22 controlled cameras he may have agreed, but the language in Action SE 2.1.3 was broader.
23

24 The Commission debated the language in Action SE 2.1.3, and Ms. Anderson explained the
25 City’s security cameras were implemented by the Pinole Police Department, monitored by
26 the Police Department, with policies and protocols already in place that were likely applicable
27 to such an action and did not usually derive directives for action based on the City’s Safety
28 Element. As previously mentioned, this crime section was completely optional, and not
29 statutorily a required component of the Safety Element. The focus of the Safety Element
30 was to address natural hazards and not human caused hazards where crime would be
31 included. She understood the nuance of wanting to be as correct as possible, but cautioned
32 being too specific in this policy and stepping on the toes of other directives that the
33 Commission may not be aware of since the security of these systems did not derive their
34 security directives from the Safety Element.
35

36 Vice-Chairperson Menis noted that part of the goals, policies and actions in the Safety
37 Element were to be aspirational, and offered some examples from the stated policies and
38 actions. As such, he suggested the Commission should not just discuss “maintaining and
39 expanding the network” but also discuss “securing” the network.
40

41 Chairperson Sandoval agreed with the security, but security should be used as a descriptor
42 of the network.
43

44 Vice-Chairperson Menis noted part of the reason security was to be added onto the list of
45 tasks was that in his opinion, the network, as it existed, was not most likely secure.
46

47 Mr. Hanham suggested since the action measure was causing some issues, if language
48 could be added a vote from the Commission could determine which language being
49 proposed would be acceptable. He recommended a straw vote, or a vote be considered for
50 the language revision to Action SE 2.1.3.

1 **MOTION** with a Roll Call vote to amend Action SE 2.1.3, to read:

2
3 *Maintain and expand, a secure network of surveillance cameras in the community*
4 *to discourage and help investigate criminal activity based on Pinole Police*
5 *Department advice and experience.*

6
7 **MOTION: Sandoval** **SECONDED: Bender** **APPROVED: 5-1-1**
8 **NOES: Menis**
9 **ABSENT: Huey**

10
11 **MOTION** with a Roll Call vote to amend Action SE 2.1.3, to read:

12
13 *Maintain, expand, and secure the network of surveillance cameras in the*
14 *community to discourage and help investigate criminal activity based on Pinole*
15 *Police Department advice and experience while ensuring security protocols are*
16 *administered.*

17
18 **MOTION: Menis** **SECONDED: Martinez** **FAILED: 2-4-1**
19 **NOES: Uch, Lam-Julian, Bender, Sandoval**
20 **ABSENT: Huey**

21
22 Commissioner Lam-Julian referenced Page 94 of 165 of the agenda packet, Action SE 2.1.8,
23 which reads: *Work with law enforcement to guide and educate the public on active shooter*
24 *scenario public responses through employer/school staff training and public education.*
25 She asked whether the City had any jurisdiction over school staff in public education or
26 whether the recommendation was to work with the West Contra Costa Unified School
27 District (WCCUSD). The last she checked, and pursuant to the parent handbook, the
28 WCCUSD did not have Resource Officers on-site but had assigned liaisons from the
29 Pinole Police Department to different campuses. She asked for clarification.

30
31 Mr. Hanham clarified that Action SE 2.1.8 was intended for the City to work with the
32 WCCUSD and work with law enforcement to guide and educate the public on active
33 shooter scenarios. The City was not dictating to the WCCUSD, which had protocols in
34 place and the intent was that the City and the WCCUSD would work together.

35
36 Vice-Chairperson Menis referenced Page 92 of 165 of the agenda packet, Action SE 1.11.4,
37 and clarified with Mr. Hanham this action measure would be deleted entirely unless the
38 Planning Commission wanted to keep some portion of the action measure.

39
40 Chairperson Sandoval was open to retaining some modified version of Action SE 1.11.4.

41
42 Mr. Hanham recommended Action SE 1.11.4 could be revised to read:

43
44 *Should development be located in Moderate, High, Fire Hazard Severity Zone,*
45 *then they must maintain certain defensible space through specific fuel modification*
46 *(brush clearing) and required to be built to the current California Building Code and*
47 *Fire Code.*

48
49 The Planning Commission agreed with the staff recommended revision to Action SE 1.11.4.
50

1 Vice-Chairperson Menis referenced Page 97 of 165 of the agenda packet, Action SE 3.1.5
2 and recommended it be revised to read:

3
4 *Explore restoring the CERT program and conducting annual tabletop exercises*
5 *and community drills and partner with other jurisdictions in the County on the CERT*
6 *program.*
7

8 Mr. Hanham recommended Action SE 3.1.5 be further amended to read:

9
10 *To explore restoring the CERT program within the City of Pinole and coordinate*
11 *with other outside agencies and conducting annual tabletop exercises and*
12 *community drills.*
13

14 The Planning Commission agreed with the staff recommended revision to Action SE 3.1.5.

15
16 Vice-Chairperson Menis referenced Page 91 of 165 of the agenda packet, Action SE 1.9.10,
17 and confirmed staff would modify this action measure to identify the current state of the
18 construction of an emergency access road extending Galbreth Road to South Rancho Road
19 before the Safety Element was presented to the City Council.
20

21 The Planning Commission moved onto Exhibit B, updates to the Environmental Justice
22 Element, and Mr. Hanham and Ms. Anderson responded to questions from the Planning
23 Commission, as follows:

- 24
25 • Page 136 of 165 of the agenda packet, acknowledged a recommendation that the
26 Walk Score for downtown Pinole be identified. (Uch)
27
- 28 • Page 128 of 165 of the agenda packet, and the third sentence of the first paragraph
29 under Other Census Tracts, which reads: *The unemployment indicator represents*
30 *the percentage of the population over the age of 16 that is unemployed and eligible*
31 *for the labor force*, and clarified the upper age limitation was 65-years. (Vice-
32 Chairperson Menis)
33
- 34 • Clarified most of Census Tract 3601.02 was located in the City of Richmond. (Lam-
35 Julian)
36
- 37 • Page 135 of 165 of the agenda packet, Figure 11: USDA Low-Income and Low-
38 Access Food Atlas, had been based on 2013 data and before Safeway closed. MBI
39 could look into updating the data, particularly after Safeway closed, although the
40 frequency of the data being updated was unknown. (Vice-Chairperson Menis)
41
- 42 • Page 144 of 165 of the agenda packet, Action EJ 1.5.6, which reads: *Encourage the*
43 *development of a medical center, emergency room, urgent care, or other hospital*
44 *uses in the previous Doctors Hospital building.* Staff recommended eliminating the
45 language reading: *in the previous Doctors Hospital building.* (Vice-Chairperson
46 Menis)
47
48

- 1 • Page 145 of 165 of the agenda packet, Action EJ 2.1.3, which reads: *Prohibit*
2 *development in areas that are particularly susceptible to erosion and sediment*
3 *loss*. Clarified the intent of this action was not to link to landslides, with the
4 landslide map in the Safety Element specific to deep seeded landslides, where the
5 underlying bedrock was causing structural instability with the landslide risk,
6 whereas this policy was intended to give the City the ability to integrate mitigation
7 measures in a proposed development in an area where there was known erosion
8 risk causing a water quality pollution issue. (Vice-Chairperson Menis)
9
- 10 • Acknowledged reference to Figure 6: Landslide Areas, as contained in the Safety
11 Element (Page 45 of 165 of the agenda packet) and request to account for and
12 reference Figure 6 into Action EJ 2.1.3, although staff noted there could be erosion
13 loss and not necessarily a landslide and offered examples within a development
14 area. Clarified areas susceptible to erosion due to sediment loss were identified
15 in a site-specific investigation, not a regional map, and again clarified the intent of
16 Figure 6 in the Safety Element. Suggested Action EJ 2.1.3 could be modified to
17 read: *Prohibit development in areas that are particularly susceptible to erosion*
18 *and sediment loss that can't be mitigated through standard engineering practices.*
19 (Vice-Chairperson Menis).
20
- 21 • Page 146 of 165 of the agenda packet, Action EJ 2.2.4, which reads: *Establish*
22 *protocol for reducing the use of pesticides and other public spaces maintained by*
23 *the City*. Clarified this was an action item to ensure the City complied with this
24 action measure. The Public Works Department used non-hazardous pesticides
25 for places maintained by the City and with the establishment of a protocol to be
26 done through the Public Works Department. Staff recommended this action
27 measure could be amended to read: *Establish protocol for reducing the use of*
28 *pesticides within public spaces maintained by the City.* (Vice-Chairperson Menis)
29
- 30 • Page 150 of 165 of the agenda packet, Policy EJ 4.1, which reads: *Strengthen*
31 *existing relationships with the Ohlone people* and following action measures Action
32 EJ 4.1.1., EJ 4.1.2 and EJ 4.1.3, as shown on Pages 150 and 151 of 165 of the
33 agenda packet. Staff clarified the Ohlone would have 90-days to respond to the
34 Environmental and Justice Element Updates. Normally, when the City conducted
35 projects they were required by Assembly Bills (AB) 52 and 18, to notify the tribes of
36 different development projects. The Ohlone may provide comments on these
37 documents and the Ohlone had provided comments on projects in the past which
38 staff highlighted. The City was already following the action measure shown and the
39 City needed to maintain what it was already doing. Whether the City could reach out
40 to the Ohlone for suggestions on actions to these policies, the Ohlone would have
41 the opportunity to provide comment on the Environmental Justice Element prior to
42 the document going to the City Council for consideration. (Vice-Chairperson Menis)
43
- 44 • Page 151 of 165 of the agenda packet, acknowledged a typographical error in Action
45 EJ 4.4.3, with this action measure to now read: *Action EJ 4.4.3: Ensure that future*
46 *improvements in the Impacted Community will not produce negative impacts on*
47 *existing residents, such as increase in pollution exposure, net loss of affordable*
48 *housing, or displacement of residents.* (Vice-Chairperson Menis)
49

