



PINOLE PLANNING COMMISSION MEETING AGENDA

**January 26, 2026
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 January 12, 2026

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. Zoning Code and Specific Plan Amendment PA25-0004: New Service Station Prohibition and Provisions for Modifications and Alternative Fueling Stations

H. OLD BUSINESS

1. Appian 80 Ideas and Concepts Resolution to City Council

I. NEW BUSINESS

J. CITY PLANNER'S/COMMISSIONER'S REPORT

K. COMMUNICATIONS

L. NEXT MEETING(S)

1. Planning Commission Regular Meeting on February 9, 2026 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: _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

DRAFT

**MINUTES OF THE REGULAR MEETING
PINOLE PLANNING COMMISSION**

January 12, 2026

**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, Huey, Uch, Lam-Jullian, Martinez, Vice-Chairperson Menis and Chairperson Sandoval

Commissioners Absent: None

Staff Present: David Hanham, Planning Manager
Erica Gonzalez, City Attorney's Office
Justin Shiu, Senior Planner

Vice-Chairperson Menis reported on his ex-parte communications to his email list about the topics on the meeting agenda.

E. CITIZENS TO BE HEARD

Anthony Vossbrink, stated a while back some members of the Planning Commission and other members of the community brought up to the Planning Manager and other people at City Hall, the fact that City parks were in disrepair, particularly the park off of Appian Way where the seesaw benches were broken, which was to be investigated and repaired. To date the seesaw benches remained broken and unusable by the public. The same park included a steep drop-off at the sidewalk with no guard or hand rails or Americans with Disabilities Act (ADA) accessibility, which also should be addressed. In addition, water fountains were broken in many City parks, one of the restrooms at Bay Front Park had been vandalized and remained unusable, wooden planks at the Fernandez Park-Senior Center bridge were rotten and similarly wooden planks on the bridge across from the Pinole Soccer Field to the dog park needed repair.

1 Mr. Vossbrink commented although these issues had been reported to the Police
2 Department or the Public Works Department by members of the community, he
3 understood the City's Public Works Manager did not want Public Works staff to work on
4 these issues.

5
6 Planning Manager David Hanham advised he would forward the comments to the Public
7 Works Manager.

8
9 Commissioner Martinez asked that any communication with the Public Works Manager be
10 done electronically via email and that the Acting City Manager be copied as well as the
11 City's legal team given the sense of urgency so the repairs could be handled quickly.

12
13 **F. MEETING MINUTES**

- 14
15 1. Planning Commission Meeting Minutes for December 8, 2025

16
17 **MOTION** with a Roll Call vote to approve the Planning Commission Meeting Minutes for
18 December 8, 2025, as shown.

19
20 **MOTION: Sandoval** **SECONDED: Menis** **APPROVED: 5-0-**

21 **2**

22
23 **ABSTAIN: Lam-Julian, Martinez**

24 **G. PUBLIC HEARINGS:**

- 25
26 1. **MISC25-0009 Study Session for Self-Storage at 890 San Pablo Avenue**

27
28 Senior Planner Justin Shiu provided a PowerPoint presentation for the Study Session for
29 a self-storage facility to be located at 890 San Pablo Avenue, which included an overview
30 of a prior proposal for a self-storage facility project in 2018, which had been approved by
31 the Planning Commission in 2019 by a vote of 4-3. The project had been appealed to the
32 City Council and the City Council denied the project in 2019, with the determination
33 outlined in Attachment F, 2019 City Council Resolution of Denial of Design Review Appeal
34 for 890 San Pablo Avenue, attached to the January 12, 2026 staff report. The elevations
35 of the final design and the renderings denied by the City Council were also provided in the
36 staff report.

37
38 Mr. Shiu explained the applicant was interested in revisiting the concept for a self-storage
39 facility along with other uses. No development plans or application had been received by
40 City staff and no approval could be taken at this time. The Planning Commission may
41 receive the presentation and ask questions of the applicant and provide feedback for
42 general consideration. Once a formal development application was received, the Planning
43 Commission could comprehensively review the specific design and uses proposed for
44 approval at that time.

45
46 Erica Gonzalez, City Attorney's Office, reiterated this was a Study Session only and would
47 not constitute a preliminary review, public hearing or a formal evaluation of the potential
48 proposed development project. A formal development application had not been received
49 or filed with the Planning Department. The Planning Commission may receive the
50 presentation and ask questions of the prospective applicant.

1 Ms. Gonzalez explained the purpose of the Study Session was for high-level feedback for
2 general considerations as the applicant explored conceptual designs and potential site
3 constraints. In accordance with due process and fair hearing standards, the Planning
4 Commission should refrain from discussions, comments or conclusions that indicated its
5 potential decision or definitive stance on future applications should it be presented to the
6 Planning Commission. Doing so, would be considered engaging in a premature
7 deliberation or expression of an opinion on the merits of a project before it was presented
8 to the Planning Commission which may indicate a bias, which would necessitate the
9 recusal of the affected Commissioner should that be taken this evening once the project
10 was formally presented in the future.

11
12 Responding to questions from the Planning Commission, Messieurs Shiu and Hanham and
13 Ms. Gonzalez clarified the following:

- 14
15 • Page 22 of 86 of the agenda packet, Attachment B, Planning Commission staff
16 report dated August 26, 2019, clarified Land Use and Economic Development
17 Element, Goal LU.7, Policy LU7.1, Policy LU7.2 and the City's Regional Housing
18 Needs Allocation (RHNA) numbers. Page 23 of 86 of the agenda packet, Table 1.
19 Storage Facilities in Pinole, was also clarified. Staff responded to questions
20 related to whether or not the proposed plan met the intended goals, which should
21 be phrased as a general question as to what would be done to meet the goals, but
22 not phrased as to whether or not the project did or did not meet those goals to
23 avoid any bias. As to whether or not the project met the stated goals and policies,
24 the Planning Commission would make that consistency finding when a full project
25 was brought forward to the Planning Commission. (Martinez)
- 26
27 • Clarified the number of existing storage units in Pinole had been based on County
28 records. (Martinez)
- 29
30 • Staff was unsure whether the developer was aware of the Vista Woods and
31 Satellite Affordable Housing Associates (SAHA) developments located on either
32 side of the project site on San Pablo Avenue, which had been built since the 2019
33 City Council denial of the original project. (Martinez)
- 34
35 • The existing zoning for the site was Office Industrial Mixed-Use (OIMU). The
36 project involved discretionary review and should some sort of concept be brought
37 for an Office use, as an example, the Planning Commission could make a more
38 specific determination or have a conversation with the applicant on the potential
39 tenants and uses. (Uch)
- 40
41 • Page 24 of 86 of the agenda packet, Attachment B, Table 2. Development
42 Standards and Proposed Project, clarified the parking requirements. As part of its
43 discretionary review, the Planning Commission may determine the appropriate
44 number of parking spaces for the proposed use considering the context and site
45 area. The original project had included a parking study and traffic report providing
46 professional guidance on the ratios for parking. (Uch)
- 47
48

- 1 • In response to concerns with the site constraints for the Pinole Shores II project
2 due to contamination of the soil, that issue only applied to the Pinole Shores II site,
3 although that site was adjacent to the property at 890 San Pablo Avenue. Clarified
4 a Phase I study for Pinole Shores II had studied environmental hazards and
5 documentation applicable to the original project for 890 San Pablo Avenue had not
6 identified any specific issues; however, if a project was brought before the Planning
7 Commission another Phase II analysis would be done as part of the
8 documentation. Staff acknowledged the initial reports for the original project were
9 old and a new submittal would likely include another Phase I environmental
10 assessment of hazardous materials on the site and include any mitigations that
11 might be needed. (Vice-Chairperson Menis)
12
- 13 • Page 27 of 86 of the agenda packet, Table 3. Trip Generation, clarified the figures
14 in the table served as general guidance. The applicant should clarify whether the
15 information contained in the table, was reasonable or reflected the typical sizes for
16 storage units that could be used as an estimate. (Vice-Chairperson Menis)
17
- 18 • Acknowledged concern some of the documentation provided was not clearly
19 legible, particularly Page 48 of 86 of the agenda packet, Sheet L1, with the text in
20 the landscape narrative challenging to read, and Page 42 of 86 of the agenda
21 packet, A.14, where the lighting details were also not legible. Staff was asked to
22 split the pages amongst multiple letter pages so the text would not be as reduced
23 in size. Staff clarified when a formal application was made, the documentation
24 would be provided on larger paper. (Vice-Chairperson Menis)
25
- 26 • Acknowledged a request for the applicant to be provided the 2019 Pinole Insight
27 Market Analytics, Void Analysis Report, prepared by HdL Econ Solutions, which
28 included good data points. (Martinez)
29

30 PUBLIC HEARING OPENED

31
32 Beau Reinberg, Applicant, 3167 Fee Fee Road, Bridgeton, MO, explained the
33 development process had started in 2017, with the current owners of the property who
34 had gone through a lengthy application process with the City. At that time, they received
35 a lot of good feedback with the goal of the materials to show the extent of the applicant's
36 willingness to work on what was best for the City of Pinole while also within their business
37 model and show what they did on a nationwide basis.
38

39 Mr. Reinberg stated the applicant tried to take feedback from staff, the City Council, the
40 Planning Commission and the community through study sessions to reach a solution that
41 would be well received by the residents of Pinole. As stated, the project started in 2017
42 with a husband and wife who owned the property for years. Early in the process, the
43 husband had a stroke and Mr. Reinberg stated he worked with the wife to take the project
44 to the finish line. Ultimately, the original project was denied, and he went back to Missouri.
45 Around two months ago, the son of the property owners reached out to him and informed
46 him his parents had passed away and he was working through the process of the estate.
47
48

1 Mr. Reinberg had thought the property would be developed and was surprised it had not
2 been developed and improved over the ensuing years, which spoke to the fact the site
3 was challenging with easements and oil lines and it was not an easy site to develop.
4

5 When considering the next steps, Mr. Reinberg reported he reached out to City staff and
6 requested a study session to reintroduce the project and answer any questions. At this
7 time, he provided a PowerPoint presentation which provided an overview of the project
8 site and highlighted the community need for storage units which served one in ten
9 households, supported downsizing and small businesses and local residents and involved
10 low impact land use with little traffic to be generated.
11

12 Given the desire for a mixed-use concept, the project would involve affordable small office
13 suites, live-work support and daytime economic activities, with low trip generation, and
14 secure indoor loading. Community benefits would include minimal traffic, high quality
15 architecture, job creation and tax base enhancement through property tax, impact fees
16 and support of the retail sales tax. The project would also include controlled access, 24/7
17 surveillance and on-site management. The project would provide high quality infill
18 development to be aligned with the Specific Plan goals and would be community serving
19 with a low impact use.
20

21 In terms of the design, Mr. Reinberg explained the project would reduce massing and
22 provide enhanced articulation, as compared to the original submittal, while also balancing
23 the economic goals and objectives for a feasible and sustainable project along with the
24 goals and objectives of the plan for the City of Pinole. In terms of the operational
25 commitments, those included hours of operation, noise controls, lighting and security
26 measures.
27

28 Mr. Reinberg highlighted the design evolution of the massing and compared having one
29 versus two buildings and three versus four stories. Based on feedback from staff, the
30 Planning Commission and the public, the applicant worked to come up with something
31 that worked for them and the rest of the area. He also provided a San Pablo Avenue
32 streetscape comparison, which showed what the facility may look like, replacing the
33 vacant frontage with an active designed building, improving the corridor aesthetics along
34 San Pablo Avenue, with pedestrian-scale architectural articulation consistent with the San
35 Pablo Avenue Specific Plan vision. Additional conceptual plans showed the nighttime
36 appearance and safety lighting, with the lighting to be fully shielded, downcast with light-
37 emitting diodes (LED) lighting with no spillover to adjacent residential properties and with
38 enhanced pedestrian and vehicle safety consistent with the City lighting standards. The
39 lighting levels would be reviewed and approved during plan check.
40

41 Mr. Reinberg emphasized he was committed to working with City staff and taking
42 feedback. He wholeheartedly believed there was a need within the community for a Class
43 A, self-storage mixed-use development and he was willing and able to take feedback,
44 ideas and thoughts from the Planning Commission to present a development plan to staff
45 that was ultimately acceptable and have an opportunity to present that plan to the Planning
46 Commission.
47

48 Ms. Gonzalez reiterated the parameters of the study session and stated there could be
49 clarifying questions from the Planning Commission.
50

1 Responding to questions from the Planning Commission, Messiers Reinberg and Hanham
2 clarified the following:
3

- 4 • The project would support retail sales taxes by enabling retailers the ability to
5 maximize square footage for sales space versus warehouse space, since
6 oftentimes a retailer may only be able to use a certain amount of square footage
7 for backstock and different things, with the use able to maximize the amount of
8 space customers could buy product by using the facility for storage and using their
9 entire footprint for retail sales. This was where they had seen retail increases
10 occur. (Bender)
11
- 12 • The property had become vacant between 2014/15 when the initial business was
13 closed and the property had sat vacant for over ten years. (Bender)
14
- 15 • Acknowledged the recommendation to review the 2019 Pinole Insight Market
16 Analytics, Void Analysis Report, prepared by HdL Econ Solutions. Recognized the
17 concerns raised about the City's long-term maintenance and operational needs,
18 such as road repair and housing needs and would work with staff to obtain
19 information about those issues. Clarified impact fees were tied to traffic, roads,
20 water and the Fire Department, with a lot of that tied to square footage. Explained
21 how infill lots were typically filled with parking spaces and not a lot of square
22 footage and noted the use would maximize the square footage on the parcel,
23 maximizing potential impact fees to be generated from the parcel. Suggested the
24 vertical side of things could help assist and maximize the fees generated from the
25 development. (Martinez)
26
- 27 • Impact fees were a one-time fee for capital improvements based on the impact of
28 a project. The City used property taxes and sales taxes which were ongoing each
29 year for maintenance needs. Reported the City's Impact Fee Update Study had
30 been recently updated. (Martinez)
31
- 32 • The project, when open and operational, would have two full-time employees.
33 (Martinez)
34
- 35 • Acknowledged a recommendation to not use ChatGPT for a presentation in the
36 future which would bias him against the project in the future. (Vice-Chairperson
37 Menis)
38
- 39 • Page 73 of 86 of the agenda packet, Page 2 of Attachment F, 2019-106 City
40 Council Resolution of Denial of Design Review Appeal for 890 San Pablo Avenue,
41 where the City Council found the project was not consistent with the General Plan,
42 as outlined, and clarified it was too early in the process to determine how the
43 proposed project would address the concerns as outlined in the attachment. Staff
44 reiterated that the applicant had yet to provide a fully developed application to the
45 City and it would be unfair to anticipate how that future application would be
46 completed and submitted. (Vice-Chairperson Menis)
47
48
49

- 1 • Acknowledged the concept for an office incubator design may have waned since
2 2019 and there were a lot of office vacancies currently in Pinole, but most of that
3 challenge was due to renting office space for six months to a year if not three years,
4 and that type of commitment was very difficult for small and growing businesses.
5 The type of office suites concept being offered would be for a short-term duration,
6 only a month that someone could lease the space. (Vice-Chairperson Menis)
7
- 8 • Again, clarified Impact Fees would be a one-time fee. As the development
9 application was furthered, the applicant would be able to dig into the indirect sales
10 tax revenue from the project. Based on traffic and different municipal needs, it
11 would be a low impact project that would be a benefit to the City due to the larger
12 property structure that was not generating a lot of traffic that would produce wear
13 and tear on the roads. The project would also not have a number of restrooms,
14 with wear and tear on water and sewer utilities and there would be a benefit to a
15 larger structure in terms of higher property taxes, with municipal support through
16 schools, fire and different taxing districts. It should be taken into consideration that
17 the project given its scale would have a higher tax than was provided currently,
18 which was very little and had been for ten years. (Vice-Chairperson Menis)
19
- 20 • Pages 83 through 86 of the agenda packet, Attachment I, Three Corridors Specific
21 Plan, Table 6.2, land use classifications, clarified as to whether the design could
22 be adjusted with less storage and more business support services, (which uses
23 would be permitted by right) could be looked into as the applicant went through the
24 application process and re-evaluated the product in the project for the development
25 submission. (Vice-Chairperson Menis)
26
- 27 • Acknowledged appreciation for the level of detail and number of renderings
28 provided as part of the study session (from 2019), particularly the three-
29 dimensional visualizations from different viewpoints from the site. Acknowledged
30 concerns with Pages 50 (aerial view from the southeast) and 52 (aerial view from
31 the northeast) of 86 of the agenda packet, in that some areas had relatively less
32 articulation. Based on the views provided on Page 65 (photo simulation View 7)
33 of 86 of the agenda packet, while there were good articulation and variation in color
34 and shape in the front building, there was less in the areas where the building
35 overlapped with the other building and the back of the building. The applicant
36 clarified the goal of the elevations and renderings were to show the first approach
37 and process of adapting to feedback. Things would be incorporated into the final
38 development plan based on feedback but there was a good baseline
39 understanding based on some of the newer projects being developed, design
40 standards that had been approved since 2017 and what the applicant would
41 ultimately present to the Planning Commission to achieve a look and design the
42 City was looking for. The renderings and elevations provided were described as
43 artifacts, with the applicant to submit a new project, take a lot of the initial feedback
44 from this study session and any continued feedback to ensure the project met the
45 goals of the City of Pinole. (Vice-Chairperson Menis)
46
47
48
49

- 1 • Clarified again the project would have fewer sewer impacts given the design
2 involved fewer restrooms due to the physical size of the office spaces themselves;
3 however, in response to concerns about the initial proposal lacking adequate
4 restrooms that could be taken into consideration to see what could be done to
5 make the project as marketable and as customer focused as possible. (Vice-
6 Chairperson Menis)
7
- 8 • Clarified the oil lines that ran through the property involved a Chevron line that ran
9 through a number of parcels, ran on an angle and through Pinole Shores. Where
10 the oil line traveled in the other direction and where it landed was unknown,
11 although staff understood the oil line did not run through the Vista Woods
12 development. There was also a 30 or 50-foot easement running through the back
13 of the property and an East Bay Municipal Utility District (EBMUD) line that ran
14 through the property. Some of the site plans showed those lines with the building
15 cut off at an angle due to the Chevron easement. (Chair Sandoval)
16
- 17 • Staff also clarified the EBMUD easement was where the parking area separated
18 between the two buildings and was an issue that had come up in 2018. This would
19 not affect the potential uses on the site. Since the lines existed, a Phase I
20 preliminary environmental assessment would be done. The applicant clarified the
21 impact of the lines, and while on the owner's property, the easements indicated
22 the owner of the line had to be able to access the line with a type of vehicle at
23 different hours, and depending on the location of the line, what could be built on
24 the other side of it and how the line could be accessed prohibited certain things in
25 different areas. As an example, there had been soils issues on the Pinole Shores
26 II property and there were certain criteria for development due to the soil issues.
27 At this time, there was nothing on the property to restrict development with the
28 environmental documents having noted the pipeline had been decommissioned
29 for over 60-years although the pipeline remained in the easement. (Chair
30 Sandoval)
31
- 32 • Confirmed a new market analysis had been done to verify there remained a
33 demand for self-storage unit development. (Chair Sandoval)
34
- 35 • Clarified again the concept for small office incubator spaces, with the applicant
36 open to listening to the feedback and hearing how they could balance the concept
37 with their economic model, for Class A self-storage and ancillary uses to
38 complement the primary use, and with an effort to accommodate the goals of the
39 City and surrounding areas to ensure the design worked well with the primary use
40 for a Class A climate controlled self-storage facility. (Chair Sandoval)
41
- 42 • Clarified as they go through the development process anything proposed must be
43 commercially viable. The applicant would always think about how to attract and
44 appeal to the consumer being targeted and again acknowledged the importance
45 of the recommendation to review the 2019 Pinole Insight Market Analytics, Void
46 Analysis Report, prepared by HdL Econ Solutions. (Martinez)
47

- 1 • Acknowledged a recommendation to review the ideas proposed by ROIC for the
2 former Kmart site since the ideas that were relevant in 2019 in terms of colors and
3 combinations may not be relevant in 2026. (Martinez)
4
- 5 • Acknowledged a request for information on the property tax revenue to Pinole for
6 a project similar to that being proposed and any referenceable information related
7 to businesses generating retail tax revenue. Clarified again the project must work
8 economically for the applicant and the City and the applicant could focus on that
9 information when going through the process. (Martinez)
10
- 11 • Acknowledged a recommendation to review Mercado La Paloma located in the City
12 of Los Angeles, which involved an industrial mixed-use property that converted an
13 old garment factory to retail community space and was a creative way to reuse the
14 property. (Lam-Julian)
15

16 Ms. Gonzalez commented the Planning Commission was starting to get into making
17 recommendations. She recognized the Chair opened the public hearing, with the
18 applicant asked to make a presentation which had been made, and the Commission had
19 engaged with the presenter on clarifying questions. She clarified when the members of
20 the public had the opportunity to speak, there was no project before the Planning
21 Commission to approve or disapprove but public comment would need to be opened and
22 later closed and then the Planning Commission could have further discussions and make
23 recommendations or further suggestions to the applicant within the parameters earlier
24 discussed.
25

26 Staff reported there were no comments from the public.
27

28 PUBLIC HEARING CLOSED
29

30 Ms. Gonzalez again stated the Planning Commission may offer recommendations based
31 on the parameters discussed.
32

33 Commissioner Martinez referenced the last rendering of the materials package and asked
34 whether there was any way the applicant could consider a combination of retail or office
35 space, and suggested windows would go a long way with nice lighting. Those elements
36 would make the building more inviting rather than having just huge walls.
37

38 Vice-Chairperson Menis asked to what extent the Planning Commission was allowed to
39 consider and prioritize the revenue generated by a project in determining the preferable
40 uses.
41

42 Ms. Gonzalez commented in general she could provide more specific guidance if and
43 when an application was presented, but that should not be part of the discussion at this
44 time. She further clarified the Planning Commission may offer recommendations for the
45 potential applicant to consider in terms of revenue when presented to the Planning
46 Commission in the future, but the Planning Commission should not make any ruling or
47 statement of preference as to how that should be done in the comments to be provided.
48

49 Vice-Chairperson Menis stated many of his comments had been made during the question
50 phase.

1 In terms of the split of uses in the first building, assuming the applicant planned a similar
2 bi-building split, Vice-Chairperson Menis commented that one building was almost entirely
3 storage and the other a mix of storage and other uses. He asked about the amount of
4 space the applicant was willing to allocate to non-storage uses in the smaller building.
5

6 Mr. Reinberg advised they were looking at a mixed-use concept and he appreciated the
7 feedback and desire to have a mixed-use approach. He would consider that feedback as
8 he worked to complete the development proposal and application but it was currently
9 premature in the process to say how much mixed-use there would be at this time.
10

11 Vice-Chairperson Menis asked whether Commissioner Martinez's questions about
12 windows was linked to the first or second building since the first building, as reflected in
13 Attachment C, Project Description and Traffic Memo dated May 10, 2019, had a fair
14 amount of windows at several points, including the west elevation (Page 38 of 86 of the
15 agenda packet, Preliminary Elevations, A.10), east elevation and (Page 40 of 86 of the
16 agenda packet Preliminary Elevations A.12), with windows on most of the public facing
17 sides. He suggested that would be a worthwhile rendering to show what it looked like for
18 the in-between the buildings space which would not have much of an impact on the public
19 perception, but shape the relationship of the two buildings to each other and how they
20 would integrate stylistically. Based on Attachment C, there would be a fair amount of
21 windows on the front building.
22

23 Commissioner Martinez clarified his comments about windows and noted there were some
24 glass windows as referenced on the front of Attachment D, Planning Commission
25 Renderings, and a sketch which had been included in the agenda packet.
26

27 Mr. Reinberg clarified the differences between windows and glazing, used in part because
28 a self-storage facility with too many windows would become a security issue and they
29 could not have a window into a storage unit. The inside of the window on elevated floors
30 sometimes used a glazing or faux technique offering the appearance of a frosted or tinted
31 window to improve aesthetics but was not an actual window, as opposed to the first floor,
32 where one would want window visibility. Such design elements would be part of the
33 development of the design application.
34

35 Commissioner Martinez commented that if office space, it was likely one would want
36 windows, which would be more inviting.
37

38 Vice-Chairperson Menis also spoke to Attachment D and suggested a way in the new
39 design to take the articulation and variety of colors in the first building and expand that out
40 more to the second building, and while some articulation and color design was being
41 proposed it was sharper on the first building. Referencing Page 50 of 86 of the agenda
42 packet, the front page of Attachment D, it had shown the shading of the front building and
43 he suggested the top space could use more variety and articulation of color.
44

45 Commissioner Bender referenced Attachment C, Planning Commission Plan Set, the
46 frontage along San Pablo Avenue, and noted the ground floor had some version of
47 translucent glass for the lobby and then proposed office space which wrapped around
48 both sides. There were also references to spandrel glass, which was opaque glass
49 material.
50

1 Chair Sandoval suggested given the project had not been approved the first go-around a
2 creative use of the space may be more successful in the future.

3
4 Mr. Reinberg asked whether residential would be an allowed use in the OIMU District.

5
6 Mr. Shiu clarified residential development would require the approval of a Conditional Use
7 Permit (CUP); however, a CUP was required for the self-storage facility anyway and
8 residential could be part of the application.

9
10 Mr. Hanham explained the allowed density for the site would be 20 to 30 dwelling units
11 per acre. Once a proposal was made, it would have to be compared to the standards of
12 the Three Corridors Specific Plan, which would permit a structure of 40 feet in height, or
13 four stories, but an affordable housing development could include waivers and possibly a
14 taller building.

15
16 Vice-Chairperson Menis commented that when reviewing the Land Use and Development
17 Standards for the OIMU District, Accessory Dwelling Units (ADUs) would be permitted by
18 right, but ADUs may not work in the OIMU District.

19
20 Mr. Shiu clarified for an ADU, a primary dwelling unit must be on-site prior to requesting
21 approval of an ADU and absent that component, just an ADU would not be permitted.

22
23 Commissioner Lam-Julian asked whether the applicant would consider leaning more
24 towards retail industrial mixed-use, and again offered the example of Mercado La Paloma
25 in Los Angeles.

26
27 Mr. Hanham referenced the Pinole Shores II development that had multiple uses
28 associated with the project including retail, a kitchen incubator and a restaurant as part of
29 the industrial portion of the project. He understood Commissioner Lam-Julian was
30 suggesting potentially the property could do the same type of thing as Pinole Shores II
31 had done but on a smaller scale due to the size of the subject property.

32
33 Commissioner Lam-Julian again asked whether the applicant would consider going that
34 route.

35
36 Ms. Gonzalez clarified the applicant was not required to make a statement as to which
37 way he may or may not go now, but that recommendation could be made as consideration
38 for a future application. She clarified that Commissioner Lam-Julian had provided an
39 example for consideration in consideration of a potential future application.

40
41 Chair Sandoval noted the City of Emeryville had similar development the applicant may
42 also consider as a potential idea, which involved multi-level development but on the taller
43 side, and which included different uses within the project, such as industrial, commercial,
44 retail and health care settings.

45
46 Mr. Reinberg stated he would take a look at those developments.

47
48 Mr. Hanham explained for the benefit of the applicant when going through the permitted
49 uses table, that he would find that many uses required a CUP, but only one CUP would
50 be considered for the project.

1 Mr. Hanham added that when the applicant was close to making application, it could be
2 brought to the Planning Commission Design Review Ad-Hoc Committee for more specific
3 feedback and recommendations prior to the full Planning Commission for formal
4 consideration.

5
6 **H. OLD BUSINESS:** None

7
8 **I. NEW BUSINESS:** None

9
10 **J. CITY PLANNER'S/COMMISSIONER'S REPORT**

11
12 Messiers Shiu and Hanham provided the following updates:

- 13
14
- 15 • The next meeting of the Planning Commission may include three or four items.
 - 16 • The City Council would hear the Planning Commission recommendations for
17 potential redevelopment of the Appian 80 Workshop in the first quarter of 2026.
18 Representation from the Planning Commission was encouraged to be present to
19 speak to the item, either the Chair or someone nominated to be the spokesperson
20 for the Planning Commission. Commissioners may also speak as a private citizen
21 on the matter.
- 22

23 Ms. Gonzalez recommended the appointment of a spokesperson from the Planning
24 Commission be agendized at a future Planning Commission meeting.

25
26 Chair Sandoval offered a motion, approved by general consensus, to add the appointment
27 of a spokesperson from the Planning Commission to attend a future City Council meeting on
28 behalf of the Planning Commission to speak to the Planning Commission recommendations
29 for the Appian 80 Shopping Center on the January 26, 2026 meeting agenda.

