

AGENDA FOR THE



CITY OF PINOLE PLANNING COMMISSION REGULAR MEETING

Monday, November 8, 2021

7:00 P.M.

Via Zoom Videoconference

DUE TO THE STATE OF CALIFORNIA'S DECLARATION OF EMERGENCY – THIS MEETING IS BEING HELD VIRTUALLY PURSUANT TO AUTHORIZATION FROM GOVERNOR NEWSOM'S EXECUTIVE ORDERS – CITY COUNCIL AND COMMISSION MEETINGS ARE NOT CURRENTLY OPEN TO IN-PERSON ATTENDANCE.

WAYS TO WATCH THE MEETING

- LIVE ON CHANNEL 26. The Community TV Channel 26 schedule is published on the City's website at www.ci.pinole.ca.us. The meeting can be viewed again as a retelecast on Channel 26.
- VIDEO-STREAMED LIVE ON THE CITY'S WEBSITE, www.ci.pinole.ca.us. 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 ghanham@ci.pinole.ca.us.

TO PARTICIPATE IN PUBLIC COMMENT DURING THE MEETING

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/87637149010>

OR

<https://zoom.us/join>

Webinar ID: 876 3714 9010

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 3 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. Once you have been identified to speak, please check to make sure you have unmuted yourself in the videoconference application (or press *6 if connecting via telephone).

COMMENTS

Please submit public comments to Planning Staff before or during the meeting via email ghanham@ci.pinoles.ca.us. Comments received before the close of the item will be read into the record and limited to 3 minutes. Please include your full name, city of residence and agenda item you are commenting on.

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 Development Services Department at (510) 724-8912. Notification of 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.

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.

NOTE FOR VIDEOCONFERENCE MEETINGS: Public comments may be submitted to Planning Staff before or during the meeting via email ghanham@ci.pinoles.ca.us. Comments received before the close of the item will be read into the record and limited to 3 minutes. Please include your full name, city of residence and agenda item you are commenting on.

Persons wishing to speak when items are opened for public comment may use the raise hand feature if connected via Zoom or press *9 if connected via telephone. When identified to speak, persons should ensure they have unmuted themselves or press *6 to unmute if connected via telephone.

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.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE AND ROLL CALL

C. 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.

D. MEETING MINUTES:

1. Planning Commission Meeting Minutes from September 27, 2021

E. 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.

None

F. OLD BUSINESS:

None

G. NEW BUSINESS:

1. Three Corridors Specific Plan - San Pablo Avenue Corridor Information and Discussion

Informational and discussion item reviewing the content of the City's adopted Three Corridors Specific Plan, with a focus on the San Pablo Avenue corridor.

2. 2021 Housing Legislation Presentation

Informational presentation on State housing legislation passed in September 2021.

H. CITY PLANNER'S/COMMISSIONER'S REPORT:

I. COMMUNICATIONS:

J. NEXT MEETING(S):

Planning Commission Regular Meeting, November 22, 2021 at 7:00PM

K. ADJOURNMENT

POSTED: November 4, 2021

David Hanham
Planning Manager

1 **DRAFT**

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

5
6 **September 27, 2021**

7
8 **DUE TO THE STATE OF CALIFORNIA'S DECLARATION OF EMERGENCY – THIS**
9 **MEETING WAS HELD PURSUANT TO AUTHORIZATION FROM GOVERNOR**
10 **NEWSOM'S EXECUTIVE ORDERS – CITY COUNCIL AND COMMISSION MEETINGS**
11 **WERE NO LONGER OPEN TO IN-PERSON ATTENDANCE. THE MEETING WAS**
12 **HELD VIA ZOOM TELECONFERENCE.**
13

14
15 **A. CALL TO ORDER: 7:07 P.M.**

16
17 **B. PLEDGE OF ALLEGIANCE AND ROLL CALL**

18
19 Commissioners Present: Benzuly, Kurrent, Martinez, Menis, Vice Chairperson
20 Moriarty, Chairperson Banuelos

21
22 Commissioners Excused: Wong

23
24 Staff Present: David Hanham, Planning Manager
25 Alex Mog, Assistant City Attorney
26

27 Planning Commissioners welcomed Rafael Menis to the Planning Commission.
28

29 **C. CITIZENS TO BE HEARD**

30
31 Planning Manager David Hanham reported there were no comments from the
32 public for this item.
33

34 **D. MEETING MINUTES:**

35
36 1. Planning Commission Meeting Minutes from August 23, 2021
37

38 **MOTION** with a Roll Call Vote to adopt the Planning Commission Meeting Minutes
39 from August 23, 2021, as submitted.
40

41 **MOTION: Moriarty**

SECONDED: Martinez

APPROVED: 6-0-1

ABSENT: Wong

42
43
44 **E. PUBLIC HEARINGS:**
45

1 **1. Conditional Use Permit CUP21-03 Cortez Body and Tow Shop**

2
3 **Request:** Consideration of a Conditional Use Permit for the purpose of
4 establishing a tow truck and body shop business in an existing
5 building located at 730 San Pablo Avenue.
6

7 **Applicant:** Isael Cortez
8 730 San Pablo Avenue
9 Pinole, CA 94564
10

11 **Location:** 730 San Pablo Avenue (APN: 402-210-002)
12

13 **Planner:** David Hanham
14

15 Planning Manager Hanham presented the staff report dated September 27, 2021,
16 and recommended the Planning Commission adopt Resolution 21-10, as
17 contained in Attachment A to the staff report, subject to Exhibit A, Conditions of
18 Approval.
19

20 Responding to the Commission, Mr. Hanham acknowledged the Office Industrial
21 Mixed Use (OIMU) Zoning District had not identified a time limit for the storage of
22 vehicles but the applicant had limited public parking and any storage of vehicles
23 must be done inside regardless. He had been informed by the applicant that if
24 vehicles were stored it would not be for long since they would be routed to another
25 location in Contra Costa County.
26