- 1 • Clarified these policies only applied within the City of Pinole and not actions outside
2 the City that would impact the Impacted Community. The net loss of affordable
3 housing was already a component of the Housing Element along with the
4 displacement of residents, with policies in place to address the net loss of
5 affordable housing and replacement that needed to be constructed. The net
6 increase in pollution exposure would be in what the City had control over. Clarified
7 the statutory requirement was to include a policy that ensured any additional
8 disproportionate pollution burden would not be placed on the Impacted
9 Community. Whether a distribution center was located near the City, as a possible
10 scenario, the City would be notified of such development and the City would
11 provide feedback on the need to mitigate the Impacted Community. (Vice-
12 Chairperson Menis)
13
- 14 • In terms of a proposed warehouse on San Pablo Avenue, staff clarified most of the
15 area was to the west with most of the distribution and truck traffic not near the
16 Impacted Community in terms of wind flows off of the Bay. In that case and for
17 that project, an air quality analysis had been prepared which included conditions
18 of project approval. In most cases, for projects proposed in and around the
19 impacted communities, the City would provide mitigations with environmental
20 review to be required to ensure the project did not create a significant impact. Staff
21 also clarified the City would not displace affordable housing. Areas that allowed
22 warehouses in Pinole did not allow housing. (Vice-Chairperson Menis).
23
- 24 • Page 113 of 165 of the agenda packet, Figure 3: Census Tract 3922.02 Detail,
25 clarified Block Group 2000, as shown in Figure 3, was probably more towards the
26 Del Monte Shopping Center and about a mile to the west from Pinole Shores, with
27 the cement plant a bit closer; the only two industrial projects in the City at this time.
28 Confirmed the Pinole Shores project included air quality mitigation measures. (Vice-
29 Chairperson Menis)
30
- 31 • Page 151 of 165 of the agenda packet, acknowledged Action EJ 4.4.3, could be
32 revised to read: *Ensure that future improvements in the Impacted Community will*
33 *not produce negative impacts unless mitigated, on existing residents, such as*
34 *increase in pollution exposure, net loss of affordable housing, or displacement of*
35 *residents.* (Vice-Chairperson Menis)
36
- 37 • Page 142 of 165 of the agenda packet, Policy EJ 1.2, which reads: *Ensure adequate*
38 *and equitable access to recreational opportunities, including access to parks, open*
39 *space, natural spaces, and trails, to promote healthy lifestyles and prevent obesity,*
40 and clarified the Senior Center owned by the City was run by a third-party.
41 Acknowledged a recommendation to include a statement that the Senior Center was
42 run by a third party. Clarified there were broader policies included in the document
43 that talked about promoting equitable access to recreational opportunities that could
44 be expanded to include comparable activities for all ages, but senior center funding
45 may be the component for age restrictions and it was noted the City provided youth
46 activities. Staff would have to look into what could be done in terms of staffing for
47 recreational activities and there was discussion about programming and whether a
48 program paid for itself, with staff to defer to the Administrative Services Director on
49 how the City's recreational programs were run. (Lam-Julian)

- Page 142 of 165 of the agenda packet, acknowledged a recommendation to modify Action EJ 1.2.1 to read: *Collaborate with school districts and other entities to form joint use of facility agreements for the use of pools, sports, and recreation facilities*, or add an action statement to have recreational opportunities available for all ages including the 18-64 range. (Vice-Chairperson Menis)
- Clarified all of the City's recreational programs offered come from a funding source, and given the City's limited budget acknowledged concern with putting forth requirements. Clarified programs for those 65 years and older may involve funds from the State, a regional funder or national funding grant system, and if the City had other means to offer other services those services would have been provided, with the City's limited funding and staffing acknowledged. Acknowledged the preference that Action EJ 1.2.1 remain as written. (Martinez).
- Acknowledged the suggestion one of the advantages of targeting the 18-64 age group was that it could potentially be done in an equitable way without needing much or any subsidy that was not feasible for those on fixed incomes like seniors or Tiny Tots from disadvantaged populations. Recognized this was not a suggestion for the City to subsidize the programs, but as part of the aspirational and environmental justice goals, provide adequate and equitable opportunities, which included access to all age groups. Staff was of the opinion the action measures being discussed offered a broader range of access to the community whether 18-64 or 65 years or older and the policies were not limiting age groups. Clarified the reason the Environmental Justice Element had provided so much focus on those 65 years and older and children, was because those were categories the CalEnviro Screen 4.0 Tracker specifically identified as socially vulnerable. It was not intended to ignore the 18-64 age group and the recreational opportunities provided to them, but responded to the social vulnerability definitions set forth by the State as related to those age groups, and it was widely acknowledged by the State that there were funding resources for those recreational programs for those age groups, and where most recreational programs were funded through the City.

MBI had not been scoped to provide an in-depth analysis to study the gaps in the City's current recreation services offerings and rather focused on the services currently being offered and wanted to enhance the ability of the City to make those offerings as equitable and as feasible within the frameworks provided. (Vice-Chairperson Menis)

- Acknowledged the suggestion as a matter of equity that the City should at least address all groups, not just those highlighted by the CalEnviro Screen. (Vice-Chairperson Menis)

PUBLIC HEARING OPENED (Environmental Justice Element)

There were no comments from the public.

PUBLIC HEARING CLOSED

1 Commissioner Lam-Julian clarified that MBI's scope of services had not included an in-
2 depth analysis whether the City was, in fact, optimizing all of its City-owned facilities,
3 whether the facilities were rented or included a managerial company that oversaw the
4 facility, which was something she would like to see analyzed in the future. She would like
5 to know whether the City was optimizing its current resources with the knowledge the City
6 used a managerial company to oversee the Senior Center. She was curious as to whether
7 that was the best option moving forward and whether the City was, in fact, following Policy
8 EJ 1.2, which reads: *Ensure adequate and equitable access to recreational opportunities,*
9 *including access to parks, open space, natural spaces, and trails, to promote healthy*
10 *lifestyles and prevent obesity.*

11
12 Commissioner Lam-Julian commented the community members she had spoken to had
13 limited time and resources and she found the City had not explored all options or addressed
14 the gap in the community. While she realized the focus on the CalEnviro Screen, it had not
15 taken into account children and younger seniors.

16
17 Vice-Chairperson Menis referenced Page 114 of 165 of the agenda packet, and
18 recommended the following revision to the paragraph on this page as follows:

19
20 *Because CalEPA has established CalEnviroScreen 4.0 data as regulatory*
21 *authority in determining Impacted Communities, this Environmental Justice*
22 *Element is required to prioritize mapping and findings from this data resource.*
23 *Using aerial imagery from Google Earth 2022, it is estimated that 62 residential*
24 *units are located within the Census Tract 3922.02 portion highlighted above.*

25
26 Vice-Chairperson Menis referenced Page 144 of 165 of the agenda packet, Action EJ 1.5.1,
27 and recommended the following revision:

28
29 *Encourage local health care providers to locate health care services and facilities*
30 *and provide adequate staffing to ensure equitable accessibility to such facilities.*

31
32 The Planning Commission accepted the change to Action EJ 1.5.1.

33
34 Vice-Chairperson Menis referenced Page 145 of 165 of the agenda packet, Action EJ 2.1.3,
35 and recommended the following revision:

36
37 *Prohibit development in areas that are particularly susceptible to erosion and*
38 *sediment loss unless mitigated.*

39
40 Vice-Chairperson Menis referenced Page 151 of 165 of the agenda packet, Action EJ 4.4.3,
41 and recommended the following revision:

42
43 *Ensure that future improvements in the City that would have an impact on the*
44 *Impacted Community are mitigated to a less than significant level unless mitigated*
45 *on existing residents, such as increase in pollution exposure, net loss of affordable*
46 *housing, or displacement of residents.*

47
48 Mr. Hanham explained that staff may further wordsmith Action EJ 4.4.3 to ensure
49 consistency with the language in the California Environmental Quality Act (CEQA).

50

1 Mr. Hanham provided the staff report dated September 22, 2025. The Planning
2 Commission was asked to adopt the draft resolution contained in Exhibit A, to the staff
3 report.
4

5 The Planning Commission walked through the Second Revision of the Compiled Ideas
6 Resolution page-by-page, as contained in Exhibit A to the staff report, with the following
7 comments and/or revisions as follows:
8

- 9 • Mixed Use Development, 1, no changes.
- 10
- 11 • Mixed Use Development 2, noted some spacing issues with the formatting as
12 compared to Mixed Use Development 2 and 3.
13
- 14 • Mixed Use Development 3, no changes.
15
- 16 • Design and Development 4, 5, 6 and 7, no changes.
17
- 18 • Design and Development 8, recommended the last sentence be restructured or
19 hyphenated to flow better, and staff noted the margins could be expanded to better
20 space the text.
21
- 22 • Design and Development 9 and 10, no changes.
23
- 24 • Access and Transportation 11 and 12, no changes.
25
- 26 • Markets and Commercial Opportunities, 13, revised to read: *Development should*
27 *consider the need for an affordable grocery option. Markets should consider the*
28 *price point and needs of the community in the area, in particular seniors and*
29 *persons on fixed-incomes.*
30
- 31 • Markets and Commercial Opportunities, 14, 16 and 17, no changes.
32
- 33 • Markets and Commercial Opportunities, 15, expand Footnote 5, to read: *Examples*
34 *may include Yard House and Whole Foods and prepared foods being a sales tax*
35 *benefit.*
36
- 37 • Community Enhancement and Partnerships, 18, 19, 20, no changes.
38
- 39 • Other Topics for City Council, 21, revised to read: *Planning Commission further*
40 *suggests City Council give consideration to a nexus study in developing a Citywide*
41 *commercial land vacancy fee.*
42

43 PUBLIC COMMENTS OPENED 44

45 Anthony Vossbrink, asked that landscaping requirements be included in the ideas for
46 consideration. He cited the blight along the back perimeter of the shopping center property
47 and a large ravine in the back, which collected debris from I-80 and other properties.
48 There was also a grove of tall dead pine trees that were a fire hazard.
49

1 Mr. Vossbrink asked who would draw the property lines for the property in terms of whether
2 the County, Caltrans or the City was responsible for maintenance. He also asked whether
3 there had been any discussion of color coordination for the buildings to ensure the existing
4 tenants were all on board and required to coordinate with similar paint colors for the
5 exterior of the shopping center.

6
7 PUBLIC COMMENTS CLOSED

8
9 In response to the public comment, Mr. Hanham explained once the new property owner
10 decided what they want to do with the project, they would have to submit design review to
11 the City. As to the debris in the ravine, that property was Caltrans property and Caltrans was
12 responsible for maintenance but code enforcement could be asked to inspect the area. The
13 City had an area fenced off due to issues with trucks and it may be possible to fence the back
14 side as well. The City could work with the property owner on that issue working with code
15 enforcement.

16
17 Commissioner Bender hoped the area would become something more than a strip mall but
18 he recognized there was no project at this time.

19
20 Commissioner Lam-Julian also recognized there were no plans currently for the property but
21 hoped something would come through since the community deserved it.