- 30
- 31 • Staff also continued to prepare a report to the State Department of Housing and
32 Community Development (HCD) regarding updates to the City's Housing Element
33 over the past couple of years, to be considered by the City Council in March 2026.
 - 34 • The City's gas station moratorium would be considered by the Planning Commission
35 on January 26, 2026 and the City Council at its second meeting of February 2026.
 - 36 • A Parcel Map for the United States Post Office was being finalized.
 - 37 • Staff continued to work with the Pinole Vista and Appian 80 property owners as to
38 the status of the properties with no additional updates at this time.
 - 39 • Staff hoped to present the Parklet and Outdoor Dining Regulations and Objective
40 Development Design Standards (ODDS) to the Planning Commission in February.
 - 41 • The Uptown Yard yearly use permit review and the applicant's request for
42 recommended changes to the operating schedule was scheduled to be reviewed by
43 the Planning Commission on January 26, 2026.
- 44
45
46
47
48
49

- The Planning Commission Academy would be held March 11 through 13, 2026 in Anaheim, with Chair Sandoval and Commissioners Huey and Uch to attend along with staff (Hanham and Shiu). Another Commissioner may attend but must let staff know immediately.

PUBLIC COMMENTS OPENED

Anthony Vossbrink, asked about the status of the following: the Faria House property, property across from the Pinole Valley High School (PVHS) corner where the former Union 76 Gas Station was located, a fencing proposal in front of St. Joseph Church and the Pinole Police Department, open property across the street from the United States Post Office and the Tara Hills//Safeway Shopping Center. He asked whether the City had a grid chart showing the status of pending grants the City had applied for in the past year or 18 months, including the value of the grant and whether the City had been successful in obtaining the grant. He understood the City obtained a grant for the San Pablo Avenue Bridge and asked whether those same grant funds or another grant could be considered to repair the bridge next to Fire Station 74 at the sharp turnout along Pinole Valley Road. He noted two sawhorses had been placed in the area, the batteries in the sawhorses had gone out, and at night the area was dark along the corner with only concrete barriers to protect the area.

Mr. Vossbrink also asked for an update from the Contra Costa Flood Control and Water Conservation District (FCWCD) as it related to the area behind Sprouts where there was a landslide breach, which has become worse on the northeast side of the creek between the Sprouts parking lot and the retail property stores. There were also breaches farther down by the school across the street which had been impacted by the latest rain storms and tarps that had been placed in the area had been blown off. He understood this area was to be evaluated by the FCWCD and while some trimming of vegetation and trees had been done, nothing had been done to address the breaches.

Mr. Hanham reported City-owned properties for sale continued to be for sale and while he understood the City Council had considered some offers in executive session, he had no further information. In terms of the issues with the FCWCD, he would have to reach out to the Public Works Department about what was being done since the area referenced was the purview of the FCWCD. In terms of the status of grants, there may be some information internally, but he was uncertain that information was available for external purposes. He would ask if that was something staff could present to the City Council.

In response to the inquiry about property located at 2995 Pinole Valley Road, Mr. Hanham stated that was privately-owned property that was for sale and no applications had been filed for the property. As to the status of the Pinole Vista and Appian 80 properties, staff continued to work with the property owners in the hopes of getting the properties developed or redeveloped. Staff was also working with Pinole Vista on a demolition permit to demolish the Kmart building since there were code enforcement issues with the building and there was a desire to remove the building quickly. Entitlements for the property were good through October 2026. He added the issues with City parks and bridges were under the purview of the Public Works Department and he would have to check with the Department on the status of the inquiries.

1 Commissioner Martinez commented on the receipt of maintenance and operations questions
2 and asked if the Planning Commission was the body to address those issues, or whether the
3 issues should be directed to the City Council to be tracked and resolved, particularly given
4 many issues had been reported for years and had not been addressed.
5

6 Mr. Hanham suggested the Planning Commission was used to raise the concerns since the
7 Planning Commission was a body of the City and the Planning Commission made
8 recommendations to the City Council. He acknowledged there were items that should go to
9 the City Council since the Planning Commission had no jurisdiction over those issues and
10 only had purview over land use or some entitlement that the Planning Commission had the
11 ability to govern or make a decision. Concerns which had been raised in the past had been
12 funneled to the Public Works Director and Public Works Foreman as a courtesy, and the
13 Planning Commission and planning staff had no control or authority over the status of the
14 work.
15

16 Ms. Gonzalez recommended when public comments were made outside of the jurisdiction
17 of this body, at that time the member of the public could be directed to the appropriate staff
18 member. It was a courtesy for staff to relay those messages to the appropriate department
19 but this was a good item to refer the member of the public to the appropriate body.
20

21 Commissioner Martinez commented some of the concerns were serious and should be
22 brought to the next level. He was concerned some of the issues had gone on for years, with
23 nothing done and it should be brought to the leadership's attention since otherwise it looked
24 like the City was not doing something, which was not good for governance.
25

26 Mr. Hanham advised he could provide the speaker with the number for Public Works and
27 reiterated that anything related to operations and maintenance issues were all Public Works
28 issues where the Planning Commission had no jurisdiction. The concerns would be relayed
29 to the appropriate staff person in the Public Works Department. As to the concerns with the
30 FCWCD, that was a county and not a City issue. He understood after speaking with the
31 Public Works Department, during City Council meetings, members of the public had been
32 asked to call certain phone numbers where a work order process could be started with the
33 Public Works Department. He would continue to inform the Public Works Department of the
34 concerns and added the comments would be included in the meeting minutes.
35

36 Chair Sandoval thanked staff for forwarding the comments to the appropriate people.
37

38 PUBLIC COMMENTS CLOSED
39

40 **K. COMMUNICATIONS**
41

42 Vice-Chairperson Menis reported the Senior Food Distribution would be held on January 13,
43 2026 from 10:00 to 11:00 a.m. at the Pinole Senior Center for low-income eligible persons
44 over 55 years of age and a Pinole resident; a Special City Council meeting was scheduled
45 for January 13, 2026; a Finance Subcommittee meeting was scheduled for January 14, 2026
46 at 3:00 p.m., and a West Contra Costa Unified School District (WCCUSD) Listening Session
47 was scheduled for January 14, 2026 from 6:00 to 7:00 p.m. at Pinole Middle School.
48

49 PUBLIC COMMENTS OPENED
50

1 Anthony Vossbrink, appreciated the time Commissioner Martinez and others took to address
2 some of the past/old issues he had raised and noted the majority of the issues had been
3 reported before by residents calling in and were documented with a case number. However,
4 oftentimes there was no call back from anyone at City Hall or from Public Works to provide a
5 status update, requiring the public to call back, which was unfair to the community. Those
6 concerns had been raised with the past two City Managers and people needed to be held
7 accountable for what they should be doing.
8

9 Mr. Vossbrink commented in some instances the issues raised to the level of lawsuits. He
10 emphasized he also reported Caltrans issues in the past, which he detailed at this time and
11 suggested it was time for the City to do what was right for the taxpayers and have a follow-
12 up protocol with City staff to be held accountable rather than the City hiring, firing, staff getting
13 raises and changing job titles to keep someone in the same position rather than addressing
14 the City's basic infrastructure problems. He further commented that often he had seen Public
15 Works members doing one job at one place or another, hanging out at the dog park or at Fire
16 Station 74 or the soccer and baseball fields in the afternoon. He reiterated that Caltrans
17 needed to be held accountable for required repairs on Caltrans property, including pothole
18 repair and the replacement of non-operable lights. He hoped to hear back from someone
19 and did not want to put it all on the Interim City Manager.
20

21 Chair Sandoval recommended the speaker reach out to the City Council. As to the Caltrans
22 issues, he made a note, and explained that speakers could reach out to their state
23 representatives since Caltrans was a state agency. He noted Caltrans had an online system
24 where customers may submit a service request by providing basic information about the
25 location of the issue, and while Caltrans may take some time to respond given the number
26 of service requests in the district, they were doing their best.
27

28 **PUBLIC COMMENTS CLOSED**
29

30 Vice-Chairperson Menis suggested Caltrans' lack of response for the ramp leading from
31 Pinole Valley Road onto I-80 eastbound was due to the fact it was getting close to
32 implementing a land expansion project, although Chair Sandoval was uncertain but was
33 aware that anything on Pinole Valley Road was under the City's jurisdiction.
34

35 Mr. Hanham clarified Caltrans had an easement over the bridges, and underneath the
36 freeway sometimes Caltrans had maintenance agreements with cities to work on sidewalks
37 and streets on that level. In terms of the on- and off-ramps in Pinole, it could be a matter of
38 scheduling since some projects in the region were currently underway, and it may be possible
39 Caltrans was getting closer to addressing the issues raised.
40

41 **L. NEXT MEETING**
42

- 43 1. Planning Commission Regular Meeting on January 26, 2026 at 7:00 p.m.
44

45 **M. ADJOURNMENT: 9:27 p.m.**
46

47 Transcribed by:
48

49 Sherri D. Lewis
50 Transcriber



PLANNING COMMISSION REPORT

G.1.

DATE: JANUARY 26, 2026
TO: PLANNING COMMISSION
FROM: JUSTIN SHIU, ASSOCIATE PLANNER
SUBJECT: ZONING CODE AND SPECIFIC PLAN AMENDMENT PA25-0004: NEW SERVICE STATION PROHIBITION AND PROVISIONS FOR MODIFICATIONS AND ALTERNATIVE FUEL STATIONS

RECOMMENDATION

Adopt Resolution 26-01 (**Attachment A**) recommending to City Council the adoption of proposed Municipal Code and Specific Plan amendments as provided in Resolution 26-01 Attachment A, Exhibit A, or with additional recommendations for revisions provided by Planning Commission.

BACKGROUND

The City of Pinole currently has a temporary moratorium on new and expanded service stations (i.e., gas stations). Service stations are defined in Pinole Municipal Code Chapter 17.22 as “a retail business selling gasoline or other motor vehicle fuels.”

Moratorium

The City Council adopted an urgency ordinance establishing a temporary moratorium on new service stations or expansion of service stations on April 2, 2024 for a period of 45 days (**Attachment B**) and subsequently extended by 22 months and 15 days by an urgency ordinance on May 7, 2024 (**Attachment C**).

As provided in the urgency ordinance, the City of Pinole has an overriding interest in planning and regulating the use of property within the City to maintain quality of life and address climate change to maintain public health, safety and welfare. Fossil-fuel-based transportation remains the largest contributor of greenhouse gas emissions. In adopting the urgency ordinance, the City desired to aid in reducing severe negative public health impacts that residents experience and will continue to experience. The ordinance achieves this by banning the development of new service stations, prohibiting the expansion of existing service stations, and encouraging alternative fueling options to support a transition to zero-emission vehicles.

The urgency ordinance is set to expire on March 22, 2026. The proposed amendments would carry forward the prohibition under the temporary moratorium through establishment of long-term regulations and follow the next step in establishing a permanent ordinance as directed under the Climate Action and Adaptation Plan.

Climate Action and Adaptation Plan

In August 2024, the City of Pinole adopted the Climate Action and Adaptation Plan (CAAP). The CAAP includes a program directing the adoption of an ordinance that bans new and expanded fossil fuel gas stations. Policy TR-4 calls for the City to “increase passenger zero-emission vehicle (ZEV) use and adoption to 33% by 2030 and 100% by 2045.”

Action TR-4c calls for the City to “adopt an ordinance that bans the development of any new, or expansion, renovation or replacement of any existing, fossil fuel stations in the City prior to the expiration of the Urgency Ordinance.” Among the listed actions in TR-4c is direction for the City to “prepare a General Plan, Specific Plan, and Zoning Ordinance text amendment, which would establish Service Station land use as Not Permitted by Table 17.20.030-1 in the PMC, making all existing service stations legal non-conforming and subject to Section 17.14.080 of the Municipal Code.”

TR-4c: Adopt an ordinance that bans the development of any new, or expansion, renovation or relations of any existing, fossil fuel gas stations in the City prior to the expiration of the Urgency Ordinance. The process should include:

- 1. Determining and defining an outreach process.*
- 2. Preparing a General Plan, Specific Plan, and Zoning Ordinance text amendment, which would establish Service Station land use as Not Permitted by Table 17.20.030-1 in the PMC, making all existing service stations legal non-conforming and subject to Section 17.14.080 of the Municipal Code.*
- 3. Determine if any streamlining enhancements to existing provisions in the PMC that incentivize the expansion, modification, or retrofit of an existing service station to incorporate biodiesel or other alternative fuels or charging stations for electric vehicles should be considered.*
- 4. Take the Amendments through the required public review process, including Planning Commission recommendation and City Council adoption.*
- 5. Continue to direct staff to explore options for additional charging at City-owned/maintained properties and private facilities for public benefit.*

Zoning Code

General zoning regulations are found in Title 17, Zoning of the Pinole Municipal Code (i.e., Zoning Code), where most regulations related to service stations are contained. The Zoning Code defines “service stations” as “a retail business selling gasoline or other motor vehicle fuels.” Chapter 17.20 contains the allowable use table where service stations are permitted, Chapter 17.22 establishes the definition of service stations, and Chapter 17.34 provides specific standards and requirements regarding service stations.

Service stations are a conditionally permitted use (with the issuance of a conditional use permit) in the following Zoning Districts:

1. RC Zoning District
2. OIMU (see the Three Corridors Specific Plan)
3. OPMU (see the Three Corridors Specific Plan)
4. CMU (see the Three Corridors Specific Plan)

Where sites are located within the Three Corridors Specific Plan area, the regulations of the Specific Plan supersede the Zoning Code, including allowable land uses.

Three Corridors Specific Plan

The Three Corridors Specific Plan (i.e., Specific Plan) contains regulations on allowable land uses and development standards for sites within the Specific Plan located along the San Pablo Avenue, Pinole Valley Road, and Appian Way corridors. The Specific Plan is divided into corridors, each with sub-areas and land use/zoning designations within each sub-area. Service stations are conditionally permitted (with the issuance of a conditional use permit) in the following areas:

1. OIMU in the Service Sub-Area in the San Pablo Avenue Corridor.
2. OPMU in the Service Sub-Area in the Appian Way Corridor.
3. CMU in the Mixed Use Sub-Area in the Appian Way Corridor.

Existing Service Stations

There are eight existing service stations in the city, as shown in table 1 below. Seven out of eight are located within the corridors covered by the Specific Plan, and one out of the eight is located in the RC zoning district outside of the Specific Plan. As noted in the table, the majority of service stations are already existing nonconforming uses as they are not permitted or conditionally permitted uses under the current Zoning Code and Specific Plan.

Table 1. Existing Service Stations

Service Station	Location	Zoning/Specific Plan Designation	Nonconformity to Existing Zoning
Pump House	700 Tennent Ave	CMU in the Old Town Sub-Area (San Pablo Avenue Corridor)	Existing Nonconforming Use
Grand	1390 San Pablo Ave	CMU in the Mixed Use Sub-Area (San Pablo Avenue Corridor)	Existing Nonconforming Use
Marathon	1007 San Pablo Ave	CMU in the Mixed Use Sub-Area (San Pablo Avenue Corridor)	Existing Nonconforming Use
Chevron	2695 Pinole Valley Rd	CMU in the Service Sub-Area (Pinole Valley Road Corridor)	Existing Nonconforming Use
ARCO	2747 Pinole Valley Rd	CMU in the Service Sub-Area (Pinole Valley Road Corridor)	Existing Nonconforming Use
7-eleven / 76	2401 Appian Way	CMU in the Service Sub-Area (Appian Way Corridor)	Existing Nonconforming Use
Chevron	2298 Appian Way	CMU in the Service Sub-Area (Appian Way Corridor)	Conforming Use
Shell	1401 Fitzgerald Dr	RC	Conforming Use

Outreach and Notification

Following the direction provided under CAAP Action TR-4c, Staff conducted outreach and prepared proposed revisions to the Zoning Code and Three Corridors Specific Plan. Notices were sent to service station operators and property owners on December 29, 2025 informing them of draft amendments in process and inviting them to schedule meetings with Staff to share feedback, thoughts, questions, and concerns between January 5 to January 22, 2026. Three service station owners/operators responded to the invitation to meet with Staff. They indicated no objection to the preparation of the ordinance at that point. Staff made the participants aware that the draft ordinance would be available for review once the Planning Commission agenda packet is published and there would be opportunities for them to participate in the Planning Commission meeting and provide additional comments.

Notices of the Planning Commission meeting were mailed to service stations, properties owners of service stations, and lots within 300 feet of existing service stations. Notices were also mailed to lots zoned to permit/conditionally permit service stations and lots within 300 feet of those zoned lots. A newspaper notice was published in the West County Times on January 2, 2026 and a notice was posted at City Hall. Notices included information on how to locate the agenda and draft ordinance for the Planning Commission meeting on January 26, 2026, as well as ways to participate in the meeting.

A dedicated project webpage was also created to provide background information on the proposed ordinance, including relevant CAAP context and draft materials, and to offer an online survey for the public to share feedback and submit comments. Information about the survey was also posted on the City's newsletter – the Pulse. The survey was open from December 17, 2025 through January 20, 2026. The survey had 158 participants; the results and comments can be found in **Attachment D**.

Planning Commission Action

The Planning Commission serves as the body conducting review and providing recommendations to the City Council, which is the final review and approval body for amendments to the Pinole Municipal Code and the Three Corridors Specific Plan. Following Planning Commission review, further recommended modifications may be made to the Zoning Code and Specific Plan amendments for City Council review.

REVIEW AND ANALYSIS

CAAP action TR-4c calls for the City to adopt an ordinance that bans the development of new service stations serving fossil fuels, or expansion, renovation or replacement of any existing service stations selling fossil fuels. To implement CAAP TR-4c, amendments to the Zoning Ordinance and Specific Plan are required to prohibit service stations in all zoning districts, with existing service stations becoming legal nonconforming uses. Currently, the majority of existing service stations in Pinole are already existing nonconforming uses as most are in locations not zoned to permit or conditionally permit these uses in the Zoning Code and Specific Plan. Nonetheless, the amendments would provide greater clarity and specificity on operations and modifications on sites with existing nonconforming service stations, consistent with the intent of the CAAP. Additionally, the amendments consider enhancements to existing provisions in the Zoning Ordinance that incentivize the expansion, modification, or retrofit of an existing service station to incorporate biodiesel or other alternative fuels or charging stations for electric vehicles.

Under the proposed amendments, “service stations” are considered to be the fossil fuel serving land use on a site. Any other uses on the same site would be evaluated separately for compliance with the Zoning Code and Specific Plan. For example, under the proposed amendments, a service station site with four fossil fueling pumps, a convenience store, and a car wash would have a service station component (the fossil fuel-serving features) that becomes an existing nonconforming use. The convenience store would remain a permitted retail use and the car wash would remain a conditionally permitted use, as provided by the Zoning Code and Specific Plan. This means the convenience store and car wash uses could expand or be modified, subject to the Zoning Code and Specific Plan. Electric vehicle (EV) charging stations that are ancillary equipment to the primary use of the site may continue to be

permitted through the Building Permit process, which is the current process for EV chargers.

Amendments to the Zoning Code and Three Corridors Specific Plan

The proposed revisions in the Zoning Code and Three Corridors Specific Plan are provided in **Attachment A, Exhibit A**. Proposed revisions are summarized in the following chapter summaries.

The key aspects of the amendments include:

1. Prohibiting service stations in all zoning districts.
2. Allowing the continued operation of existing service stations as legal nonconforming uses, which maintain or reduce fossil fuel serving uses.
3. Allowing limited modification or renovation of fossil fuel serving uses, providing such changes do not increase the number of fossil fuel pumps. Routine maintenance and repair of equipment would be permitted. Replacement of equipment needed to preserve health and safety and to comply with regulatory requirements would be permitted.
4. Allowing modifications at service station sites needed to support other allowable uses, such as convenience stores or alternative fuel infrastructure.
5. Establishing a new use category and development standards for alternative fuel stations, allowing service station-type uses that dispense alternative fuels.

Amendments to Chapter 17.12. Entitlements

Administrative Design Review is proposed for certain types of projects involving service station modifications, as further described in the proposed changes to Chapter 17.34. In Section 17.12.080(B), text was added, as shown below, to clarify that Administrative Design Review applies types of projects identified in Section 17.12.080(B) in addition to types of projects that may be listed elsewhere in Title 17 Zoning, which includes Chapter 17.34 Automobile Service Stations. The following is the recommended amendment to the applicability section:

Amended Text: 17.12.080(B). Applicability. Administrative design review is required for all structural additions to single family, multi-family and non-residential structures, **and as otherwise required in this Title.**

Amendments to Chapter 17.20 Allowed Land Uses and Requirements

Chapter 17.20 of the Zoning Code establishes the allowed land uses and entitlement requirements for each base zoning district, consistent with and implementing the City's General Plan land use designations. The following are the proposed modifications to this chapter:

1. In Table 17.20.030-1, service stations are changed to a use that is not permitted in any zoning district. Existing service stations would be allowed to continue operating as existing nonconforming uses, consistent with Chapter 17.14 (Nonconforming Uses and Structures) and subject to additional requirements in Chapter 17.34 (Automobile Service Stations).
2. In Table 17.20.030-1, alternative fuel stations are added as a new land use type to support fuels other than fossil fuels. Alternative fuel stations would be allowed as permitted uses in the same zoning districts that previously allowed service stations.

3. A footnote is added to both service stations and alternative fuel stations directing readers to Chapter 17.34 for additional regulations.

Amendments to Chapter 17.22 Allowed Use Definitions

Chapter 17.22 of the Zoning Code defines the use classifications referenced throughout the Zoning Code, grouping land uses into general categories based on common function, product, or compatibility characteristics. The following are the proposed modifications to this chapter:

1. In Section 17.22.020(G)(6), the service station definition is revised as shown below to change “gasoline” to “fossil fuels”. This includes gasoline and diesel fuel. This change aligns with CAAP terminology and the CAAP policies guiding the proposed Zoning Code amendments, which reference “fossil fuel gas stations.”

Amended Text 17.22.020(G)(6): SERVICE STATION. A retail business selling **and dispensing fossil fuels, including gasoline and diesel, for motor vehicles. Service stations may include the sale of other motor vehicle fuels.** ~~gasoline or other motor vehicle fuels.~~ Vehicle services which are incidental to fuel services are included under “Vehicle Services - Minor.”

2. In Section 17.22.020(G)(7), a new definition of “alternative fuel station” is added, as shown below, to establish a new land use type, similar to service stations, that dispense fuels other than fossil fuels, such as biofuel, hydrogen, and electricity. The definition clarifies that an alternative fuel station is identified by its primary use; accordingly, electric vehicle chargers ancillary to a primary use on a site would not be considered alternative fuel stations (e.g., a few EV charging spaces at a shopping center would not be considered an alternative fuel station use). That definition is as follows:

Amended Text: 17.22.020(G)(7). **ALTERNATIVE FUEL STATION. A retail business whose primary on-site use is the sale and dispensing of motor vehicle fuel other than fossil fuels, including hydrogen, electricity, and biofuel. Vehicle services, which are incidental to fuel services, are included under “Vehicle Services - Minor.”**

Amendments to Chapter 17.34 Automobile Service Stations

Chapter 17.34 of the Zoning Code regulates service stations to ensure their design and operation are compatible with surrounding uses and to support the incorporation of alternative fuels and electric vehicle charging. The following are the proposed modifications to this chapter:

1. In Chapter 17.34, the chapter title is modified to reflect standards inclusive of both service stations and the new alternative fuel station land use type as shown below.

Amended chapter title text: Chapter 17.34 Automobile Service Stations **and Alternative Fuel Stations**

2. In Section 17.34.010 (Purpose), the purpose is modified to note that the chapter contains requirements that apply to service stations as well as alternative fuel stations, as shown below. Reference is added for reference to City policies, including the CAAP.

Amended Text: 17.34.010. The purpose of this chapter is to regulate **legal non conforming service station modifications and alternative fuel station** development to ensure that the design and operation of such uses are compatible with surrounding uses and activities relative to hazardous materials, noise, circulation, runoff, lighting, and litter, **and consistent with the City's goals and policies, including the Climate Action and Adaptation Plan, while encouraging and incentivizing the expansion, modification, or retrofit of existing service stations to incorporate biodiesel or other alternative fuels and electric vehicle charging infrastructure.** ~~This chapter is also intended to allow for expansion of existing service stations to allow for biodiesel and other alternative fuels and the incorporation of charging stations for electric vehicles.~~

3. In Section 17.34.020 (Applicability), modifications are made to clarify applicability as listed in the following and shown below.
 - New service stations may longer be created, so “new” is stricken regarding applicability to service stations.
 - Alternative fuel stations are added.
 - New service stations are no longer authorized, so text referencing their authorization is stricken.
 - Modifications to existing service stations are established in Chapter 17.34, so text referencing exemption from standards is stricken.

Amended Text: 17.34.020. The regulations contained in this chapter shall apply to ~~new~~ **legal nonconforming service stations and alternative fuel stations**. ~~Service stations subject to this chapter shall only be authorized through entitlement requirements of Article II. (Zoning Districts, Allowed Uses, and Development Standards).~~ These regulations shall be in addition to any other development standards and regulations contained elsewhere within the Zoning Code (e.g., lighting). ~~Existing service stations and modification to existing service stations are exempt from the regulations contained in this chapter.~~

4. Section 17.34.030 (Requirements and Conditions of Approval), has been substantially revised. A summary of the modifications is provided below, followed by details on the amendments to the text in subsections A, B and C:
 - Revised the title of Section 17.34.030 to “Operation and Modification of Service Stations”.
 - Struck out existing text referencing the Planning permit requirement for new service stations as no new service stations are permitted.
 - Added new text indicating that new service stations are prohibited and existing legal nonconforming service stations may continue subject to listed requirements.
 - Added new subsections listing details for operation of service stations,

renovations and modifications of service stations, and loss of nonconforming status for service stations.

- a. In the revised Section 17.34.030(A), the entirety of the existing text has been removed and text has been added to restrict expansion in the number of fossil fuel pumps.

Amended Text: 17.34.030(A). **Operation of Service Stations. New service stations are prohibited. Existing legal nonconforming service station uses may continue to operate, subject to the following:**

1. The number of fossil fuel pumps shall not be increased to exceed the existing number at the service station site.

2. If the number of fossil fuel pumps are permanently reduced, meaning the pump or pumps are fully removed rather than temporarily out of service, no subsequent actions may increase the number of fossil fuel pumps to the number that existed prior to the reduction.

3. Fossil fuel equipment and infrastructure may be repaired, replaced, and/or relocated on the same site where required to ensure preservation of health and safety consistent with regulatory standards; comply with regional, state or federal requirements; reduce fossil fuel use; or support the deployment of alternative fuel infrastructure. Replacement and relocation shall be subject to the requirements under Section 17.34.030(B).

4. Existing service stations shall lose nonconforming status if conditions occur as described in Section 17.34.030(C).

- b. In the Section 17.34.030(B), the entirety of the existing text has been removed, and text has been added as the revised Section 17.34.030(B) and (B)(1) to establish the limited scope in which service stations may be renovated or modified, which includes compliance with health and safety standards, regulatory requirements, reduction in fossil fuel use, and supporting incorporation of alternative fuels. Additionally, Administrative Design Review would be required as a Planning permit requirement. The number of fossil fuel pumps may not be increased as part of the renovations and modifications. Maintenance and repair would not be considered renovations.

Amended Text: 17.34.030(B). **Renovations and Modifications of Service Stations. Renovations and modifications of service stations may be conducted, subject to the following**

1. Fossil Fuel Uses. Renovations and modifications associated with the selling, dispensing, and storage of fossil fuel are allowed only where such work is required to ensure preservation of health and safety consistent with regulatory standards; comply with regional, state or federal requirements; reduce fossil fuel use; or support the deployment of alternative fuel infrastructure.

- a. **Administrative Design Review approval is required for renovations and**

modifications.

b. Renovations and modifications shall not increase the number of fossil fuel pumps.

c. Maintenance and repair of existing fossil fuel service equipment is not considered a renovation or modification for the purposes of this Section.

In the revised Section 17.34.030(B)(2), text was added to clarify that work involving uses other than the fossil fuel serving uses on the service station may be conducted (such as remodel of a convenience store) if the standard required permits associated with such work are obtained.

Amended Text: 17.34.030(B)(2). **Other Uses. Renovations and modifications that involve other permitted and conditionally permitted uses on the site (e.g., remodel of a convenience store, installation of alternative fuel pumps, installation of zero-emission vehicle charging stations) may be allowed subject to obtaining required permits.**

In the revised Section 17.34.030(B)(3), text has been deleted related to keeping a copy of the use permit on the premises, as no conditional use permits will be issued for new service stations going forward. Additionally, provisions from Section 17.34.060 were relocated to this section and reworked to maintain incentives for alternative fuel but with further clarity on the process for approval. The provisions in 17.34.060 allow for potential reduction in on-site parking if a service station modification includes alternative fuels and EV charging stations¹.

