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CITY COUNCIL

Vincent Salimi, Mayor
Devin Murphy, Mayor Pro Tem
Anthony Tave, Council Member
Maureen Toms, Council Member
Norma Martínez-Rubin, Council Member

**PINOLE CITY COUNCIL
SPECIAL MEETING AGENDA**

**TUESDAY
March 22, 2022
6:00 P.M**

Please note: HYBRID MEETING FORMAT

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

Attend VIA ZOOM TELECONFERENCE – Details provided below

Please note: Updated COVID-19 safety protocols will be posted outside the City Council Chambers. Please review this information before entering the Council Chambers.

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/89335000272>

Webinar ID: 893 3500 0272

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 (subject to modification by the Mayor)
- Speakers will be muted until their opportunity to provide public comment.

When the Mayor 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: All comments received **before 3:00 pm the day of the meeting** will be posted on the City's website on the agenda page ([Agenda Page Link](#)) and provided to the City Council prior to the meeting. **Written comments will not be read aloud during the meeting.** Email comments to comment@ci.pinoles.ca.us Please indicate which item on the agenda you are commenting on in the subject line of your email.

Please note: Updated COVID-19 safety protocols will be posted outside the City Council Chambers. Please review this information before entering the Council Chambers.

OTHER WAYS TO WATCH THE MEETING

LIVE ON CHANNEL 26. They are retelecast the following Thursday at 6:00 p.m. The Community TV Channel 26 schedule is published on the city's website at www.ci.pinoles.ca.us.

VIDEO-STREAMED LIVE ON THE CITY'S WEBSITE, www.ci.pinoles.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 the City Clerk, Heather Bell at (510) 724-8928 or hbelle@ci.pinoles.ca.us .

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.ci.pinoles.ca.us. You may also contact the City Clerk via e-mail at hbelle@ci.pinoles.ca.us .

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.*

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS

2. 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.

3. ROLL CALL, CITY CLERK'S REPORT & STATEMENT OF CONFLICT

An official who has a conflict must, prior to consideration of the decision: (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself /herself from discussing and voting on the matter; and (3) leave the room until after the decision has been made, Cal. Gov't Code § 87105.

4. CITIZENS TO BE HEARD (Public Comments)

Citizens may speak under any item not listed on the Agenda. *The time limit is 3 minutes for City Council items and is subject to modification by the Mayor. Individuals may not share or offer time to another speaker. Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The City Council may direct staff to investigate and/or schedule certain matters for consideration at a future meeting.*

5. STUDY SESSION ITEM

- A. Introduction and Discussion of the "Land Use Planning for Pinole" Project**
[Action: Receive Report, Discuss and Provide Direction]

6. ADJOURNMENT to the Special City Council Meeting of March 29, 2022 in Remembrance of Amber Swartz.

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, on the City's website, not less than 72 hours prior to the meeting date set forth on this agenda.

POSTED: March 17, 2022 at 4:00 P.M.

Heather Bell, CMC
City Clerk



CITY COUNCIL

5A

DATE: MARCH 22, 2022

TO: MAYOR AND COUNCIL MEMBERS

FROM: LILLY WHALEN, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: INTRODUCTION AND DISCUSSION OF THE “LAND USE PLANNING FOR PINOLE” PROJECT

RECOMMENDATION

Staff recommends the City Council receive an introduction to the “Land Use Planning for Pinole” project from consultant team Michael Baker International and provide direction as appropriate.

BACKGROUND

A General Plan is a legally required policy document for all jurisdiction in California and contains the community’s vision for future growth. California law requires each jurisdiction to address seven mandated topics in the General Plan: Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety. In Contra Costa County, all jurisdictions are also required to address Growth Management. Cities and counties that have identified disadvantaged communities must also address environmental justice in their General Plans, including air quality. General Plans are organized by topic in what are called “elements.” There is no requirement that a general plan be organized into separate elements; a jurisdiction may organize its General Plan in any format, including consolidated elements, so long as all the relevant statutory issues are addressed and the document is internally consistent.

Under State law, all local governments in California are required to adequately plan to meet the housing needs of the region by adopting a Housing Element as part of the General Plan every eight years. In addition, California has passed many bills in the last few years to ensure that climate adaptation is incorporated into local planning efforts by requiring that the Housing Element update coincide with an update to the Health & Safety Element. Finally, under State law, when jurisdictions update two or more General Plan Elements concurrently the topic of Environmental Justice must be addressed in the General Plan (as a separate Element or through related goals, policies, and objectives within other Elements). Issues of housing, environmental justice, safety and hazard planning and climate change are inextricably linked. Planning for all of these efforts simultaneously will result in a more comprehensive and holistic approach to these issues, as well as efficiencies related to outreach, environmental analysis, and adoption and implementation efforts.

REVIEW & ANALYSIS

The “Land Use Planning for Pinole” project consists of updates to two existing elements of the City’s General Plan: the Housing Element and the Health & Safety Element. As a part of the project the City will also consider either adoption of a standalone Environmental Justice Element, or addressing issues of environmental justice within other elements. At the Special Council meeting on March 22, 2022 the consultant team, Michael Baker International, will provide the Council with a comprehensive overview of the project and the regulatory framework behind it. See Attachment A for the PowerPoint slides for the meeting and Attachment B for background information about the scope of each update.

FISCAL IMPACT

There is no fiscal impact associated with receiving this report.

