

**CITY OF SAN PABLO  
PLANNING COMMISSION MINUTES  
AUGUST 15, 2017  
CITY COUNCIL CHAMBERS  
ONE ALVARADO SQUARE  
SAN PABLO, CA**

**ROLL CALL**

Chairperson Xavier called the meeting to order at 6:30 P.M. Call of the roll showed present Commissioner Shi, Commissioner Xavier, and Commissioner Trujillo. Commissioner Feliciano was absent. Commissioner Inglis arrived late, at 6:47 p.m. Staff present at the meeting included: Michele Rodriguez, Development Services Director; Lynn Tracy Nerland, City Attorney; Sandra Marquez, Assistant Planner; Greg Dwyer, Community Services Director; Brian Bubar, Commander, San Pablo Police; Bradley Lindblom, Sergeant, San Pablo Police; Sarah Maroof, Administrative Secretary; and Tricia Stevens, Planning Consultant.

**PUBLIC COMMENT**

None.

**APPROVAL OF MINUTES**

Commissioner Shi made a motion to approve the minutes for the meeting of July 18, 2017. The motion was seconded by Commissioner Trujillo. The motion was approved 2-0-2-1, with Commissioners Feliciano and Inglis absent (Commissioner Inglis arrived late to the meeting, and was therefore absent for the vote), and Commissioner Trujillo abstaining (due to his absence at the July meeting).

AYES: Xavier and Shi.  
NOES: None.  
ABSENT: Feliciano and Inglis.  
ABSTAIN: Trujillo.

**PUBLIC HEARINGS**

**PLAN1511-0007: Major Design Review for New City of San Pablo City Hall.** Consideration of a Major Design Review for a proposed 42,000 square foot, 2-story new City Hall building on an approximately 2.5-acre site located at the corner of Gateway Avenue and Chattleton Lane, APN 417-310-010(005). The proposed project use would include City of San Pablo administrative offices and associated City uses, to replace the current City Hall facilities located at 13831 San Pablo Avenue, San Pablo, CA 94806.

The property is located in the Plaza San Pablo area, zoned SP2-San Pablo Avenue Specific Plan, and designated in the Mixed Use Center South Regulatory Code. It has been determined that the proposed project would be consistent with the assumptions for the project site as presented in the General Plan and Specific Plan, and the project would not result in any new significant impacts or increase the severity of any significant impacts identified in the General Plan EIR, Specific Plan EIR, or Mixed Use Center South Mitigated Negative Declaration. The circumstances under which the project would be undertaken have

not substantially changed such that new or more severe impacts would occur. Therefore, no further environmental analysis is required.

Tricia Stevens gave an overview of the Site Plan and proposed design of the new City Hall, and staff recommendations. Questions regarding the proposed project raised by the Planning Commissioners were answered by Ms. Stevens, Charles Ching, Assistant to the City Manager/Economic Development, and Rod Johnson of Capital Partners Development Company, Agent for the Applicant and the company that will be developing the new City Hall. Issues raised by the Planning Commissioners primarily concerned issues of public access; public meeting areas; lighting and safety on pedestrian walkways; landscaping in the parking area; the number, type, and placement of entrances to the building; solar power readiness; and accessibility to the parking lot and other nearby parking facilities. Commissioner Trujillo raised concerns as to why the Project required an exception to the Mixed Use Center South Regulating Plan, specifically questioning why the Project could not accommodate a park as originally envisioned by the Mixed Use Center South Regulating Plan. Consultant Stevens and Mr. Johnson responded that the size of the property could not accommodate both a park and a City Hall building of the size needed.

The public hearing was opened. Janet Pottier of the San Pablo Historical Society asked questions about the amount of space to be allotted to Maple Hall, whether there would be an art gallery, and the amount of parking available to accommodate public gatherings. Mr. Rod Johnson responded that there will be a Maple Hall on the first floor of the proposed new City Hall building; there would be more parking available than there is currently at the existing City Hall building, and there would not be dedicated space for an art gallery, but it was planned that there will be places through the new City Hall building for art to be hung on the walls or otherwise placed for public display. There being no further speakers present, the public hearing was closed.

Commissioner Shi made a motion to approve Resolution 17-16, approving the major design review for a new two-story 42,000 square foot City Hall, and an exception regarding open space, on a 2.5-acre vacant parcel at Plaza San Pablo at the southwest corner of Gateway Avenue and Chattleton Lane in the San Pablo Avenue Specific Plan-Mixed Use Center District, APN 417-310-010(005). The motion as seconded by Commissioner Inglis. The Commission voted in favor of Resolution 17-16 by a vote of 3-1-1-0, with Commissioner Trujillo voting nay, and Commissioner Feliciano absent. Commissioner Trujillo stated for the record that he voted nay due to his concerns about the lack of designated public park space; he did not feel that an exception to the San Pablo Avenue Specific Plan-Mixed Use Center District should be made and that the proposed City Hall plans should have allowed for the amount of public park space required by the San Pablo Avenue Specific Plan-Mixed Use Center District.