Amended Text: 17.34.030(B)(3). **Addition of Alternative Fuel. Plan check is required pursuant to Section 17.12.030 (Plan Check) for the expansion, modification or retrofit of an existing service station where the expansion, modification or retrofit incorporates alternative fuels, including hydrogen, electricity, and biofuel. The designated approving authority may grant the expansion, modification or retrofit even if specified improvements result in a reduction of existing on-site parking. Renovations and modifications of service stations that include alternative fuel infrastructure may include a request for reduction of existing on-site parking spaces. The designated approving authority may approve a parking reduction without a Minor Deviation, Variance, or Conditional Use Permit when the applicant demonstrates, to the satisfaction of the Community Development Director, that the reduction is necessary to accommodate alternative fuel infrastructure.**

- c. In the revised Section 17.34.030(C), the majority of the existing text has been removed and text is revised as shown below to reflect the circumstances that result in the loss of nonconforming status. A summary of the modifications is provided below:

¹ Existing PMC Section 17.34.060: *Plan check is required pursuant to Section 17.12.030 (Plan Check) for the expansion, modification or retrofit of an existing service station where the expansion, modification or retrofit incorporates biodiesel or other alternative fuels. The designated approving authority may grant the expansion, modification or retrofit even if specified improvements result in a reduction of existing on-site parking.*

- Loss of nonconforming status is based on Chapter 17.14 Nonconforming Uses and Structures. Consistent with Section 17.14.080, nonconforming status is lost if the use is abandoned or discontinued for six continuous months.
- Text is added to clarify that abandonment or ceasing the sale, storage, or dispensing of fossil fuels constitutes loss of nonconforming status, as service stations are defined by their sale of fossil fuels.

Amended Text: 17.34.030(C). **Loss of Nonconforming Status for Service Stations.**

1. If the service station is abandoned or ceases the selling, storing, and/or dispensing of fossil fuels for a continuous period in excess of six (6) months, the service station shall lose its nonconforming status and any subsequent use of the site shall be in conformity with regulations of the applicable zoning district. The Community Development Director shall have final determination on the date the service station became abandoned or ceased the selling, storing, and/or dispensing of fossil fuels.

In the revised Section 17.34.030(C)(2), text is revised to clarify requirements after loss of nonconforming status is the same as the requirement that had been in place for revocation of a use permit. The site must be restored to conditions prior to the service station use. Additionally, a target date of six months from loss of nonconforming status has been set to establish a target for completing the work, which may be modified by the Community Development Director as needed.

Amended Text: 17.34.030(C)(2). **If the service station loses its nonconforming status, the property owner shall be responsible for the removal of** ~~Upon revocation of the conditional use permit, the applicant shall remove~~ all buildings, pumps, pump islands, signs, underground storage tanks, fences, walls, and all other structures and instruments related to the service station and shall return the property to substantially the condition it was in prior to the construction of the service station. **The owner shall submit plans to the Community Development Department showing the proposed removal and obtain all required permits to complete the work. The owner shall complete the removal within six (6) months following the date the service station lost its nonconforming status, or as otherwise approved by the Community Development Director.**

5. In Section 17.34.040 (Location Requirements), modifications are made, as shown below, to clarify that new service stations are not permitted and that alternative fuel stations would be evaluated based on the locational requirements that previously applied to service stations.

Amended Text: 17.34.040(A). Abutting Residential Zoning Districts or Uses. No new service stations shall be permitted. **No alternative fuel station shall be permitted** or located on lots abutting property in any residential zoning district or residential use, unless the designated approving authority can make the finding that the design and operation of the **alternative fuel station** ~~service station~~, along with the conditions

placed upon the entitlement application ~~conditional use permit or Design Review~~, will ensure compatibility with the abutting property or use. In the event that the property adjacent to an existing service station or alternative fuel station is subsequently rezoned to a residential zoning district or to allow residential uses, such rezoning shall not cause the service station or alternative fuel station to be nonconforming in regard to this location requirement.

Amended Text: 17.34.040(B). Proximity to Other ~~Service~~ Stations. In the City of Pinole, a maximum of two (2) service stations and/or alternative fuel stations are permitted at any single intersection; otherwise, ~~service~~ stations shall be separated by a minimum of five hundred (500) feet. However, the city may grant exceptions for stations that are required to relocate due to roadway expansion projects or where required for compliance with regulations. Separation distance shall be measured in a straight line from the property line of said service stations. Where two (2) service stations are located at a single intersection, the city encourages stations to be sited in such a manner as to service different flows of traffic. The city may waive the spacing requirements for infill sites or locations affected by roadway widening or other infrastructure improvements.

6. In Section 17.34.050, the section title is renamed to clarify applicability of development and design standards for service stations and alternative fuel stations. Additional clarifications and revisions are listed below.
 - Clarification is made that the section applies to improvements to existing service stations and new alternative fuel stations, as new service stations would no longer permitted.
 - Clarification is made on which standards take precedence where there are differences between this Chapter and other regulatory standards.
 - Clarification is provided that turning radius information shall be reviewed by the Public Works Director when new internal circulation for fuel delivery is proposed.
 - Consolidated lighting requirement references.

Amended Text: 17.34.050. DEVELOPMENT AND DESIGN STANDARDS FOR SERVICE STATIONS AND ALTERNATIVE FUEL STATIONS.

The following requirements apply to ~~all new service stations~~ and qualifying expansions/improvements to existing service stations and new alternative fuel stations, except where such requirements may be superseded by state or federal regulations. Service station and alternative fuel station uses shall also comply with all applicable state and federal regulations regarding site design, pricing signs, containment, maintenance, and operations.

- A. Frontage. The minimum public street frontage shall be one hundred and thirty-five (135) feet on each public street for all new alternative fuel ~~service~~ stations
- B. Pump Islands. Service station and alternative fuel station pump islands may

be placed in required yards provided they are no closer than fifteen (15) feet to the street right-of-way.

C. Setbacks. Generally, no building shall be located within thirty (30) feet of any public right-of-way or within fifteen (15) feet of any interior parcel line. However, to encourage a more pedestrian streetscape, a primary building with direct access from the street may be located a minimum of fifteen (15) feet from the right-of-way (and outside required landscape corridors). **Where the site is located within the Three Corridors Specific Plan area, the development standards of the Specific Plan shall apply.**

D. Building Placement and Orientation. Buildings shall be placed outside the required setback areas, but close to the street and oriented to the public view.

E. Building and Canopy Design. The service station **or alternative fuel station** building and/or canopy shall be designed for architectural compatibility with the surrounding area. Notwithstanding any other requirements in the Zoning Code **or Specific Plan**, the maximum height for all service station buildings (including canopy) shall be twenty-five (25) feet. Pitched roofs are preferred, but not required. In order to reduce the visual impact of the canopy structure and corresponding lighting, the maximum height of the canopy clearance shall be fifteen (15) feet and the maximum width of the canopy fascia shall be thirty (30) inches. ~~A lighting study shall be required in conjunction with the design review process to examine light pollution issues, including but not limited to safety and glare pursuant to~~ The canopy fascia shall match the color and texture of the primary building. See Figure 17.34.050-1 (Service Station Building and Canopy Design). Deviations from these requirements may be allowed in conjunction with comprehensive design review (Section 17.12.150).

F. Access Driveways.

~~1.a.~~ Driveway dimensions. Driveway design shall be consistent with the City of Pinole Public Works Improvement Standards, except that the minimum width for driveways shall be thirty-five (35) feet. The width shall be expanded to forty-five (45) feet whenever the driveway accesses a street with a width of, or with a planned ultimate width of, eighty-four (84) feet or greater. The throat depth for driveways shall be fifty (50) feet.

~~2.b.~~ Driveway location. Driveways shall be no closer than forty (40) feet from the nearest intersecting point of street right-of-way lines, or as otherwise determined by the Public Works Director for traffic safety.

~~3.e.~~ Number of driveways. No more than two (2) exterior points of access (driveways along abutting streets) shall be provided for each service station, regardless of the length or number of street frontages. No more than thirty-five percent (35%) of the street frontage shall be devoted to curb cuts. Within integrated developments, shared access driveways are preferred.

~~4.d.~~ Accommodation of vehicle stacking. The internal circulation system shall allow for vehicle stacking without blocking ingress and egress on and off the site.

The pump island shall be situated to provide stacking space for a minimum of two (2) vehicles behind the vehicle parked at the pump closest to the entrance and/or exit driveway. Sites shall be designed so that the space intended for vehicle stacking shall not block or interfere with the general circulation of traffic within integrated developments.

G. Accommodation of Refueling Trucks. The internal circulation system shall allow for safe and efficient fuel delivery. **Where new internal circulation accommodating fuel delivery is proposed, the turning** ~~Turning-radius~~ information for all fuel delivery trucks accessing the service station shall be provided ~~in conjunction with conditional use permit or design review~~ for review and approval to the satisfaction of the Public Works Director.

H. Landscaping. Landscaping shall be provided consistent with the requirements of Section 17.44.060 (Special Landscape Requirements) for service stations **and alternative fuel stations.**

I. Signs. Signs shall be consistent with the requirements of Chapter 17.52 (Signs), including exempt gasoline pricing signs.

J. Fences and Walls. A wall shall be provided between service stations abutting property in any agricultural or residential zoning district or residential use consistent with the requirements of Section 17.42.050 (Special Fence, Wall and Screening Requirements).

K. Lighting. **Where there is change to the exterior lighting in conjunction with a permit application for new or modified structures, a lighting study shall be submitted to demonstrate consistency with the requirements of Chapter 17.46 (Lighting).** In addition to the lighting requirements of Chapter 17.46 (Lighting), canopy lighting shall be recessed so that the luminary does not extend below the surface of the underside of the canopy.

L. Noise. All outdoor noise generators associated with operation of the service station shall be identified by the applicant during the ~~conditional use permit and/or~~ comprehensive design review process and may require the submittal of a professional noise analysis to quantify noise sources and attenuate noise levels consistent with city noise standards. All outdoor speakers and video/audio pump stations and sound signals associated with the service stations shall be turned off daily between the hours of 10:00 p.m. and 7:00 a.m. (Ord. 2010-02 § 1 (part), 2010)

7. In Section 17.34.060, the text is stricken as the provisions have been reworked and relocated to the revised Section 17.34.030(B)(3) to better group the provisions with similar topics around renovations and modifications discussed under Section 17.34.030(B).

Amendments to the Three Corridors Specific Plan: Chapter 6 Development Standards

The Land Use and Development Standards Chapter of the Three Corridors Specific Plan provides the land use plan, permitted uses, and development standards that guide development and redevelopment within the Specific Plan areas to implement the vision for San

Pablo Avenue, Pinole Valley Road, and Appian Way. The following are the proposed modifications to this chapter:

1. Service station uses are modified to be not permitted in any zoning districts in the following tables:
 - Table 6.2 Permitted Use Table for San Pablo Avenue
 - Table 6.14 Permitted Use Table for Appian Way
 - Note: Service Stations are already listed as not permitted in any district in Table 6.8 Permitted Use Table for Pinole Valley Road

Existing service stations would be allowed to continue operating as existing nonconforming use, as allowed under Chapter 17.14 Nonconforming Uses and Structures and subject to requirements further detailed in Chapter 17.34 Automobile Service Stations.

2. Alternative fuel stations have been added as a new land use type that allows for alternative fuels to fossil fuels. They would be permitted uses in the same zoning districts that previously allowed for service stations.
 - Table 6.2 Permitted Use Table for San Pablo Avenue
 - Table 6.14 Permitted Use Table for Appian Way
 - Note: Service Stations are listed as not permitted in any district in Table 6.8 Permitted Use Table for Pinole Valley Road. An Alternative Fuel Station use has been added to the table but is listed as not permitted in any district – consistent with Service Stations.

Amendments to the Three Corridors Specific Plan: Chapter 11 Definitions

The Definitions Chapter of the Three Corridors Specific Plan describes unique terms in the Specific Plan. The following is the proposed modification to this chapter:

1. In Section 11.1, the revised service station definition and new alternative fuel station definition from the Zoning Code amendments in Chapter 17.22 have been added.

Findings for Approval

Zoning Code and Specific Plan amendments are subject to approval findings established in the Pinole Municipal Code. As provided in Pinole Municipal Code Sections 17.12.170 and 17.12.190, City Council will need to make certain findings for approval of proposed amendments. Planning Commission is making a recommendation on approval to the City Council for their consideration. Findings for approval are listed below, as well as Staff assessments.

Findings for Pinole Municipal Code Section 17.12.170(G)

Findings: Specific plans and any amendment thereto shall be approved only when the City

Council makes the following findings:

1. The proposed specific plan is consistent with the general plan goals, policies, and implementation programs.
2. The land use and development regulations within the specific plan are comparable in breadth and depth to similar zoning regulations contained in this title.
3. The administration and permit processes within the specific plan are consistent with the administration and permit processes of the Zoning Code.

Staff Assessment: As further expanded in the staff assessment of Section 17.12.190(D) below, the amendments can be found consistent with General Plan goals, policies, and actions. Amendments to the land use and development regulations in the Specific Plan are made to create consistency with definitions and allowable uses proposed in the Zoning Code amendments, including the prohibition of new service stations in all zoning districts and provision for allowing alternative fuel stations in districts that previously allowed service stations. Administration and permit processes would be consistent with those provided in the Zoning Code.

Findings for Pinole Municipal Code Section 17.12.190(D)

Finding: The proposed zoning amendment (text or map) is consistent with the general plan goals, policies, and implementation programs.

Staff Assessment: The proposed amendments may be found consistent with the General Plan, including but not limited to General Plan goals, policies, and actions listed below:

- GOAL SE.3 The City will reduce its contribution to climate change and mitigate and adapt to the effects of climate change as appropriate.
- POLICY SE.3.4 Reduce GHG emissions by reducing vehicle miles traveled and by increasing or encouraging the use of alternative fuels and transportation technologies.
- GOAL SE.7 Air Quality will be maintained and improved for the City of Pinole and the Bay Area as a region and not decline below levels measured in the early 1990's.
- POLICY SE.7.3 Support efforts to comprehensively address air quality issues through education, regulation, and innovation.
- ACTION SE.7.3.4 Continue to encourage innovative technologies and programs such as clean-fuel, electric and low-emission cars that reduce the air quality impacts of the automobile.
- GOAL SE.8 Utilize transit options and reduce vehicle miles traveled and single-occupancy vehicle use.
- POLICY SE.8.10 Support and promote the use of low- and zero-emission vehicles, alternative fuels, and other measures to directly reduce emissions from motor vehicles.

- GOAL EJ 2: Support land use patterns and densities that reduce pollution, with particular focus to reducing pollution burden in and around Impacted Communities
- POLICY EJ 2.4: Improve land use planning to minimize air quality pollution, noise, and odors, by promoting strategic land use patterns for businesses, reducing the number and length of motor vehicles, encouraging alternative uses of transportation, and reducing pollution associated with vehicular traffic.
- POLICY EJ 2.5: Participate in local and regional planning efforts to reduce or mitigate health risks associated with climate change and climate vulnerability.

Furthermore, the amendments implement action TR-4c of the City's adopted Climate Action and Adaptation Plan.

CEQA Determination

The proposed ordinance amendments are exempt from the California Environmental Quality Act (CEQA) as provided below:

1. CEQA Guidelines Section 15061(b)(3) sets forth under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The project involves amendments to the text of the Zoning Code and Specific Plan with no physical impacts to the environment. The amendments would prohibit the development of new service stations and establishes regulation on operation and design of service stations and alternative fuel stations, which result in no specific physical changes to the environment. Projects involving development would be evaluated under CEQA based on discrete site and design characteristics particular to the project if and when such projects are submitted. Therefore, this ordinance amendment will have no significant effect on the environment.
2. CEQA Guidelines Section 15301 provides a categorical exemption for operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The amendments would result in existing service station uses (i.e., the fossil fuel-serving use) become nonconforming uses, which would be subject to regulations restricting the ability to expand the nonconforming use. Therefore, this ordinance amendment limits operation and modification of existing service station uses such that there would be negligible or no expansion of service station uses.
3. CEQA Guidelines Section 15308 provides a categorical exemption for actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. The amendments are consistent with the policies and practices in the City's Climate Action and Adaptation Plan (CAAP) for environmental protection through actions to address climate change and its impacts, including the actions to reduce greenhouse gas emissions. The CAAP calls for the adoption of an ordinance to prohibit new fossil fuel service stations, which is addressed through the proposed amendments. Therefore, this

ordinance amendment is consistent with actions involving regulatory procedures for protection of the environment.

ATTACHMENTS

- A. Attachment A. Resolution 26-01 with Exhibit A
- B. Attachment B. Urgency Ordinance April 2, 2024
- C. Attachment C. Urgency Ordinance May 7, 2024
- D. Attachment D. Service Station Survey

**PLANNING COMMISSION RESOLUTION 26-01
WITH EXHIBIT A: MUNICIPAL CODE AMENDMENTS**

RESOLUTION OF THE CITY OF PINOLE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE TO PROHIBIT NEW SERVICE STATION, INCLUDE STANDARDS FOR OPERATION AND MODIFICATION OF SERVICE STATIONS, AND PROVIDE FOR ALTERNATIVE FUEL STATIONS BY AMENDING CHAPTERS 17.12, 17.20, 17.22, AND 17.34 OF THE PINOLE MUNICIPAL CODE AND CHAPTERS 6 AND 11 OF THE THREE CORRIDORS SPECIFIC PLAN.

WHEREAS, the City Council of the City of Pinole adopted an urgency ordinance establishing a temporary moratorium on new service stations or expansion of service stations on April 2, 2024 for a period of 45 days and subsequently extended by 22 months and 15 days by an urgency ordinance on May 7, 2024; and

WHEREAS, as provided in the urgency ordinance, the City of Pinole has an overriding interest in planning and regulating the use of property within the City to maintain quality of life and addressing climate change to maintain public health, safety and welfare; and

WHEREAS, as further provided in the urgency ordinance, fossil-fuel based transportation remains the largest contributor of greenhouse gas emissions, and the City desired to aid in reducing severe negative public health impacts that residents are experiencing, and will continue to experience, by banning the development of new service stations, prohibiting the expansion of existing service stations, and encourage the use of zero emission vehicles; and

WHEREAS, the temporary moratorium is set to expire on March 22, 2026; and

WHEREAS, the City of Pinole adopted the City of Pinole Climate Action and Adaptation Plan (CAAP) in August 2024 establishing measures the City will take to support reducing greenhouse gas emissions; and

WHEREAS, the CAAP establishes an action for the City to prepare an ordinance that bans the development of any new fossil fuel stations and expansion of existing fossil fuel stations prior to the expiration of the urgency ordinance; and

WHEREAS, Pinole Municipal Code (“PMC”) Title 17 Zoning Code (“Zoning Code”) establishes general regulations on land uses and development standards within the City; and

WHEREAS, The Three Corridors Specific Plan (“Specific Plan”) establish specific regulations on land uses and development standards for defined areas within the City identified in the Specific Plan and supersede requirements in the Zoning Code where there is a conflict; and

WHEREAS, the proposed amendments to the Zoning Code and Specific Plan are attached hereto as Exhibit A; and

WHEREAS, the Planning Commission held a duly noticed public hearing related to the proposed amendments on January 26, 2026; and

WHEREAS, after close of the 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 zoning code amendment; and

WHEREAS, the proposed ordinance amendments are exempt from the California Environmental Quality Act (CEQA) as provided in the following:

1. CEQA Guidelines Section 15061(b)(3) sets forth under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The project involves amendments to the text of the Zoning Code and Specific Plan with no physical impacts to the environment. The amendments would prohibit the development of new service stations and establishes regulation on operation and design of service stations and alternative fuel stations, which result in no specific physical changes to the environment. Projects involving development would be evaluated under CEQA based on discrete site and design characteristics particular to the project. Therefore, this ordinance amendment will have no significant effect on the environment.

2. CEQA Guidelines Section 15301 provides a categorical exemption for operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The amendments would result in existing service station uses (i.e., the fossil fuel-serving use) become nonconforming uses, which would be subject to regulations restricting the ability to expand the nonconforming use. Therefore, this ordinance amendment limits operation and modification of existing service station uses such that there would be negligible or no expansion of service station uses.

3. CEQA Guidelines Section 15308 provides a categorical exemption for actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. The amendments are consistent with the policies and practices in the City's Climate Action and Adaptation Plan (CAAP) for environmental protection through actions to address climate change and its impacts, including the actions to reduce greenhouse gas emissions. The CAAP calls for the adoption of an ordinance to prohibit new fossil fuel service stations, which is addressed through the proposed amendments. Therefore, this ordinance amendment is consistent with actions involving regulatory procedures for protection of the environment.

NOW THEREFORE, BE IT RESOLVED, that the above recitals are true and correct and made part of this Resolution.

BE IT FURTHER RESOLVED, that the Planning Commission of the City of Pinole hereby recommends that the City Council adopt an ordinance amending Chapters 17.12, 17.20, 17.22, And 17.34 of the Pinole Municipal Code and Chapters 6 and 11 of the Three Corridors Specific Plan, as set forth in Exhibit A, attached hereto and incorporated herein.

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 26th day of January, 2026, by the following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

Gabriel Sandoval, Chair, 2025-2026

ATTEST:

David Hanham, Planning Manager

ATTACHMENT A, EXHIBIT A. MUNICIPAL CODE and SPECIFIC PLAN AMENDMENTS

- 1. Pinole Municipal Code Chapter 17.12 Entitlements [Amendment]**
- 2. Pinole Municipal Code Chapter 17.20 Allowed Land Uses and Requirements [Amendment]**
- 3. Pinole Municipal Code Chapter 17.22 Allowed Use Definitions [Amendment]**
- 4. Pinole Municipal Code Chapter 17.34 Automobile Service Stations [Amendment]**
- 5. Three Corridors Specific Plan Chapter 6 Land Use and Development Standards – Table 6.2 Permitted Use Table for San Pablo Avenue [Amendment]**
- 6. Three Corridors Specific Plan Chapter 6 Land Use and Development Standards – Table 6.8 Permitted Use Table for Pinole Valley Road [Amendment]**
- 7. Three Corridors Specific Plan Chapter 6 Land Use and Development Standards – Table 6.14 Permitted Use Table for Appian Way [Amendment]**
- 8. Three Corridors Specific Plan Chapter 11 Definitions [Amendment]**

1. Pinole Municipal Code Chapter 17.12 Entitlements [Amendment]

Excerpt of Section 17.12.080.

Text to be removed shown in ~~strikeout text~~.

Text to be added shown in underline text.

CHAPTER 17.12

ENTITLEMENTS

Sections:

- 17.12.010 Purpose.
- 17.12.020 Applicability.
- 17.12.030 Plan check.
- 17.12.040 Similar use determination.
- 17.12.050 Reasonable accommodation.
- 17.12.060 Administrative use permit.
- 17.12.070 Temporary use permit.
- 17.12.080 Administrative design review.
- 17.12.090 Sign permit.
- 17.12.100 Creative sign program.
- 17.12.110 Sign program.
- 17.12.120 Minor deviations.
- 17.12.130 Variance.
- 17.12.140 Conditional use permit.
- 17.12.150 Comprehensive design review.
- 17.12.160 Development agreements.
- 17.12.170 Specific plans.
- 17.12.180 Rezoning.
- 17.12.190 Zoning Code (text and map) amendment.
- 17.12.200 General plan amendment.
- 17.12.210 Small cell attachment permit.

[...]

17.12.080 ADMINISTRATIVE DESIGN REVIEW.

A. Purpose. The purpose of Administrative Design Review is to provide an efficient process for promoting the orderly and harmonious growth of the city, to encourage development in keeping with the desired character of the city, and to ensure physical and functional compatibility between uses. Administrative design review is intended to provide a process for consideration of minor development proposals to ensure that additions and alterations to the design and layout of existing development will constitute suitable development and will not result in a detriment to the city or to the environment.

B. Applicability. Administrative design review is required for all structural additions to single family, multi-family and non-residential structures, and as otherwise required in this Title. Additions for multi-family and non-residential structures that are five hundred (500) square feet or larger require comprehensive design review. Furthermore, all new single family homes shall require comprehensive design review. Issues related to fire and public works compliance are addressed during the plan check process. Issues related to Building Code compliance are addressed at time of building permit issuance.

C. Approving Authority. The designated approving authority for administrative design review is the Community Development Director. Administrative design review approval is required prior to issuance of any building permits or site improvement plans.

D. Application Contents. The application for an administrative design review shall be on a form prepared as prescribed by the Community Development Director.

E. Procedure. The procedures for administrative design review shall be as provided in Chapter 17.10 (General Application Processing Procedures) except as provided below:

1. No public hearing shall be required unless required below.

2. The city shall provide mailed notice pursuant to Section 17.10.050B.2. that the city is considering an application for administrative design review. In addition to the content required under Section 17.10.050B., the mailed notice shall advise

persons that plans for the project are available for public review at City Hall and that the application will be decided unless a written request for hearing is received by the City Community Development Department on or before a date specified in the notice, which shall be at least ten (10) working days after the date of mailing.

3. If no timely written request for hearing is filed, the application shall be administratively approved by the Community Development Director if it is deemed to be consistent with the provisions of this title.

4. If a timely written request for hearing is filed, the application shall no longer be administratively processed and shall instead be processed in accordance with the procedures for comprehensive design review.

5. The Community Development Director may elevate any project to the comprehensive design review process if in the opinion of the Community Development Director, such project, because of location, size, design, or other aspect of the project, warrants a hearing before the Planning Commission.

F. Approval Findings. The approving authority shall make the following findings to approve or conditionally approve an administrative design review application:

1. Compliance with the general plan and any applicable specific plans.
2. Compliance with applicable provisions of the Zoning Code.
3. Compatibility with the surrounding neighborhood.

4. Qualifying single-family residential, multi-family residential, and residential mixed-use projects shall comply with all relevant standards and guidelines in the city's currently adopted design guidelines for residential development.

G. Appeals. Appeal of the approving authority's action on the request for administrative design review permit shall be made in accordance with the procedures specified in Section 17.10.070 (Appeals).

H. Expiration. All approved administrative design review permits are subject to the provisions set forth in Section 17.10.120 (Revocation).

(Ord. 2020-01, § 2, 2020: Ord. 2012-07 § 2, 2012: Ord. 2010-02 § 1 (part), 2010)

[...]

2. Pinole Municipal Code Chapter 17.20 Allowed Land Uses and Requirements [Amendment]

Full Chapter included.

Text to be removed shown in ~~strikeout text~~.

Text to be added shown in underline text.

CHAPTER 17.20

ALLOWED LAND USES AND REQUIREMENTS

Sections:

17.20.010 Purpose.

17.20.020 Allowed uses and required entitlements.

17.20.010 PURPOSE.

The purpose of this chapter is to establish allowed land uses and requirements for planning entitlements for each of the city's base zoning districts. Allowed uses herein are consistent with and implement the city's general plan corresponding land use designations as shown in Table 17.18.020-1 (Zoning Districts).