22
23 Vice-Chairperson Menis suggested there was room for aesthetics and recommended a new
24 point could be added under Design and Development to read: *Development should strive to*
25 *have a unified color scheme.*

26
27 Commissioner Bender disagreed with adding the statement since there was as yet no
28 proposal and only concepts were being discussed as to what the Planning Commission
29 wanted to see planning-wise, which was different from what the buildings would look like.
30 There was no guarantee the property owner would pay attention to the proposed ideas
31 resolution, which expressed the aspirations and hopes of what the Planning Commission
32 hoped the property could be from a macro picture, and he suggested leaving it at that. He
33 recognized the Planning Commission had spent a great deal of time on the document that
34 had evolved to become more succinct. He wanted to keep the document short, sweet and
35 aspirational.

36
37 Chairperson Sandoval thanked staff and the Planning Commission for all the work on the
38 document which involved three separate meetings. He hoped the developer was listening
39 and would consider something new and beautiful the City deserved or if the current developer
40 chose not to and decided to sell, he looked forward to another developer considering the
41 aspirational ideas the Planning Commission had offered.

42
43 **MOTION** to adopt Resolution 25-08 with Exhibit A, Development Ideas and Concepts, a
44 Resolution of the Planning Commission of the City of Pinole, County of Contra Costa, State
45 of California, Expressing Desirable Ideas and Concepts for Consideration for Future
46 Redevelopment of the Appian 80 Shopping Center Recommended to the City Council of the
47 City of Pinole, as amended by the Planning Commission.

48 **MOTION:** Sandoval **SECONDED:** Bender **APPROVED:** 5-0-

1
2 **I. NEW BUSINESS: None**

3
4 **J. CITY PLANNER'S/COMMISSIONER'S REPORT**

5
6 Mr. Hanham reported he would be attending the American Planning Association (APA)
7 Conference in Monterey in the next week. He and Senior Planner Justin Shiu offered the
8 following updates:

- 9
- 10 • Staff was waiting for the Fire Department to provide comments on the Pinole Shores
11 II project.
 - 12
 - 13 • Appian Village was moving forward fairly quickly on the first three buildings and staff
14 was working to have the Lighting and Landscaping Assessment District (LLAD) for
15 the property completed and conditions of approval completed prior to issuance of
16 Certificates of Occupancy (COOs).
 - 17
 - 18 • Pinole Vista was entitled through October 2026, with a one-year extension.
 - 19
 - 20 • Staff was working on a couple of Lot Line Adjustment (LLA) applications.
 - 21
 - 22 • A public workshop was being considered for the month of October for the Parklet
23 Program and outdoor dining, date to be determined to be held in the Council
24 Chambers. It was hoped the regulations would be brought to the Planning
25 Commission prior to the end of the year and the City Council in January.
 - 26
 - 27 • Staff continued to work on the Objective Development Design Standards (ODDS),
28 with changes currently being made based on recommendations from the Planning
29 Commission Ad Hoc Committee. Staff hoped to have the ODDS presented to the
30 Planning Commission in the next 60 days.
 - 31
 - 32 • Staff with assistance from interns was working on a Planning Division webpage to
33 collect information on Accessory Dwelling Units (ADUs).
 - 34
 - 35 • The Planning Department was hosting the third workshop in a series of workshops
36 for the Pinole Accessible Living Program (PAL) to be held at the Senior Center.

37
38 Commissioner Lam-Julian asked that staff remind the Appian Village developer to be good
39 neighbors since several community members had reached out to express concern trucks
40 were driving reckless and she had witnessed a cement truck driving the wrong way during
41 drop-off to enter the lot. Given the proximity of schools with the area already congested, it
42 was getting hostile between community members and the workers for the project.

43
44 Mr. Hanham advised a gentle reminder could be provided.

45
46 Vice-Chairperson Menis reported during a recent Traffic and Pedestrian Safety Committee
47 (TAPS) meeting a public commenter had provided comments along similar lines, that there
48 were issues around drop-off time and lanes being closed off. There had been an inquiry
49 whether there had been any conditions imposed on the project to constrain the hours of

1 operation to avoid overlay with the pickup and drop-off times for the schools.
2 Mr. Hanham understood there were a thread of emails between the Public Works Specialist
3 and the principal of the middle school about drop-offs and when the developer, DeNova
4 Homes, could access the roadway. It was clear the developer had to be reminded to be
5 mindful about drop-off and pickup times. He suggested once the striping was completed on
6 the roadway that may solve some of the problems. He added once the developer started
7 with the curb and gutter work there could be some lane closures. He would relay the
8 concerns to the Public Works Department. He added, when asked, that the road should not
9 be closed by the developer unless there was approval from the City, and the only time the
10 City approved the closure of the road was for slurry seal work.

11
12 Vice-Chairperson Menis asked whether the City had an explicit condition of approval on the
13 project to state that the work could only be done between certain hours, and Mr. Hanham
14 confirmed there were conditions related to construction and again if any road closures were
15 needed approval from the Public Works Department was required. He recalled that work
16 could only occur on weekends.

17
18 Vice-Chairperson Menis reported that when he tried to find information on the City website
19 about conditions of approval for undeveloped projects he could find no information for the
20 subject project. He asked whether a hyperlink could be provided for the project which could
21 be helpful, and Mr. Hanham confirmed that could be done.

22 23 PUBLIC COMMENTS OPENED

24
25 Anthony Vossbrink, referenced the overpass on Appian Way which crossed over I-80 and
26 asked whether the City or the public had any say over the type of structure Caltrans was
27 working on given concerns it could become an eyesore similar to other Caltrans structures
28 in other communities. When the issue was raised at a recent TAPS meeting, staff was
29 unclear as to what kind of concrete safety wall would be installed and the details about the
30 structure were unclear. He wanted more information on the structure including the status of
31 the pedestrian path. He added there was a lot of AT&T work on the lines and poles up and
32 down Pinole Valley Road and asked whether the work was related to promises made by
33 AT&T and/or PG&E that old poles and lines up and down Pinole Valley Road would be
34 underground. He also reported there remained a problem at the corner of Granada Court
35 and Shea Drive where double poles had been strapped together in violation of the Americans
36 with Disabilities Act (ADA) for the pathway, which had been there for several years, was an
37 eyesore and a possible safety hazard leaving the City liable.

38
39 Mr. Vossbrink further asked about the status of the vacant lot next to the storage center at
40 the corner of Ramona Street and Pinole Valley Road, across from the high school. The
41 landlord sign had been removed and he asked whether it would be replaced. He also asked
42 how property lines were defined and reported on the number of dead trees that lined the
43 sides of City streets, in particular there was a large tree in the middle of Galbreth Road that
44 was a fire hazard and should be remediated. There were also dead trees along I-80 and the
45 Adobe Road Trail behind the dog park and caretaker's house.

46 47 PUBLIC COMMENTS CLOSED

48
49 Mr. Hanham responded to the public comment and explained he would have to check with
50 the Public Works Department on the status of the AT&T work.

1
2 Mr. Hanham clarified the I-80 overpass work, was the purview of Caltrans and was a safety
3 project. He also confirmed the City had interest in the vacant lot at Ramona Street and
4 Pinole Valley Road, but most of the uses proposed required a Conditional Use Permit (CUP)
5 or were unpermitted uses. As to the status of ownership of the trees on public sidewalks and
6 along the trails, he would have to check with Joe Bingaman, Public Works Manager.
7

8 In response to the Chair, Mr. Hanham advised the vacant lot near the high school was zoned
9 Commercial Mixed-Use (CMU).
10

11 **K. COMMUNICATIONS**

12
13 Vice-Chairperson Menis reported on the ex-parte communications to his email list about the
14 topics on the meeting agenda and various other items. He announced the following
15 community events: Senior Food Distribution at the Senior Center on September 23, 2025
16 from 10:00 to 11:00 a.m. for seniors in the City of Pinole only, with evidence of residence and
17 age required; Street Eats from 5:00 to 8:00 p.m. on September 26, October 10 and 24, 2025
18 at the Community Corner in downtown Pinole; Coffee with the City Manager on September
19 26, 2025 from 8:30 to 9:30 a.m.; and a rally at the intersection of Tennent Avenue and San
20 Pablo Avenue on Saturday, September 27, 2025. He also reported the County had a
21 community survey available through the Contra Costa Transportation Authority (CCTA)
22 website as part of phase two of an update to the Countywide Transportation Plan (CTP).
23

24 **L. NEXT MEETING**

- 25
26 1. Planning Commission Regular Meeting on October 27, 2025 at 7:00 p.m.
27

28 **M. ADJOURNMENT: 10:48 p.m.**

29
30 Transcribed by: Reviewed and Edited by:
31 Sherri D. Lewis City Staff
32 Transcriber
33



PLANNING COMMISSION REPORT

G.1.

DATE: OCTOBER 27, 2025
TO: PLANNING COMMISSION
FROM: DAVID HANHAM, PLANNING MANAGER
SUBJECT: CONDITIONAL USE PERMIT UP25-0004: QUICK EMART ALCOHOL SALES

RECOMMENDATION

Staff is recommending that the Planning Commission adopt Resolution 25-09 (Attachment 1) approving a Type 41 (Beer and Wine) License for the QuickeMart located at 1477 Fitzgerald Drive.

BACKGROUND

Uma Pokhared, on behalf of Quick Mart Convenience Store, has requested City approval of a "Finding of Public Convenience or Necessity" (PCN). This is required for Quick Mart Convenience Store to obtain a liquor license for Type 20 Off-site consumption, which allows the sale of beer and wine. Approval of this PCN will allow Quick Mart to proceed with their request to the Planning Commission for Conditional Use Permit (CUP) No. 25-0004 for off-site alcohol sales for their gas station/convenience store located at 1401 Fitzgerald Drive. The convenience store occupies a footprint of approximately 1300 square feet. The Quick Mart currently exists as a full-service convenience store, enabling customers to purchase everyday grocery items, and is requesting approval for off-site consumption sales of beer and wine to further the convenience provided to the surrounding community. The applicant has served the community for a short time and is trying to expand their business offerings, but is having difficulty competing with other convenience stores now allowed to sell alcohol, and therefore seeks to expand the use by adding beer and wine to its offerings for the convenience of its customers.

The State Department of Alcoholic Beverage Control (ABC) enforces the licensing of alcoholic retailers regulated by State Law under Section 23958 of the Business and Professions Code. The Type 20 Off-site consumption sale license allows for the retail sales of beer and wine. Quick Mart is required to first obtain a finding of a PCN from the City Council and then may request Planning Commission approval of a CUP.