AYES: Inglis, Shi, and Xavier.  
NOES: Trujillo.  
ABSENT: Feliciano.  
ABSTAIN: None.

**PLAN1705-0017: City of San Pablo Zoning Ordinance and Municipal Code Amendments on the Regulation of Marijuana and Smoke Shops.** To consider amendments to the Zoning Ordinance Chapters 17.36 and 17.62 and Municipal Code Chapters 8.02 and 8.36 relating to the regulation of marijuana, and amendments to Zoning Ordinance Chapter 17.62 relating to smoke shops, in compliance with state law and to address the needs of San Pablo. This is a City initiated project and the proposed amendments apply citywide. The project is exempt from the California Environmental Quality Act per

guidelines 15305 Minor Alterations in Land Use Limitations, and 15061(b)(3) with no potential for causing a significant effect on the environment.

Tricia Stevens gave an overview of the Ordinance and staff recommendations. Ms. Stevens noted a change to the page 6 of the staff report, namely that the current number of smoke shops within the City is six, not seven, and that the proposed ordinance changes should also reflect that change in number of allowed smoke shops. Commander Brian Bubar and Sergeant Bradley Lindblom, both of the San Pablo Police Department, were available to answer questions from the Planning Commission. City Attorney Lynn Nerland responded to Commissioner Shi's questions regarding conflicting state and federal law relating to marijuana. Commissioner Trujillo questioned whether the business community had provided any input on the matter, and staff responded that the matter had been brought before the Public Safety Commission and that the San Pablo Economic Development Corporation had been notified, and no input from the business community was received. Commissioner Trujillo asked whether a review period be built in so that the Zoning Ordinance and Municipal Code Amendments relating to regulation of marijuana and smoke shops would automatically come up for review after a certain period of time. Commissioner Xavier had questions about where the personal use of marijuana would be legal or illegal according to state law, particularly with regard to sidewalks and public space, and City Attorney Lynn Nerland responded that the proposed amendments would not allow the use of marijuana in City buildings and facilities, but that personal use on private property would be allowed per state law. Commissioner Trujillo posed questions regarding delivery of marijuana products for medical and personal use. Sergeant Lindblom stated that the Police Department noted an increase in burglary and crime with high value cash businesses; thus, allowing delivery with beginning or end points within the City would contribute to a greater likelihood of burglary and crime.

The public hearing was opened, and two speakers provided comments on the proposed ordinance. Janet Pottier commented that she had voted for Prop 64 and she was concerned that a vote to prohibit marijuana uses could result in a loss of education funds to the City. She recommended an amendment to allow small-scale, non-medical food delivery for personal use. She also commented that the ordinance should be clearer that marijuana smoking is permitted outdoors at a private residence.

Mr. Ted Marshall spoke and submitted a letter to the Planning Commissioners to support an exception to the ordinance to allow use of marijuana plants in the production of topical balms for pain relief. These products would not be ingested. Mr. Marshall has a balm and lotion business that he would like to operate in the City of San Pablo.

There being no further speakers present, the public hearing was closed.

Commissioner Shi made a motion, seconded by Commissioner Xavier, to approve Resolution 17-15 recommending to the City Council approval of PLAN1705-0017 amendments to Zoning Ordinance Chapters 17.32 and 17.62 relating to marijuana and smoke shops, with the change in allowed smoke shops from seven to six, which is the number of current licensed smoke shops in the City of San Pablo. The motion did not pass on a 2-2-1-0 vote.

AYES: Shi and Xavier.  
NOES: Inglis and Trujillo.  
ABSENT: Feliciano.  
ABSTAIN: None.

Commissioner Trujillo made a motion to approve Resolution 17-15 recommending to the City Council approval of PLAN1705-0017 amendments to Zoning Ordinance Chapters 17.32 and 17.62 relating to marijuana and smoke shops, with the change in allowed smoke shops from seven to six, which is the number of current licensed smoke shops in the City of San Pablo, and with two additional amendments to the proposed ordinance: 1) to allow commercial delivery of marijuana to customers in the City of San Pablo for personal use; and 2) an exception for the manufacturing and wholesale of topical non-ingested products for medicinal purposes, with the issuance of a conditional use permit. The motion did not pass on a 2-2-1-0 vote.

AYES: Inglis and Trujillo.  
NOES: Shi and Xavier.  
ABSENT: Feliciano.  
ABSTAIN: None.

Due to two split votes and no further motions, the matter was forwarded to the City Council for consideration and public hearing without a recommendation by the Planning Commission, but with the information from the Commission's discussion.

**STAFF UPDATE ON OLD BUSINESS**

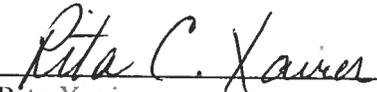
Director Rodriguez reviewed the following items:  
- Development Services Monthly Report

**PLANNING COMMISSION REPORTS**

None.

**ADJOURNMENT**

There being no further business, Chairperson Xavier adjourned the meeting at 8:45 P.M. to the September 19<sup>th</sup>, 2017 meeting.

  
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Rita Xavier  
Chairperson

  
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Michele Rodriguez  
Development Services Director