(Ord. 2016-03 § 2 (part), 2016; Ord. 2010-02 § 1 (part), 2010)

17.20.020 ALLOWED USES AND REQUIRED ENTITLEMENTS.

Table 17.20.030-1 below identifies allowed uses and corresponding requirements for planning entitlements for all base zoning districts within the city. Definitions for the land uses listed herein (use classifications) are provided in Chapter 17.22 (Allowed Use Definitions). See additional use requirements in Article IV (Special Use Standards). In the table below, any land use shown with a "P" indicates that the land use is permitted by right, a "C" indicates that the land use is permitted in the designated zoning district upon issuance of a conditional use permit (pursuant to Section 17.12.140 (Conditional Use Permit), an "A" indicates that the land use is permitted in the designated zoning district upon issuance of an administrative use permit (pursuant to Section 17.12.060 (Administrative Use Permit), and an "N" indicates that the use is not allowed. Except as otherwise provided for in this title, uses not shown in the table are not permitted. Zoning district names for the zoning district symbols used in the table are as follows:

- LDR = Low Density Residential Zoning District
- R-1 = Suburban Residential Zoning District
- R-2 = Medium Density Zoning District
- R-3 = High Density Zoning District
- R-4 = Very High Density Zoning District
- R = Rural Zoning District
- RC = Regional Commercial Zoning District
- RMU = Residential Mixed Use Zoning District
- CMU = Commercial Mixed Use Zoning District
- OPMU = Office Professional Mixed Use Zoning District
- OIMU = Office Industrial Mixed Use Zoning District
- OS = Open Space Zoning District
- PR = Parks and Recreation Zoning District
- PQI = Public Quasi-Public Institutional Zoning District
- SPBCA = San Pablo Bay Conservation Zoning District

TABLE 17.20.030-1:

ALLOWED USES AND REQUIRED ENTITLEMENTS FOR CITY OF PINOLE BASE ZONING DISTRICTS

<i>Land Use \ Zoning District</i>	<i>LDR</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>R</i>	<i>RC</i>	<i>RMU</i>	<i>CMU</i>	<i>OPMU</i>	<i>OIMU</i>	<i>OS</i>	<i>PR</i>	<i>PQI</i>	<i>SPBCA</i>
Residential Uses															
Adult Day Care Home	P	P	P	P	P	P	N	P	P	P	P	N	N	N	N
Caretaker Housing	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N
Dwelling, Accessory/ Junior Accessory ⁽¹⁾	P	P	P	P	P	P	N	P	P	P	P	N	N	N	N
Dwelling, Multifamily	N	N	P	P	P	N	N	P	P	P	C	N	N	N	N
Dwelling, Single Family	P	P	P	P	N	P	N	P	N	N	N	N	N	N	N
Dwelling, Two-Family	N	N	P	P	N	N	N	N	N	P	P	N	N	N	N

Land Use \ Zoning District	LDR	R-1	R-2	R-3	R-4	R	RC	RMU	CMU	OPMU	OIMU	OS	PR	PQI	SPBCA
Dwelling, Three- and Four-Family	N	N	P	P	P	N	N	P	P	N	N	N	N	N	N
Emergency Shelter (2)	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N
Family Day Care Home, Large	P	P	P	P	P	P	N	P	P	N	N	N	N	N	N
Family Day Care Home, Small	P	P	P	P	P	P	N	P	P	N	N	N	N	N	N
Group Residential/Home	P	P	P	P	P	P	N	P	P	N	N	N	N	N	N
Home Occupations (3)	P	P	P	P	P	P	N	P	P	P	P	N	N	N	N
Low Barrier Navigation Center	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N
Manufactured Home	P	P	P	P	P	P	N	P	N	N	N	N	N	N	N
Mobile Home Park	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N
Residential Care Facilities	P	P	P	P	P	P	P	P	P	P	P	N	N	N	N
Single Room Occupancy Facilities	N	N	C	C	C	N	N	C	C	N	N	N	N	N	N
Supportive Housing (located in housing of a type permitted in the zone)	P	P	P	P	P	P	P	P	P	P	P	N	N	N	N
Transitional Housing ⁽²⁾ (located in housing of a type permitted in the zone)	P	P	P	P	P	N	P	P	P	P	P	N	N	N	N
Agriculture, Resource, and Open Space Uses															
Animal Keeping, Domestic Pets (4)	P	P	P	P	P	P	N	P	P	N	N	N	N	N	N
Animal Keeping, Exotic Animals (4)	P	P	P	P	P	P	N	P	P	N	N	N	N	N	N
Animal Keeping, Livestock (4)	N	N	N	N	N	P	N	N	N	N	N	N	N	N	N
Animal Keeping, Poultry, Rabbits (4)	P	P	C	C	C	P	N	N	N	N	N	N	N	N	N
Equestrian Facility, Commercial	N	N	N	N	N	C	N	N	N	N	N	N	C	N	N
Equestrian Facility, Hobby	N	N	N	N	N	P	N	N	N	N	N	N	C	N	N
Kennels, Hobby	N	N	N	N	N	C	N	N	N	N	N	N	N	N	N
Recreation, Education, and Public Assembly Uses															
Cemeteries, Mausoleums	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N
Clubs, Lodges, and Private Meeting Halls	C	C	C	C	N	N	N	N	C	C	C	N	N	C	C
Community Centers/Civic Uses	C	C	C	C	C	C	N	C	C	C	N	N	P	P	C
Community Garden	P	P	P	P	P	P	N	P	P	P	P	P	P	P	N
Indoor Amusement/Entertainment Facility	N	N	N	N	N	N	C	N	C	N	N	N	N	N	N
Indoor Fitness and Sports Facility	N	N	N	N	N	N	P	C	N	C	C	N	N	P	N
Libraries and Museums	C	C	C	C	N	N	N	C	C	C	C	N	N	C	C
Outdoor Commercial Recreation	C	C	C	C	N	N	N	N	N	N	N	N	P	P	C
Parks and Public Plazas	P	P	P	P	P	P	N	P	P	P	P	N	P	P	P
Public Safety Facility	P	P	P	P	P	P	P	C	C	C	C	N	C	P	C

Land Use \ Zoning District	LDR	R-1	R-2	R-3	R-4	R	RC	RMU	CMU	OPMU	OIMU	OS	PR	PQI	SPBCA
Recreational Vehicle Parks	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Religious Institutions	C	C	C	C	C	C	N	N	C	C	C	N	N	C	C
Resource Protection and Restoration	P	P	P	P	P	P	C	N	N	N	N	P	P	P	P
Resource-Related Recreation	P	P	P	P	P	P	N	N	N	N	N	P	P	P	P
Schools, Private and Special/Studios	N	N	N	N	N	N	P	N	C	C	C	N	N	N	N
Schools, Public	P	P	P	P	P	P	N	P	P	P	P	N	N	P	N
Theaters and Auditoriums	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N
Utility, Transportation, and Communication Uses															
Broadcasting and Recording Studios	N	N	N	N	N	N	P	N	N	N	N	N	N	P	N
Bus and Transit Shelters	N	P	P	P	P	N	P	P	P	P	P	N	P	P	P
Bus and Truck Terminal and Parking	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N
Heliports	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Park and Ride Facility	N	N	C	C	N	N	P	C	C	C	C	N	N	P	N
Parking Facility	N	N	P	P	P	N	P	P	P	P	P	N	N	P	N
Small Cell Wireless Facilities (14)	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	N	P/C	P/C	N
Wireless Communication Facility, Freestanding Tower (5)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Wireless Communication Facility, co-location, antenna, satellite (5)	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P
Transit Facilities	N	N	N	N	N	N	P	N	N	C	C	N	N	P	C
Utility Facility and Infrastructure (6)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Retail, Service, and Office Uses															
Adult Oriented Business (7)	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N
Adult Day Care Facility	C	C	C	C	P	N	N	P	C	N	N	N	N	N	C
Alcoholic Beverage Sales	N	N	N	N	N	N	C	C	C	C	C	N	N	N	N
Ambulance Service	N	N	N	N	N	N	N	C	N	N	P	N	N	N	N
Animal Sales and Grooming	N	N	N	N	N	N	P	C	C	P	P	N	N	N	N
Art, antique, collectable	N	N	N	N	N	N	P	P	P	C	C	N	N	N	N
Artisan Shops	N	N	N	N	N	N	P	P	P	P	C	N	N	N	N
Artist Studio	N	N	P	P	P	P	N	C	C	C	P	N	N	N	N
Banks and Financial Services	N	N	N	N	N	N	P	P	P	P	C	N	N	N	N
Bars and Nightclubs	N	N	N	N	N	N	C	C	C	C	N	N	N	N	N
Bed and Breakfast Inns	N	N	N	N	N	N	N	C	C	N	N	N	N	N	N
Building Materials Store and Yard	N	N	N	N	N	N	P	N	C	N	C	N	N	N	N
Business Support Services	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N
Call Centers	N	N	N	N	N	N	N	C	C	P	P	N	N	N	N
Card Room	N	N	N	N	N	N	C	C	C	N	N	N	N	N	N

<i>Land Use \ Zoning District</i>	<i>LDR</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>R</i>	<i>RC</i>	<i>RMU</i>	<i>CMU</i>	<i>OPMU</i>	<i>OIMU</i>	<i>OS</i>	<i>PR</i>	<i>PQI</i>	<i>SPBCA</i>
Check Cashing Business	N	N	N	N	N	N	N	N	C	C	C	N	N	N	N
Child Day Care Facility	C	C	C	C	C	N	C	P	P	P	C	N	N	N	N
Commercial Marijuana Cultivation ⁽¹¹⁾	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Convenience Stores	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N
Drive-in and Drive-through Sales and Service (8)	N	N	N	N	N	N	P	N	C	C	C	N	N	N	N
Equipment Sales and Rental	N	N	N	N	N	N	C	N	P	C	P	N	N	N	N
Firearm or Firearm Ammunition Sales	N	N	N	N	N	N	C	N	C	N	C	N	N	N	N
Furniture, Furnishings, and Appliance Stores	N	N	N	N	N	N	P	C	P	C	C	N	N	N	N
Garden Center/Plant Nursery	N	N	N	N	N	N	C	N	C	C	P	N	N	N	N
Grocery Stores/Supermarket	N	N	N	N	N	N	P	P	P	C	N	N	N	N	N
Home Improvement Supplies	N	N	N	N	N	N	P	C	C	C	C	N	N	N	N
Hotels and Motels	N	N	N	N	N	N	P	C	C	C	N	N	N	N	N
Hotels and Motels, Extended Stay	N	N	N	N	N	N	P	C	C	C	N	N	N	N	N
Kennels, Commercial	N	N	N	N	N	C	N	N	C	N	C	N	N	N	N
Maintenance and Repair, Small Equipment	N	N	N	N	N	N	P	C	C	C	P	N	N	N	N
Marijuana Delivery ⁽¹²⁾	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Marijuana Dispensary ⁽¹⁰⁾	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Massage Therapy Establishment ⁽⁹⁾	N	N	N	N	N	N	C	P	P	P	C	N	N	N	N
Medical Services, General	N	N	N	N	N	N	P	C	C	P	P	N	N	N	N
Medical Services, Extended Care	N	N	N	N	N	N	N	C	C	C	N	N	N	N	N
Medical Services, Hospitals	N	N	N	N	N	N	N	N	C	P	N	N	N	N	N
Mortuaries and Funeral Homes	N	N	N	N	N	N	N	N	C	C	P	N	N	N	N
Neighborhood Market	N	N	N	N	N	N	N	P	P	C	C	N	N	N	N
Office, Temporary	N	N	N	N	N	N	N	N	C	P	P	N	N	N	N
Offices, Business and Professional	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N
Offices, Accessory	N	N	N	N	N	N	P	P	P	C	P	N	N	N	N
Pawn Shop	N	N	N	N	N	N	C	N	C	C	C	N	N	N	N
Personal Marijuana Cultivation ⁽¹³⁾	P	P	P	P	P	P	N	P	P	P	P	N	N	N	N
Personal Services	N	N	N	N	N	N	P	P	P	C	N	N	N	N	N
Restaurants	N	N	N	N	N	N	P	C	P	P	P	N	N	N	N
Retail, Accessory	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N
Retail, General	N	N	N	N	N	N	P	P	P	P	C	N	N	N	N
Retail, Warehouse Club	N	N	N	N	N	N	P	N	C	N	N	N	N	N	N
Smoke Shop	N	N	N	N	N	N	N	N	C	N	N	N	N	N	N
Temporary Real Estate	C	C	C	C	C	C	C	C	C	C	C	N	N	N	N
Thrift Store	N	N	N	N	N	N	C	C	C	N	N	N	N	N	N
Veterinary Facility	N	N	N	N	N	N	C	C	C	C	C	N	N	N	N

Land Use \ Zoning District	LDR	R-1	R-2	R-3	R-4	R	RC	RMU	CMU	OPMU	OIMU	OS	PR	PQI	SPBCA
Automobile and Vehicle Uses															
<u>Alternative Fuel Station</u> (15)	N	N	N	N	N	N	P	N	P	P	P	N	N	N	N
Auto and Vehicle Sales and Rental	N	N	N	N	N	N	C	N	C	C	C	N	N	N	N
Auto and Vehicle Sales, Wholesale	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N
Auto and Vehicle Storage	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N
Auto Parts Sales	N	N	N	N	N	N	P	N	N	N	P	N	N	N	N
Car Washing and Detailing	N	N	N	N	N	N	C	N	C	C	C	N	N	N	N
Service Stations (15)	N	N	N	N	N	N	NC	N	NC	NC	NC	N	N	N	N
Vehicle Services, Major	N	N	N	N	N	N	C	N	C	N	C	N	N	N	N
Vehicle Services, Minor	N	N	N	N	N	N	C	N	C	N	C	N	N	N	N
Industrial, Manufacturing, and Processing Uses															
Manufacturing, Major	N	N	N	N	N	N	N	N	N	C	C	N	N	N	N
Manufacturing, Minor	N	N	N	N	N	N	N	N	C	C	P	N	N	N	N
Manufacturing, Small Scale	N	N	N	N	N	N	N	C	C	P	P	N	N	N	N
Printing and Publishing	N	N	N	N	N	N	N	N	C	C	P	N	N	N	N
Recycling Facility, Collection	N	N	N	N	N	N	C	C	C	C	C	N	N	N	N
Recycling Facility, Processing	N	N	N	N	N	N	N	N	N	C	C	N	N	N	N
Recycling Facility, Scrap and Dismantling Facility	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N
Research and Development	N	N	N	N	N	N	N	C	P	P	P	N	N	N	N
Storage, Personal Storage Facility	N	N	N	N	N	N	C	N	C	N	P	N	N	N	N
Storage, Warehouse	N	N	N	N	N	N	N	N	N	C	P	N	N	N	N
Storage, Yards	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N
Wholesaling and Distribution	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N

Notes:

- (1) See additional regulations for Accessory Dwelling Units and Junior Accessory Dwelling Units in Chapter 17.70.
- (2) See additional regulations for Emergency Shelters in Chapter 17.62.
- (3) See additional regulations for Home Occupations in Chapter 17.64.
- (4) Additional regulations applicable to animal keeping where permitted are as follows and within Title 6:
 - a. Domestic Pets. Keeping of any combination of five (5) or more cats and dogs is considered a kennel for the purposes of this title.
 - b. Exotic Animals. All exotic animals shall be kept and maintained a minimum distance of 40 feet from any property line, unless contained within the dwelling.
 - c. Livestock. One (1) livestock animal may be permitted for each twenty thousand (20,000) square feet. All livestock animals shall be kept and maintained a minimum distance of twenty (20) feet from any property line and a minimum distance of fifty (50) feet from any residential dwelling.
 - d. Poultry and Rabbits. All poultry animals shall be kept and maintained a minimum distance of twenty (20) feet from any property line.
- (5) See additional regulations for wireless communication facilities in Chapter 17.76.

(6) Utility facilities and infrastructure involving hazardous or volatile gas and/or liquid pipeline development require approval of a conditional use permit.

(7) See additional regulations for adult entertainment businesses in Chapter 17.58

(8) See additional regulations for drive-in and drive-through facilities in Chapter 17.40.

(9) See additional regulations for massage therapy in Chapter 17.66 and Chapter 8.32

(10) Marijuana dispensaries are not permitted in any zoning district. See also, Chapter 5.64 and Chapter 8.33.

(11) Commercial Marijuana Cultivation is not permitted in any zoning district. See also, Chapter 5.64 and Chapter 8.33.

(12) Marijuana Delivery is not permitted in any zoning district. See also, Chapter 5.64 and Chapter 8.33.

(13) Personal Marijuana Cultivation is limited to up to six plants per residence, grown indoors within a locked area, by adults 21 years of age or older. See also, Chapter 8.33.

(14) Facilities meeting all specified requirements in Chapter 17.77 are permitted as noted above except in the Open Space (OS) and San Pablo Bay Conservation Area (SPBCA) District, otherwise a conditional use permit is required. See additional regulations for small cell wireless facilities in Chapter 17.77.

(15) See additional regulations for service stations and alternative fuel stations in Chapter 17.34.

(Ord. 2024-09 § 2, 2024; Ord. 2020-04 § 2, 2020; Ord. 2019-03 § 4, 2019; Ord. 2017-14 § 2 (part), 2017; Ord. 2017-11 § 2, 2017; Ord. 2017-08 § 2 (part), 2017; Ord. 2016-04 § 6, 2016; Ord. 2016-03 § 2 (part), 2016; Ord. 2014-02 § 4, 2014; Ord. 2012-05 § 2, 2012; Ord. 2011-02; Ord. 2010-02 § 1 (part), 2010)

3. Pinole Municipal Code Chapter 17.22 Allowed Use Definitions [Amendment]

Excerpt of Section 17.22.020(G).

Text to be removed shown in ~~strikeout text~~.

Text to be added shown in underline text.

CHAPTER 17.22

ALLOWED USE DEFINITIONS

Sections:

17.22.010 Purpose.

17.22.020 Allowed use definitions.

17.22.010 PURPOSE.

The purpose of this chapter is to define use classifications listed in Chapter 17.20 (Allowed Land Uses and Required entitlements) and throughout this title. Use classifications are land uses that have been grouped into general categories on the basis of common function, product, or compatibility characteristics. This chapter should be used as a reference to Additional definitions for specialized terms used in the Zoning Code can be found in Article VI (Glossary). (Ord. 2010-02 § 1 (part), 2010)

17.22.020 ALLOWED USE DEFINITIONS.

[...]

G. Automobile and Vehicle uses.

1. **AUTO AND VEHICLE SALES AND RENTAL.** Retail establishments selling and/or renting automobiles, trucks, and vans. Includes the sales and rental of mobile homes, recreation vehicles, and boats. May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include the sale of auto parts/accessories separate from a vehicle dealership (see "Auto Parts Sales"), bicycle and moped sales (see "Retail, General"), tire recapping establishments (see "Vehicle Services - Major"), businesses dealing exclusively in used parts (see "Recycling Facility - Scrap and Dismantling"), or "Service Station," all of which are separately defined.
2. **AUTO AND VEHICLE SALES, WHOLESALE.** Wholesale establishments selling new and used vehicles and used vehicle parts. This use is normally developed as part of an auto wrecking, junkyard, or salvage yard. Conventional automobile dealerships are listed under "Auto and Vehicle Sales and Rental."
3. **AUTO AND VEHICLE STORAGE.** Facilities for the storage of operative and inoperative vehicles for limited periods of time. Includes, but is not limited to, storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses, and recreation vehicles. Does not include retail sales (see "Auto and Vehicle Sales, Wholesale").
4. **AUTO PARTS SALES.** Stores that sell new automobile parts, tires, and accessories. May also include minor parts installation (see "Vehicle Services"). Does not include tire recapping establishments, which are found under "Vehicle Services - Major" or businesses dealing exclusively in used parts, which are included under "Auto and Vehicle Sales, Wholesale."
5. **CAR WASHING AND DETAILING.** Permanent, drive-through, self-service, and/or attended car washing establishments, including fully mechanized facilities. May include detailing services. Temporary car washes (e.g., fundraising activities generally conducted at a service station or other automotive-related business, where volunteers wash vehicles by hand, and the duration of the event is limited to one (1) day) are not part of this use classification.
6. **SERVICE STATION.** A retail business selling and dispensing fossil fuels, including gasoline and diesel, for motor vehicles. Service stations may include the sale of other motor vehicle fuels. ~~gasoline or other motor vehicle fuels.~~ Vehicle services which are incidental to fuel services are included under "Vehicle Services - Minor."
7. **ALTERNATIVE FUEL STATION.** A retail business selling and dispensing motor vehicle fuel other than fossil fuels, including hydrogen, electricity, and biofuel. Vehicle services which are incidental to fuel services are included under "Vehicle Services - Minor."
- 8.7. **VEHICLE SERVICES - MAJOR.** The repair, alteration, restoration, towing, painting, cleaning (e.g., self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes major repair and body work-repair facilities dealing with entire vehicles; such establishments typically provide towing, collision repair, other body work, and painting services and may also include tire recapping establishments.
- 9.8. **VEHICLE SERVICES - MINOR.** Minor facilities specialize in limited aspects of repair and maintenance (e.g., muffler and radiator shops, quick-lube, and smog check). Does not include repair shops that are part of a vehicle dealership on the same site (see "Auto and Vehicle Sales") or automobile dismantling yards, which are included under "Recycling Facility - Scrap and Dismantling."

[...]

(Ord. 2024-09 § 2, 2024; Ord. 2020-04 § 2, 2020; Ord. 2017-08 § 2 (part), 2017; Ord. 2016-04 §§ 4-5, 2016;
Ord. 2012-05 §
3, 2012; Ord. 2010-02 § 1 (part), 2010)

4. Pinole Municipal Code Chapter 17.34 Automobile Service Stations [Amendment]

Full Chapter included.

Text to be removed shown in ~~strikeout text~~.

Text to be added shown in underline text.

CHAPTER 17.34

AUTOMOBILE SERVICE STATIONS AND ALTERNATIVE FUEL STATIONS

17.34.010 Purpose.

17.34.020 Applicability.

17.34.030 Operation and modification of Service Stations~~Permit requirements and conditions of approval.~~

17.34.040 Location requirements.

17.34.050 Development and design standards for Service Stations and Alternative Fuel Stations.

~~17.34.060 Alternative fuel and charging stations for electric vehicles.~~

17.34.010 PURPOSE.

The purpose of this chapter is to regulate legal nonconforming service station modifications and alternative fuel station development to ensure that the design and operation of such uses are compatible with surrounding uses and activities relative to hazardous materials, noise, circulation, runoff, lighting, and litter, and consistent with the City's goals and policies, including the Climate Action and Adaptation Plan while encouraging and incentivizing the expansion, modification, or retrofit of existing service stations to incorporate biodiesel or other alternative fuels and electric vehicle charging infrastructure.~~This chapter is also intended to allow for expansion of existing service stations to allow for biodiesel and other alternative fuels and the incorporation of charging stations for electric vehicles.~~ (Ord. 2010-02 § 1 (part), 2010)

17.34.020 APPLICABILITY.

The regulations contained in this chapter shall apply to legal nonconforming new service stations and alternative fuel stations.~~Service stations subject to this chapter shall only be authorized through entitlement requirements of Article II. (Zoning Districts, Allowed Uses, and Development Standards).~~ These regulations shall be in addition to any other development standards and regulations contained elsewhere within the Zoning Code (e.g., lighting). ~~Existing service stations and modification to existing service stations are exempt from the regulations contained in this chapter.~~ (Ord. 2010-02 § 1 (part), 2010)

17.34.030 OPERATION AND MODIFICATION OF SERVICE STATIONS~~REQUIREMENTS AND CONDITIONS OF APPROVAL.~~

A. Operation of Service Stations. ~~New service stations are prohibited. Existing legal nonconforming service station uses may continue to operate, subject to the following: Permit Requirement. Service stations require a conditional use permit or are allowed by right as established in Article II (Zoning Districts, Allowed Uses, and Development Standards). Comprehensive design review pursuant to Section 17.12.150 (Comprehensive Design Review) shall be required for all new service stations. Consistent with Article II. (Zoning Districts, Allowed Uses, and Development Services), the Planning Commission is the designated approving authority for service station conditional use permit applications.~~

1. The number of fossil fuel pumps shall not be increased to exceed the existing number at the service station site.

2. If the number of fossil fuel pumps are permanently reduced, meaning the pump or pumps are fully removed rather than temporarily out of service, no subsequent actions may increase the number of fossil fuel pumps to the number that existed prior to the reduction.

3. Fossil fuel equipment and infrastructure may be repaired, replaced, and/or relocated on the same site where required to ensure preservation of health and safety consistent with regulatory standards; comply with regional, state or federal requirements; reduce fossil fuel use; or support the deployment of alternative fuel infrastructure. Replacement and relocation shall be subject to the requirements under Section 17.34.030(B).

4. Existing service stations shall lose nonconforming status if conditions occur as described in Section 17.34.030(C).

B. Conditions of Approval. ~~In addition to any other conditions which may be imposed by the approving authority, any conditional use permit issued pursuant to this chapter shall include the following conditions:~~

~~1. If the operation of the service station is discontinued for any reason for a continuous period in excess of one hundred and eighty (180) days, such discontinuance of operation shall be grounds for revocation or modification of the conditional use permit, consistent with Section 17.16.070 (Permit Revocation or Modification).~~

~~2. Upon revocation of the conditional use permit, the applicant shall remove all buildings, pumps, pump islands, signs, underground storage tanks, fences, walls, and all other structures and instruments related to the service station and shall return the property to substantially the condition it was in prior to the construction of the service station.~~

~~3. The applicant to whom a conditional use permit has been granted shall keep on the premises the conditional use permit or a copy thereof.~~

Renovations and Modifications of Service Stations. ~~Renovations and modifications of service stations may be conducted, subject to the following:~~

1. Fossil Fuel Uses. Renovations and modifications associated with the selling, dispensing, and storage of fossil fuel are allowed only where such work is required to ensure preservation of health and safety consistent with regulatory standards; comply with regional, state or federal requirements; reduce fossil fuel use; or support the deployment of alternative fuel infrastructure.

a. Administrative Design Review approval is required for renovations and modifications.

b. Renovations and modifications shall not increase the number of fossil fuel pumps.

c. Maintenance and repair of existing fossil fuel service equipment is not considered a renovation or modification for the purposes of this Section.

2. Other Uses. Renovations and modifications that involve other permitted and conditionally permitted uses on the site (e.g., remodel of a convenience store, installation of alternative fuel pumps, installation of zero-emission vehicle charging stations) may be allowed subject to obtaining required permits.

3. Addition of Alternative Fuel. Plan check is required pursuant to Section 17.12.030 (Plan Check) for the expansion, modification or retrofit of an existing service station where the expansion, modification or retrofit incorporates alternative fuels, including hydrogen, electricity, and biofuel. The designated approving authority may grant the expansion, modification or retrofit even if specified improvements result in a reduction of existing on-site parking. Renovations and modifications of service stations that include alternative fuel infrastructure may include a request for reduction of existing on-site parking spaces. The designated approving authority may approve a parking reduction without a Minor Deviation, Variance, or Conditional Use Permit when the applicant demonstrates, to the satisfaction of the Community Development Director, that the reduction is necessary to accommodate alternative fuel infrastructure.

~~C. Loss of Nonconforming Status for Service Stations. B. Conditions of Approval. In addition to any other conditions which may be imposed by the approving authority, any conditional use permit issued pursuant to this chapter shall include the following conditions:~~

~~1. If the operation of the service station is discontinued for any reason for a continuous period in excess of one hundred and eighty (180) days, such discontinuance of operation shall be grounds for revocation or modification of the conditional use permit, consistent with Section 17.16.070 (Permit Revocation or Modification).~~

1. If the service station is abandoned or ceases the selling, storing, and/or dispensing of fossil fuels for a continuous period in excess of six (6) months, the service station shall lose its nonconforming status and any subsequent use of the site shall be in conformity with regulations of the applicable zoning district. The Community Development Director shall have final determination on the date the service station became abandoned or ceased the selling, storing, and/or dispensing of fossil fuels.

2. If the service station loses its nonconforming status, the property owner shall be responsible for the removal of ~~2.~~ Upon revocation of the conditional use permit, the applicant shall remove all buildings, pumps, pump islands, signs, underground storage tanks, fences, walls, and all other structures and instruments related to the service station and shall return the property to substantially the condition it was in prior to the construction of the service station. The owner shall submit plans to the Community Development Department showing the proposed removal and obtain all required permits to complete the work. The owner shall complete the removal within six (6) months following the date the service station lost its nonconforming status, or as otherwise approved by the Community Development Director.

~~3. The applicant to whom a conditional use permit has been granted shall keep on the premises the conditional use permit or a copy thereof. (Ord. 2010-02 § 1 (part), 2010)~~

17.34.040 LOCATION REQUIREMENTS.

A. Abutting Residential Zoning Districts or Uses. No new service stations shall be permitted. No alternative fuel station shall be permitted or located on lots abutting property in any residential zoning district or residential use, unless the designated approving authority can make the finding that the design and operation of the alternative fuel station service station, along with the conditions placed upon the entitlement application conditional use permit or Design Review, will ensure compatibility with the abutting property or use. In the event that the property adjacent to an existing service station or alternative fuel station is subsequently rezoned to a residential zoning district or to allow residential uses, such rezoning shall not cause the service station or alternative fuel station to be nonconforming in regard to this location requirement.

B. Proximity to Other ~~Service~~ Stations. In the City of Pinole, a maximum of two (2) service stations and/or alternative fuel stations are permitted at any single intersection; otherwise, ~~service~~ stations shall be separated by a minimum of five hundred (500) feet. However, the city may grant exceptions for stations that are required to relocate due to roadway expansion projects or where required for compliance with regulations. Separation distance shall be measured in a straight line from the property line of said service stations. Where two (2) service stations are located at a single intersection, the city encourages stations to be sited in such a manner as to service different flows of traffic. The city may waive the spacing requirements for infill sites or locations affected by roadway widening or other infrastructure improvements. (Ord. 2010-02 § 1 (part), 2010)

17.34.050 DEVELOPMENT AND DESIGN STANDARDS FOR SERVICE STATIONS AND ALTERNATIVE FUEL STATIONS.

The following requirements apply to ~~all new service stations and~~ qualifying expansions/improvements to existing service stations and new alternative fuel stations, except where such requirements may be superseded by state or federal regulations. Service station and alternative fuel station uses shall also comply with all applicable state and federal regulations regarding site design, pricing signs, containment, maintenance, and operations.

A. Frontage. The minimum public street frontage shall be one hundred and thirty-five (135) feet on each public street for all new alternative fuel service stations.

B. Pump Islands. Service station and alternative fuel station pump islands may be placed in required yards provided they are no closer than fifteen (15) feet to the street right-of-way.

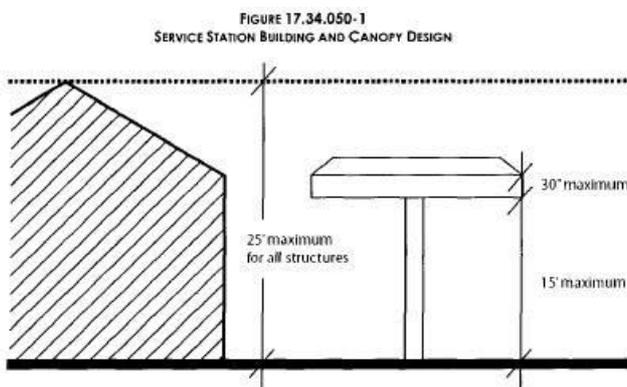
C. Setbacks. Generally, no building shall be located within thirty (30) feet of any public right-of-way or within fifteen (15) feet of any interior parcel line. However, to encourage a more pedestrian streetscape, a primary building with direct access from the street may be located a minimum of fifteen (15) feet from the right-of-way (and outside required landscape corridors). Where the site is located within the Three Corridors Specific Plan area, the development standards of the Specific Plan shall apply.