When a business establishment applies for a new or different on-site sales license, ABC determines if there is an "undue concentration" of licenses in a particular census tract. The State relies on a ratio of on-sale retail licenses to the population in the census tract to determine if an area is over-concentrated. In this case, ABC considers an "undue concentration," or overconcentration, to be present if there are more than five on-site sale Type 20 licenses within census tract 3630.

Census tract 3630 includes the portion of Pinole on the south side of Interstate 80 and west of

Appian Way. According to ABC, there are currently eleven existing active off-site alcohol sales licenses in Census Tract 3630. Five of those licenses are outside the City Limits. Table 1 below includes a complete list of existing businesses with off-site consumption alcohol sales licenses within Census Tract 3630, as of October 2025.

Table 1: On-Site Retail Alcohol Sales Establishments in Census Tract 3630*

Business Establishment	Location	License Type
Appian Express Mart & Gas	4917 Appian Way	20
Appian Food and Liquor	4247 Appian Way	21
BevMo!	1220 Fitzgerald Drive	21
FoodMaxX	1370 Fitzgerald Drive	21
Grocery Outlet	1460 Fitzgerald Drive	21
Grocery Outlet	1530 Fitzgerald Drive	21
Pinole Vista Liquors	1586 Fitzgerald Drive	21
Target Stores	1400 Fitzgerald Drive	21
United Food Mart**	521 Appian Way	20
San Pablo Shell**	3621 San Pablo Dam Road	21
Hilltop Food Mart**	4251 Hilltop Drive	21
Anabi Shell Station	1401 Fitzgerald Drive	20

*Source: State Department of Alcoholic Beverage Control, October 2025

** Located outside Pinole

Once an “undue concentration” is identified by ABC, the local governing body may choose to allow additional alcohol sales establishments in an area where there is an overconcentration by determining a PCN.

Section 17.59.030 (B) of the Municipal Code designates the City Council as the approving authority for a PCN request and requires a PCN determination as a prerequisite for Planning Commission consideration of a CUP for alcohol sales. Should the City Council decide not to approve a determination of PCN, Quick Mart will not be eligible to request a CUP for alcohol sales and will not be allowed to obtain a Type 20 alcohol sales license through ABC for its proposed off-site beer and wine sales in Census Tract 3630. Any proposed conditions regarding the sale of alcohol at the Quick Mart are addressed through the CUP and not the PCN.

The City Council, at its regular meeting on October 21, 2025, adopted a Resolution approving the Public Convenience Necessity for QuickeMart.

REVIEW AND ANALYSIS

Alcohol Sales Conditional Use Permit

To expand their offerings as part of the business operations, QuickeMart has applied for a Type 20 Alcohol License through the Department of Alcohol Beverage Control (ABC). The Type 20 License permits the sale of beer and wine for off-site consumption. Table 17.20.030-1 of the Pinole Municipal Code (PMC) requires review and approval of a Conditional Use Permit for alcohol sales.

In addition to the Conditional Use Permit, All establishments that are proposing to sell alcohol for either off-site or on-site consumption shall be consistent with Chapter 17.59, Alcohol Sales.

Review Process

PMC Section 17.59.030 prescribes the review process which is required before the opening of a new business, extending the hours of operation of any establishment that sells or serves any alcoholic beverage, or adding to the capacity, floor area, or shelf space devoted to alcoholic beverages of any establishment that sells or serves any alcoholic beverages. The criteria below outline the approval process of Section 17.59.030 A-C.

17.59.030 A. Conditional Use Permit. The Planning Commission shall review all conditional use permit requests for proposed alcohol sales. The following information must be provided to approve conditional use permit requests:

1. A list of all establishments within one thousand (1,000) foot radius with a similar size and an array of products. If there is any other establishment, other than a food service establishment with incidental service of beer and/or wine within a one thousand (1,000) foot radius of the site of the proposed use that is in the same category of alcoholic beverage sales or service, the City of Pinole shall not approve the application unless it makes all the following findings of "Public Convenience or Necessity.

Staff Response: Based on the finding above, there are establishments within 1,000 feet of this establishment. A determination of Public Convenience or Necessity (PCN) is required for this project. The City Council of the City of Pinole adopted a Resolution approving a Public Convenience Necessity Finding at its regular meeting on October 21, 2025 (see more information below).

2. The number of businesses having authority to sell alcoholic beverages in the census tract of the applicant.

Staff Response: ABC has indicated that there is an over-concentration of off-site alcohol licenses in Census Tract 3630. Due to the over-concentration of licenses, a Public Convenience Necessity is required. The Pinole City Council approved a determination of Public Convenience and Necessity, which satisfies the requirements for the Alcohol Beverage Control to provide a license for alcohol sales where there is an over-concentration in the Census Tract.

3. The extent to which the crime reporting district in which the applicant is located exceeds the average for crime reporting districts subject to the jurisdiction of the Pinole Police Department.

Staff Response: A formal review by the Police Department has determined that crime reporting for the district does not exceed the average for crime reporting districts. The Police Department did not raise any objections or concerns related to the alcohol sales request.

4. *The proximity of the applicant to a school, park, playground, recreational center, day care, or similar use.*

Staff Response: Using the CCMAP County GIS systems, there are no schools, parks, playgrounds, recreational centers, or day cares. The proposed business place is located in a Regional Commercial Zone District surrounded by shopping centers. There are six establishments located along Fitzgerald Drive that are within 1500 feet of the proposed project. The establishments include Target, Bev Mo, Lucky Grocery, Food Maxx, Anabi Shell Station, and Pinole Vista Liquors.

17.59.030 (B)Public Convenience and Necessity. A determination of Public Convenience or Necessity (PCN) is required by the Department of Alcoholic Beverage Control (ABC) when there is an over-concentration of alcohol sales licenses within a defined census tract. ABC determines if there is an over-concentration of licenses in a census tract and will require a determination of public convenience or necessity from the city. The City Council is the appropriate authority to review and make a PCN determination. This determination must be made prior to Planning Commission review of a conditional use permit to allow alcohol sales.

Staff Response: Based on the location of the project, a Public Convenience or Necessity (PCN) findings are required. The City Council adopted a Resolution approving the Public Convenience Necessity findings at their regular meeting on October 21, 2025. Section 17.59.030 (C) requires that five (5) findings must be met to approve Public Convenience Necessity findings. Attachment C of this report outlines the findings that were made for this project.

Findings for Conditional Use Permit

1. *The proposed use is consistent with the general plan, any applicable specific plans, and all applicable provisions of this title.*

Staff Response: The subject property is consistent with the general plan and specific zoning of the Pinole Municipal Code. Pursuant to Pinole Muni Code §17.20.020, the Applicant submits this Conditional Use Permit (CUP) Application to request approval for the sale of beer and wine located at 1477 Fitzgerald Drive in the City of Pinole. The site is an existing convenience store operating within a shopping center, operating from 7:00 am until 10:00 pm Monday through Sunday, and located next to Interstate Highway 80 in the Regional Commercial (RC) Zone. The subject property is commercial use within an area designated for general commercial land use. The proposed alcohol sales hours would be from 7:00 a.m. to 10:00 pm., as allowed by the State Department of Alcoholic Beverage Control. No changes are being requested with this Application to the premises' footprint or its current operations, other than the Applicant's request to add the incidental sale of beer and wine for off-site consumption (Type 20 ABC License).

2. *The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating*

characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.

Staff Response: The proposed use will not adversely affect the welfare of the relevant community. The premises have continuously been operated for commercial use, and QuickeMart has been there for the last few years. This is an existing business that provides most goods and services that have come to be expected from a small convenience store. The request to add a small amount of beer and wine sales will better serve the needs of its customers and will allow the existing grocery inventory to better serve its customers and diminishing the need for customers to travel to multiple locations to retrieve all necessary items. The subject property is commercial use within an area designated for General Commercial land uses. Approval for adding the incidental sale of beer and wine would ensure the applicant's ability to continue providing this desired convenience to the surrounding community.

3. The site of the proposed use is physically suitable for the type, density and intensity of the use and related structures being proposed.

Staff Response: The site of the use is physically suitable for the requested addition of an ancillary amount of beer and wine sales for off-site consumption. The sale of beer and wine for off-site consumption, while incidental to the overall goods and services provided by QuickeMart, is an important aspect in maintaining the ability to act as a full-service convenience store. The convenience store occupies a footprint of approximately 1,300 square feet, and the entire property encompassing the convenience store is 2.52 acres/109,771.2 square feet. The proposed addition of beer and wine would not physically impact the site and would only represent an addition of some items to the store's already existing shelves and coolers. The continued operation of this store, with strict adherence to the imposed conditions, proper management, and supervision, will continue to provide a retail service that is beneficial, convenient, and necessary for the community. As a result, the proposed use will not require physical alteration of the applicant's property, and no additional construction is proposed at this time.

4. It will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in which it is located. The proposed use and related structures are compatible with other land uses, transportation, and service facilities in the vicinity.

Staff Response: The Applicant is located in the Regional Commercial zoning district. Per the Pinole Zoning Code, sites in the Regional Commercial zoning district are intended to serve as "large regional shopping centers serving the West County market area." High-density commercial retail is encouraged, as is a diversity of secondary uses such as "toy stores, hotels, and restaurants," all geared towards meeting the needs of both residents and the employees of the existing center, as well as capturing business from travelers on the nearby 80 freeway. The Applicant's business is aimed at both functions. The grocery items sold in the convenience store serve residents who want to purchase food items and other goods offered by the other establishments in the Fitzgerald Drive Corridor. Allowing an expansion of the items to include beer and wine would be in keeping with the requirements of the Regional Commercial zone by

expanding the diversity of goods and services offered to customers, as well as improving local convenience by reducing the number of trips required by residents who want to make a quick and simple shopping trip or impulse buy. Additionally, the fueling portion of the business attracts customers from the freeway to the larger development in Pinole Vista.

Conditions of Approval

Staff have worked with the Community Preservation Team in the Police Department to impose appropriate conditions for alcohol sales. The Police Department required that the standard alcohol conditions listed in PMC 17.59.040 be included for this project request. The standard Conditional Use Permit alcohol sales conditions are included as Exhibit A in Resolution 23-09 (**See Attachment A**).