27 Mr. Hanham also confirmed the applicant and property owner were two different
28 entities. The property owner had signed-off on the application and the applicant
29 would be leasing two of four buildings from the property owner. He also clarified
30 the application would be an intensification of an existing use but the applicant
31 would not be expanding any of the buildings. The business would be confined to
32 the existing buildings on the property and there would be five parking spaces at
33 the front of the site, two of which were designated for tow trucks, with ten parking
34 spaces behind Building 2. As to whether the applicant had contracted with
35 insurance companies for the use of the tow trucks, he suggested the applicant
36 provide clarification.
37

38 Julia Cortez, 730 San Pablo Avenue, Pinole, speaking on behalf of Isael Cortez,
39 explained that the company currently did not contract with anyone for the use of
40 the tow trucks although they hoped to in the future. She confirmed there were five
41 parking spaces in front of Building 1, two of which had been designated for the tow
42 trucks, with ten parking spaces behind Building 2. She suggested there was
43 adequate parking between the existing parking spaces for Buildings 1 and 2. She
44 also described the process for the body shop and the efforts to manage the storage
45 of vehicles so that vehicles did not stack-up.
46

1 Ms. Cortez also clarified there were currently no plans for a painting booth to paint
2 vehicles since they had another shop in the City of El Sobrante that would focus
3 on the paint work. The Pinole body shop would focus solely on body repairs.
4

5 Mr. Hanham commented that if the applicant wanted to utilize a paint spray booth
6 they would have to come back to the City to obtain approval from the Development
7 Services Department, and depending on size and other specifications may require
8 Planning Commission approval.
9

10 PUBLIC HEARING OPENED
11

12 Mr. Hanham reported there were no comments from the public for this item.
13

14 PUBLIC HEARING CLOSED
15

16 The Planning Commission discussed CUP21-03, Cortez Body and Tow Shop and
17 offered the following comments and/or direction to staff:
18

- 19 • Pleased the OIMU District was being maximized for its use. (Kurrent)
20
- 21 • Pleased the site would be used to its fullest extent, leading to more jobs,
22 resulting in more resources coming into Pinole, and representing an
23 improvement for the City as a whole by providing additional services.
24 (Menis)
25
- 26 • Welcomed all the new opportunities the business would provide including
27 new jobs, sales tax revenues, and much-needed improvements in the City.
28 (Martinez)
29
- 30 • Wished the business operators the best of luck in their new business
31 venture. (Moriarty/Benzuly)
32
- 33 • Pleased to see the business expand, congratulated the applicant on the
34 business, and hoped it would add to their success. (Banuelos)
35

36 **MOTION** by a Roll Call Vote to adopt Resolution 21-10, A Resolution of the Planning
37 Commission of the City of Pinole County of Contra Costa, State of California,
38 Approving a Conditional Use Permit (CUP21-03) For a Tow and Body Shop at 730
39 San Pablo Avenue, APN: 402-210-012, subject to Exhibit A: Conditions of Approval.
40

41 **MOTION: Menis**

SECONDED: Benzuly

APPROVED: 6-0-1

ABSENT: Wong
42
43

44 Chairperson Banuelos identified the 10-day appeal process of a decision of the
45 Planning Commission in writing to the City Clerk.

1 **2. Comprehensive Design Review DR21-11 Vista Woods Senior**
2 **Apartment Complex**

3
4 **Request:** Consideration of a Comprehensive Design Review for the
5 purpose of constructing 179 units for low-income senior
6 households that consist of 16 studios, 128 one-bedroom
7 apartments and 35 two-bedroom units. The complex will
8 provide management offices for the new residents, two
9 outdoor deck areas on the 2nd and 3rd floors, a community
10 kitchen, a dining/game room, a TV room, and fitness area.
11 The complex will provide 88 parking spaces as well as bicycle
12 parking.

13
14 **Applicant:** MRK Partners
15 108 Standard Street
16 El Segundo, CA 90245

17
18 **Location:** 600 Roble Avenue, 1106 San Pablo Avenue and 1230 San
19 Pablo Avenue (APNs: 402-023-007, 402-023-002 & 402-023-
20 003)

21
22 **Planner:** David Hanham

23
24 Planning Manager David Hanham provided a PowerPoint presentation for the
25 Vista Woods Senior Apartment Complex, and recommended the Planning
26 Commission approve Resolution 21-11, approving the Comprehensive Design
27 Review, Tree Removal Permit, and California Environmental Quality Act (CEQA)
28 Notice of Exemption, subject to Exhibit A: Conditions of Approval.

29
30 Responding to the Commission, Mr. Hanham clarified the following:

- 31
32
 - 33 • A cell phone tower located on the parcel at San Pablo Avenue would be
34 100 feet away from the building and met the 100-foot radius requirement of
35 the Public Utility Commission (PUC).
 - 36 • The roof would be wired for solar panels, to be clarified by the applicant.
 - 37 • As a condition of approval a Transportation Development Management
38 Plan (TDMP) would be required to be submitted to the City.
 - 39 • The applicant would have to pay Traffic Impact Fees as part of the project.
 - 40 • A traffic signal at Roble Avenue may not be warranted but a High Visibility
41 Crosswalk at the location could be considered as part of the City's Capital
42 Improvement Program (CIP).

43
44
45

- As shown in the September 27, 2021 staff report, the project would be consistent with the General Plan and Three Corridors Specific Plan. A request from Commissioner Kurrent to add a statement in the resolution of approval that the project was consistent with State law regarding affordable housing could be considered for projects in the future.
- The four-story height of the project would impose some impacts to neighbors on the corner due to the topography of the property in that the building was taller on the Encina/Roble Avenues side as compared to the San Pablo/Madrone Avenues side, but with the proposed landscaping and the buildings pushed back there would be fewer impacts to the neighbors. While the buildings would have a less than significant environmental impact there would be views of the third to fourth stories.
- The building setbacks were clarified as detailed in the staff report.
- The project would be required to meet Title 24. The City could not require the building to be all electric at this time but the topic had been discussed with the applicant. As previously indicated, solar panels on the roof and electronic vehicle (EV) parking stalls would be provided.
- The differences between the designs of the proposed project as compared to the Satellite Affordable Housing Associates (SAHA) project were described.
- The colors and mixture of materials along the frontage were again highlighted. Staff had requested some different articulation for the balconies which the applicant had provided by adding some design features between Wings A and B to add more color and distinction to the buildings.
- A new bus stop/shelter would be provided as part of the project.
- Staff understood that consideration of a stop sign at Roble Avenue had been included in the CIP but needed to be verified by staff, and staff acknowledged the need to ensure the safety of the senior residents to be served by the project.
- Recommendations by Commissioner Martinez for larger/mature trees to provide shade and cover over the seating areas at the entry way; greater dialogue between the City Council and WestCAT regarding the types of services to be provided to the senior population to be served; and a recommendation for storage to be prohibited on the outdoor balconies, were noted.