D. Building Placement and Orientation. Buildings shall be placed outside the required setback areas, but close to the street and oriented to the public view.

E. Building and Canopy Design. The service station or alternative fuel station building and/or canopy shall be designed for architectural compatibility with the surrounding area. Notwithstanding any other requirements in the Zoning Code or Specific Plan, the maximum height for all service station buildings (including canopy) shall be twenty-five (25) feet. Pitched roofs are preferred, but not required. In order to reduce the visual impact of the canopy structure and corresponding lighting, the maximum height of the canopy clearance shall be fifteen (15) feet and the maximum width of the canopy fascia shall be thirty (30) inches. ~~A lighting study shall be required in conjunction with the design review process to examine light pollution issues, including but not limited to safety and glare pursuant to~~ The canopy fascia shall match the color and texture of the primary building. See Figure 17.34.050-1 (Service Station Building and Canopy Design). Deviations from these requirements may be allowed in conjunction with comprehensive design review (Section 17.12.150).

FIGURE 17.34.050-1

SERVICE STATION AND ALTERNATIVE FUEL STATION BUILDING AND CANOPY DESIGN



F. Access Driveways.

~~1.a.~~ Driveway dimensions. Driveway design shall be consistent with the City of Pinole Public Works Improvement Standards, except that the minimum width for driveways shall be thirty-five (35) feet. The width shall be expanded to forty-five (45) feet whenever the driveway accesses a street with a width of, or with a planned ultimate width of, eighty-four (84) feet or greater. The throat depth for driveways shall be fifty (50) feet.

~~2.b.~~ Driveway location. Driveways shall be no closer than forty (40) feet from the nearest intersecting point of street right-of-way lines, or as otherwise determined by the Public Works Director for traffic safety.

~~3.c.~~ Number of driveways. No more than two (2) exterior points of access (driveways along abutting streets) shall be provided for each service station, regardless of the length or number of street frontages. No more than thirty-five percent (35%) of the street frontage shall be devoted to curb cuts. Within integrated developments, shared access driveways are preferred.

~~4.d.~~ Accommodation of vehicle stacking. The internal circulation system shall allow for vehicle stacking without blocking ingress and egress on and off the site. The pump island shall be situated to provide stacking space for a minimum of two (2) vehicles behind the vehicle parked at the pump closest to the entrance and/or exit driveway. Sites shall be designed so that the space intended for vehicle stacking shall not block or interfere with the general circulation of traffic within integrated developments.

G. Accommodation of Refueling Trucks. The internal circulation system shall allow for safe and efficient fuel delivery. Where new internal circulation accommodating fuel delivery is proposed, the turningTurning radius information for all fuel delivery trucks accessing the service station shall be provided ~~in conjunction with conditional use permit or design review~~ for review and approval to the satisfaction of the Public Works Director.

H. Landscaping. Landscaping shall be provided consistent with the requirements of Section 17.44.060 (Special Landscape Requirements) for service stations and alternative fuel stations.

I. Signs. Signs shall be consistent with the requirements of Chapter 17.52 (Signs), including exempt gasoline pricing signs.

J. Fences and Walls. A wall shall be provided between service stations abutting property in any agricultural or residential

zoning district or residential use consistent with the requirements of Section 17.42.050 (Special Fence, Wall and Screening Requirements).

K. Lighting. Where there is change to the exterior lighting in conjunction with a permit application for new or modified structures, a lighting study shall be submitted to demonstrate consistency with the requirements of Chapter 17.46 (Lighting). In addition to the lighting requirements of Chapter 17.46 (Lighting), canopy lighting shall be recessed so that the luminary does not extend below the surface of the underside of the canopy.

L. Noise. All outdoor noise generators associated with operation of the service station shall be identified by the applicant during the ~~conditional use permit and/or~~ comprehensive design review process and may require the submittal of a professional noise analysis to quantify noise sources and attenuate noise levels consistent with city noise standards. All outdoor speakers and video/audio pump stations and sound signals associated with the service stations shall be turned off daily between the hours of 10:00 p.m. and 7:00 a.m. (Ord. 2010-02 § 1 (part), 2010)

~~17.34.060 ALTERNATIVE FUEL AND CHARGING STATIONS FOR ELECTRIC VEHICLES.~~

~~Plan check is required pursuant to Section 17.12.030 (Plan Check) for the expansion, modification or retrofit of an existing service station where the expansion, modification or retrofit incorporates biodiesel or other alternative fuels, or charging stations for electric vehicles. The designated approving authority may grant the expansion, modification or retrofit even if specified improvements result in a reduction of existing on-site parking. (Ord. 2010-02 § 1 (part), 2010)~~

5. Three Corridors Specific Plan Chapter 6 Land Use and Development Standards – Table 6.2 Permitted Use Table for San Pablo Avenue [Amendment]

Excerpt of Table 6.2.

Text to be removed shown in ~~strikeout text~~.

Text to be added shown in underline text.

LAND USE AND DEVELOPMENT STANDARDS

LAND USE CLASSIFICATIONS	Old Town Sub-Area						Service Sub-Area				Mixed-Use Sub-Area				
	MDR		RMU	CMU	OPMU	PQI	CMU	OPMU	OIMU	PQI	VHDR	RMU	CMU	OPMU	PQI
Retail	N		P	P	P	N	P	P	P	N	N	P	P	P	N
Veterinary Facility	N		CUP	P	P	N	P	P	P	N	N	CUP	P	P	N
Automotive and Vehicle Use Listings															
<u>Alternative Fuel Station</u>	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Auto Parts Sales	N		CUP	P	P	N	P	P	P	N	N	CUP	P	P	N
Car Wash and Detailing	N		N	N	N	N	N	N	CUP	N	N	N	N	N	N
Service Stations	N		N	N	N	N	N	N	<u>NCUP</u>	N	N	N	N	N	N
Vehicle Services	N		N	CUP	CUP	N	CUP	CUP	CUP	CUP	N	N	CUP	CUP	N
Industrial, Manufacturing, and Processing Use Listings															
Manufacturing - Minor	N		CUP	CUP	N	N	N	N	CUP	N	N	N	N	N	N
Cottage Industry	N		P	P	N	N	P	P	P	N	N	CUP	N	N	N
Personal Storage Facility	N		N	N	N	N	N	N	CUP	N	N	N	N	N	N
Printing and Publishing	N		CUP	P	P	N	P	P	P	N	N	CUP	P	P	N
Recycling Facility – Collection	N		P	P	P	P	P	P	P	P	P	P	P	P	P
Recycling Facility – Processing	N		N	N	N	N	N	N	CUP	N	N	N	N	N	N

Footnotes:

a – Home occupations must have no external evidence of business activity, (e.g. signs, noise, odor, vibration, etc.) or reduce available parking. No customers or employees are allowed at the home and no advertising which gives the home address is allowed.

b – Not allowed on first floor at street frontage, except for residential development on a property with an affordable housing agreement and when that development includes community benefits as specified in the General Plan.

c – Square footage not to exceed 10,000 Square feet.

d – Not permitted if the same use is preexisting and within 200'

e – See Multi-Family Residential

6. Three Corridors Specific Plan Chapter 6 Land Use and Development Standards – Table 6.8 Permitted Use Table for Pinole Valley Road [Amendment]

Excerpt of Table 6.8.

Text to be removed shown in ~~strikeout text~~.

Text to be added shown in underline text.

LAND USE AND DEVELOPMENT STANDARDS

Land Use Classifications	Old Town Sub-Area				Service Sub-Area		
	MDR	HDR	CMU	PQI	CMU	OPMU	PQI
Automotive and Vehicle Use Listings							
<u>Alternative Fuel Station</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Auto Parts Sales	N	N	N	N	N	N	N
Car Wash and Detailing	N	N	N	N	N	N	N
Service Stations	N	N	N	N	N	N	N
Vehicle Services	N	N	CUP	CUP	CUP	CUP	CUP
Industrial, Manufacturing, and Processing Use Listings							
Cottage Industry	N	N	P	N	P	P	N
Personal Storage Facility	N	N	N	N	N	N	N
Printing and Publishing	N	MUP	P	N	P	P	N
Recycling Facility – Collection	N	P	P	P	P	P	P

Footnotes:

a – Home occupations must have no external evidence of business activity, (e.g. signs, noise, odor, vibration, etc.) or reduce available parking. No customers or employees are allowed at the home and no advertising which gives the home address is allowed.

b – Not allowed on first floor at street frontage

c – Square footage not to exceed 10,000 Square feet.

d – Not permitted if the same use is preexisting and within 300'

e – See Multi-Family Residential

7. Three Corridors Specific Plan Chapter 6 Land Use and Development Standards – Table 6.14 Permitted Use Table for Appian Way [Amendment]

Excerpt of Table 6.14.

Text to be removed shown in ~~strikeout text~~.

Text to be added shown in underline text.

LAND USE AND DEVELOPMENT STANDARDS

Land Use Classifications	Service Sub-Area					Mixed-Use Sub-Area		
	RMU	CMU	OPMU	PQI	HDR	RMU	CMU	PQI
Automotive and Vehicle Use Listings								
<u>Alternative Fuel Station</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>
Auto Parts Sales	CUP	P	P	N	N	CUP	P	N
Car Wash and Detailing	N	N	CUP	N	N	N	N	N
Service Stations	N	N	<u>NCUP</u>	N	N	N	<u>NCUP</u> [‡]	N
Vehicle Services	N	CUP	CUP	CUP	N	N	CUP	CUP
Industrial, Manufacturing, and Processing Use Listings								
Manufacturing	N	N	N	N	N	N	N	N
Cottage Industry	CUP	CUP	CUP	N	N	CUP	CUP	N
Personal Storage Facility	N	N	N	N	N	N	N	N
Printing and Publishing	CUP	P	P	N	N	CUP	P	N
Recycling Facility – Collection	P	P	P	P	P	P	P	P
Recycling Facility – Processing	N	N	N	N	N	N	N	N

[‡]The service station must be accompanied with a larger retail establishment with a minimum of 50,000 square feet

Footnotes:

a – Home occupations must have no external evidence of business activity, (e.g. signs, noise, odor, vibration, etc.) or reduce available parking. No customers or employees are allowed at the home and no advertising which gives the home address is allowed.

b – Not allowed on first floor at street frontage

c – Square footage not to exceed 10,000 Square feet.

d – Not permitted if the same use is preexisting and within 300'

e – See Multi-Family Residential

8. Three Corridors Specific Plan Chapter 11 Definitions [Amendment]

Excerpt of Chapter 11.

Text to be removed shown in ~~strikeout text~~.

Text to be added shown in underline text.

DEFINITIONS

11.1 DEFINITIONS

The following definitions describe unique terms used throughout this document for the purpose of establishing a clear and common understanding.

Accent Trees. Trees used to supplement the required street trees.

Adult Day Care Home. Pursuant to definitions of State law, an adult day care home is a home which provides supervision and non-medical care to six or fewer adults, including elderly persons, in the provider's own home, on a less than 24-hour basis.

Adult-Related Uses. Those uses defined and regulated by Title 17, Chapter 17.56 of the City's Zoning Code.

Alcoholic Beverage Sales. The retail sale of beer, wine, and/or other alcoholic beverages for on- or off premise consumption.

Alley. Alleys are narrow private drives serving commercial and residential development.

Alley Access Parking. Residential or commercial parking that is accessible from an alley.



Alternative Fuel Station. A retail business selling and dispensing motor vehicle fuel other than fossil fuels, including hydrogen, electricity, and biofuel.

Arcade Frontage. An Arcade frontage is nearly identical in character to the Gallery frontage except that the upper stories of the building may project over the public sidewalk and encroach into the public right-of-way. The sidewalk must be fully absorbed within the colonnade so that a pedestrian may access it. This frontage is typically for retail use. An encroachment permit is needed to construct this frontage type, but can be approved as part of Design Review.

DEFINITIONS

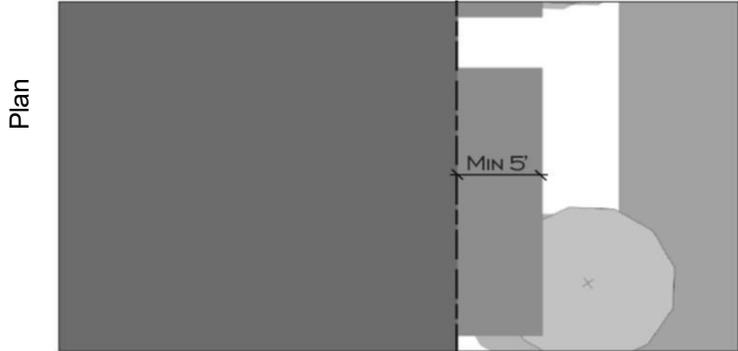
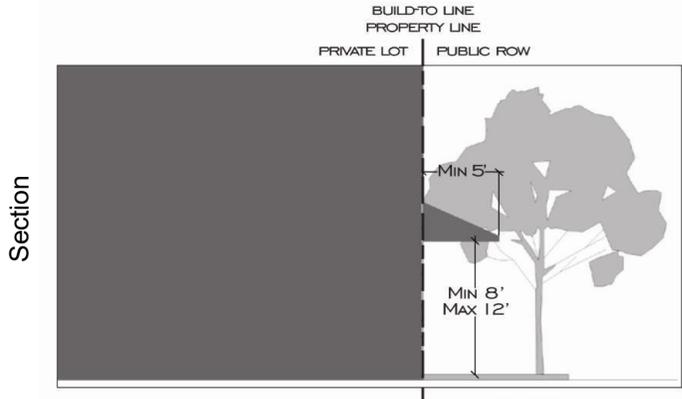
gymnastics studios, environmental awareness, arts, communications, management). Also see “Indoor Fitness and Sports Facilities.”

Schools – Public. Public educational institutions such as community colleges, universities, elementary, middle/junior high schools, high schools, and military academies.

Service Station. A retail business selling and dispensing fossil fuels, including gasoline and diesel, for motor vehicles. Service stations may include the sale of other motor vehicle fuels. ~~gasoline or other motor vehicle fuels.~~

Setback. The required distance between a property line and a structure. The setback is measured from the property line and/or right of way line.

Shopfront and Awning Frontage. This frontage is characterized by a façade which is aligned close to or directly on the right-of-way line with the building entrance at sidewalk grade. A shopfront and awning frontage has substantial glazing on the ground floor. Shopfront and awning frontages provide awnings or canopies cantilevered over the sidewalk.





CITY COUNCIL REPORT

10.A.

DATE: APRIL 2, 2024

TO: MAYOR AND COUNCIL MEMBERS

FROM: Eric Casher, City Attorney, N/A, ecasher@meyersnave.com
Lilly Whalen, Community Development Director, 510-724-9832,
lwhalen@pinole.gov

SUBJECT: URGENCY ORDINANCE ENACTING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF NEW SERVICE STATIONS OR EXPANSION OF EXISTING SERVICE STATIONS

RECOMMENDATION

Staff recommends that the City Council adopt an urgency ordinance enacting a temporary moratorium on the establishment of new service stations or expansion of existing service stations

BACKGROUND

Human-induced climate change is already affecting many weather and climate extremes in every region across the globe. The significant risks to the public health, safety, and welfare caused by climate change are too numerous to mention, but include air pollution, extreme weather events, increased food insecurity, and rising sea levels.

One main contributor to climate change is the transportation industry. Highway vehicles release about 1.5 billion tons of greenhouse gases (GHGs) into the atmosphere each year—mostly in the form of carbon dioxide (CO₂)—contributing to global climate change. Each gallon of gasoline burned creates 20 pounds of GHG. Fossil-fuel based transportation remains the largest contributor of GHG emissions and criteria pollutant emissions in California. Reducing GHG emissions to improve environmental and human health will require a massive transition away from internal combustion engines to zero-emission vehicles.

Government agencies at the federal, state, and local levels have all set priorities to shift consumers toward electric vehicles over traditional gasoline-powered vehicles. For example, the Biden Administration, in 2021, published a 2035 goal of 50% of all new passenger cars and light trucks sold to be zero-emission vehicles. At the state level, Governor Newsom issued Executive Order N-79-20, establishing a goal of all new vehicles sold to be zero-emission by 2035. In 2022, the California Air Resources Board approved the Advanced Clean Cars II rule in order to implement the 2035 goal.

Cities in the Bay Area have begun to create policies encouraging electric vehicle use as well. Some cities, including but not limited to, Santa Rosa, Windsor, American Canyon, and Petaluma, have banned new service stations (gas stations) within their city limits through amending their zoning codes.

The Pinole Zoning Code, Title 17 of the Municipal Code, defines “service stations” as “a retail business selling gasoline or other motor vehicle fuels.” Service stations are not a permitted use in any Zoning District in Pinole. However, service stations are conditionally permitted (with the issuance of a conditional use permit) in the following Zoning Districts:

1. OIMU in the Service Sub-Area in the San Pablo Avenue Corridor.
2. OPMU in the Service Sub-Area in the Appian Way Corridor.
3. CMU in the Mixed Use Sub-Area in the Appian Way Corridor.
4. RC Zoning District.

Chapter 17.34 of the City’s Zoning Code contains various regulations related to service stations (commonly referred to as gas stations), such as location requirements as well as development and design standards. There are currently eight (8) existing service stations in Pinole, including one undergoing reconstruction.

At the July 18, 2023 City Council meeting, the City Council directed staff to present information regarding enacting such a ban in the City of Pinole. Information regarding the option for prohibiting new gas stations was considered at the February 6, 2024 City Council meeting. The City Council directed staff to prepare an urgency ordinance enacting a moratorium on new service stations and include development of a permanent ordinance as an action in the Climate Action and Adaptation Plan (CAAP).

REVIEW AND ANALYSIS

California Government Code Section 65858 authorizes the City Council to adopt, as an urgency measure to preserve the public peace, health, and safety, a zoning moratorium prohibiting any uses that may be in conflict with a contemplated zoning proposal that the City Council is considering or studying.

The proposed urgency ordinance, if adopted, would enact a moratorium on the establishment of new service stations anywhere in the City of Pinole. The proposed ordinance would make service stations already existing in the City a legal nonconforming use, which allows existing service stations to continue operating. The ordinance would prohibit the expansion of existing service stations, as well as accessory buildings on the same site, such as convenience stores. The ordinance would generally allow repairs and maintenance of existing service stations as long as they did not result in an expansion of the existing use. Additionally, the owner of an existing service station would lose the status as a legal nonconforming use if the station ceased to sell or dispense fossil fuel for a period of 180 days or more.

Importantly, the proposed ordinance will not impact the ability of an existing service station to expand, modify or retrofit their facilities if such renovation supports a transition towards serving zero-emission vehicles. Existing Pinole Municipal Code Section 17.34.060 allows for the incorporation of biodiesel or other alternative fuels or charging stations for electric vehicles via simple administrative plan check procedures, which the proposed ordinance acknowledges.

The purpose of the moratorium is to give the City time to study and enact permanent changes to the Zoning Code prohibiting service stations as part of the City’s efforts to facilitate the transition to zero-emissions vehicles and combat the effects of climate change. The permanent

ordinance could incorporate more nuance and comprehensive regulations. For example, the proposed moratorium temporarily prohibits any expansion of existing service stations, including accessory buildings on the same site, such as a car wash or convenience store. The permanent regulations can address under what circumstances such expansions unrelated to the main fueling use is allowed. The permanent regulations might allow such expansions in exchange for other changes that facilitate the transition to zero emission vehicles, such as the addition of EV-charging stations. The moratorium gives the City time to study and evaluate these important details.

There are many public health and environmental impacts associated with service stations, such as toxic air pollution, surface water runoff, and leaks from underground fuel storage tanks. Two main goals of the Pinole General Plan are to promote sustainability, and to improve air quality through efforts to reduce vehicle emissions. Banning the development of new service stations in the City would align with these goals. Accordingly, the moratorium is consistent with the City's General Plan.

Other public agencies must generally comply with the City's Zoning Ordinances, except in limited circumstances. However, the County is generally exempt from the City's Zoning Ordinance. This also applies to joint powers authorities of which the County is a member, such as the Western Contra Costa Transit Authority ("WestCAT"). Accordingly, this moratorium would not prohibit the County or WestCAT from establishing new service stations in Pinole.

If adopted by a four-fifths (4/5) vote of the City Council, the proposed urgency ordinance will go into effect immediately and be in effect for 45 days. The Council could then renew the ordinance for a total combined period of time of up to two years. The proposed ordinance includes findings supporting the determination that the moratorium is necessary to protect public peace, health, and safety.

Development of the permanent ordinance will be included as action in the Climate Action and Adaptation Plan (CAAP), with a development and adoption timeline to not exceed the total combined period of time for renewal of the urgency ordinance. The public review draft of the CAAP will be presented to the City Council on April 16, 2024, with adoption of the CAAP at a subsequent Council meeting in May or June, or as directed by the Council.

FISCAL IMPACT

There is no direct fiscal impact of adopting the moratorium. The moratorium will not prevent existing service stations from continuing to operate, nor the ability of the City to collect sales tax. As part of studying and developing a permanent ordinance prohibiting service stations, staff will analyze long term fiscal impacts of that change.

ATTACHMENTS

- A. Urgency Ordinance Service Station Ban
- B. Service Station Moratorium PPT

**AN URGENCY ORDINANCE OF THE CITY OF PINOLE
MAKING FINDINGS AND ESTABLISHING A TEMPORARY
MORATORIUM ON THE ESTABLISHMENT OF
NEW SERVICE STATIONS AND THE EXPANSION OF EXISTING SERVICE
STATIONS**

WHEREAS, national, state, and local governmental authorities are responding to the increasing negative effects of burning fossil fuels and the increasing impacts of climate change generally; and

WHEREAS, the significant risks to the public health, safety, and welfare caused by climate change are too numerous to mention, but include air pollution, extreme weather events, increased food insecurity, and rising sea levels; and

WHEREAS, even with efforts to transition to zero-emission vehicles at the state-level, many local residents will continue to be affected by poor air quality associated with fossil fuel-burning vehicles; and

WHEREAS, burning fossil fuels, such as in gasoline-powered vehicles, negatively impacts local residents by causing a variety of health concerns, such as asthma and other respiratory illnesses; and

WHEREAS, burning fossil fuels also negatively affects children’s ability to play outside during school due to restricted activity days due to poor air quality; and

WHEREAS, the City of Pinole has an overriding interest in planning and regulating the use of property within the City and maintaining the quality of life; and

WHEREAS, the Zoning Code currently contains various permits and allowable uses relating to service stations, which are defined as “retail businesses selling gasoline or other motor vehicle fuels”; and

WHEREAS, because fossil-fuel based transportation remains the largest contributor of greenhouse gas emissions and criteria pollutant emissions in California, reducing greenhouse gas emissions to improve environmental and human health will require a massive transition away from internal combustion engines to zero emission vehicles (“ZEVs”); and

WHEREAS, to aid in reducing severe negative public health impacts that residents are experiencing, and will continue to experience, due to the use of fossil fuels, the City desires to ban the development of new service stations, prohibit the expansion of existing service stations, and encourage the use of ZEVs; and

WHEREAS, on September 23, 2020, the Governor of California signed Executive Order N-79- 20, initiating a phase-out of gas-powered vehicles and setting a target for all new passenger cars and trucks sold in California to be ZEVs by the year 2035; and

WHEREAS, on August 5, 2021, President Biden signed Executive Order 14037, Strengthening American Leadership in Clean Cars and Trucks, setting a goal that 50% of all new passenger cars and light trucks sold in the United States be ZEVs by the year 2030; and

WHEREAS, the establishment of new service stations or the expansion of existing service stations will adversely affect the ability to meet the City, State, and Federal Government’s climate and emission reduction goals; and

WHEREAS, the failure of the City, State and Federal Governments to meet their respect climate and emission reductions goals will have a significant negative impact on the fight against climate change, and will result in a threats to public health, safety, and welfare, such as an increase in extreme weather events and rising sea levels; and

WHEREAS, the City Council desires to enact permanent regulations regarding service stations within the City which account for the transition to ZEVs and the ongoing fight against climate change; and

WHEREAS, the permanent regulation will establish rules regarding how and when existing service stations can modify; and

WHEREAS, it is urgent and essential to the public health, safety, and welfare to immediately prohibit for a limited time the issuance of building, zoning, occupancy, and all other permits and licenses for the establishment and expansion of services stations to provide time to study the issue so that appropriate permanent land use controls can be developed; and

WHEREAS, the City Council expressly finds and declares that this Ordinance is necessary for protecting the public safety, health, and welfare, and urgent action is needed for the City to study and consider: (1) the potential negative effects of service stations on public health, welfare and safety, as detailed herein; (2) the zoning and economic development impacts of services stations; and (3) appropriate controls for service station for the protection of public health, safety, and welfare, and to facilitate the transition to ZEVs; and

WHEREAS, California Constitution, Article XI, Section 7, provides cities and counties with the authority to enact ordinances to protect the public health, safety, and general welfare of their citizens; and

WHEREAS, California Government Code Section 65858 authorizes the City Council to adopt as an urgency measure to preserve the public peace, health, and safety a zoning moratorium, prohibiting any uses that may be in conflict with a contemplated zoning proposal that the legislative body is considering or studying; and

WHEREAS, the City Council finds and determines that the approval of additional entitlements related to service stations in the City would result in a threat to public health and welfare, and that temporarily banning the development of new service stations and the expansion of existing service stations within the City is essential so that the City has time to consider permanent regulations that enable the City to combat the effects of climate change and improve air quality in the City and thereby serve the public peace, health, and safety; and

WHEREAS, the City Council finds that as existing Pinole Municipal Code Section 17.34.060 incentivizes the expansion, modification, or retrofit of an existing service station to incorporate biodiesel or other alternative fuels or charging stations for electric vehicles through simple administrative plan check procedures, and it is the intent of the urgency ordinance to encourage such an expansion, modification or retrofit to transition away from fossil fuels; and

WHEREAS, an urgency ordinance that is effective immediately is necessary to avoid the immediate threat to public peace, health, and safety, as failure to adopt this urgency ordinance could result in new services stations in Pinole, or expansion of existing service stations, which will cause an escalation of effects of climate change and worsening of health effects associated with fossil fuel use; and

WHEREAS, this Ordinance is exempt from further environmental review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3), the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment; the proposed Ordinance does not authorize or approve any use or project, but rather prohibits the temporary establishment of new service stations, and expansion of existing service stations, and preserves the status quo, and therefore has no potential for resulting in physical change in the environment, directly or indirectly.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PINOLE, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings

The City Council of the City of Pinole finds that all of the above Recitals are true and correct and incorporated herein by this reference.

SECTION 2. Urgency Findings

The City Council of the City of Pinole hereby finds that there is a threat to the public health, safety and/or welfare and a need for immediate preservation of the public peace, health, or safety that warrants this urgency ordinance, which finding is based upon the facts stated in the recitals above, and in the staff report dated April 2, 2024, as well as oral and written testimony at the April 2, City Council meeting. This Ordinance is declared by the City Council to be an urgency measure necessary for the protection of the public peace, health, or safety. The facts constituting such urgency are all of those certain facts set forth and referenced in this Ordinance and the entirety of the record before the City Council.

SECTION 3. Ordinance

The City Council hereby makes the findings contained herein and hereby adopts the uncodified Ordinance to read as follows:

ORDINANCE PROHIBITING THE DEVELOPMENT OF NEW SERVICE STATIONS AND EXPANSION OF EXISTING SERVICE STATIONS WITHIN THE CITY OF PINOLE AND DEEMING ALL EXISTING SERVICE STATIONS AS A LEGAL NONCONFORMING USE

Section 1. Purpose

The purpose of this Ordinance is to:

- A. Support the transition to zero emission vehicles as a tool to reduce greenhouse gas emissions and combat climate change.

- B. Allow time for the City to study and develop permanent regulations regarding service stations that enable the City to combat the effects of climate change and improve air quality in the City, and, thereby serve the public peace and health.
- C. Provide for the continued operation of service station uses as legal nonconforming uses.
- D. Allow alterations to service stations when such changes provide greater protection for the environment, safeguard public health, and safety, and promote the use of zero emission vehicles.

Section 2. Moratorium Imposed.

- A. From and after the effective date of this Ordinance, no permit or any other applicable license or entitlement for use shall be approved or issued for the establishment or operation of a service station, as defined in Pinole Municipal Code Title 17, in the City of Pinole.
- B. This moratorium shall not apply to the issuance or renewal of a business license for an existing business, or a new business license for an existing service station, provided that the applicant seeks to maintain the business without expansion and in its current location and the establishment complies with all City, State, Federal or otherwise applicable codes, rules, regulations, or laws.

Section 3. Modifications to Service Stations, Generally.

Except as provided herein, service station uses and structures related thereto, including structures for accessory uses, shall not be enlarged, extended, or moved to a different portion of the lot or parcel of land occupied by such.

This Section shall not prohibit repair, maintenance, or modification of existing service stations, as long as such repair, maintenance, or modification does not result in an expansion of the use and is completed in compliance with the applicable requirement of Pinole Municipal Code Chapter 17.14.