Applicable Standard Conditions of Approval for Alcohol Sales Establishments

- Beer, malt beverages, and wine coolers in containers of sixteen (16) ounces or less cannot be sold as single items but must instead be sold in manufacturer-prepackaged multi-unit quantities.
- There shall be no sales of beers, ales, or wines that have screw tops in bottles less than three hundred and seventy-five (375) milliliters, unless sold in manufacturer-prepackaged multi-unit quantities.
- The applicant shall be responsible for maintaining that area in front of and adjacent to the premises over which they have control.
- No signs advertising the sale of alcoholic beverages shall be displayed outside the store.
- Licensee or its employees shall regularly police the area under the licensee's control in an effort to prevent the loitering of people about the premises.
- The sale of liquor in the store shall be limited to no more than two hundred (200) linear feet of display, which shall include the use of multi-tiered shelving not to exceed thirty-six (36) inches in depth.
- If any of the conditions are found to be disregarded, the use permit for alcohol sales will be subject to revocation. If necessary, the Planning Commission may modify the use permit after holding a noticed public hearing and making applicable findings.
- Establish and maintain a “complaint response/community relations” program with the Police Department.

Off-sale Conditions

No sale of alcohol is allowed for on-site consumption.

- Trash receptacles shall be located at convenient locations outside the establishment, and operators of the business shall remove all trash daily.
- In establishments with glass storefronts, windows shall allow for unobstructed interior viewing of the cash register area from the street.
- A sign concerning the California law prohibiting minors from drinking alcohol and a sign prohibiting loitering or public drinking must be posted.
- A copy of any use permit conditions of approval will need to be kept on the premises and available upon request.

- All employees shall receive “responsible beverage service training,” and any employee on duty between 10:00 p.m. and 2:00 a.m. will be at least twenty-one (21) years of age, and documentation of this training shall be retained on the premises and made available upon request.
- Make attempts to limit alcohol related problems that negatively impact those living or working in the neighborhood.

ATTACHMENTS

- A. Resolution 25-09 with Exhibit A COA
- B. UP25-0004 Floor Plan and Project Description
- C. PCN City Council Staff Report

**PLANNING COMMISSION RESOLUTION 25-09
WITH EXHIBIT A: CONDITIONS OF APPROVAL**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PINOLE, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION AT 1477 FITZGERALD DRIVE, SUITE 107, PINOLE, CA 94564, APN: 426-010-027

WHEREAS, QuickeMart applied for a use permit (CUP 25-0004) with the City of Pinole to request a Conditional Use to allow for the sale of beer and wine for off-site consumption; and

WHEREAS, the Planning Commission of the City of Pinole is the appropriate authority to hear and act on this project; and

WHEREAS, the State Department of Alcoholic Beverage Control (ABC) did confirm to the City of Pinole that there will be an undue concentration resulting from this use permit request for a Type 20 alcohol sales license within Census Tract 3630.00, requiring Public Convenience or Necessity Findings for this request; and

WHEREAS, the City Council approved the required Public Convenience or Necessity Findings for this request on October 21, 2025; and

WHEREAS, the property is in a Regional Commercial (RC) Zoning District; and

WHEREAS, the Pinole Municipal Code permits alcohol sales to secure a Use Permit in the RC zone; and

WHEREAS, the Police Department has confirmed that the sale of alcohol as conditioned is not expected to increase calls for service or crime activity at this location; and

WHEREAS, the project meets the criteria for a Categorical Exemption as an Existing Facility pursuant to Section 15301 of the California Environmental Quality Act (CEQA);

WHEREAS, the Planning Commission of the City of Pinole has conducted a duly noticed public hearing to consider CUP 25-0004 on October 27, 2025; and

WHEREAS, after the close of public hearing, the Planning Commission considered all public comments received both before and during the public hearing, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed development.

NOW, THEREFORE, the Planning Commission hereby finds that:

1. The proposed use is consistent with the general plan, any applicable specific plans, and all applicable provisions of this title.
2. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.
3. The site of the proposed use is physically suitable for the type, density and intensity of the use and related structures being proposed.
4. It will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in which it is located. The proposed use and related structures are compatible with other land uses, transportation, and service facilities in the vicinity.
5. The use permit request is Categorical Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines because it involves minor physical improvements to an existing commercial mixed-use building without expanding the building.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Pinole hereby approves CUP 25-0004, as provided in the staff report, and subject to the Conditions of Approval attached as Exhibit A to this Resolution.

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 27th day of October 2025, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Gabriel Sandoval, Chair (2025-2026)

ATTEST:

David Hanham, Planning Manager

PLANNING COMMISSION RESOLUTION 25-09 EXHIBIT A
CONDITIONS OF APPROVAL: QUICKEMART ALCOHOL SALES CONDITIONAL USE PERMIT

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
1.	The proposed use shall be operated in a manner consistent with the statement of operations dated 04/28/2025 and in a manner that is consistent with all federal, state & local laws.	On-Going	Police/ Community Development	
2.	The Applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs, and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	On-Going	Community Development	
3.	There shall be no sale of alcohol for on-site consumption.	On-Going	Police/ Community Development	
4.	A sign concerning the California Law Prohibiting Minors to Drink Alcohol and a sign prohibiting loitering or public drinking must be posted inside the establishment in clear public view to the satisfaction of the City of Pinole Police Department.	On-Going	Police/ Community Development	
5.	A copy of the conditions of approval will need to be kept on premises and available upon request.	On-Going	Police/ Community Development	
6.	All staff within 90 days of employment receive “responsible beverage service training.” Applicant shall include these training details as part of the “complaint response/community relations.”	On-Going	Police/ Community Development	
7.	Proposed modification of the hours or other aspects of the business shall be submitted for review and approval by staff. Staff will determine if changes are substantial and require further review by the Planning Commission.	On-Going	Community Development	

**PLANNING COMMISSION RESOLUTION 25-09 EXHIBIT A
 CONDITIONS OF APPROVAL: QUICKEMART ALCOHOL SALES CONDITIONAL USE PERMIT**

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
8.	The surrounding area shall be maintained in a clean and orderly manner at all times. Landscaping material shall be regularly maintained around the site so that it cannot be used as a hiding place. On-site lighting shall be maintained in good working condition at all times.	On-Going	Community Development	
9.	Applicant shall obtain the applicable State Alcohol Beverage Control license and no alcohol shall be sold for on-site consumption. A copy of the license shall be submitted to the Community Development and Police Departments prior to commencement of alcohol sales.	On-Going	Police/ Community Development	
10.	The operating hours of QickeMart shall be 7:00am through 10:00pm with the selling of beer and wine from the hours listed above.	On-Going	Police/ Community Development	
11.	If the operation of the use results in conflicts pertaining to parking, noise, nuisance, traffic, or other impacts, at the discretion of staff, the use permit may be referred to the Planning Commission for subsequent review at a public hearing. Subsequent review may result in modification of the conditions of approval or revocation of the use permit.	On-Going	Police/ Community Development	
12.	If use permit conditions are not adhered to, the use permit is subject to subsequent review by the Planning Commission Action by the review body may include, but is not limited to, imposing corrective action for the project to adhere to conditions, modifications to conditions, or revocation of the permit after giving a 10-day notice following a public hearing.	On-Going	Police/ Community Development	
13.	Establish and maintain a "complaint response/community relations" program with the Police Department.	On-Going	Police	
14.	The sale of liquor in the store shall be limited to no more than two hundred (200) linear feet of display, which shall include the use of multi-tiered shelving not to exceed thirty-six (36) inches in depth.	On-Going	Community Development	

PLANNING COMMISSION RESOLUTION 25-09 EXHIBIT A
CONDITIONS OF APPROVAL: QUICKEMART ALCOHOL SALES CONDITIONAL USE PERMIT

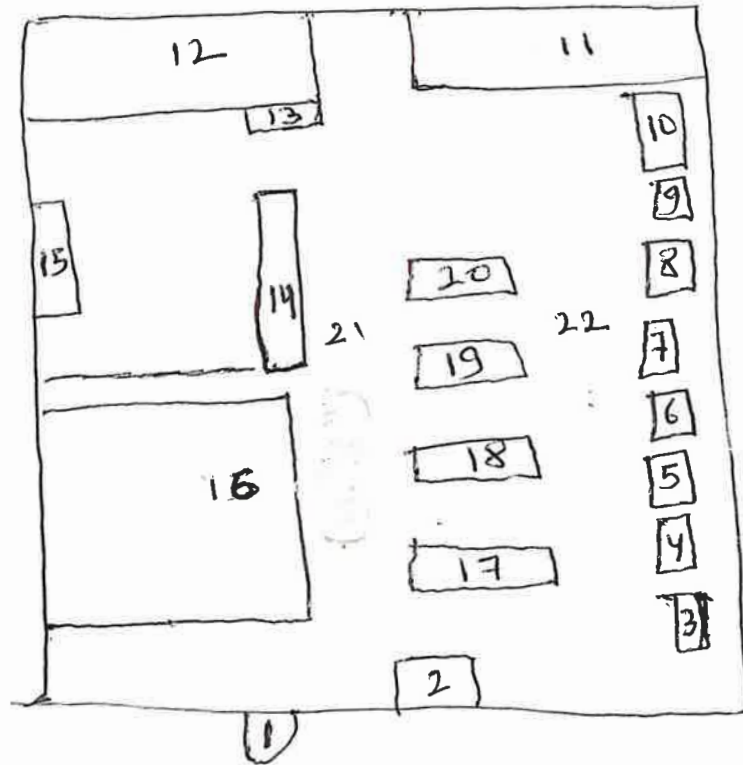
		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
15.	Beer, malt beverages, and wine coolers in containers of sixteen (16) ounces or less cannot be sold as single items but must instead be sold in manufacturer-prepackaged multi-unit quantities.	Ongoing	Community Development	
16.	There shall be no sales of beers, ales, or wines that have screw tops in bottles less than three hundred and seventy-five (375) milliliters, unless sold in manufacturer-prepackaged multi-unit quantities.	Ongoing	Community Development	
17.	No sale of alcohol is allowed for on-site consumption.	Ongoing	Community Development	
18.	Trash receptacles shall be located at convenient locations outside the establishment, and operators of the business shall remove all trash on a daily and as-needed basis.	Ongoing	Community Development	
19.	The applicant shall be responsible for maintaining the area free of litter, that area in front of and adjacent to the premises over which they have control.	Ongoing	Community Development	
20.	No signs advertising the sale of alcoholic beverages shall be displayed outside of the store.	Ongoing	Community Development	
21.	Licensee or its employees shall regularly police the area under the licensee's control to prevent the loitering of people about the premises.	Ongoing	Community Development	
22.	If any of these conditions are found to be disregarded, the use permit for alcohol sales will be subject to revocation. If necessary, the Planning Commission may modify the use permit or may revoke the use permit after holding a public notice hearing and making applicable findings.	Ongoing	Community Development	
23.	The Applicant shall establish and maintain a "complaint response/community relations" program with the Police Department or similar method to assure cooperation with the Police Department.	Ongoing	Community Development	

**PLANNING COMMISSION RESOLUTION 25-09 EXHIBIT A
 CONDITIONS OF APPROVAL: QUICKEMART ALCOHOL SALES CONDITIONAL USE PERMIT**

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
24.	In establishments with glass storefronts, windows shall allow for unobstructed interior viewing of the cash register area from the street.	Ongoing	Community Development	
25.	All employees shall receive “responsible beverage service training,” and any employee on duty between 10:00 p.m. and 2:00 a.m. will be at least twenty-one (21) years of age, and documentation of this training shall be retained on the premises and made available upon request.	Ongoing	Community Development	
26.	Make attempts to limit alcohol related problems, which negatively impact those living or working in the neighborhood.	Ongoing	Community Development	
27.	Coolers containing alcohol shall be locked between 2:00 am and 6:00 am	Ongoing	Community Development	

Quick Mart Pinole #1
 1477 Fitzgerald Drive, Suite 107
 Pinole CA 94564
 Floor Diagram

1) Floor Plan.