- The Shadow Study prepared for the project had originally shown an existing home on Encina Avenue where the sun was shaded up to the garage through the winter solstice, with some adjustments made to the setbacks to meet the three-hour requirement for shading.
- The design and color choices had been made by the applicant and the Planning Commission may request some adjustments.
- Condition 15, as shown in Exhibit A, which was blank, was an error in the spacing in the document which would be corrected by staff.
- The applicant would need to clarify battery storage for power and retaining wall details.
- The project would not be on-line for another few years and WestCAT would likely have to add additional buses to existing routes to serve the residents of the project. City staff would have to work with WestCAT and the West Contra Costa Transportation Advisory Committee (WCCTAC) to address any unmet transportation needs.
- The City of Pinole had a balcony inspection program and inspected balconies every five years to ensure all requirements were met. Since the project involved a tax credit program, a maintenance program would be part of the project to ensure the tax credits were maintained throughout the life of the project.
- Bicycle and pedestrian safety and the fact that seniors would not be able to access the Senior Center easily or safely from the subject site were noted and staff acknowledged Planning Commission support for consideration of a stop light at Roble Avenue.
- Land Use and Economic Development Element, Policy LU4.1: *Ensure all new development, renovation or remodeling preserves and strengthens Pinole's residential neighborhoods by requiring projects to be harmoniously designed and integrated with the existing neighborhood*; staff determined the project met this finding given the very high residential zoning of the property, the fact the property met all the zoning requirements, there was high density residential located on the back side which was not as dense, and the project had been compared to the residential areas that surrounded it and not necessarily the commercial properties next door and across the street.

- Housing Element Policy H.2.1: *Enhance neighborhood identity and sense of community by designing new housing to have a sensitive transition of scale and compatibility in form with the existing neighborhood*; staff determined the project met this policy since the property was located along San Pablo Avenue where there were buildings with zero lot lines at the front.
- State law and Density Bonus requirements connected to affordable housing could be reflected in future findings as similar projects moved forward.
- Staff acknowledged a prior request for a map of future projects proposed along the San Pablo Avenue Corridor which staff was in the process of preparing, to be presented to the Planning Commission at a future meeting.
- The landscape plan included the removal of existing trees on the project site and replacement with new trees. The applicant would plant 48 trees plus shrubs and ground cover. The project would replace approximately 51 existing trees. There were three heritage trees on-site. The City could not mitigate against the value of the heritage trees lost, but could require the applicant to plant trees similar in nature in the hopes they would eventually grow to the size of the lost heritage trees.
- The City had not imposed a Leadership in Energy and Environmental Design (LEED) Certification requirement for the proposed project.
- The width of the sidewalk along San Pablo Avenue in front of the project was approximately 5 feet in width with the right-of-way (ROW) at the back of curb.
- Concerns with the speed of traffic along San Pablo Avenue was noted.
- Staff acknowledged that while the building colors had improved and there had been more articulation provided on the façade since the project had been reviewed by the Planning Commission Subcommittee, there remained concerns from some Planning Commissioners on the paint color choices. Staff would need direction and more parameters on the preferred color choices as to whether the colors should be consistent with the existing neighborhood or something that would better accent the building.

PUBLIC HEARING OPENED

Jeni Jackman, Pinole Venture LP/c/o MRK Architecture, 5230 Pacific Concourse Drive, Suite 350, Los Angeles, thanked staff for their guidance and assistance. She provided a PowerPoint presentation which identified the Project Team; MRK's development background; boundaries of the property; description of the project for 179 units for low-income senior households 62 years and older consisting of a mix

1 of studio, one- and two-bedroom units, indoor and outdoor common areas and
2 amenities targeted to the senior population, including secured bicycle storage and
3 88 parking stalls. The construction timeframe for the project would be February
4 2022 through March 2024.

5
6 Ms. Jackman also detailed the numerous community benefits associated with the
7 project including 100 percent affordable units serving Low and Middle Income
8 seniors; fine architectural finishes; enhanced site improvements along the major
9 bus corridor; bicycle parking; the project would meet City and State housing
10 production targets with a range of incomes; focus on higher density development;
11 socially responsible development with Green Initiatives including energy efficient
12 appliances, water fixtures and mechanical systems, solar array on top of the roof
13 to address 30 to 40 percent of usage on the property, and with batteries being
14 considered as backup to the solar.

15
16 There would be an emergency generator on-site with a focus on the loading zone
17 with options for the senior population with transportation and transit opportunities.
18 Of the 88 parking stalls, a portion would be located in the parking garage; EV
19 charging stations would be provided; a vehicle dedicated to hourly rentals;
20 infrastructure to be provided to electrify most if not all of the parking stalls; the
21 senior population would be less likely to have vehicles and the project had been
22 designed with that sensitivity while also providing options. In addition to the bicycle
23 options, all electric ride share vehicles would be provided; a new bus shelter; and
24 EV hourly rentals all located adjacent to the main entrance of the building.

25
26 Programs to be offered to the residents included a large activity room with
27 community kitchen preparation and service area; designated fitness area and
28 recreational room which would allow multiple uses; dedicated laundry area on the
29 same floor with hookups in the units; and the lobby would have a combined mail
30 room. A number of lounges and seating areas would be provided throughout the
31 building and various activities/classes would also be offered. As part of the health
32 and wellness services, on-site health screening, flu shots, vision and hearing tests,
33 exercise classes, health and wellness speakers/classes and resident vegetable
34 gardens would be provided.