This Section shall not prohibit the expansion, modification, or retrofit of existing service stations to incorporate biodiesel or other alternative fuels or charging stations for electric vehicles as long as such expansion, modification or retrofit promotes the use of zero emissions vehicles and is in compliance with the applicable requirements of Pinole Municipal Code Section 17.34.060.

Section . Modifications to Improve Soil, Groundwater, and Storm Water Quality

Service station uses may be modified to conform to current stormwater quality control regulations or to remediate contamination of the soil or groundwater.

Section 5. Loss of Legal Nonconforming Use Status.

Service stations in existence as of the date this Ordinance is adopted may continue operating. Without any further action by the City, a nonconforming service station shall be conclusively presumed to have abandoned the service station's legal nonconforming status, and such status shall terminate, if and when:

1. The nonconforming service station ceases selling, storing, or dispensing fossil fuels for a continuous period of 6-months or more; or
2. The nonconforming service station is converted to or replaced by a permitted, non-fossil fuel station use.

Section 6. Termination

The Ordinance shall take effect immediately and shall remain in effect for 45 days, unless extended by the City Council pursuant to Government Code section 65858.

SECTION 4. Severability

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable. The City Council of the City of Pinole hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 5. Effective Date

Following adoption by at least a four-fifths vote of the City Council, this Ordinance shall be effective immediately upon adoption pursuant to Government Code section 65858. The City Clerk shall certify as to the adoption of this Urgency Ordinance and shall cause it to be published within fifteen (15) days of the adoption and shall post a certified copy of this Urgency Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with California Government Code Section 36933.

PASSED AND ADOPTED at a regular meeting of the Pinole City Council held on the 2nd day of April, 2024 by the following vote:

- AYES: COUNCILMEMBERS:
- NOES: COUNCILMEMBERS:
- ABSENT: COUNCILMEMBERS:
- ABSTAIN: COUNCILMEMBERS:

Maureen Toms, Mayor

ATTEST:

Heather Bell, City Clerk

APPROVED AS TO FORM:

Eric S. Casher, City Attorney

Urgency Ordinance
Enacting a Temporary
Moratorium on the
Establishment of New
Service Stations or
Expansion of Existing
Service Stations in the
City of Pinole

Tuesday, April 2, 2024
City Council



Background

- July 18, 2023: Future agenda item request to present information regarding enacting a ban on service stations in the City of Pinole (Councilmember Sasai)
- February 6, 2024:
 - Council received information
 - Council directed staff to prepare an urgency ordinance enacting a moratorium on new service stations and include development of a permanent ordinance as an action in the Climate Action and Adaptation Plan (CAAP)



Climate Change and Government Regulation



Climate change poses significant risks to public health, safety, and welfare (i.e., air pollution, extreme weather events, increased food insecurity, and rising sea levels)



One main contributor to climate change is the transportation industry



Government agencies at the federal, state, and local levels have all set priorities to shift consumers toward electric vehicles over traditional gasoline-powered vehicles

Gas/Service Station Regulation in Other Communities

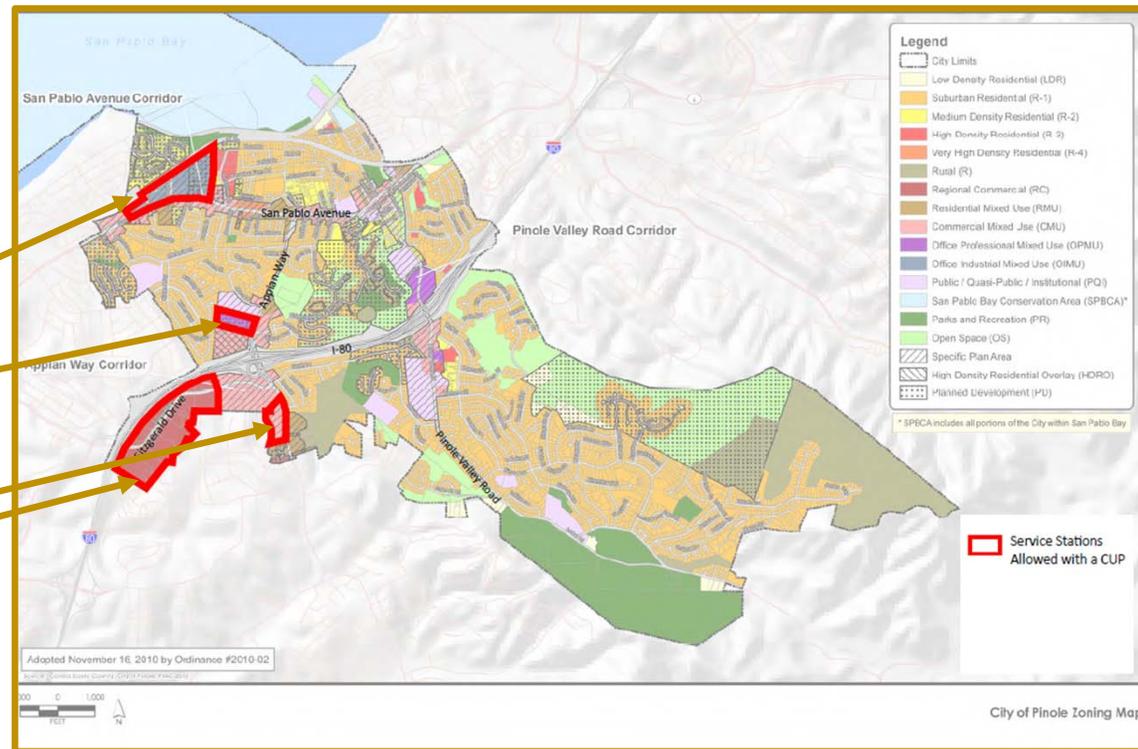
City	County	Date of Ban	# Existing and Proposed Gas Stations Regulated by Ordinance	Population
Petaluma	Sonoma	Mar 2021	17	59,403
Rohnert Park	Sonoma	Mar2022	13	44,411
Sebastopol	Sonoma	Apr 2022	3	7,448
Cotati	Sonoma	Jun 2022	5	7,498
Windsor	Sonoma	Oct 2022	4	26,039
Santa Rosa	Sonoma	Aug 2022	44	176,938
Sonoma County	Sonoma	Mar 2023	46	485,887
Yountville	Napa	Sept 2023	1	3,360
American Canyon	Napa	Feb 2022	3	21,605
Calistoga	Napa	Dec 2021	3	5,187
Napa	Napa	Apr 2023	20	78,818
St. Helena	Napa	Ban is pending	3	5,386
Novato	Marin	October 2022	14	52,708
San Anselmo	Marin	November 2023	3	12,693
Fairfax	Marin	November 2023	2	7,521

Where are Service Stations in Pinole Allowed?

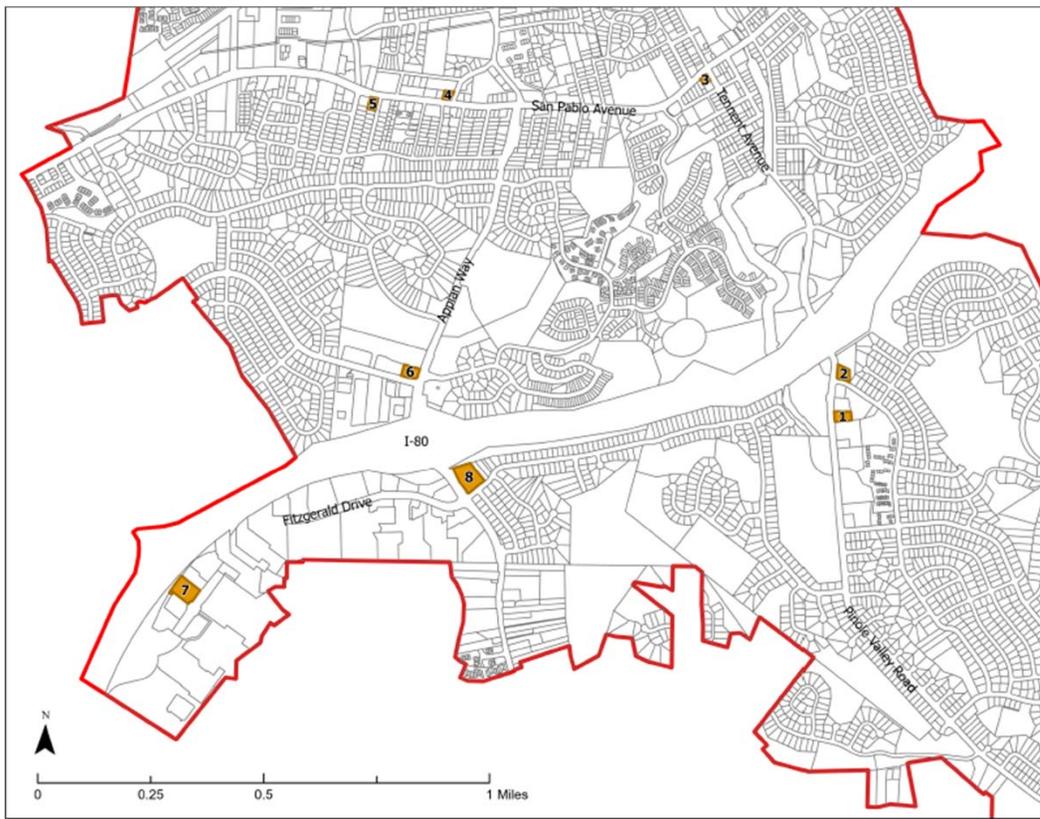
Service Stations: retail businesses selling gasoline or other motor vehicle fuels.

Allowed with a CUP only:

- OIMU in the Service Sub-Area in the San Pablo Avenue Corridor.
- OPMU in the Service Sub-Area in the Appian Way Corridor.
- CMU in the Mixed Use Sub-Area in the Appian Way Corridor.
- RC Zoning District.

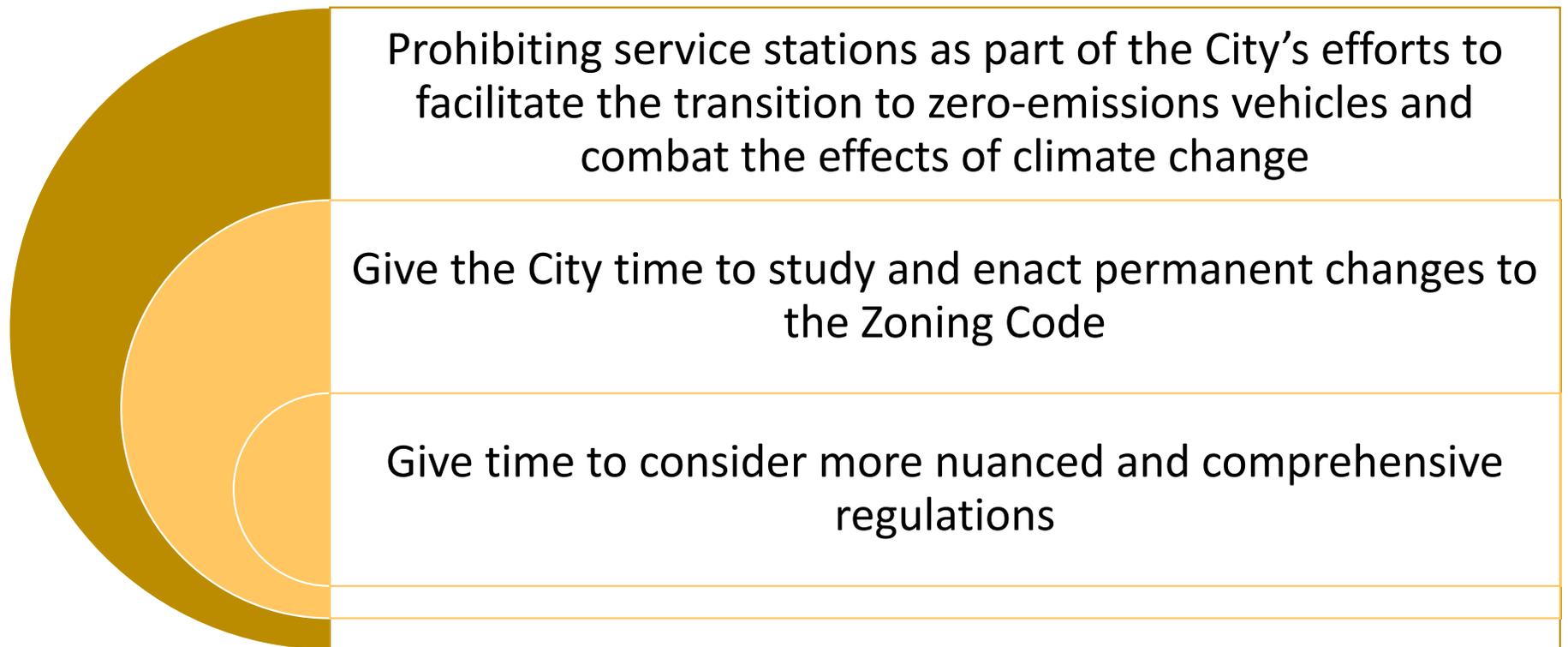


Existing Service Stations in Pinole



ID	Station	Address	Zoning District	Built (effective year)
1	ARCO	2737 & 2747 Pinole Valley Rd	CMU (Commercial Mixed Use)	1976
2	Chevron - Pinole Valley	2695 Pinole Valley Rd	CMU	1959 (1970)
3	Pump House	700 Tennent Ave	CMU	1961 (1965)
4	Grand	1390 San Pablo Ave	CMU	1984
5	Smart Stop	1007 San Pablo Ave	CMU	1984
6	Chevron - Appian Way	2298 Appian Way	CMU	1967 (1980)
7	Shell	1401 Fitzgerald Dr	RC (Regional Commercial)	1999 (2000)
8	1401 Fitzgerald	2401 Appian Way	CMU	1999 (2000)

Purpose of Moratorium



Proposed Urgency Ordinance

Gov't Code Section 65858 authorizes the City Council to adopt, as an urgency measure to preserve the public peace, health, and safety, a zoning moratorium prohibiting any uses that may be in conflict with a contemplated zoning proposal that the City Council is considering or studying.

The urgency ordinance will:

Enact a moratorium on the establishment of new service stations anywhere in the City

Make service stations already existing in the City a legal nonconforming use, which allows existing service stations to continue operating

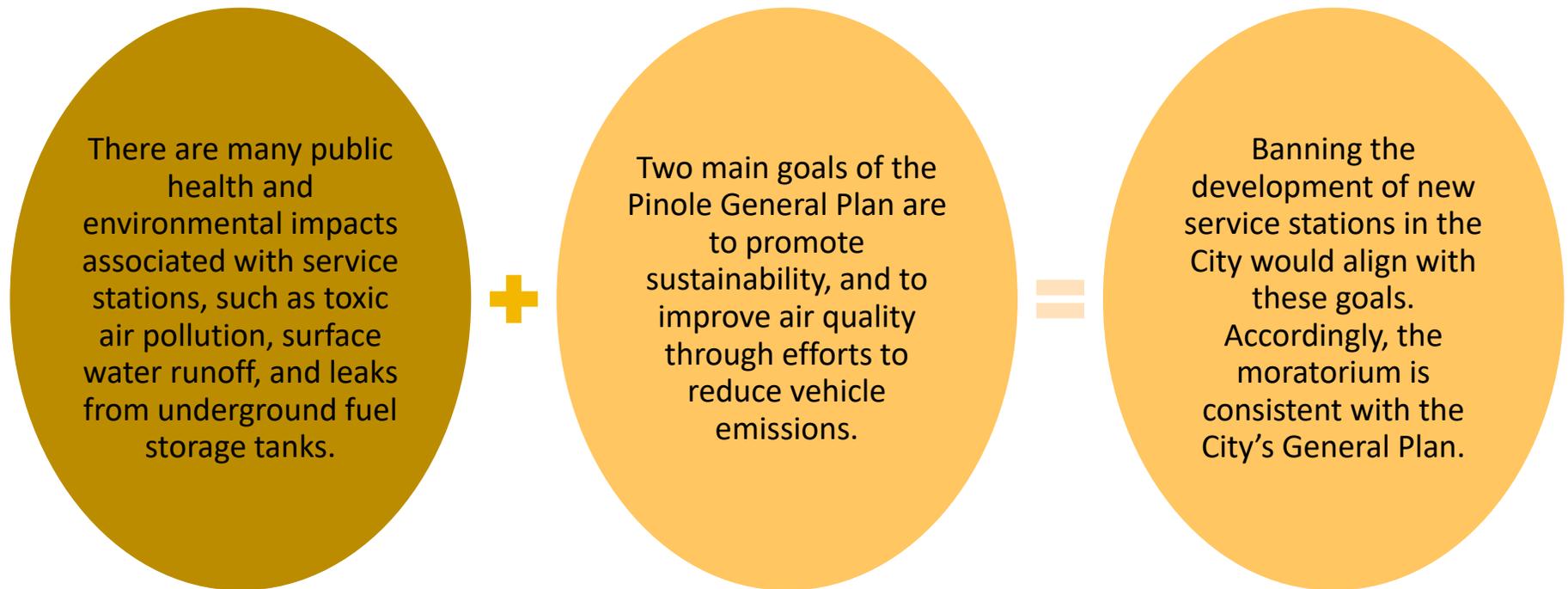
Prohibit the expansion of existing service stations, as well as accessory buildings on the same site, such as convenience stores

Generally allow repairs and maintenance of existing service stations as long as they did not result in an expansion of the existing use

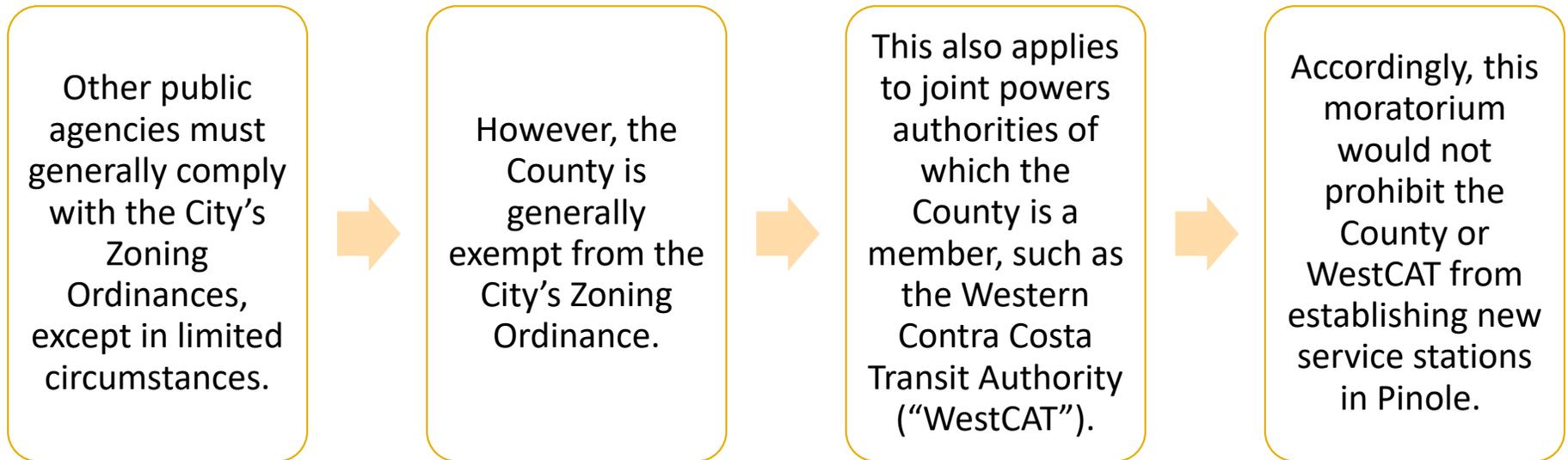
Ensure that if a service station ceased to sell or dispense fossil fuel for a period of 180 days or more they would lose the status as a legal nonconforming use

Not impact the ability of an existing service station to expand, modify or retrofit their facilities if such renovation supports a transition towards serving zero-emission vehicles

Consistency with General Plan



Applicability of Urgency Ordinance on Other Public Agencies



Urgency Ordinance Process and Timeline

Urgency Ordinance can be adopted tonight if so desired by the City Council

Findings supporting the determination that the moratorium is necessary to protect the public peace, health and safety (included in proposed ordinance)

Approval by four-fifths (4/5) vote of the City Council is required

Urgency ordinance will go into effect immediately for 45 days

Council can renew the ordinance for a total combined period of time of up to two years

Permanent Ordinance Process and Timeline

Included as action in the CAAP, with a development and adoption timeline not to exceed two years

Staff will study and consider: (1) the potential negative effects of service stations on public health, welfare and safety; (2) the zoning and economic development impacts of services stations; and (3) appropriate controls for service station for the protection of public health, safety, and welfare, and to facilitate the transition to ZEVs

Planning Commission will provide a recommendation on the draft permanent ordinance

The City Council will ultimately consider adopting the permanent ordinance.

Fiscal Impact

There is no direct fiscal impact of adopting the moratorium. The moratorium will not prevent existing service stations from continuing to operate, nor the ability of the City to collect sales tax. As part of studying and developing a permanent ordinance prohibiting service stations, staff will analyze long term fiscal impacts of that change.



Staff Recommendations

- Staff recommends that the City Council adopt an urgency ordinance enacting a temporary moratorium on the establishment of new service stations or expansion of existing service stations





CITY COUNCIL REPORT

4.A.

DATE: MAY 7, 2024

TO: MAYOR AND COUNCIL MEMBERS

FROM: Lilly Whalen, Community Development Director, 510-724-9832,
lwhalen@pinole.gov
Alex Mog, Assistant City Attorney, N/A, alex.mog@redwoodpubliclaw.com

SUBJECT: URGENCY ORDINANCE EXTENDING A TEMPORARY MORATORIUM ON
THE ESTABLISHMENT OF NEW SERVICE STATIONS OR EXPANSION OF
EXISTING SERVICE STATIONS

RECOMMENDATION

Adopt an urgency Ordinance extending a temporary moratorium on the establishment of new service stations or expansion of existing service stations.

BACKGROUND

Human-induced climate change is already affecting many weather and climate extremes in every region across the globe. The significant risks to the public health, safety, and welfare caused by climate change are too numerous to mention, but include air pollution, extreme weather events, increased food insecurity, and rising sea levels.

One main contributor to climate change is the transportation industry. Highway vehicles release about 1.5 billion tons of greenhouse gases (GHGs) into the atmosphere each year—mostly in the form of carbon dioxide (CO₂)—contributing to global climate change. Each gallon of gasoline burned creates 20 pounds of GHG. Fossil-fuel based transportation remains the largest contributor of GHG emissions and criteria pollutant emissions in California. Reducing GHG emissions to improve environmental and human health will require a massive transition away from internal combustion engines to zero-emission vehicles.

Government agencies at the federal, state, and local levels have all set priorities to shift consumers toward electric vehicles over traditional gasoline-powered vehicles. For example, the Biden Administration, in 2021, published a 2035 goal of 50% of all new passenger cars and light trucks sold to be zero-emission vehicles. At the state level, Governor Newsom issued Executive Order N-79-20, establishing a goal of all new vehicles sold to be zero-emission by 2035. In 2022, the California Air Resources Board approved the Advanced Clean Cars II rule in order to implement the 2035 goal.

The Pinole Zoning Code, Title 17 of the Municipal Code, defines “service stations” as “a retail business selling gasoline or other motor vehicle fuels.” Service stations are not a permitted use in any Zoning District in Pinole. However, service stations are conditionally permitted (with the issuance of a conditional use permit) in the following Zoning Districts:

1. OIMU in the Service Sub-Area in the San Pablo Avenue Corridor.
2. OPMU in the Service Sub-Area in the Appian Way Corridor.
3. CMU in the Mixed Use Sub-Area in the Appian Way Corridor.
4. RC Zoning District.

Chapter 17.34 of the City's Zoning Code contains various regulations related to service stations (commonly referred to as gas stations), such as location requirements as well as development and design standards. There are currently eight (8) existing service stations in Pinole, including one undergoing reconstruction.

On April 2, the City Council adopted an urgency ordinance to enact a moratorium on the establishment of new service stations anywhere in the City of Pinole. The ordinance made service stations already existing in the City a legal nonconforming use, which allows existing service stations to continue operating. The ordinance prohibits the expansion of existing service stations, as well as accessory buildings on the same site, such as convenience stores. The ordinance generally allows repairs and maintenance of existing service stations as long as they do not result in an expansion of the existing use. Additionally, the owner of an existing service station loses the status as a legal nonconforming use if the station ceases to sell or dispense fossil fuel for a period of 180 days or more.

Importantly, the ordinance did not impact the ability of an existing service station to expand, modify or retrofit their facilities if such renovation supports a transition towards serving zero-emission vehicles. Existing Pinole Municipal Code Section 17.34.060 allows for the incorporation of biodiesel or other alternative fuels or charging stations for electric vehicles via simple administrative plan check procedures, which the proposed ordinance acknowledges.

The zoning moratorium adopted on April 2 lasts for 45 days, but may be extended by the City Council for an additional 22 months and 15 days.

REVIEW AND ANALYSIS

California Government Code Section 65858 authorizes the City Council to adopt, as an urgency measure to preserve the public peace, health, and safety, a zoning moratorium prohibiting any uses that may be in conflict with a contemplated zoning proposal that the City Council is considering or studying.

The proposed urgency ordinance would extend the existing zoning moratorium on new or expanded service stations for 22 months and 15 days from the date of adoption. Other than the expiration date, all other provisions of the proposed urgency ordinance are the same as the ordinance originally adopted on April 2.

The purpose of the moratorium is to give the City time to study and enact permanent changes to the Zoning Code prohibiting service stations as part of the City's efforts to facilitate the transition to zero-emissions vehicles and combat the effects of climate change. The permanent ordinance could incorporate more nuance and comprehensive regulations. For example, the proposed moratorium temporarily prohibits any expansion of existing services stations, including accessory buildings on the same site, such as a car wash

or convenience store. The permanent regulations can address under what circumstances such expansions unrelated to the main fueling use is allowed. The permanent regulations might allow such expansions in exchange for other changes that facilitate the transition to zero emission vehicles, such as the addition of EV-charging stations. The moratorium gives the City time to study and evaluate these important details.

As required by Government Code section 65858, a report was prepared describing the measures taken by the City to alleviate the conditions that led to the adoption of the ordinance. Given the short amount of time that has past since the initial adoption of the ordinance, staff has not yet made significant progress on preparing a permanent ordinance. However, development of the permanent ordinance will be included as action in the Climate Action and Adaptation Plan (CAAP), with a development and adoption timeline to not exceed the total combined period of time for renewal of the urgency ordinance. The public review draft of the CAAP will be presented to the City Council on May 7, 2024.

There are many public health and environmental impacts associated with service stations, such as toxic air pollution, surface water runoff, and leaks from underground fuel storage tanks. Two main goals of the Pinole General Plan are to promote sustainability, and to improve air quality through efforts to reduce vehicle emissions. Banning the development of new service stations in the City would align with these goals. Accordingly, the moratorium is consistent with the City's General Plan.

If adopted by a four-fifths (4/5) vote of the City Council, the proposed urgency ordinance will go into effect immediately and be in effect for 22 months and 15 days. The proposed ordinance includes findings supporting the determination that the moratorium is necessary to protect public peace, health, and safety.

FISCAL IMPACT

There is no direct fiscal impact of extending the moratorium. The moratorium will not prevent existing service stations from continuing to operate, nor the ability of the City to collect sales tax. As part of studying and developing a permanent ordinance prohibiting service stations, staff will analyze long term fiscal impacts of that change.