- a) 1 Front door
- b) 2 Ice-cream Freezer display
- c) 3, 4, 5, 9, 10 two doors merchandise cooler
- d) 6, 7 Beer cooler (L-4'0" wide - 2'5", Height-6'5")
- e) 8 Three door Freezer
- f) 11 office
- g) 12 Bathroom
- h) 13 ATM
- i) 14 wine stock or shelves (Length 8'0" height 4'10")
- j) 15 half self (food)
- k) 16 counter and cigarette display
- l) 17, 18, 19, 20 food shelves
- m) 21, 22 walking space (4'5")

Quick mart pinole #1

2)

i) Typical business operation:-

Retail store: we sell candies, sodas, chips and some grocery items. we sell cigarettes and CA lottery. we want to sell beers and wine little bit.

ii) Business hours:-

Monday through Sunday: 7AM to 10PM.

iii) Maximum number of employees at the same time:-

2 employees

iv) Expected number of visitors on site:-

Now only 40 visitors or customers are coming everyday. we expect 80 to 100.

v) Peak time:- Now we haven't special peak time. It is new store.

vi) Parties responsible for operation of the use:-
owners:- Mrs. Uma Devi Dhakal Pokharel



CITY COUNCIL REPORT

9.F.

DATE: OCTOBER 21, 2025
TO: MAYOR AND COUNCIL MEMBERS
FROM: David Hanham, Planning Manager, 510-724-9842, dhanham@pinole.gov
SUBJECT: PUBLIC CONVENIENCE NECESSITY FOR QUICK MART LOCATED AT 1477 FITZGERALD DRIVE, SUITE 107

RECOMMENDATION

City staff recommends that the City Council adopt a Resolution (Attachment A) approving a determination of Public Convenience or Necessity for Quick Mart Convenience Store for the purpose of selling alcohol (off-site sales of beer and wine) located at 1477 Fitzgerald Drive, Suite 107

BACKGROUND

Uma Pokhared, on behalf of Quick Mart Convenience Store, has requested City approval of a "Finding of Public Convenience or Necessity" (PCN). This is required in order for Quick Mart Convenience Store to obtain a liquor license for a Type 20 Off-site consumption for the purpose of selling beer and wine. Approval of this PCN will allow Quick Mart to proceed with their request to the Planning Commission for Conditional Use Permit (CUP) No. 25-0004 for off-site alcohol sales for their gas station/convenience store located at 1401 Fitzgerald Drive. The convenience store occupies a footprint of approximately 1300 square feet. The Quick Mart currently exists as a full-service convenience store, enabling customers to purchase everyday grocery items, and is requesting approval for off-site consumption sales of beer and wine to further the convenience provided to the surrounding community. The applicant has served the community for a short time and is trying to expand their business offerings, but is having difficulty competing with other convenience stores now allowed to sell alcohol, and therefore seeks to expand the use by adding beer and wine to its offerings for the convenience of its customers.

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When a business establishment applies for a new or different on-site sales license, ABC determines if there is an "undue concentration" of licenses in a particular census tract. The State relies on a ratio of on-sale retail licenses to the population in the census tract to determine if an area is over-concentrated. In this case, ABC considers an "undue concentration," or overconcentration, to be present if there are more than five on-site sale Type 20 licenses within census tract 3630.

Census tract 3630 includes the portion of Pinole on the south side of Interstate 80 and west of Appian Way. According to ABC, there are currently eleven existing active off-site alcohol sales licenses in Census Tract 3630. Five of those licenses are outside the City Limits. Table 1 below includes a complete list of existing businesses with off-site consumption alcohol sales licenses within Census Tract 3630, as of October 2025.

Table 1: On-Site Retail Alcohol Sales Establishments in Census Tract 3630*

Business Establishment	Location	License Type
Appian Express Mart & Gas	4917 Appian Way	20
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Anabi Shell Station	1401 Fitzgerald Drive	20

**Source: State Department of Alcoholic Beverage Control, October 2025*

*** Located outside Pinole*

Once an “undue concentration” is identified by ABC, the local governing body may choose to allow additional alcohol sales establishments in an area where there is an overconcentration by determining a PCN.

Section 17.59.030 (B) of the Municipal Code designates the City Council as the approving authority for a PCN request and requires a PCN determination as a prerequisite for Planning Commission consideration of a CUP for alcohol sales. Should the City Council decide not to approve a determination of PCN, Quick Mart will not be eligible to request a CUP for alcohol sales and will not be allowed to obtain a Type 20 alcohol sales license through ABC for its proposed off-site beer and wine sales in Census Tract 3630. Any proposed conditions regarding the sale of alcohol at the Quick Mart are addressed through the CUP and not the PCN.

REVIEW AND ANALYSIS

Section 17.59.030 (C) of the Pinole Municipal Code includes five required findings that must be satisfied in order to make a PCN determination. Staff has prepared findings based on a proposed project.

Finding 1: The proposed establishment with alcohol sales will promote the City’s economic health, consistent with the General Plan and any applicable Specific Plan policies to further zoning district purposes. The Applicant proposes to continue operating Monday through Sunday 7:00 am to 10:00 pm in its approximate 1,300 square-foot retail space, though beer

and wine sales will be limited to the hours permitted by state and local law (6am to 2am). The total square footage of the entire property is 56,628 square feet with 104 on-site parking spaces, including two ADA-compliant spaces.

The Quick Mart convenience store is located within the Fitzgerald Drive Commercial Area and is zoned "Regional Commercial", or "RC". The Pinole General Plan's Land Use Element states that Regional Commercial areas are intended for large regional shopping centers serving the West County market area." Pinole Vista is adjacent to the 80 Freeway's Fitzgerald exit and is anchored by several large retailers such as Ace Hardware and Target. Smaller ancillary uses include, but are not limited to restaurants, various retail stores, and a beauty salon. These uses, along with the Applicant, provide a wide diversity of goods and services within a single area convenient to both freeway and local traffic. The proposed use enhances the commercial nature of the Pinole Vista development and would increase the range of services available to local customers, workers, and residents.

The sale of beer and wine expands the available services in the Fitzgerald Drive Corridor area generally, and at this location specifically, and will broaden the City's tax bases by generating sales tax revenue at this retail business location.

The addition of alcohol at the subject site would increase the economic health of Pinole by supplying additional one-stop-shopping convenience to both residents and travelers on the I-80. The site is located near busy intersections in a busy commercial district and is surrounded by a variety of commercial uses. The Applicant's customers draw from residents in this and surrounding areas; employees and customers of the many commercial uses in the vicinity; and other who are traveling down both major thoroughfares. The requested finding of Public Convenience or Necessity, along with a CUP and ABC license to sell beer and wine for off-site consumption will enable existing customers to conveniently purchase these items, rather than taking their business to another convenience store in the greater area.

Goal LU.7 of the Land Use and Economic Development Element calls for encouraging commercial development which provides services for residents and broadens the tax base of the community to provide needed revenue for public services.

Finding 2: The economic benefits associated with the establishment could not be achieved without the proposed alcohol sales. While the Applicant has successfully operated their convenience store for a few years in the Pinole community, it is their belief that while the Pinole Vista and Pinole Vista Crossing developments do an excellent job of catering to the needs of the community, there is a niche which a convenience store which also stocks beer and wine could fill. There is only one other convenience store in the area which offers alcohol; the current vendors are large stores such as Target, or specialty retailers such as BevMo! The closest convenience or gas-station store which is currently licensed for alcohol sales is the Anabi Shell Station, which is located approximately a half-mile away.

Shoppers who visit the large retailers that dominate the Pinole Vista commercial developments are often on extended shopping trips, purchasing a wide range of items at once. Additionally, shopping at similar locations may take longer than individuals in a hurry would prefer to spend. A convenience store in a well-established shopping area enables quick-trip access to a wide range of groceries, beverages, and captures business that might otherwise pass the area. If the applicant is unable to sell a small amount of beer and wine, then it may

not only lose that sale of the beer and wine, but also the other groceries that the customer intends to buy because they will go to one of the other less-convenient alcohol retailers. As there are very few convenience stores in this area that are able to sell alcoholic beverages, this convenience store cannot obtain the financial benefits that its competitors enjoy without the ability to sell a small amount of beer and wine.

Finding 3: The applicant has not operated a licensed establishment which has been the subject of verified complaints or violations regarding alcohol, public safety or nuisance statutes or regulations. This business has not been the subject of verified complaints or violations regarding alcohol, public-safety or nuisance statutes or regulations. The Applicant has stated that they are dedicated to being a good corporate neighbor and will happily work with both local and state authorities to ensure that all regulations and laws are obeyed, and its business is conducted in a peaceable and beneficial way.

Finding 4: The Police Department has reported that the proposed establishment would not be expected to add to crime in the area. The Police Department has reported that the sale of off-site beer and wine at this location would not be expected to add crime in the area and has not raised any objections. The Police Department will have an opportunity to provide conditions of approval through the Planning Commission's review of the CUP.