35
36 Ginna Nyugen, Studio Director, Relativity Architects, provided an overview of the
37 background of Relativity Architects and walked through the Vista Woods site plan
38 and design intent with the building to follow the property lines and be true to the
39 topography and the site itself. The building would step down with four different
40 elevations as the site sloped to the east, the building would step down with it and
41 each wing would be lower than the previous wing to the west grounding it into the
42 hillside. All amenities in the main entry, lobby and bus shelter would be oriented
43 towards the southern façade to provide a main frontage on San Pablo Avenue,
44 providing an identify of visual access and an active front to the San Pablo Corridor.

1 The landscaping had been inspired by the area, with the Bay Area nature reflected
2 via iconic landscaping and with the outdoor areas designed to have different
3 gardens. A redwood grove would be located at the front entry, sycamores would
4 be formally laid out framing the entry facing east and towards San Pablo Avenue,
5 and a walkway and exercise area with built in seating benches would provide a
6 nice path for the seniors. The main entry, loading zone and bus stop were
7 identified with seating areas for residents/guests, loading zone adequate for vans
8 and ride shares in close proximity to the front door providing good access between
9 the sheltered bus shelter and the ride share.

10
11 As to the color palette, inspiration had been taken from the Bay Area with golden
12 brown hills, blue of the Bay and oak trees, a natural palette with the intent for
13 something that was soft, warm with texture and color and not too contrasting, and
14 which offered a residential feel with pops of color. The accent colors would occur
15 with each balcony which would have a partition wall, with each partition wall to
16 have a different color, between blues, yellow, green and rusty red. Balconies
17 would also have a gold painted railing or a warm tan paint color with a softer off-
18 white base for the building.

19
20 Wood-like material (actually metal) would be long-lasting, would not chip or peel,
21 and would wrap every community space on the ground floor at the dining room,
22 game room, and main lobby entry. The open balconies above would be wrapped
23 in the wood panel that had a high color variation but from a distance offered the
24 warmth of wood. This material would also be used on all facades where there
25 were stairwells or other community spaces which would be accented by the more
26 neutral stucco with the warm wood material. There would be a tan color around
27 the window frames.

28
29 Balconies would be larger than usual for affordable housing, the units would have
30 built-in shelving, extra storage closets, outlets for washers and dryers, full electric
31 ranges with ovens and dishwashers, all units would be adaptable if not already
32 fully accessible, and all units would be electric with built-in lighting within the units.

33
34 Mr. Hanham reported there were no comments from the public for this item.

35
36 PUBLIC HEARING CLOSED

37
38 Olivia Ervin, Principal, Environmental Consultant, M-Group, clarified why the
39 Shadow Study had been conducted during the winter solstice, the period of time
40 when there would be the least amount of sunshine to identify the greatest amount
41 of impact to assess the worst case scenario.

42
43 As to the TDMP, Mr. Hanham suggested that once developed the TDMP could be
44 presented to the Planning Commission.

1 Ms. Nguyen clarified the corridors between the units would be enclosed, all
2 windows in the units would be operable, and along the corridors fixed windows had
3 been placed to bring light into the interior corridor. Large windows had been
4 proposed for the bedrooms and in the living rooms opening to the balconies. The
5 doors would be fully glazed with a light around it, with extra width from door to
6 height with glazing and the corridors had added windows where possible for
7 breaks. The windows would be operable for safety and ventilation in order to meet
8 certain egress code requirements; HVAC codes also required a high rated filter for
9 particulates meeting the requirements facing San Pablo Avenue which had a
10 higher rate of vehicular traffic. The HVAC units would consist of heating and
11 cooling units and there would be a large awning over the main doorway at the front
12 entry with ample room for several people to gather while waiting for WestCAT or
13 guests.
14

15 The Planning Commission discussed Comprehensive Design Review DR21-11,
16 Vista Woods Senior Apartment Complex and offered the following comments
17 and/or direction to staff:
18

- 19 • Encouraged consideration of a traffic signal at Roble Avenue. (Martinez)
- 20
- 21 • Suggested the applicants had designed a very interesting project,
22 appreciated how the design had moved onto the land, and appreciated the
23 applicants' response to the input from the Planning Commission
24 Subcommittee and the changes made to the design. (Moriarty/Benzuly)
- 25
- 26 • Liked the layout of the interior, recognized the challenges of the site,
27 acknowledged the thought put into the design of the units and the landscape
28 areas along with the intention of the colors and materials that had generated
29 a lot of questions early on, and clarified with the applicant the guard rails for
30 the balconies would be solid. Also liked the overall height and bulk, with the
31 building fitting into the area in terms of size and height, and while the high
32 density was unusual for the area it could inspire other projects in the future.
33 Suggested the applicant had responded to all of the comments and
34 commended the project that would be nice for the future residents. Looked
35 forward to the completion of the project. (Banuelos)
- 36
- 37 • Recommended Finding 1, of Resolution 21-11, as shown on Page 2 of
38 Attachment A be revised to read: *The proposed project is consistent with*
39 *the objectives of State law and of the general plan and complies with*
40 *applicable zoning regulations, planned development, master plan or*
41 *specific plan provisions, improvement standards, and other applicable*
42 *standards and regulations adopted by the city; and recommended an*
43 *additional Condition of Approval to Exhibit A: Conditions of Approval, to*
44 *read: Condition 15: The City of Pinole shall conduct a Traffic Study to*

1 *determine if a traffic signal shall be needed at the San Pablo Avenue/Roble*
2 *Avenue intersection. (Kurrent)*
3

4 Assistant City Attorney Alex Mog commented the City was to conduct the traffic
5 study, which was appropriate, but that would be something for the City Council to
6 direct in that the applicant would have no control whether that occurred.
7

- 8 • Acknowledged that changes were occurring in Pinole and the State was
9 changing the requirements necessary for affordable housing. Suggested
10 the project would change Pinole, particularly given future projects and
11 hoped citizens were prepared with what would occur. (Kurrent)
12
- 13 • Suggested the color schemes used by the applicant, particularly the
14 example that reflected an orange color was more direct and based on the
15 description from the architect he now understood how the accent walls
16 provided a pop inside the units, although he was uncertain what effect the
17 accent walls would have from the street elevation. The gray/brown color for
18 the balconies and edges created more of a harmonious effect but may be
19 too far in that direction and he preferred more pop. Suggested the images
20 in the PowerPoint presentation were better than the colored renderings in
21 terms of showing how the colors worked. (Menis)
22