ATTACHMENTS

- A. Urgency Ordinance Extending Service Station Ban
- B. Report on Implementation of Moratorium

ORDINANCE NO. 2024-XX

AN URGENCY ORDINANCE OF THE CITY OF PINOLE MAKING FINDINGS AND EXTENDING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF NEW SERVICE STATIONS AND THE EXPANSION OF EXISTING SERVICE STATIONS

WHEREAS, national, state, and local governmental authorities are responding to the increasing negative effects of burning fossil fuels and the increasing impacts of climate change generally; and

WHEREAS, the significant risks to the public health, safety, and welfare caused by climate change are too numerous to mention, but include air pollution, extreme weather events, increased food insecurity, and rising sea levels; and

WHEREAS, even with efforts to transition to zero-emission vehicles at the state-level, many local residents will continue to be affected by poor air quality associated with fossil fuel-burning vehicles; and

WHEREAS, burning fossil fuels, such as in gasoline-powered vehicles, negatively impacts local residents by causing a variety of health concerns, such as asthma and other respiratory illnesses; and

WHEREAS, burning fossil fuels also negatively affects children’s ability to play outside during school due to restricted activity days due to poor air quality; and

WHEREAS, the City of Pinole has an overriding interest in planning and regulating the use of property within the City and maintaining the quality of life; and

WHEREAS, the Zoning Code currently contains various permits and allowable uses relating to service stations, which are defined as “retail businesses selling gasoline or other motor vehicle fuels”; and

WHEREAS, because fossil-fuel based transportation remains the largest contributor of greenhouse gas emissions and criteria pollutant emissions in California, reducing greenhouse gas emissions to improve environmental and human health will require a massive transition away from internal combustion engines to zero emission vehicles (“ZEVs”); and

WHEREAS, to aid in reducing severe negative public health impacts that residents are experiencing, and will continue to experience, due to the use of fossil fuels, the City desires to ban the development of new service stations, prohibit the expansion of existing service stations, and encourage the use of ZEVs; and

WHEREAS, on September 23, 2020, the Governor of California signed Executive Order N-79- 20, initiating a phase-out of gas-powered vehicles and setting a target for all new passenger cars and trucks sold in California to be ZEVs by the year 2035; and

WHEREAS, on August 5, 2021, President Biden signed Executive Order 14037, Strengthening American Leadership in Clean Cars and Trucks, setting a goal that 50% of all new passenger cars and light trucks sold in the United States be ZEVs by the year 2030; and

WHEREAS, the establishment of new service stations or the expansion of existing service stations will adversely affect the ability to meet the City, State, and Federal Government’s climate and emission reduction goals; and

WHEREAS, the failure of the City, State and Federal Governments to meet their respect climate and

emission reductions goals will have a significant negative impact on the fight against climate change, and will result in a threats to public health, safety, and welfare, such as an increase in extreme weather events and rising sea levels; and

WHEREAS, the City Council desires to enact permanent regulations regarding service stations within the City which account for the transition to ZEVs and the ongoing fight against climate change; and

WHEREAS, the permanent regulation will establish rules regarding how and when existing service stations can modify; and

WHEREAS, it is urgent and essential to the public health, safety, and welfare to immediately prohibit for a limited time the issuance of building, zoning, occupancy, and all other permits and licenses for the establishment and expansion of services stations to provide time to study the issue so that appropriate permanent land use controls can be developed; and

WHEREAS, the City Council expressly finds and declares that this Ordinance is necessary for protecting the public safety, health, and welfare, and urgent action is needed for the City to study and consider: (1) the potential negative effects of service stations on public health, welfare and safety, as detailed herein; (2) the zoning and economic development impacts of services stations; and (3) appropriate controls for service station for the protection of public health, safety, and welfare, and to facilitate the transition to ZEVs; and

WHEREAS, California Constitution, Article XI, Section 7, provides cities and counties with the authority to enact ordinances to protect the public health, safety, and general welfare of their citizens; and

WHEREAS, California Government Code Section 65858 authorizes the City Council to adopt as an urgency measure to preserve the public peace, health, and safety a zoning moratorium, prohibiting any uses that may be in conflict with a contemplated zoning proposal that the legislative body is considering or studying; and

WHEREAS, the City Council finds and determines that the approval of additional entitlements related to service stations in the City would result in a threat to public health and welfare, and that temporarily banning the development of new service stations and the expansion of existing service stations within the City is essential so that the City has time to consider permanent regulations that enable the City to combat the effects of climate change and improve air quality in the City and thereby serve the public peace, health, and safety; and

WHEREAS, the City Council finds that as existing Pinole Municipal Code Section 17.34.060 incentivizes the expansion, modification, or retrofit of an existing service station to incorporate biodiesel or other alternative fuels or charging stations for electric vehicles through simple administrative plan check procedures, and it is the intent of the urgency ordinance to encourage such an expansion, modification or retrofit to transition away from fossil fuels; and

WHEREAS, on April 2, 2024, following a noticed public hearing, the City Council adopted an urgency ordinance enacting a zoning moratorium on new or expanded services stations within the City of Pinole; and

WHEREAS, the conditions that created the need for the zoning moratorium still exist, and therefore the City Council desires to adopt an urgency ordinance to extend the zoning moratorium on new or expanded services stations by 22 months and 15 days; and

WHEREAS, in accordance with the requirements of Government Code 65858, a report was issued describing the measures taken to alleviate the condition which led to the adoption of the ordinance, a copy of which was attached to the May 7 staff report; and

WHEREAS, an urgency ordinance that is effective immediately is necessary to avoid the immediate threat to public peace, health, and safety, as failure to adopt this urgency ordinance could result in new services stations in Pinole, or expansion of existing service stations, which will cause an escalation of effects of climate change and worsening of health effects associated with fossil fuel use; and

WHEREAS, this Ordinance is exempt from further environmental review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3), the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment; the proposed Ordinance does not authorize or approve any use or project, but rather prohibits the temporary establishment of new service stations, and expansion of existing service stations, and preserves the status quo, and therefore has no potential for resulting in physical change in the environment, directly or indirectly.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PINOLE, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings

The City Council of the City of Pinole finds that all of the above Recitals are true and correct and incorporated herein by this reference.

SECTION 2. Urgency Findings

The City Council of the City of Pinole hereby finds that there is a threat to the public health, safety and/or welfare and a need for immediate preservation of the public peace, health, or safety that warrants this urgency ordinance, which finding is based upon the facts stated in the recitals above, and in the staff report dated May 7, 2024, as well as oral and written testimony at the May 7, City Council meeting. This Ordinance is declared by the City Council to be an urgency measure necessary for the protection of the public peace, health, or safety. The facts constituting such urgency are all of those certain facts set forth and referenced in this Ordinance and the entirety of the record before the City Council. In accordance with the requirements of Government Code section 65858, a report was issued describing the measures taken to alleviate the condition which led to the adoption of the ordinance, a copy of which was attached to the May 7 staff report.

SECTION 3. Ordinance

The City Council hereby makes the findings contained herein and hereby adopts the uncodified Ordinance to read as follows:

ORDINANCE PROHIBITING THE DEVELOPMENT OF NEW SERVICE STATIONS AND EXPANSION OF EXISTING SERVICE STATIONS WITHIN THE CITY OF PINOLE AND DEEMING ALL EXISTING SERVICE STATIONS AS A LEGAL NONCONFORMING USE

Section 1. Purpose

The purpose of this Ordinance is to:

- A. Support the transition to zero emission vehicles as a tool to reduce greenhouse gas emissions and combat climate change.
- B. Allow time for the City to study and develop permanent regulations regarding service stations that enable the City to combat the effects of climate change and improve air quality in the City, and, thereby serve the public peace and health.
- C. Provide for the continued operation of service station uses as legal nonconforming uses.
- D. Allow alterations to service stations when such changes provide greater protection for the environment, safeguard public health, and safety, and promote the use of zero emission vehicles.

Section 2. Moratorium Imposed.

- A. From and after the effective date of this Ordinance, no permit or any other applicable license or entitlement for use shall be approved or issued for the establishment or operation of a service station, as defined in Pinole Municipal Code Title 17, in the City of Pinole.
- B. This moratorium shall not apply to the issuance or renewal of a business license for an existing business, or a new business license for an existing service station, provided that the applicant seeks to maintain the business without expansion and in its current location and the establishment complies with all City, State, Federal or otherwise applicable codes, rules, regulations, or laws.

Section 3. Modifications to Service Stations, Generally.

Except as provided herein, service station uses and structures related thereto, including structures for accessory uses, shall not be enlarged, extended, or moved to a different portion of the lot or parcel of land occupied by such.

This Section shall not prohibit repair, maintenance, or modification of existing service stations, as long as such repair, maintenance, or modification does not result in an expansion of the use and is completed in compliance with the applicable requirement of Pinole Municipal Code Chapter 17.14.

This Section shall not prohibit the expansion, modification, or retrofit of existing service stations to incorporate biodiesel or other alternative fuels or charging stations for electric vehicles as long as such expansion, modification or retrofit promotes the use of zero emissions vehicles and is in compliance with the applicable requirements of Pinole Municipal Code Section 17.34.060.

Section 4. Modifications to Improve Soil, Groundwater, and Storm Water Quality.

Service station uses may be modified to conform to current stormwater quality control regulations or to remediate contamination of the soil or groundwater.

Section 5. Loss of Legal Nonconforming Use Status.

Service stations in existence as of the date this Ordinance is adopted may continue operating. Without any further action by the City, a nonconforming service station shall be conclusively presumed to have abandoned the service station's legal nonconforming status, and such status shall terminate, if and when:

1. The nonconforming service station ceases selling, storing, or dispensing fossil fuels for a continuous period of 6-months or more; or

2. The nonconforming service station is converted to or replaced by a permitted, non-fossil fuel station use.
- 3.

Section 6. Termination

The Ordinance shall take effect immediately and shall remain in effect for 22 months and 15 days, unless sooner terminated by the City Council.

SECTION 4. Severability

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable. The City Council of the City of Pinole hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 5. Effective Date

Following adoption by at least a four-fifths vote of the City Council, this Ordinance shall be effective immediately upon adoption pursuant to Government Code section 65858. The City Clerk shall certify as to the adoption of this Urgency Ordinance and shall cause it to be published within fifteen (15) days of the adoption and shall post a certified copy of this Urgency Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with California Government Code Section 36933.

PASSED AND ADOPTED at a regular meeting of the Pinole City Council held on the 7th day of May, 2024 by the following vote:

AYES: COUNCILMEMBERS:
 NOES: COUNCILMEMBERS:
 ABSENT: COUNCILMEMBERS:
 ABSTAIN: COUNCILMEMBERS:

Maureen Toms, Mayor

ATTEST:

Heather Bell, City Clerk

APPROVED AS TO FORM:

Eric S. Casher, City Attorney

REPORT PURSUANT TO GOVERNMENT CODE 65858(d).

Human-induced climate change is already affecting many weather and climate extremes in every region across the globe. The significant risks to the public health, safety, and welfare caused by climate change are too numerous to mention, but include air pollution, extreme weather events, increased food insecurity, and rising sea levels. One main contributor to climate change is the transportation industry. Highway vehicles release about 1.5 billion tons of greenhouse gases (GHGs) into the atmosphere each year— mostly in the form of carbon dioxide (CO₂)—contributing to global climate change. Each gallon of gasoline burned creates 20 pounds of GHG. Fossil-fuel based transportation remains the largest contributor of GHG emissions and criteria pollutant emissions in California. Reducing GHG emissions to improve environmental and human health will require a massive transition away from internal combustion engines to zero-emission vehicles.

On April 2, the City Council adopted an urgency ordinance to enact a moratorium on the establishment of new service stations anywhere in the City of Pinole. The ordinance made service stations already existing in the City a legal nonconforming use, which allows existing service stations to continue operating. The ordinance prohibits the expansion of existing service stations, as well as accessory buildings on the same site, such as convenience stores. The ordinance generally allows repairs and maintenance of existing service stations as long as they do not result in an expansion of the existing use. Additionally, the owner of an existing service station loses the status as a legal nonconforming.

The purpose of the moratorium is to give the City time to study and enact permanent changes to the Zoning Code prohibiting service stations as part of the City's efforts to facilitate the transition to zero-emissions vehicles and combat the effects of climate change. The permanent ordinance could incorporate more nuance and comprehensive regulations. For example, the proposed moratorium temporarily prohibits any expansion of existing services stations, including accessory buildings on the same site, such as a car wash or convenience store. The permanent regulations can address under what circumstances such expansions unrelated to the main fueling use is allowed. The permanent regulations might allow such expansions in exchange for other changes that facilitate the transition to zero emission vehicles, such as the addition of EV-charging stations. The moratorium gives the City time to study and evaluate these important details.

City staff have begun researching and analyzing possible elements of a permanent ordinance. Given the short amount of time that has passed since the moratorium was adopted, there has not yet been significant progress toward preparation of the permanent ordinance. However, Development of the permanent ordinance will be included as action in the Climate Action and Adaptation Plan (CAAP), with a development and adoption timeline to not exceed the total combined period of time for renewal of the urgency ordinance.

Permanent Service Station Ban Ordinance

Project Engagement

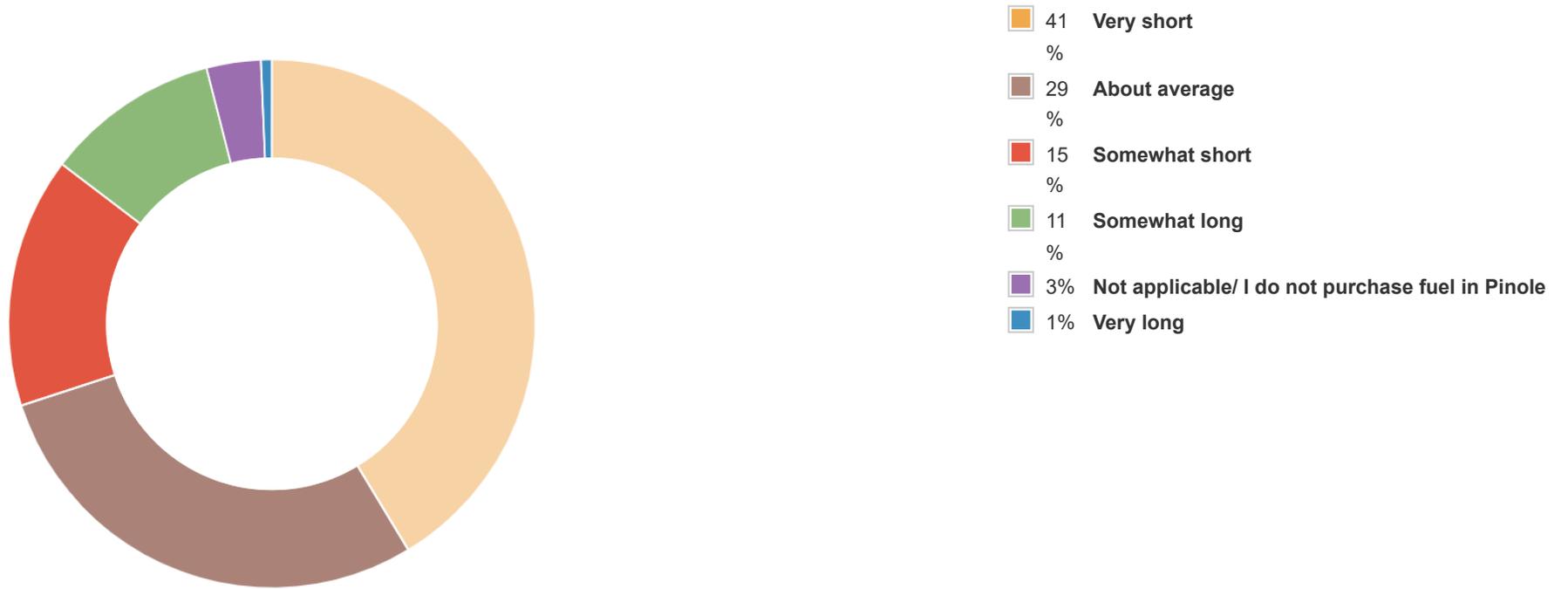
VIEWS	PARTICIPANTS	RESPONSES	COMMENTS	SUBSCRIBERS
390	158	1,341	116	1

How easy or difficult is it for you to access a gas station within or near Pinole when you need fuel?



155 respondents

When purchasing fuel in Pinole, how would you describe typical wait times at gas stations?



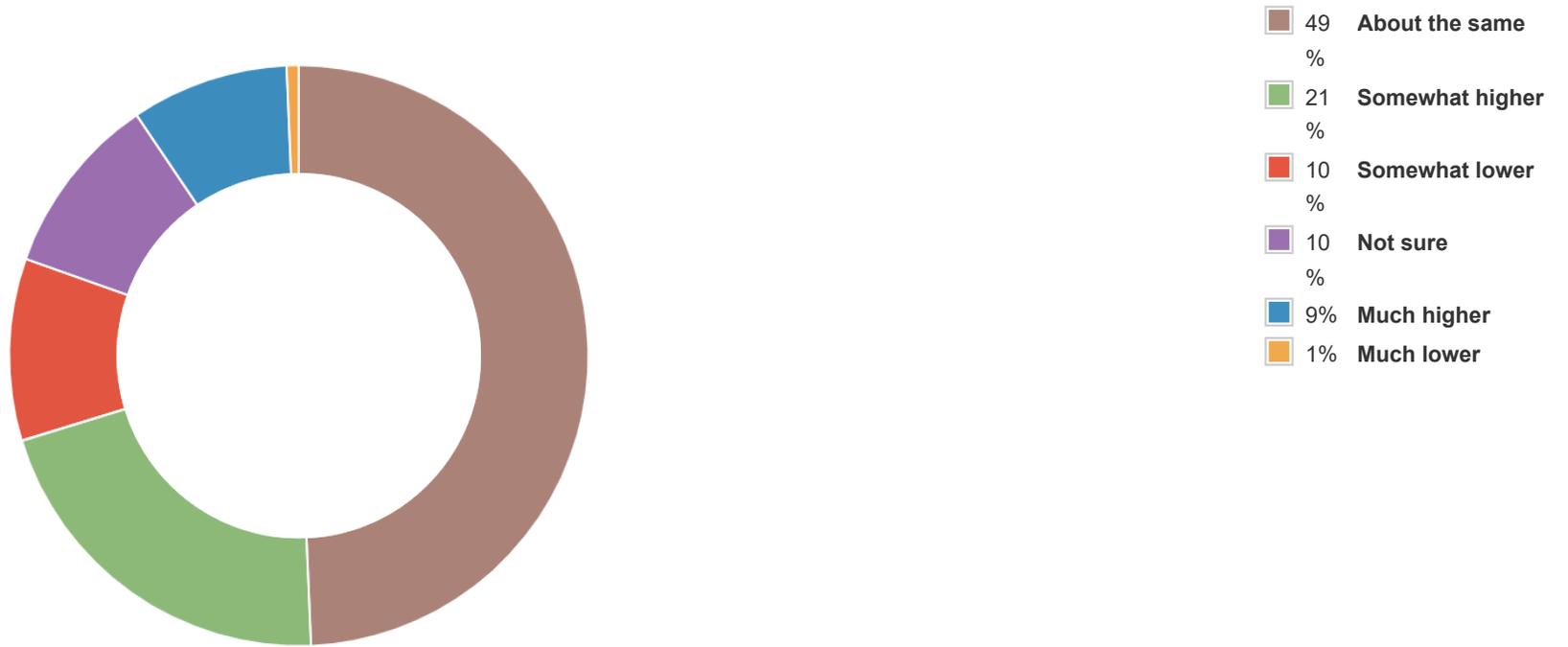
150 respondents

How familiar are you with the land-use and infrastructure considerations associated with gas stations (such as traffic circulation, groundwater protection, or site remediation requirements)?



150 respondents

How would you rate gas prices at Pinole gas stations compared to gas stations in nearby cities?



148 respondents

How concerned, if at all, are you about greenhouse gas emissions related to transportation?



146 respondents

How familiar are you with the potential community impacts related to the production and distribution of gasoline (such as public health or proximity to industrial facilities)?



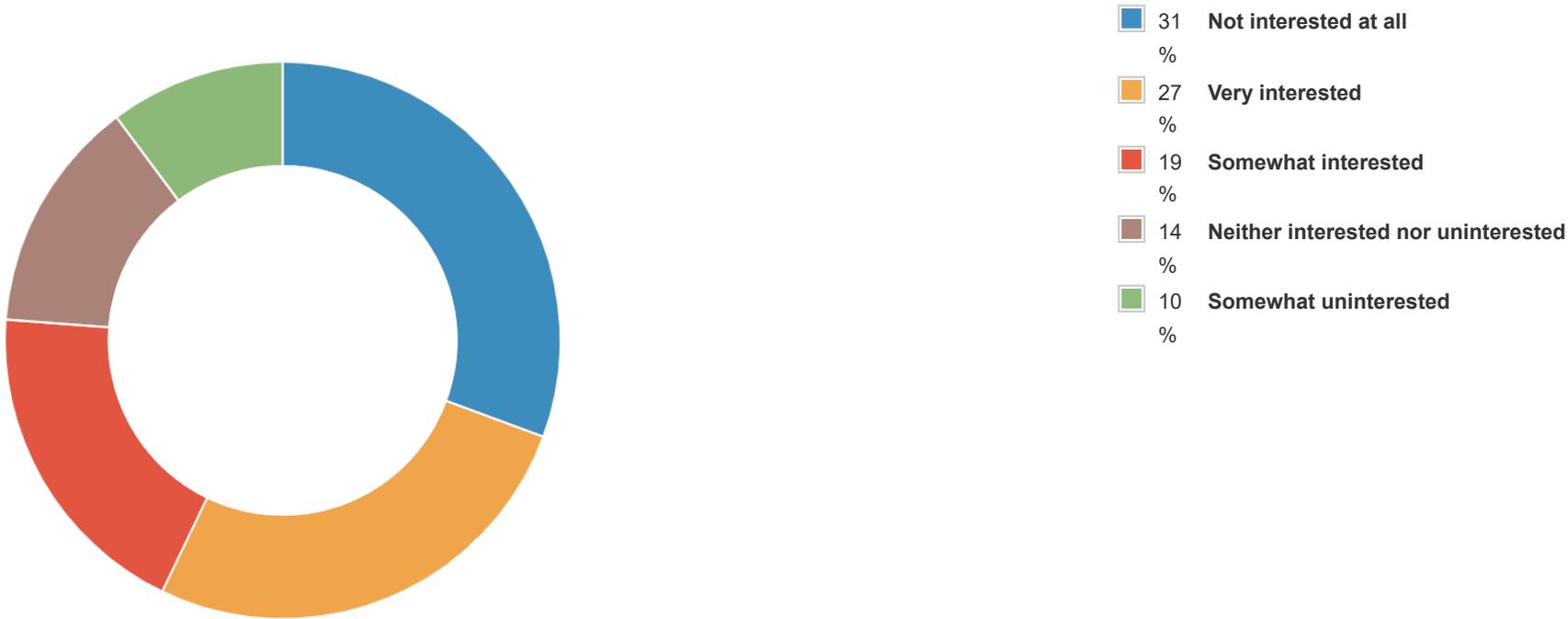
148 respondents

Approximately what percentage of vehicles in your household rely primarily on gasoline for fuel?



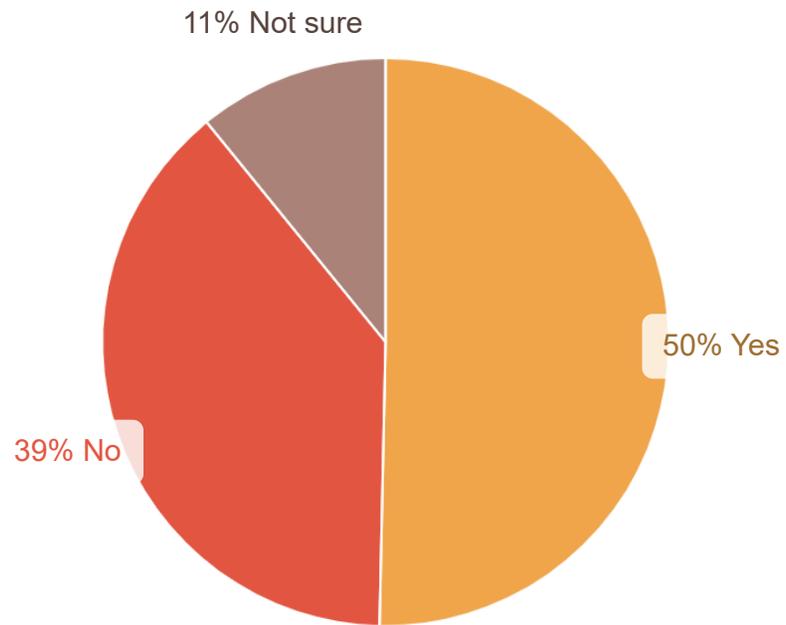
150 respondents

How interested are you in having additional non-gasoline transportation or fueling options available in Pinole?



147 respondents

Do you have concerns about limiting or prohibiting new gas stations in Pinole?



147 respondents

Please share any comments or concerns you would like the City to consider.

I really think you guys need to keep your government noses out of the commercial sector. You guys are way to controlling. You want to turn Pinole into Berkeley?

12/19/2025

👍 21 Agree

The whole point of government is to regulate and look out for the people. This is their job, I'm glad they're considering this move. When have you ever struggled to get gas in Pinole? I don't think you have to drive more than mile from any point in the city to find a gas station. To Pinole leadership, yes please keep your noses where they are, looking out for the health and well being of your citizens.

12/19/2025

👍 5 Agree

I strongly believe competitive market forces should determine how many gas stations are in Pinole; not the City

12/19/2025

👍 20 Agree

This proposed ordinance would prohibit gas stations from updating, improving, adding services like EV charging or markets.. don't we want gas stations to upgrade and improve? Why prohibit that, won't that lead to blight??

12/21/2025

👍 6 Agree

Consider all

The traffic there is on appian way and you guys still want to create more housing

12/19/2025

👍 12 Agree

We need more affordable housing for people and affordable means \$120-\$140K per year for a household of four.

12/19/2025

👍 2 Agree

Let the market decide. don't deprive citizens of their individual choice. Keep government out of it!

12/19/2025

9 Agree

Pinole residents shouldn't be restricted in any way if they need to buy gasoline

12/19/2025

9 Agree

Are you feeling restricted right now? Are you constantly running out of gas on the side of the road lamenting the lack of gas stations? Pinole residents should utilize their government for reasonable protections.

12/19/2025

Because this proposal stopped the rebuilding of Safeway in Tara Hills I am against this ordinance. What a bleak area that is now. Very poor management in so many ways. How much money have you lost in tax revenue because of this decision.

12/19/2025

8 Agree

I strongly believe that competitive market forces should determine number of gas stations in Pinole; not the City

12/19/2025

8 Agree

Your policy ordinance would effectively eliminate a Costco at the former Safeway location. Why not work on road infrastructure. Pinole roads stink.

12/20/2025

7 Agree

I believe we need competitive markets for gas stations, grocery stores whatever. Limiting them makes it easier for business to control prices in their favor not the consumer. The plans for a Safeway store and gas stations would have been great for the City and it's citizens.

12/19/2025

7 Agree

Take your woke climate opinions to Berkeley. More gas stations add competition to lower fuel prices.

12/19/2025

7 Agree

If an existing station closed down, I think a new one should be able to replace it. If there were fewer stations, people would have to drive farther to get gas, which would create more greenhouse gas emissions, not less.

12/19/2025

7 Agree

I don't see how limiting gas stations is going to do ANYTHING to limit global warming. By the time someone needs GAS it is too late. A gas vehicle has been purchased they are going to get gas somewhere if not in Pinole, and at that point it just does not matter. Your good intentions are dually noted, but your thinking process is just way to progressive.

12/19/2025

7 Agree

Pinole is short sighted if they think limiting gas/fueling stations within the city will bring Pinole rainbows and sunshine! Do you understand the implications of thinking we (Pinole/California/USA) can go all electric in the coming years. We don't have an electric grid to support that, and it would not be able to be established for years/decades. Rolling Brownouts and advertisements (sponsored by the state) not to use electricity between certain hours might be a clue. Get your heads out of the sand! There are other things you should focus on that can do more for the residents of Pinole!

12/21/2025

6 Agree

Gas powered vehicles will be with us for many more years.

12/20/2025

6 Agree

Isn't this what prevented Pinole from having a new Safeway with a gas station?? Safeway is our primary grocery store and where we buy gas because it has the best prices so we now shop and fill up in Hercules instead of Pinole. This is lost sales tax and revenue for Pinole. I get the environment issues but think this a bad decision by the council.

12/19/2025

6 Agree

I agree, we should be thinking of ways to attract the MOST tax revenue, not way of discouraging it.

12/21/2025

5 Agree

It would be problematic if a grocery store such as Safeway did not move to, or stay in Pinole because we did not permit it to include its own gas station. I believe this already occurred, leading to closure of the Pinole Safeway.

12/19/2025

6 Agree

It will be years before fully alternative fuels(EV or hydrogen)are common. I patronize Chevron exclusively for personal reasons & many others don't. They are much higher priced than some alternatives. The needed taxes that the city would be missing out on by eliminating all future gas stations would be a bad move on the city's part. It already killed the Pinole Appian center development. Not saying we should add a bunch of gas stations but banning any more or upgrades of current ones is a big mistake. People will go to nearby cities and spend their fuel \$ there and all those new homes being built will have many cars needing fuel. I agree Pinole is starting to be an over regulated Berkeley, not good at all!

12/19/2025

⬆️ 6 Agree

The City of Pinole needs to become more realistic! Yes we live within the Bay Area Bubble, however, common sense needs to prevail!

12/21/2025

⬆️ 5 Agree

I believe gas stations provide a vital service to the community and limiting or banni.g stations put an undue burden on lower income individuals due too stations not having competition which would make it almost a monopoly for the very few existing stations

12/20/2025

⬆️ 4 Agree

We don't need more restrictions on gas stations at this time. Pinole should focus on other priorities, such as public safety, economic development, and roadway safety.

12/19/2025

⬆️ 4 Agree

We have lost at least 5 stations in Pinole that I am adware of. More stations means more competition. Please do not prohibit new stations. That is a one sided highly political approach. Let the market decide. Please keep politics out of business. We need more stations, not less.

12/19/2025

⬆️ 4 Agree

Question 2 is subjective and largely depends on the time of day people purchase gas. I typically go late at night or on weekends.