Finding 5. Alcoholic beverages sold by the applicant are incidental to the other products available for sale at the establishment. The site will provide a variety of goods and services that customers at a full-service convenience store expect, including basic grocery items, snacks, and beverages. The sale of alcoholic beverages will make this location a convenient “one-stop” shop, enabling the surrounding community to purchase everyday essential grocery and utility items, including alcoholic beverages, at the same time. The primary use at this site is a convenience store, of which alcohol sales will be a small portion, both in terms of floor area and shelf space. The alcohol sales are being provided as a convenience to customers so that they may purchase all of their shopping needs at one time in one trip. The sale of a partial line of alcoholic beverages will be ancillary to the main retail sales of the convenience store that will be provided at the site. The project will be beneficial to the local community and the local economy by enhancing a revenue-generating use.

FISCAL IMPACT

There are no adverse fiscal impacts to the City associated with this request.

ATTACHMENTS

A. Resolution



PLANNING COMMISSION REPORT

G.2.

DATE: OCTOBER 27, 2025
TO: PLANNING COMMISSION
FROM: DAVID HANHAM, PLANNING MANAGER
SUBJECT: CONDITIONAL USE PERMIT UP25-0006: YO SUSHI ALCOHOL SALES

RECOMMENDATION

City Staff recommends that the Planning Commission adopt a Resolution to approve a Conditional Use Permit for Yo Sushi for a Type 41 License (On-Site consumption) located at 2432 San Pablo Avenue.

BACKGROUND

Hyelim Seo, on behalf of Yo Sushi, has requested City approval to seek a Conditional Use Permit (UP 25-0006) to sell beer and wine for on-site consumption at its sit-down restaurant located at 2432 San Pablo Avenue. Yo Sushi aims to improve the dining experience by offering beer and wine pairings with its Japanese cuisine. Representatives from Yo Sushi have stated that providing alcohol will give them greater convenience for customers who want to enjoy alcoholic beverages while dining. The State Department of Alcoholic Beverage Control (ABC) regulates alcohol licenses under Section 23958 of the Business and Professions Code. A Type 41 license allows restaurants to sell beer and wine for on-site consumption with meals. Applicants must first obtain a PCN from the City Council and then a Conditional Use Permit from the Planning Commission. When proposing a new on-site license, ABC assesses whether a census tract has an “undue concentration” of licenses based on the ratio of on-sale licenses to the population. For Census Tract 3591.03, ABC identifies more than five Type 41 licenses as an indicator of undue concentration. According to ABC records, there are currently twelve active on-site alcohol licenses in the tract. If approved, Yo Sushi would be the sixth restaurant in this area offering beer and wine service, aligning with the character of the restaurant and customer expectations along the San Pablo Avenue corridor. Table 1 lists all establishments with active on-site alcohol licenses within Census Tract 3591.03 (as of Sept 2025). Table 1 shows the existing licenses within Census Tract 3591.03

Table 1: On-Site Retail Alcohol Sales Establishments in Census Tract 3591.03*

Business Establishment	Location	License Type
AMF Pinole Valley Lanes	1580 Pinole Valley Road	On-site, full alcohol
Pinole Creek Cafe	2454 San Pablo Avenue	On-site, full alcohol
Pear Street Bistro	2395 San Pablo Avenue	On-site, full alcohol
Tina’s Place	2300 San Pablo Avenue	On-site, full alcohol
Antlers Tavern	2284 San Pablo Avenue	On-site, full alcohol

King Valley	795 Fernandez Avenue	On-Site beer and wine
Seoul Fried Chicken	2400 San Pablo Avenue	On-Site beer and wine
China House Restaurant	1971 San Pablo Avenue	On-Site beer and wine
Bear Claw Restaurant/Café	2340 San Pablo Avenue	On-Site beer and wine
East Bay Coffee Company	2539 San Pablo Avenue	On-Site beer and wine
Diosa Restaurant	2361 San Pablo Avenue	On-Site, full alcohol

**Source: State Department of Alcoholic Beverage Control, September 1, 2025*

Once an “undue concentration” is identified by ABC, the local governing body may choose to allow additional alcohol sales establishments in an area where there is an overconcentration by determining a public convenience or necessity (PCN).

Section 17.59.030 (B) of the Municipal Code designates the City Council as the approving authority for a PCN request and requires a PCN determination as a prerequisite for Planning Commission consideration of a CUP for on-site beer and wine sale and consumption. Should the City Council decide not to approve a determination of PCN, Yo Sushi will not be eligible to request a CUP for alcohol sales and will not be allowed to obtain a Type 41 license through ABC for its proposed on-site consumption sales in Census Tract 3591.03. Any proposed conditions regarding the sale of alcohol at Yo Sushi are addressed through the CUP and not the PCN.

The City Council, at its regular meeting on October 21, 2025, adopted a Resolution approving the findings required by Section 17.59.030 (C). Since the Resolution has been adopted, the project may move forward with the Conditional Use Permit portion to be heard by the Planning Commission.

REVIEW AND ANALYSIS

Alcohol Sales Conditional Use Permit

To expand their offerings as part of the business operations, Yo Sushi has applied for a Type 41 Alcohol License through the Department of Alcohol Beverage Control (ABC). The Type 41 License permits the sale of beer and wine for on-site consumption. Table 17.20.030-1 of the Pinole Municipal Code (PMC) requires review and approval of a Conditional Use Permit for alcohol sales.

In addition to the Conditional Use Permit, all establishments that are proposing to sell alcohol for either off-site or on-site consumption shall be consistent with Chapter 17.59, Alcohol Sales.

Review Process

PMC Section 17.59.030 prescribes the review process that is required before the opening of a new business, extending the hours of operation of any establishment that sells or serves any alcoholic beverage, or adding to the capacity, floor area, or shelf space devoted to alcoholic beverages of any establishment that sells or serves any alcoholic beverages. The criteria below outline the approval process of Section 17.59.030 A-C.

17.59.030 A. Conditional Use Permit. *The Planning Commission shall review all conditional use permit requests for proposed alcohol sales. The following information must be provided to approve conditional use permit requests:*

1. A list of all establishments within one thousand (1,000) foot radius with a similar size and an array of products. If there is any other establishment, other than a food service establishment with incidental service of beer and/or wine within a one thousand (1,000) foot radius of the site of the proposed use that is in the same category of alcoholic beverage sales or service, the City of Pinole shall not approve the application unless it makes all the following findings of "Public Convenience or Necessity."

Staff Response: Based on the finding above, there are establishments within 1,000 feet of this establishment. Table 1 above outlines all the establishments within a 1,000-foot radius. Due to the number of establishments listed in Table 10, a determination of Public Convenience or Necessity (PCN) is required for this project. The City Council of the City of Pinole adopted a Resolution approving a Public Convenience Necessity Finding at its regular meeting on October 21, 2025 (see more information below).

2. The number of businesses having authority to sell alcoholic beverages in the census tract of the applicant.

Staff Response: ABC has indicated that there is an over-concentration of alcohol licenses in Census Tract 3591.03. Due to the over-concentration of licenses, a Public Convenience Necessity is required. The Pinole City Council approved a determination of Public Convenience and Necessity at its regular meeting on October 21, 2025, which satisfies the requirements for the Alcohol Beverage Control to provide a license for alcohol sales where there is an over-concentration in the Census Tract.

3. The extent to which the crime reporting district in which the applicant is located exceeds the average for crime reporting districts subject to the jurisdiction of the Pinole Police Department.

Staff Response: A formal review by the Police Department has determined that crime reporting for the district does not exceed the average for crime reporting districts. The Police Department did not raise any objections or concerns related to the alcohol sales request.

4. The proximity of the applicant to a school, park, playground, recreational center, day care, or similar use.

Staff Response: Using the CCMAP County GIS system, there is one park and one youth center within 300 feet of the restaurant. Yo Sushi is located in Park View Plaza in the downtown area, with multiple businesses that serve alcohol. Those businesses include Bill's Liquors and Seoul Fried Chicken. Other establishments adjacent to Yo Sushi that serve alcohol are Antlers, Tina's Place, Pear Street Bistro, and Diosa Restaurant.

17.59.030 (B) Public Convenience and Necessity. A determination of Public Convenience or Necessity (PCN) is required by the Department of Alcoholic Beverage

Control (ABC) when there is an over-concentration of alcohol sales licenses within a defined census tract. ABC determines if there is an over-concentration of licenses in a census tract and will require a determination of public convenience or necessity from the city. The City Council is the appropriate authority to review and make a PCN determination. This determination must be made prior to Planning Commission review of a conditional use permit to allow alcohol sales.

Staff Response: Based on the location of the project, a Public Convenience or Necessity (PCN) findings are required. The City Council adopted a Resolution approving the Public Convenience Necessity findings at their regular meeting on October 21, 2025. Section 17.59.030 (C) requires that five (5) findings must be met to approve Public Convenience Necessity findings. Attachment 3 of this report outlines the findings that were made for this project.

Findings for Conditional Use Permit

1. The proposed use is consistent with the general plan, any applicable specific plans, and all applicable provisions of this title.

Staff Response: The subject property is consistent with the general plan, specific plan and specific zoning of the Pinole Municipal Code. Pursuant to the Three Corridor Specific Plan, Table 6.2, the Applicant submits this Conditional Use Permit (CUP) Application to request approval for the sale of beer and wine located at 2432 San Pablo Avenue in the City of Pinole. The site is an existing restaurant within the Park View Plaza, operating from 4:30 pm to 8:30 pm on Mondays, 11:30 am to 2:15 pm and from 5:00 pm to 8:30 pm Tuesday through Saturday, and closed on Sunday. The subject property is commercial use within an area designated for a commercial mixed-use zone district.. The proposed alcohol sales hours would be during operating hours, as allowed by the State Department of Alcoholic Beverage Control. No changes are being requested with this Application to the premises' footprint or its current operations, other than the Applicant's request to add the incidental sale of beer and wine for on-site consumption (Type 41 ABC License).

2. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.

Staff Response: The proposed use will not adversely affect the welfare of the relevant community. The premises have continuously been operated as a restaurant for the last couple of years. Yo Sushi has been there for the last few months, operating without a liquor license. This is an existing business that provides food and services that have come to be expected from a small restaurant. The request to allow the sale of beer and wine will better serve the needs of its customers and will allow the customer to have a full range of drink opportunities similar to all the restaurants within the Park View Plaza and adjacent restaurants. The subject property is commercial use within an area designated for general commercial mixed land uses. Approval of adding the sale of beer and wine would ensure the applicant's ability to continue providing this desired

convenience to their existing customers.

3. The site of the proposed use is physically suitable for the type, density and intensity of the use and related structures being proposed.