23 Ms. Nguyen explained that the dividing walls were perpendicular to the road and
24 that was where the different pops of color were located.
25

- 26 • Liked the dividing walls as accents but had issues with the brownish/gray
27 colors of the balconies themselves which made it look more homogenous.
28 Suggested the balconies could be painted a darker brown like the trim at
29 the entryway. Commented that the brown/gray color did not work well with
30 the other colors used for the rest of the building. (Menis)
31
- 32 • Agreed the colors in the PowerPoint presentation were more intense than
33 the colored renderings that had been provided but suggested the colors and
34 the metal/wood panels would look good and be durable. (Banuelos)
35
- 36 • Recognized the colors in the PowerPoint presentation were more intense
37 than the colored renderings provided but the brown/gray shade adjacent to
38 the yellow shades of color would be seen at the top right balcony wall, and
39 while not jarring, felt off as compared to the other colors in the color palette.
40 As to the Sustainability Element, read into the record Policies SE4.3, SE4.5,
41 SE5.3 and SE8.7 and suggested several elements of the project tied into
42 core parts of the Sustainability Element.
43
44

1 However, Policy SE7.4 had not been mentioned in the staff report and
2 should have been included since the project had been oriented around
3 transit, such as the bus stop and bicycle parking. Policy SE3.4 would be
4 addressed with electric charging stations built-in to the parking stalls by
5 default and Policies SE3.4.5, SE3.4.6, SE3.4.7, also read into the record,
6 should also have been highlighted in the staff report.
7

8 In addition, Policy SE7.1, was built-in as part of the conditions of approval
9 and should be noted as being included in the Sustainability Element and in
10 effect. Further Policies SE8.2, SE8.3, SE8.6, SE8.6.2, SE8.6.3, SE8.6.5,
11 SE8.7.1 were all read into the record, applied to the project and should have
12 been identified in the staff report and in the resolution of approval. The City
13 had a great Sustainability Element but many policies had not been
14 implemented for many reasons and should be highlighted in a staff report
15 since it would have impacts on the City in the future.
16

17 The applicant had done a great job meeting the demands of the
18 Sustainability Element and working towards a more sustainable City in
19 terms of the density and how the project had integrated transit needs. All
20 of those policies should have been highlighted in the staff report before the
21 project moved forward to the City Council so that the City Council and the
22 public could see how the Sustainability Element worked in practice. (Menis)
23

24 Mr. Hanham acknowledged that the numerous policies identified could be added
25 as talking points in future staff reports.
26

27 Chairperson Banuelos agreed that future resolutions could also highlight the
28 success of a project in obtaining sustainability.
29

30 Vice Chairperson Moriarty offered a motion, seconded by Commissioner Menis to
31 adopt Resolution 21-11, with Commissioner Menis requesting an additional
32 WHEREAS clause to read:
33

34 *WHEREAS, this project successfully implements numerous policies of the*
35 *Sustainability Element of the General Plan.*
36

37 There was Planning Commission consensus to add the additional WHEREAS
38 clause as proposed by Commissioner Menis but not to add the modifications
39 proposed by Commissioner Kurrent.
40

41 **MOTION** by a Roll Call Vote to adopt Resolution 21-11, A Resolution of the Planning
42 Commission of the City of Pinole for a Comprehensive Design Review (DR21-11) to
43 Construct a 179 Unit Senior Apartment Complex and Make Site Improvements,
44 Located at 600 Roble Avenue, 1106 San Pablo Avenue, and 1230 San Pablo Avenue
45 (APNs: 402-023-007, 402-023-003-5 & 405-023-002-7), subject to Exhibit A:
46 Conditions of Approval, and subject to an additional WHEREAS clause to read:

1 *WHEREAS, this project successfully implements numerous policies of the*
2 *Sustainability Element of the General Plan.*

3
4 **MOTION: Moriarty**

5 **SECONDED: Menis**

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

7 **ABSENT: Wong**

8 Chairperson Banuelos identified the 10-day appeal process of a decision of the
9 Planning Commission in writing to the City Clerk.

10 The Planning Commission expressed its appreciation to the applicants and the
11 members of the Planning Commission Subcommittee for all their hard work.

12
13 **F. OLD BUSINESS:** None

14
15 **G. NEW BUSINESS:** None

16
17 **H. CITY PLANNER'S / COMMISSIONERS' REPORT**

18
19 Mr. Hanham reported the projects at 2151 Appian Way and 2801 Pinole Valley
20 Road should be presented to the Planning Commission by the end of the year or
21 the beginning of 2022; he was in the process of preparing information on the
22 Specific Plan Corridors to be presented to the Planning Commission at a future
23 meeting; the City should have a new Community Development Director in the next
24 six weeks; and Planning Commission e-mails were now available and he would
25 send them to Commissioners through their regular e-mail addresses this week
26 cautioning that the e-mails were subject to the requirements of the Brown Act. In
27 addition, the Zoning Administrator would meet on Wednesday, September 29 at
28 2:00 P.M. to consider one agenda item. The Planning Commission would be
29 notified of the Zoning Administrator's decision and that decision would be subject
30 to the 10-day appeal period.

31
32 Vice Chairperson Moriarty inquired of the status of a legislative update of Senate
33 Bills (SB) 9 and 10 intended to help alleviate the affordable housing crisis, and Mr.
34 Hanham suggested an update be provided at a meeting in October. He would also
35 confirm whether or not the next Planning Commission meeting set for October 11,
36 2021 was a holiday with the possibility the meeting may be canceled. He added
37 current projects in the Planning Department included administrative design
38 reviews, tenant improvements for some of the commercial areas, and the permit
39 yield remained high.

40
41 **I. COMMUNICATIONS:** None

42
43 **J. NEXT MEETING**

44
45 The next meeting of the Planning Commission to be a Regular Meeting scheduled
46 for October 11, 2021 at 7:00 P.M.

1 **K. ADJOURNMENT:** 10:33 P.M.