Restricting expansion could limit future upgrades and lead to aging or potentially unsafe stations over time. We already have a significant charging station areas at Pinole Vista, Transit Center among others. Adding a small number of additional chargers near Pinole Valley Shopping Center or downtown Pinole may be reasonable, but anything beyond that seems unnecessary. I own two hybrid vehicles and charge them exclusively at home, which is also the case for many electric vehicle owners.

We shouldn't be Investing time and money in projects that are not a priority, resources would be better spent on community needs with a more direct impact. For example, adding lighting to the soccer fields on PV Rd. would be a far better investment. It is disheartening to see young children trying to practice without adequate lighting.

12/19/2025

4 Agree

Pinole should not dictate the community's access to local fuel. You have better things to do with your time. Besides with 2 refineries (1 local), leaving California, we aren't going to see alot of new stations, so this is a moot question, and once again Pinole needs to address other local needs.

12/19/2025

4 Agree

we need more gas stations as the population of pinole increases with the low income housing coming which will create more crime in addition to more traffic.

12/19/2025

4 Agree

I think having to drive farther to find gas causes more pollution.

12/19/2025

3 Agree

traffic and street being blocked, double parking by both cars and especially by delivery truck is really a problem and causes congestion especially during school hours already - dont need additional problems

12/19/2025

3 Agree

If there is a ban on new gas stations, what happens to the motorists who use gas and the old stations are not replaced, where do residents go to get gas?

12/19/2025

3 Agree

Pinole is a town. Seems like there's too much effort being made on subjects beyond basic infrastructure (drive on our streets lately?). I want our city leaders dedicated to our city and looking for some future political ladder step. Take care of the basics 1st - public safety, Library, parks, streets, cleanliness, etc...

1/8/2026

👍 2 Agree

I like the idea of electric vehicles, but they are still too expensive. Making it harder to get gas is like taxing poorer and working class people (a longer drive to try and get cheaper gas elsewhere).

12/25/2025

👍 2 Agree

I feel the city should NOT develop a new ordinance to limit fossil fuel stations for the following reasons:

We continue to be told that the city is facing financial strain. New commercial businesses, and the improvement of existing businesses, can help combat our economic strain by increasing property tax, sales tax, permit fees, etc. Why would we limit or discourage commercial growth at this time? We should be doing as much as we can to encourage it!! Bring reliable commercial businesses into our city!

Commercial business provide employment opportunities to the local community. New businesses increase the number of available jobs to our community members.

Access to Refueling stations supports workers, delivery services, and regional commerce. These will help improve the economy and Pinole should openly support doing what we can to improve the economy, not stifle it.

Gas stations are important to have during disasters. Modern stations include generators that remain operational during outages and provide resources during a disaster.

New gas stations will improve equity and accessibility by increasing our community's access to essential transportation services.

State law and regulations outline appropriate environmental protections that are required for the safe operation of gas stations. If there is concern about environmental impact, utilize our already existing government agencies to ensure standards are met.

I don't know the actual figures, but I believe fueling stations are a long term need that will bring consistent revenue and job opportunities into our city.

We are being told the city's financial situation is dire. If that is true, limiting commercial growth is a luxury that our community politicians shouldn't practice at this time. Allow the market, free trade, and the creativity of entrepreneurs decide what is, or isn't, needed. Our city politicians have proven they struggle at managing the city's long term financial needs....

12/21/2025

👍 2 Agree

With Phillips 66 and Valero, and later Shell Oil shutting down, we need more gas stations. The price of gas will be over \$8 once the refineries close down.

12/20/2025

👍 2 Agree

An out right ban is too drastic. Manage development of additional gas stations, or expansion of such facilities, on a case-by-case basis. An out right ban is more an ideological position, and ties the hands of future government officials to weigh choices and opportunities.

12/19/2025

👍 2 Agree

No Comment

12/19/2025

👍 2 Agree

I think there is no reason for anyone to build a new gas station anywhere in the Bay Area. Gasoline powered vehicles are adequately served by the existing network. Hopefully electric or other zero emissions vehicles will make up a growing percentage of the transportation fleet in the future

12/19/2025

👍 2 Agree

This is ridiculous! This is nothing more than bullying people to get electric vehicles, which infrastructure in California cannot support. This ordinance is a strong arm attempt, once again, by the city of Pinole and is very discriminatory.

1/10/2026

👍 1 Agree

I am writing as a concerned resident to express my thoughts regarding the recent discussions about banning new gas stations in our city. While I understand the intent behind such policies, I strongly believe our time and resources would be better spent addressing the ongoing issues with our roads and infrastructure.

Many of our streets are in poor condition, with potholes, uneven pavement, and inadequate maintenance creating daily inconveniences and safety hazards for drivers, cyclists, and pedestrians alike. These problems affect commuters, emergency responders, and local businesses, and they contribute to vehicle damage and increased repair costs for residents.

Rather than focusing on restricting new gas stations, I urge the city to prioritize repairing and maintaining our roads. Improving infrastructure will have a direct and positive impact on public safety, traffic flow, and overall quality of life. Well-maintained roads also reflect positively on the city and demonstrate a commitment to responsible governance.

I respectfully ask that you reconsider your priorities and direct more attention and funding toward fixing our streets. This is an issue that affects nearly every resident and deserves immediate action

1/10/2026

👍 1 Agree

Those are some vague questions that can be used either for or against new/existing infrastructure. Why not just ask if I think we should ban gas stations? Gas stations should be allowed on all of Fitzgerald as well as within 1000 feet of any freeway off-ramp or on-ramp. Just don't put them downtown or in the residential areas.

I had a Tesla for over 5 years, but PGE cost have gotten to the point where I switched to a hybrid instead and get the same cost per mile plus the convenience of gas.

1/8/2026

👍 1 Agree

The city of Pinole is not well supported by public transit. The local bus does a fine job of getting you around town, but it is not really feasible to take it to other cities. The closest BART station to me is still a 20 minute car ride away, which is not conducive to opting for transit. Why does the BART not reach communities past Richmond? The north parts of the east bay have been neglected by BART, unlike the (wealthier) inland areas like Walnut Creek and Dublin. Why does Benecia, Vallejo, Pinole and these cities not get to benefit from BART?

If BART is not an option in the future, then perhaps the city of Pinole could get some park and ride type of service to take people to the BART station. This could further reduce the need for Pinole residents to drive

1/5/2026

👍 1 Agree

Longer term if Hilltop mall ever actually redevelopes it needs to have a BART extension. That would help a ton of folks that commute from Pinole/tara Hills/Hercules to the ferry in Richmond or to the El Cerrito Del Norte bart station.

Unfortunately that would kinda require Richmond leadership to be competent which seems like a pipe dream

1/8/2026

This regulation proposal will have no significant effect on green house gas. You will make our ease of purchase more difficult. Pinole will lose the sales tax income on gasoline sales. Climate Change is not an issue of importance for our city council. Stick to local issues that improve our lives and not make it less convenient. We will vote against supporters of this business unfriendly ordinance.

12/28/2025

👍 1 Agree

No more gas stations. It would increase traffic

12/21/2025

👍 1 Agree

I don't think we need more stations or for our stations to be expanded. A simple/reasonable updating of stations as needed for better fueling and safety is appreciated and I'm sure the independent stations would appreciate some kind of help with upgrades.

12/21/2025

⬆️ 1 Agree

I definitely do not want to see more gas stations that are primarily intended to serve commuters who do not live in Pinole but travel along I-80 freeway.

12/20/2025

⬆️ 1 Agree

more gas stations bring in more tax revenue.. The city already has big problems with basic infrastructure issues such as the aging sewer system. Taxes will be rising... no matter what we do.. why not let others that come into Pinole to shop pay for our infrastructure.

1/9/2026

I believe we have more than enough gas stations to serve our community of 20,000 people and also those that come to shop here.

12/20/2025

⬆️ 1 Agree

Attracting business and tax revenue INTO Pinole is the best strategy. And drivers commuting on 80 are a wonderful resource!!

We need to develop the idea of bringing taxes INTO Pinole from people that don't live here.

12/21/2025

⬆️ 1 Agree

There are too many gas stations and fast food restaurants in Pinole. Neither is good or healthy for the community and our environment. There's a gas station practically every block, especially at the city center. The housing developments are also a huge concern for our community as it causes more congestion and the infrastructure is not there to serve this expansion, such as overpacked classrooms, more traffic, crime, pollution and there aren't any urgent care/ER facilities to serve this growing population. Dwindling resources would only create more problems in this small city.

12/20/2025

⬆️ 1 Agree

Didn't we have medical services and emergency services across the street from the middle school a while ago. Those shut down for a reason, and now they are building high density homes. I wonder if our politicians could have done more to keep those essential services here.

12/21/2025

These top comments are surprising, "We want more gas stations! Let the market decide!" We have too many gas stations already. This city is like 12 square miles in total and we have how many gas stations? I can think of 6-7 off the top of my head. Never has there been a line more than 1 car long in all the years I've lived here. Just as the market has a role, so does government. I for one support limiting certain industries with the goal of keeping our land and people healthy. What are these free market people hoping for 5 more gas stations so our downtown is just an asphalt jungle of gas smells and exhaust? When has the introduction of more gas stations ever had an effect on the price in any meaningful way. These comments all feel pretty disingenuous and makes me wonder who is actually the person behind the keyboard.

12/19/2025

👍 1 Agree

This feels too limiting. We have enough gas stations in Pinole; we do not need any more, but putting limits on expansion seems counterintuitive, considering all the new housing that's being built or was recently built. I own both an EV and a gas-powered car, mostly because the EV long charging times are highly inconvenient. Don't restrict gas stations, just build more EV charging stations. Or expand the gas stations to INCLUDE EV chargers.

12/19/2025

👍 1 Agree

The proposed ordinance will prohibit a gas station's ability to upgrade, improve environmental protections, install EV chargers, etc.

This ordinance is a focused assault on gas stations... and doesn't take community needs into consideration.

12/21/2025

👍 5 Agree

affordable housing traffic in the future

12/19/2025

👍 1 Agree

We have enough gas stations

12/19/2025

👍 1 Agree

Great idea. We don't need more gas stations!

12/19/2025

👍 1 Agree

There are plenty of gas stations in the city.

12/19/2025

👍 1 Agree

No more gas stations! There are plenty in Pinole. The old gas station that was on the corner of Tennent and San Pablo Ave contaminated much of the area just under Old Town with no remediation. Stop the madness! We need to drive electric vehicles and not rely on fossil fuels.

12/19/2025

⬆️ 1 Agree

It seems that Pinole has plenty of gas stations and given the future direction toward other forms of energy, combined with the environmental impact of having gas stations, I think it makes a lot of sense to prohibit the future addition and expansion of gas stations in Pinole.

12/19/2025

⬆️ 1 Agree

Have you measured greenhouse gas emissions around Trader Joe's/I 80/Pinole Valley Rd in the afternoon after students are released from school? I think the traffic circulation there is worse than at any gasoline fueling station I've observed in Pinole (cannot say the same about neighboring communities).

12/19/2025

⬆️ 1 Agree

Prohibiting is too strong a word given that the infrastructure for electricity is substandard to say the least. and most people still drive a gasoline vehicle and will continue to do so. There are enough gas stations in Pinole right now, however, with the influx of hundreds if not thousands of new residents that could become a challenge. New housing should from now on also be mandated to include EV charging. Existing housing should be mandated to include EV charging where EVs are owned and used.

12/19/2025

⬆️ 1 Agree

We have plenty of gas stations where dense housing is being considered. There are two large facilities in the Fitzgerald area, another across the freeway, two on Pinole Valley Road and a couple on the San Pablo corridor. Why would we need more gas stations as more people have moved to hybrids. Heck I forget to fill my hybrid and mainly use electricity. I like the Tesla charging station up at Fitzgerald and notice that people connect their cars and go shopping. It would be nice if another electric charging station is planned and it could be near any new housing development or revitalization of the business corridor.

12/19/2025

👍 1 Agree

I agree about the need for charging stations but I don't think you really speak for those of us not lucky enough to own a hybrid or electric vehicle.

12/19/2025

👍 2 Agree

The free market will drive this. Government control and manipulation is not the best answer.

12/21/2025

I appreciate so much that Pinole is doing this to protect our environment and our health.

1/20/2026

Most of the scientific papers that have climate change alarmism are paid for by companies that have an interest in non-fossil fuel energy solutions. These papers cherry-pick data that supports the interests of the companies that paid for them, and ignore data that contradicts those interests. The science shows that the climate temperatures have varied wildly over history, including before there was significant, or any, human activity. To think that human activity has much affect on climate is arrogance.

People will always need gasoline and other fossil fuels. If they cannot get gas in Pinole, they will go elsewhere. So all this proposal will do is reduce revenue for Pinole.

1/16/2026

This is America and competition is always better for the consumers. The city has already done in the Safeway Shopping Center by curtailing their plans for gas pumps and cheaper gas. The gas taxes are now going to Hercules so much for our roads. The other side is with any station upgrades or new stations tagging on EV charging stations or one day Hydrogen pumps could be additionally required as a bargaining item for the necessary approvals.

1/16/2026

More EV chargers! The Pinole Supercharger on Fitzgerald is a great recent addition but it's often full or close to full with resulting frequent surge/more expensive pricing as a result. The non Tesla chargers at Sprouts are also regularly used and sometimes no free chargers available there too ... What about another SuperCharger in the Bowling Alley parking lot??

1/15/2026

Gas cars are still very widely used. Having more gas stations would increase competition and drive down prices.

1/14/2026

John gioria says go electric so te 2 zesty mayor's, Yellow and brown lick taints in agreement.

1/14/2026

Additional gas stations are not needed, replace/fix the current ones with effective, modern and with compliant standards only.

1/12/2026

The need for gas stations will dissipate naturally when and if enough people adopt use of fully electric or hydrogen cars instead of gas or hybrid cars.

1/11/2026

Absolutely terrible survey. Biased and leading questions. Poor grammar, double-negative "not unconcerned" makes someone concerned. Diesel is not gasoline and therefore can be considered an alternate to gasoline in this survey but I have no doubt the council wants to restrict diesel access as well. How much sales tax is the council denying the city, that could be used to fix our roads, by banning new/expansion of fuel stations? This does not address the priorities of the citizens: safety and good roads.

1/10/2026

I am very concerned with your liberal agenda that has failed everywhere it's been attempted.

Stop with YOUR DEMOCRAT DRIVEN AGENDA and do what Pinole taxpayers PAY you to do.

Fix our roads, add amenities like gas stations that add to our life in many ways, fund police and do not force your political nonsense on them, look at the firefighters budget and the crushing debt of their BLOATED PENSIONS AND WAGES!!!

1/10/2026

Quit CONTROLLING EVERY ASPECY OF OUR LIVES. Let is make our own choices. I an on leaving this Communist area soon.

1/10/2026

Don't listen to petroleum companies dire warnings about California denying itself. We don't need any more gas stations than those already existing.

1/10/2026

Fix our ROADS

1/9/2026

With all the new housing developments in Pinole, we need more gas stations and pumps, not less. Also, fixing our roads should be top priority.

1/9/2026

weather you like it or not, fossil feul is not going away.

1/9/2026

I think it is a bad idea to limit the amount of pumps at a gas station. It is .ore important for people to have more pumps and more options.

1/9/2026

Pinole seems like it already has more gas stations than other towns per capita. I don't think we really need anymore.

That being said Pinole needs to really focus on alternatives by working with the county since right now travel by car is literally the only option since generally westcat service is so poor.

While I'm happy to see all the new developments going in I also had concerns that it seems like barely any retail or additional transit service/infrastructure is being planned to support all of the new residents which will just end up with them being car dependent too.

1/8/2026

Working with the county destroying the local towns

1/9/2026

The all electric mandate in CA will likely be delayed due to grid capacity issues. Let existing gas stations make improvements and allow the Safeway site establish a gas station is they deem it necessary to redevelop the site.

1/8/2026

Fix the roads first

1/8/2026

San Pablo though downtown from Richmond parkway to the bridge is soo bad.

1/8/2026

We have more gas stations than new locally-owned restaurants it seems. No more has stations please!! Everyone goes to Safeway in Hercules anyway. Unless our old Safeway is to get a gas station- that's ok.

1/8/2026

Pinole needs to address issues that affect Pinole residents and stay in our lane...

1/8/2026

I like where I get my gas and feel there are enough stations around town to pick from and that we don't necessarily have to have more stations as I don't have a problem now with what is available.

1/8/2026

Not everyone has electric vehicles nor can afford them. If Safeway was to put their hat back in for acquiring the Tara Hills Safeway property I would support a lower priced reliable gas station.

1/8/2026

Please fix the roads first.

1/8/2026

I believe that there are plenty of gas stations in Pinole already. Our car is hybrid (EV + gas) and we trickle charge it at home and still use gas for longer trips but we would consider getting an EV for our next car if there was more charging infrastructure. Never once have we waited more than an minute in line for gas. I believe Pinole should be a progressive environmental leader and make the healthier choice for our residents and families. We don't need more gas stations in Pinole.

1/5/2026

Forcing people to travel for fuel does not solve the problem you are wanting to address.

1/4/2026

would this limit new EV charging at gas stations? or adding markets? both of those don't seem problematic to me

1/3/2026

I drive a diesel so options are limited, but 2 fuel depots for me in Pinole is more than enough.

12/25/2025

I think the market should determine how many gas stations are needed. Until we can make the alternative more affordable for most people, gas unfortunately is the option. Insurance for electric cars are very expensive and having electric panels doesn't even pay for itself anymore due to the waste of energy if you don't have a battery. The state recently reduced how much people can be paid out through PG&E so why would people opt to go "green" if it's so much more expensive? Make it more affordable then people will buy in!

12/23/2025

I don't shop for gas in Pinole I can get it much cheaper in Rodeo or downtown Walnut Creek the gas stations are just plain overpriced!!!

12/22/2025

We have enough gas stations for our 20,000 people living here in Pinole and for additional people who come to shop here.

12/20/2025

You seem to be in the minority Mr./Ms./Mss./Them/They/It, The whole point of government is to regulate and look out for the people. This is their job, I'm glad they're considering this move. When have you ever struggled to get gas in Pinole? I don't think you have to drive more than mile from any point in the city to find a gas station. To Pinole leadership, yes please keep your noses where they are, looking out for the health and well being of your citizens. I do agree that some government regulation is in order, but I feel that it should be less than more. We seem to disagree. I'm with Reagan.

12/19/2025

None at this time

12/19/2025

I believe we need to eventually stop using fossil fuels. The sooner we start, the better. However, a transition that takes into account the most disadvantaged citizens is important.

12/19/2025

We do not need more gas stations.

12/19/2025

n/a

12/19/2025

We need more merchandise stores

12/19/2025

We need more non-chain merchandise stores that would bring people to downtown. Maybe a beer garden, a florist, a boutique, we need to revitalize downtown.

12/19/2025

👍 3 Agree

The market will drive this.

12/21/2025

No

12/19/2025



PLANNING COMMISSION REPORT

H.1.

DATE: JANUARY 26, 2026
TO: PLANNING COMMISSION
FROM: DAVID HANHAM, PLANNING MANAGER
SUBJECT: APPIAN 80 IDEAS AND CONCEPTS RESOLUTION TO CITY COUNCIL

RECOMMENDATION

Select a Planning Commissioner to bring the Appian 80 Ideas and Concepts Resolution to City Council

BACKGROUND

On October 27, 2025, Planning Commission adopted Resolution 25-08 (Attachment A) expressing desirable ideas and concepts for consideration regarding future development of the Appian 80 Shopping Center. Planning Commission had discussed ideas and concepts intended to inspire further design exploration by those considering potential redesign of the shopping center at Planning Commission meetings on August 25, September 8, September 25, 2025, and October 27, 2025. Resolution 25-08 summarizes and compiles the ideas and concepts.

REVIEW AND ANALYSIS

Resolution 25-08 is intended to be brought to the City Council as a recommendation from the Planning Commission. The resolution is expected to be placed on an upcoming City Council agenda. Planning Commission may consider selecting a representative/spokesperson from the Planning Commission to present the resolution on behalf of the group to the City Council, with assistance from City Staff.

ATTACHMENTS

A. Attachment A. 25-08 Reso Appian 80 Ideas

**PLANNING COMMISSION RESOLUTION 25-08
WITH EXHIBIT A. DEVELOPMENT IDEAS AND CONCEPTS**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PINOLE, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, EXPRESSING DESIRABLE IDEAS AND CONCEPTS FOR CONSIDERATION FOR FUTURE REDEVELOPMENT OF THE APPIAN 80 SHOPPING CENTER RECOMMENDED TO THE CITY COUNCIL OF THE CITY OF PINOLE

WHEREAS, the Appian 80 Shopping Center is a commercial shopping center on Tara Hills Drive, near the Appian Way, comprising various parcels, including APN 402-282-002, -006 to -010, -014, -016, -019, -026, -027, and -028; and

WHEREAS, the site is located within the Appian Way corridor of the Three Corridors Specific Plan, has a Specific Plan land use/zoning designation of Commercial Mixed Use (CMU) in the Service Sub-Area, and has a High Density Residential Overlay (HDRO); and

WHEREAS, a prior redesign and renovation project for the majority of the site proposed by Lowney Architecture and Hillsboro Properties was reviewed and recommended for approval by Planning Commission on May 27, 2020, and approved by City Council on June 16, 2020; and

WHEREAS, the City Council approved an extension to the project entitlements to June 13, 2023; and

WHEREAS, the property owners did not exercise the project entitlements by June 13, 2023, and approval for development of the proposed project lapsed; and

WHEREAS, the property owners have not submitted a new application for redevelopment of the site since the project entitlements lapsed; and

WHEREAS, numerous tenant spaces are currently vacant on the site, including the anchor tenant space vacated by Safeway in early 2025; and

WHEREAS, the current vacancies and the absence of a current development application present an opportunity for the property owners and developers to consider ideas for redevelopment; and

WHEREAS, the Pinole Municipal Code establishes that Planning Commission is a seven-member commission appointed by City Council that shall have all the powers and shall perform all the duties conferred and imposed upon city planning commissions by the applicable provisions of the Government Code of the state of California and, in addition, duties and procedures per Pinole Municipal Code (PMC) Section 2.40.030; and

WHEREAS, the duties and procedures of the Planning Commission identified in PMC Section 2.40.030, include, but are not limited to work to: a) assist with the preparation, adoption and

maintenance of a long-range, General Plan for the physical growth and development of the city and areas related directly to the city [...], b) consider as authorized by state law, requests for the development, rebuilding and redevelopment of areas within the city, and c) serve as an advisory body to the City Council on matters related to the city growth and development and on such other matters as may be requested by the City Council; and

WHEREAS, at the Planning Commission meeting on April 14, 2025, the Planning Commission wished to discuss ideas for the Appian 80 Shopping Center and requested placement of an item in a subsequent agenda for discussion; and

WHEREAS, at the Planning Commission meeting on April 28, 2025, the Planning Commission discussed ideas and concepts that may provide inspiration for future redevelopment proposals of the Appian 80 Shopping Center; and

WHEREAS, the Planning Commission desired to collect the ideas and concepts, as summarized in this resolution under Exhibit A, and transmit them to City Council to provide ideas for envisioning potential redevelopment at the Appian 80 Shopping Center; and

WHEREAS, the ideas and concepts presented in this resolution are intended to inspire further design exploration by those considering potential redesign of the shopping center, which the Planning Commission believe can enhance future redevelopment; and

WHEREAS, the ideas and concepts are not considered to be specific binding requirements imposed upon development applications, in and of themselves. Any potential application for development or redevelopment would be subject to review under the procedures and requirements in accordance with Local, State, and Federal policies and regulations, including the Pinole Municipal Code, and the findings and requirements for approval established therein; and

WHEREAS, at the Planning Commission meeting on August 25, 2025, the Planning Commission reviewed and discussed the first draft of the resolution, received public comments, provided comments for revisions, and continued the item to the next meeting to review the revised resolution; and

WHEREAS, at the Planning Commission meeting on September 8, 2025, the Planning Commission met to discuss the revised draft resolution, received public comments, and continued the item to the next meeting to review; and

WHEREAS, at the Planning Commission meeting on September 22, 2025, the Planning Commission met to discuss the second revision of the draft resolution; and

WHEREAS, the Planning Commission considered all public comments received both before and during the public meeting.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission hereby recommends that

the City Council receive this Resolution with Exhibit A.

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 22nd day of September 2025, by the following vote:

AYES: Bender, Lam-Julian, Uch, Menis, and Chairperson Sandoval

NOES: None

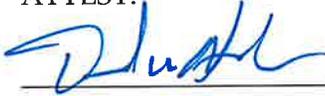
ABSTAIN: None

ABSENT: Huey, Martinez



Gabriel Sandoval, Chair 2025-2026

ATTEST:



David Hanham, Planning Manager

EXHIBIT A

DEVELOPMENT IDEAS AND CONCEPTS

APPIAN 80 SHOPPING CENTER

The City of Pinole Planning Commission discussed ideas and concepts intended to inspire further design and development exploration by those considering potential redesign of the Appian 80 Shopping Center. The ideas and concepts are summarized below:

Mixed Use Development

1. The site provides opportunities for mixed-use development opportunities, such as a combination of residential and commercial, that developers should further explore and consider¹.
2. Development should consider the community's needs and well-being. Project design may consider potential for adding market-rate/affordable housing, businesses, and offices that further the needs of the community.
3. The site does not need to remain a strip mall. It can become a key destination where people want to be and where a variety of activities are involved. Consideration in design should be given to walkability, public spaces, green spaces for the community, offices or community spaces, and something new, unique, and vibrant.

Design and Development

4. Consideration should be given to design elements that connect different parts of a development, particularly for mixed-use development.
5. Development should consider the views of the water. Multistory developments should consider design orientation that takes advantage of the location's offering of water views.
6. The developer needs to consider ways to mitigate potential traffic impacts from any housing development, which had been previous concerns regarding potential housing on site.
7. Any housing on site would need to be designed with mitigations to address light, air, and noise pollution from the I-80 corridor and roadways and include landscape buffers.
8. Taller developments should consider mitigation of potential views overlooking other property, in particular overlooking residential properties to the west of the site. Consideration may include heavy landscaping and trees.
9. Future development of the site should include ground floor retail space of sufficient size to attract a well-known and respected retail grocery such as a Whole Foods; 2) a

¹ Example includes Santana Row in San Jose, but a Pinole-oriented version.

ground or top floor restaurant space and potential outdoor patio seating with amazing views of sufficient size to attract a well-known and respected destination restaurant and potentially draw nonprofit, public, and corporate-related events; 3) multi-story, multi-family rental apartments or ownership condos; 4) parking sufficient for both housing and retail/restaurants and 5) electric charging stations².

10. Development should mitigate the visual and physical impacts from large parking lots, such as sprawling parking and automobile circulation area, potential lack of multimodal support, little visual interest, and urban heat island affect. Parking garages may be a way to accommodate more vehicles, but any garage should be designed to enhance aesthetic appeal, reduce the minimalist concrete look, and include possible community benefits³.

Access and Transportation

11. Persons in the neighborhood were able to walk to the grocery store at this location; it can serve as a walking destination and nexus. Residents in the area have an easier time accessing this market location, compared to other markets.

12. Development should consider multi-modality and offerings from various forms of transportation, rather than mono-modality. Encourage public transit use at the future site.

Markets and Commercial Opportunities

13. Development should consider the need for an affordable grocery option. Markets should consider the price point and needs of the community in the area, in particular seniors and persons on fixed-incomes.

14. Development should consider adding an affordable, healthy and culturally relevant grocery store option that could be well-positioned in the Pinole market⁴.

15. Consideration should be given to bringing in the type of tenant mixes and restaurants that the city does not have and that would bring patrons to Pinole, would be a good fit for Pinole, and would add significant sales tax revenue⁵.

16. Development should consider event space for people to have meetings and function space given limited options in the area and spaces such as pop-up spaces that could be converted to event spaces.

17. Development should consider micro-business/micro-office spaces, co-op or shared workspaces, and small business incubators⁶.

2 Destination restaurant examples include Yard House, BJ's, Lazy Dog.

3 Parking examples include the Center Street parking structure in downtown Berkeley, and community benefit examples in parking design include a coffee shop, bicycle parking, and bicycle stops.

4 Grocery store examples include H-Mart and Las Montañas Supermarket.

5 Examples may include Yard House and Whole Foods and prepared foods being a sales tax benefit.

6 Micro-business/shared workspace/incubator examples include CoBiz in Richmond, Kitchen@812 in Pinole, St. James Square in San Jose.

Community Enhancement and Partnerships

18. Consideration should be given in exploring opportunities for possible partnership opportunities with the West Contra Costa Unified School District (WCCUSD), supplemental space with the Senior Center, and housing.

19. The Planning Commission strongly encourages the adoption of the City's Project Labor Agreement in the implementation of any project related to the Appian 80 Shopping Center site.

20. Consideration may be given to collaboration with the City if the developer is interested in exploring possible development incentives in exchange for providing community benefits, such as through a development agreement.

Other Topics for City Council

21. Planning Commission further suggests City Council give consideration to a nexus study in developing a Citywide commercial land vacancy fee.