Staff Response: The site of the use is physically suitable for the requested addition of an ancillary amount of beer and wine sales for consumption with meals. The proposed addition of beer and wine would not physically impact the site and would only represent additional beverages offered. The continued operation of this restaurant with strict adherence to the imposed conditions, proper management, and supervision will continue to provide restaurant services that are beneficial, convenient, and necessary for the community. As a result, the proposed use will not require physical alteration of the applicant's property, and no additional construction is proposed at this time.

4. It will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in which it is located. The proposed use and related structures are compatible with other land uses, transportation, and service facilities in the vicinity.

Staff Response: The Applicant is located in the Commercial Mixed-Use zoning designation per the Three Corridor Specific Plan. The existing site is located within an existing shopping center within the downtown corridor. The adjacent land uses are similar in that they are small businesses that either stand alone or are within a small center. Transportation facilities (bus stops, parking areas) are located throughout the downtown. The proposed project location is centrally located within those facilities. By allowing the sale of alcohol, Yo Sushi can provide an expansion of items to include beer and wine and that would be in keeping with the requirements of the Commercial Mixed-Use zone by expanding the diversity of goods and services offered to customers.

Conditions of Approval

Staff have worked with the Community Preservation Team in the Police Department to impose appropriate conditions for alcohol sales. The Police Department required that the standard alcohol conditions listed in PMC 17.59.040 be included for this project request. The standard Conditional Use Permit alcohol sales conditions are included as Exhibit A in Resolution 25-10 (**See Attachment A**).

Applicable Standard Conditions of Approval for Alcohol Sales Establishments

- Beer, malt beverages, and wine coolers in containers of sixteen (16) ounces or less cannot be sold as single items but must instead be sold in manufacturer-prepackaged multi-unit quantities.
- There shall be no sales of beers, ales, or wines that have screw tops in bottles less than three hundred and seventy-five (375) milliliters, unless sold in manufacturer-prepackaged multi-unit quantities.
- The applicant shall be responsible for maintaining that area in front of and adjacent to the premises over which they have control.

- No signs advertising the sale of alcoholic beverages shall be displayed outside the store.
- Licensee or its employees shall regularly police the area under the licensee's control in an effort to prevent the loitering of people about the premises.
- The sale of liquor in the store shall be limited to no more than two hundred (200) linear feet of display, which shall include the use of multi-tiered shelving not to exceed thirty-six (36) inches in depth.
- If any of the conditions are found to be disregarded, the use permit for alcohol sales will be subject to revocation. If necessary, the Planning Commission may modify the use permit after holding a noticed public hearing and making applicable findings.
- Establish and maintain a "complaint response/community relations" program with the Police Department.

On-sale Conditions

- No sale of alcohol is allowed for off-site consumption
- No vegetation around the site that can be used as a hiding place.
- A sign concerning the California law prohibiting minors from drinking alcohol and a sign prohibiting loitering or public drinking must be posted.
- A copy of the Conditions of Approval must be kept on-premises and available upon request.
- All servers shall receive "responsible beverage service training," and documentation of this training shall be retained on the premises and made available upon request.

ATTACHMENTS

- A. Attachment A. Resolution 25-10 and Exhibit A COA

**PLANNING COMMISSION RESOLUTION 25-10
WITH EXHIBIT A: CONDITIONS OF APPROVAL**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PINOLE, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION AT 2432 SAN PABLO AVENUE, PINOLE, CA 94564, APN: 401-150-032

WHEREAS, Yo Sushi applied for a use permit (UP 25-0006) with the City of Pinole to request a Conditional Use to allow for the sale of beer and wine for on-site consumption; and

WHEREAS, the Planning Commission of the City of Pinole is the appropriate authority to hear and act on this project; and

WHEREAS, the State Department of Alcoholic Beverage Control (ABC) did confirm to the City of Pinole that there will be an undue concentration resulting from this use permit request for a Type 41 alcohol sales license within Census Tract 3591.03, requiring Public Convenience or Necessity Findings for this request; and

WHEREAS, the City Council approved the required Public Convenience or Necessity Findings for this request on October 21, 2025; and

WHEREAS, the property is in a Commercial Mixed Use Zoning District; and

WHEREAS, the Pinole Municipal Code permits alcohol sales to secure a Use Permit in the CMU zone; and

WHEREAS, the Police Department has confirmed that the sale of alcohol as conditioned is not expected to increase calls for service or crime activity at this location; and

WHEREAS, the project meets the criteria for a Categorical Exemption as an Existing Facility pursuant to Section 15301 of the California Environmental Quality Act (CEQA);

WHEREAS, the Planning Commission of the City of Pinole has conducted a duly noticed public hearing to consider UP 25-0006 on October 27, 2025; and

WHEREAS, after the close of public hearing, the Planning Commission considered all public comments received both before and during the public hearing, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed development.

NOW, THEREFORE, the Planning Commission hereby finds that:

1. The proposed use is consistent with the general plan, any applicable specific plans, and all applicable provisions of this title.
2. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.
3. The site of the proposed use is physically suitable for the type, density and intensity of the use and related structures being proposed.
4. It will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in which it is located. The proposed use and related structures are compatible with other land uses, transportation, and service facilities in the vicinity.
5. The use permit request is Categorical Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines because it involves minor physical improvements to an existing commercial mixed-use building without expanding the building.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Pinole hereby approves UP 25-0006, as provided in the staff report, and subject to the Conditions of Approval attached as Exhibit A to this Resolution.

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 27th day of October 2025, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Gabriel Sandoval, Chair (2025-2026)

ATTEST:

David Hanham, Planning Manager

**PLANNING COMMISSION RESOLUTION 25-10 EXHIBIT A, YO SUSHI RESTAURANT ALCOHOL SALES
CONDITIONAL USE PERMIT**

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
1.	If any of the conditions are found to be disregarded, the use permit will be subject to revocation and the business subject to potential closure. If necessary, the Planning Commission may modify or recommend to the City Council revoking the use permit after making applicable findings.	On-Going	Police/ Community Development	
2.	The Applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs, and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	On-Going	Community Development	
3.	There shall be no sale of alcohol for off-site consumption.	On-Going	Police/ Community Development	
4.	A sign concerning the California Law Prohibiting Minors to Drink Alcohol and a sign prohibiting loitering or public drinking must be posted inside the establishment in clear public view to the satisfaction of the City of Pinole Police Department.	On-Going	Police/ Community Development	
6.	A copy of the conditions of approval will need to be kept on premises and available upon request.	On-Going	Police/ Community Development	
7.	Proposed modification of the hours or other aspects of the business shall be submitted for review and approval by staff. Staff will determine if the changes are substantial and require further review by the Planning Commission.	On-Going	Community Development	
8.	Applicants shall obtain the applicable State Alcohol Beverage Control license, and no alcohol shall be sold for off-site consumption. A copy of	On-Going	Police/ Community	

**PLANNING COMMISSION RESOLUTION 25-10 EXHIBIT A, YO SUSHI RESTAURANT ALCOHOL SALES
CONDITIONAL USE PERMIT**

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	the license shall be submitted to the Community Development and Police Departments prior to commencement of alcohol sales.		Development	
9.	The operating hours of Yo Sushi shall be Monday 4:30 pm to 8:30 pm, 11:30 am to 2:15 pm, and 5:00 pm to 8:30 pm, Tuesday through Saturday, and closed Sunday. Any modifications of operating hours shall be referred to the Planning Manager for approval. All alcohol sales shall end 30 minutes before closing. I	On-Going	Police/ Community Development	
10..	If the operation of the use results in conflicts pertaining to parking, noise, nuisance, traffic, or other impacts, at the discretion of staff, the use permit may be referred to the Planning Commission for subsequent review at a public hearing. Subsequent review may result in modification of conditions of approval or revocation of the use permit.	On-Going	Police/ Community Development	
11.	If use permit conditions are not adhered to, the use permit is subject to subsequent review by the Planning Commission. Action by the reviewing body may include but are not limited to, imposing corrective action for the project to adhere to conditions, modifications to conditions, or revocation of the permit after giving 10-day notice following a public hearing.	On-Going	Police/ Community Development	
12	Establish and maintain a “complaint response/community relations” program with the Police Department.	On-Going	Police	
13	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.	Ongoing	Community Development	
14	No signs advertising the sale of alcoholic beverages shall be displayed outside of the restaurant.	Ongoing	Community Development	

**PLANNING COMMISSION RESOLUTION 25-10 EXHIBIT A, YO SUSHI RESTAURANT ALCOHOL SALES
CONDITIONAL USE PERMIT**

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
15	Licensee of its employees shall regularly police the area under the licensee's control to prevent the loitering of persons about the premises.	Ongoing	Community Development	
16	If any of these conditions are found to be disregarded, the use permit for alcohol sales will be subject to revocation. If necessary, the Planning Commission may modify the use permit or may revoke the use permit after holding a public hearing notice and making applicable findings.	Ongoing	Community Development	
17	The Applicant shall establish and maintain a "complaint response/community relations" program with the Police Department or similar method to assure cooperation with the Police Department.	Ongoing	Community Development	
18	In establishments with glass storefronts, windows shall allow for unobstructed interior viewing of the cash register area from the street.	Ongoing	Community Development	
19	All employees shall receive "responsible beverage service training," and any employee on duty during operating hours will be at least twenty-one (21) years of age, and documentation of this training shall be retained on the premises and made available upon request.	Ongoing	Community Development	
20	Make attempts to limit alcohol related problems which negatively impact those living or working in the neighborhood.	Ongoing	Community Development	
21	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.	Ongoing	Police	
22.	All alcoholic drinks shall be made inside the restaurant. No patrons can take alcohol from indoor eating to outdoor eating areas.	Ongoing	Community Development/ Police	

**PLANNING COMMISSION RESOLUTION 25-10 EXHIBIT A, YO SUSHI RESTAURANT ALCOHOL SALES
CONDITIONAL USE PERMIT**

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
23	No wine shall be sold with alcohol content greater than seventeen percent (17%) by volume except ports, sherries, madeiras or dessert wines which are vintage dated and/or aged for two years or more.	Ongoing	Community Development/ Police	
24	A maximum of 8 kegs of beer and four 5-gallon wine kegs will be kept on site to meet customer alcohol services requests at any given time.	Ongoing	Community Development/ Police	
25	Kitchen food service shall be provided during all business operating hours.	Ongoing	Community Development/ Police	
26.	All amplified music shall be inside. All outdoor music will be acoustic and will end by 8:00 pm Monday through Saturday.	Ongoing	Community Development/ Police	
27	The Planning Commission shall review this Conditional Use Permit once a year for the next five (5) years.	Ongoing	Community Development.	