2

3 Transcribed by:

4

5

6 Sherri D. Lewis

7 Transcriber



Memorandum

TO: Planning Commission

FROM: David Hanham, Planning Manager

SUBJECT: Three Corridors Specific Plan - San Pablo Avenue Corridor

DATE: November 8, 2021

Planning Commissioners:

BACKGROUND

As you are aware, the City Council adopted the Three Corridors Specific Plan in 2010. Over the last 11 years, the city has been governing San Pablo Avenue, Pinole Valley Road and Appian Way using design guidelines and land use standards.

The Three Corridors Specific Plan can be found on the City's website at:

https://www.ci.pinole.ca.us/city_government/planning/general_plan/three_corridors_specific_plan

Over the course of the last six months the City has received five (5) multifamily residential projects totally approximately 606 units over the three corridors. Two (2) of the projects are located on San Pablo Area, one (1) project each on Appian Way and Pinole Valley Road.

Over the next few meetings, we will be reviewing the Specific Plan and its relationship with the General Plan and Zoning Ordinance and the potential of each of the corridors both residential and non-residential developments.

The purpose of the Three Corridors Specific Plan is to facilitate revitalization of the San Pablo Avenue, the Pinole Valley Road, and the Appian Way commercial corridors. Below is a brief description of the three corridors.

San Pablo Avenue

San Pablo Avenue's diverse history as a major thoroughfare in the East Bay, home to important industrial and light industrial land use, community aims of attracting new retail and service industry, while achieving more diverse residential development that can be served by transit.

Pinole Valley Road

Pinole Valley Road's history as a shopping and service corridor, attracting new retail, medical facilities, and higher density residential development, while simultaneously improving open space access, enhancing Pinole Creek, and improving automobile flow and pedestrian and bicycle circulation.

Appian Way

Appian Way's history as a large-scale shopping, medical care, service corridor, attracting new retail and higher density residential development, while simultaneously improving open space access, automobile flow, and bicycle circulation.

The goal of the Three Corridors Specific Plan is to preserve the character of Pinole and support commercial and residential development that can function as the catalyst for economic revitalization and further the city's goals and objectives. Another goal of the plan is to enhance the Old Town Pinole as a vibrant, pedestrian-oriented commercial destination with a strong civic identity. The Plan will encourage Transit Oriented Developments (TOD) within the Priority Development Areas (PDA) on San Pablo Avenue, Pinole Valley Road, and Appian Way. The Plan will support economic development that will bring more housing, retail, and employment opportunities to the community.

ANALYSIS:

For the purpose of tonight's meeting, we will be looking at the San Pablo Corridor. The Three Corridors Specifics outlines the Vision, Economic Development Strategy, Circulation, Private and Public Realm Standard and Design Guidelines, Land Use and Development Standards, Infrastructure, and Implementation

Land Area

The San Pablo Corridor encompasses approximately 144 acres from western edge of San Pablo and Del Monte Ave to the intersection of John Street and San Pablo Avenue.

Development Projections:

At the time of the study, the following is a look at the existing development and the proposed development opportunities within the San Pablo Corridor

Existing	Residential Units	Retail (SF)	Office (SF)	Industrial (SF)
	885	322,172	336,253	426,692
Proposed	Residential Units	Retail (SF)	Office (SF)	Industrial (SF)
	1,119	552,927	307,223	472,578
Total	+234 units	+230,755	-29,030	+45,886

Private and Public Realm Standards and Design Guidelines:

These two chapters identify standards through all three corridors and address Site Planning and Design, Site Amenities, Architecture, Landscape and Hardscape, Circulation, Parking, Service and Storage, Lighting, Signage, and Green Design.

Infrastructure:

The San Pablo Corridor infrastructure is a developed area with existing infrastructure (e.g., roadway network, water, sewer, storm drainage)

The San Pablo Corridor essential services (e.g., police, fire, schools, parks, street lighting, and utilities) are services that are used throughout the city.

Land Use and Development Standards

Land Use

The San Pablo Avenue Project Area has three (3) Sub-Areas (Mixed Use, Old Town, and Service. The San Pablo Zoning Districts (Land Use Plan) consist of eight (8) Zoning Areas. They are Medium Density Residential, Very High Density Residential, Residential Mixed Use, Commercial Mixed Use, Office Professional Mixed Use, Office Industrial Mixed Use, Public/Quasi Public/Institutional, and Open Space.

Each of these categories have corresponding uses that are either permitted, not permitted or conditional use. The use categories range from Residential Uses, Community Service Uses, Utility, Transportation and Communication Uses, Retail/Service/Office Uses, Automotive Uses, and Industrial/Manufacturing, and Processing Uses

Development Standards:

The San Pablo Avenue corridor has a number of development standards. The development standards include height of structures, building placement, setback requirements, allowable building types, and allowable parking types.

Economic Development Strategy:

The Economic Development Strategy for the San Pablo Avenue corridor is entwined with the other two corridors (Appian Way & Pinole Valley Road). The Guiding Principles for the Economic Development Strategy for all three areas including the San Pablo corridor are listed below:

- ❖ Market forces are the dominant drivers of a regional economy.
- ❖ Public-sector economic development efforts must focus on factors internal to the workings of the regional economy and under the influence of public policy at any given level of government, be that local, regional, state, or federal.
- ❖ Sensible economic development policy must build upon the strengths of the regional economy. Economic development should yield real net impacts on growth or, in the short term, the potential for growth.
- ❖ The public sector should pursue economic development policies that result in broad benefits for residents and businesses, especially benefits that will continue to have a positive impact even if specific businesses close or move.
- ❖ Public-sector economic development efforts should pay attention to the needs of lagging or distressed areas and of groups at the lowest rungs of the economic ladder.
- ❖ Public policy should recognize the regional nature of economic development and advance strategies that address challenges and opportunities throughout the regional economy.
- ❖ Economic development efforts should address the development potential of places, as well as the needs of people in that place



Memorandum

TO: Planning Commission

FROM: Alex Mog, Assistant City Attorney

SUBJECT: 2021 Housing Legislation

DATE: November 8, 2021

Planning Commissioners:

Slides providing a general overview of SB 8, SB 9, and SB 10, from the 2021 State housing legislation, are included here for your reference. A presentation on these slides will be provided at the Planning Commission meeting.






2021 Housing Legislation: SB, SB 9, & SB 10

Alex J. Mog, Assistant City Attorney


November 8, 2021

1

Agenda

1. SB 9 – “End of Single Family Zoning”
2. SB 10 – Streamlining for Upzoning
3. SB 8 – Extension of Housing Crisis Act (SB 330)





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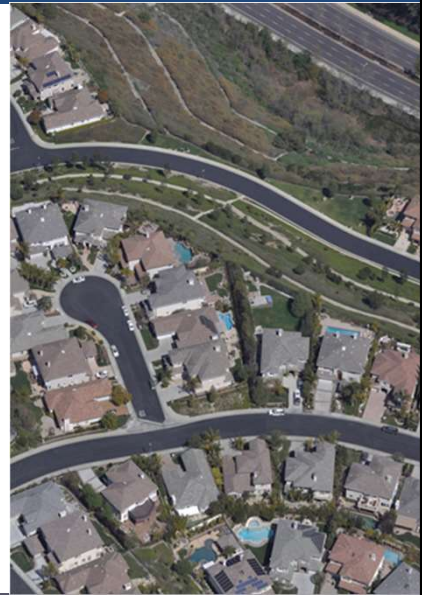
SB 9

3

The Basics

SB 9 requires **ministerial approval** of:

- 2-lot subdivision
and/or
- Development projects for 2 units per lot
- For projects that meet certain criteria



4

Qualifying Criteria

5

Where are SB 9 projects allowed?

- Lot must be within a single-family **residential** zone
- Lot must be within “**urbanized** area or urban cluster”
 - applies whether the project is proposed to locate in a city or an unincorporated area



6

Where are SB 9 projects prohibited?

- Location of a historic landmark or within a designated historic district
- Certain identified “sensitive areas” including:
 - Wetlands
 - Earthquake fault zone
 - Lands under conservation easement
 - FEMA Flood Plain
 - High fire hazard severity zone



Permitted in
“coastal zones”
≈

Prohibited Locations

FEMA-Designated Flood Plains

- Prohibition does not apply if development site:
 - 100-year flood plain:
 - Has been subject to a Letter of Map Revision (LOMR) by FEMA; or
 - Meets FEMA requirements to meet minimum flood plain management criteria
 - Regulatory floodway:
 - Satisfies all applicable federal qualifying criteria



Prohibited Locations

High Fire Hazard Severity Zone

- Prohibition does not apply to:
 - Sites excluded from the hazard zone by a local agency
 - Sites that have adopted fire hazard mitigation measures



Prohibited Locations

Other prohibited locations:

- Land subject to
- Certain farmland
- Land designated for agricultural protection by a local ballot measure
- Hazardous waste sites
- Lands identified for conservation under the Natural Community Conservation Planning Act or Endangered Species Act
- Species habitat protected by the federal and CA Endangered Species Acts and the Native Plant Protection Act

Anti-Displacement Requirements

A project cannot involve the
demolition or alteration of:

- Deed restricted affordable housing
- Rent-controlled housing
- Housing withdrawn from rental market in last 15 years
- Housing that was occupied by a tenant in the past 3 years

Ministerial Approval

Local agency must ministerially approve:

The development of up to 2 residential units

- Two new units
- Adding one new unit to one existing unit



Local agency must ministerially approve:

The creation of a 2-lot subdivision:

- Each lot must be at least 1,200 sq. ft.
- Each lot must be at least 40% of the original lot
- Can't subdivide lot that was previously subdivided via SB 9
- Adjacent parcels can only be subdivided via SB 9 if owners are independent

Limited Ability to Reject

The local agency can deny the housing development project or the subdivision if:

- building official makes written finding
- based on preponderance of evidence
- that project would have a specific, adverse impact on public health and safety that can't be mitigated

This is a very high standard to meet

Requirements Imposed by Local Agency

Subdivision Requirements

A local agency can require:

- Easements for provision of public services
- Easements to ensure both lots have access to public ROW

A local agency cannot require:

- Dedication of ROW
- Construction of offsite improvements
- Correction of nonconforming zoning conditions

Objective Standards

- Agency may impose **objective** zoning standards, subdivision standards, and design standards (i.e. through local ordinance) subject to certain limitations:
 - No setback can be required if unit is built within the footprint of an existing structure
 - Otherwise maximum 4' setback from side and rear yards
- Standards cannot physically prevent 800 square feet unit

More on objective standards later...

Rental Restrictions

- Agency must prohibit short term rental of any units created through SB 9
- For lot splits, an applicant must submit an affidavit that it intends to occupy one of units as principal residence for at least 3 years
 - No other owner occupancy standards allowed

Parking Restrictions

Maximum of 1 parking spot per unit, except no parking spot if:

- Within ½ mile of high quality transit corridor or major transit stop
 - An existing rail or bus rapid transit station
 - A ferry terminal served by either a bus or rail transit service
 - Fixed route bus service with service intervals no longer than 15 minutes during peak commute hours
- Within one block of a car share vehicle

Accessory Dwelling Units (ADU)

The local agency may prohibit ADUs and JADUs when:

- The lot is subdivided pursuant to SB 9, when there are two units existing/constructed on each lot
- Both lot subdivision and housing unit construction are done via SB 9

Two-unit project without SB 9 lot subdivision?



Relationship to CEQA

SB 9, projects are approved ministerially and are exempt from CEQA

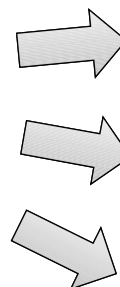
Adoption of local ordinance is not a “project” for CEQA purposes



Illustration

23

Does the project qualify?



2-unit project

Lot split

2-unit + lot split

- Single-family zone
- Urban cluster
- Meets anti-displacement requirements

- Prohibited:
- Historic sites
 - Fault zone
 - FEMA Flood Plain
 - Fire Hazard zone
 - Other “sensitive areas”

24

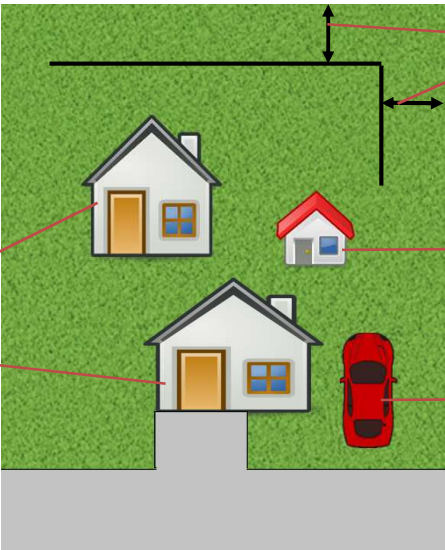
What does it look like?

2-unit project

Existing lot
Existing Home
No subdivisions

2 new units
or
1 new + 1 existing


At least 800 square feet with objective standards



4' side and rear yard setback; none if within building footprint

Maybe ADUs

One parking spot per unit unless ½ mile from major transit stop, or one block from car share vehicle



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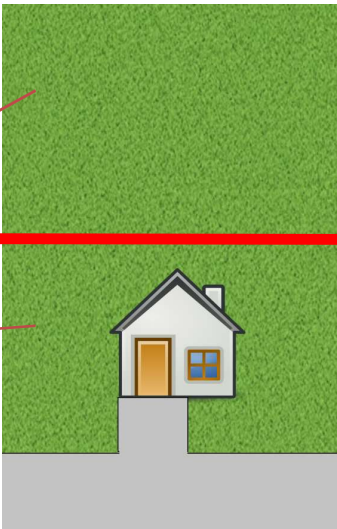
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25


What does it look like?

Lot split

Each new lot at least 1,200 square feet



50/50
or
40/60
split



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26

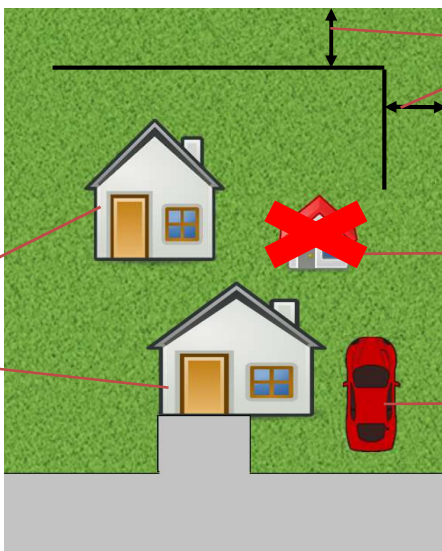
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What does it look like?

2-unit + lot split

2 new units
or
1 new + 1 existing

At least 800 square
feet with objective
standards



4' side and rear yard
setback; none if within
building footprint

No ADUs

One parking spot per
unit unless ½ mile
from major transit
stop, or one block
from car share vehicle

27

Summary

Housing units on existing lot	Lot split	Housing units + lot split
<ul style="list-style-type: none"> 2 new units <i>or</i> 1 new unit + 1 existing unit No short term rental ADUs may be allowed-unclear No owner occupancy requirement Demolition restrictions 	<ul style="list-style-type: none"> Empty lots = 2 new units on each lot if empty, or 1 new unit + 1 existing No ADUs Owner occupancy affidavit required Demolition restrictions 	<ul style="list-style-type: none"> Empty lots = 2 new units on each lot if empty, or 1 new unit + 1 existing No ADUs Owner occupancy affidavit required No short term rental Demolition restrictions

28

Objective Standards

29

Objective Standards

Agencies may enact objective zoning standards as long as standards do not physically prevent a unit that is at least **800** square feet

- An objective standard is a standard that is uniformly verifiable and involves no personal or subjective judgement

30

Objective Standards

- The ability to limit units to no more than 800 square feet is a valuable tool for local agencies
 - What projects are economically feasible?
- Agencies should endeavor to adopt objective design standards by January 1
 - Many agencies have existing objective standards that only apply to multi-family housing projects

Additional Factors to Consider



SB 9 regulates local agency authority, and does not preempt CC&Rs or HOA rules



Scope of law may be limited because financial and physical constraints

SB 10

33

Summary of the Law

- Authorizes legislative bodies to zone any parcel for up to 10 units of residential density
 - Authorizes legislative body to override local initiative measures with 2/3 vote
 - The ordinance, conforming general plan amendments and other changes in regulations are not “projects” subject to CEQA
- Parcel must be in transit-rich area or an urban infill site, and meet certain other requirements
- Local agency **retains authority** to decide whether or not to make zoning change

34

SB 8

35

Extension of SB 330

- Housing Crisis Act of 2019 (SB 330) contains various requirements intended to increase the supply of housing
- Some of the law was originally scheduled to sunset in 2025, but SB 8 extends the law to housing projects submitted by 2030

Senate Bill No. 330

CHAPTER 654

An act to amend Section 65589.5 of, to amend, repeal, and add Sections 65940, 65943, and 65950 of, to add and repeal Sections 65905.5, 65913.10, and 65941.1 of, and to add and repeal Chapter 12 (commencing with Section 66300) of Division 1 of Title 7 of, the Government Code, relating to housing.

[Approved by Governor October 9, 2019. Filed with Secretary of State October 9, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 330, Skinner. Housing Crisis Act of 2019.

(1) The Housing Accountability Act, which is part of the Planning and Zoning Law, prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project for very low, low-, or moderate-income households or an emergency shelter unless the local agency makes specified written findings based on a preponderance of the evidence in the record. The act specifies that one way to satisfy that requirement is to make findings that the housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete. The act requires a local agency that proposes to disapprove a housing development project that complies with applicable, objective general plan and zoning standards and criteria that were in effect at the time

36

Provisions Extended to 2030

- Jurisdiction cannot disapprove housing project or approve it at a lower density if project complies with applicable, objective standards in place upon complete **preliminary application**
 - Must contain information required by jurisdiction's checklist, which can only require certain limited information
- Changes to the project allowed, including increasing the number of units or square footage by up to 20%
- Complete application required within 180 days
 - Construction must start within 2.5 years (**new- 3.5 years for affordable housing project**)
- Five-hearing limit for certain projects with complete applications

Questions?