ATTACHMENT

- A. PowerPoint Slides
- B. Background Information (Housing, Health & Safety, Environmental Justice)



Land Planning for Pinole

Housing * Safety * Health * Environmental Justice

Project Team

City of Pinole:

- Lilly Whalen – Community Development Director
- Dave Hanham – Planning Manager

Michael Baker International (Consultants)

- Surabhi Barbhaya– Project Manager & Safety Element Lead
- Veronica Tam and Associates – Technical Advisors
- Dan Wery and Emily Elliott – Housing Element / Community Engagement
- Noelle Steele – Environmental Justice Lead

Introduction – Why We’re Meeting



Housing Element



What is the Housing Element?

- Required element of the City's General Plan (updated every 8 years)
- Meet demand for housing at **all income levels**
- Assess housing **needs, constraints, resources**
- Sets goals, objectives and policies and **commits to programs**
- **Zoning and identification of sites** to meet the housing needs of all incomes
- Specific programs to **promote fair housing**

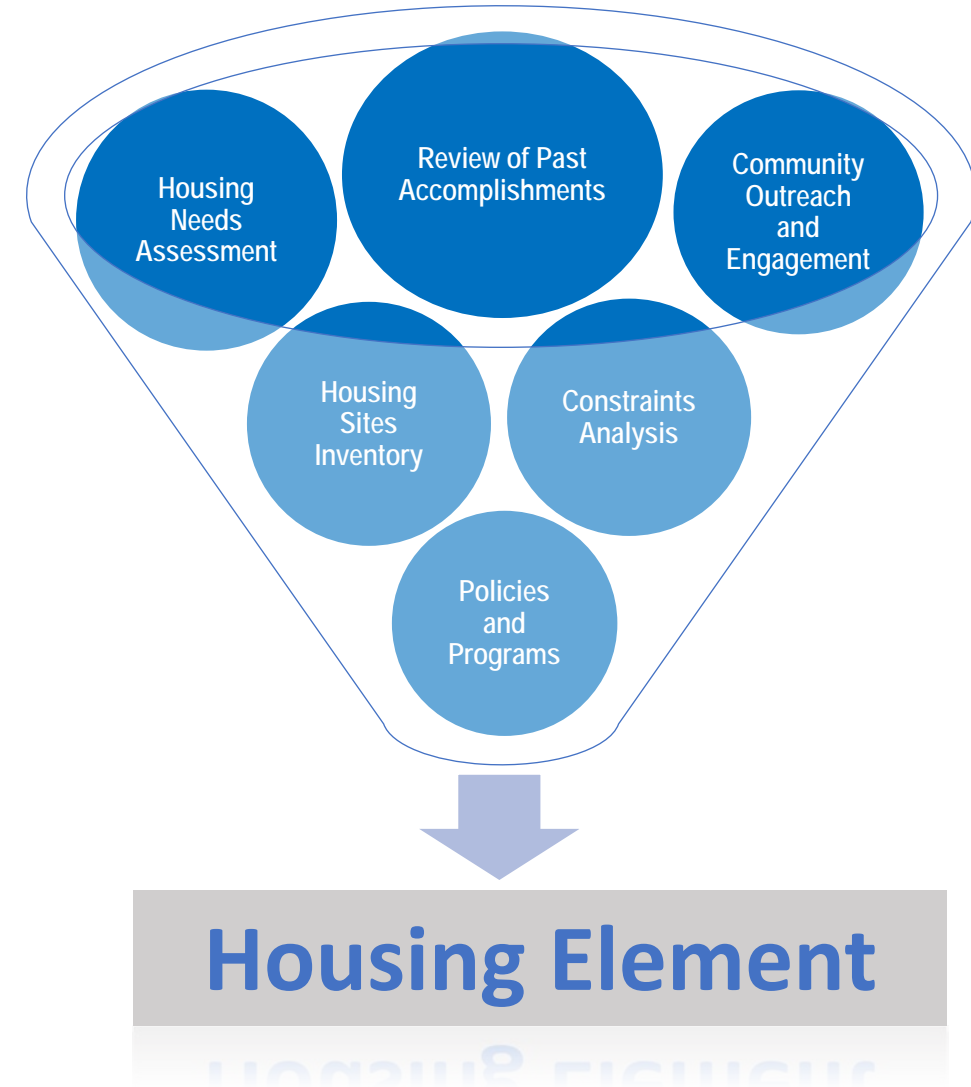


Housing Element Overview

- State-mandated update schedule: 8-year cycle (2023-2031)
- Adoption Deadline: January 31, 2023 (120-day grace period through May 31, 2023)
- Review and certified by State HCD for compliance with State law
- Plan for accommodating a jurisdiction's Regional Housing Needs Allocation (RHNA)

Housing Element Contents

- **Review of Accomplishments:** Evaluation of previous housing element
- **Needs Assessment:** Analysis of existing and projected housing needs
- **Housing Resources:** Inventory of available land, funds, grants and incentives for housing. (RHNA)
- **Constraints:** Anything that deters or increases cost of housing production
- **Fair Housing:** Assessment of fair housing conditions, commitment to “meaningful actions” that improve fair housing.
- **Implementation Plan:** Goals, policies, and implementation programs to meet unmet housing needs, remove constraints, provide zoned capacity, and improve fair housing conditions



Key Recent Housing Element Legislation

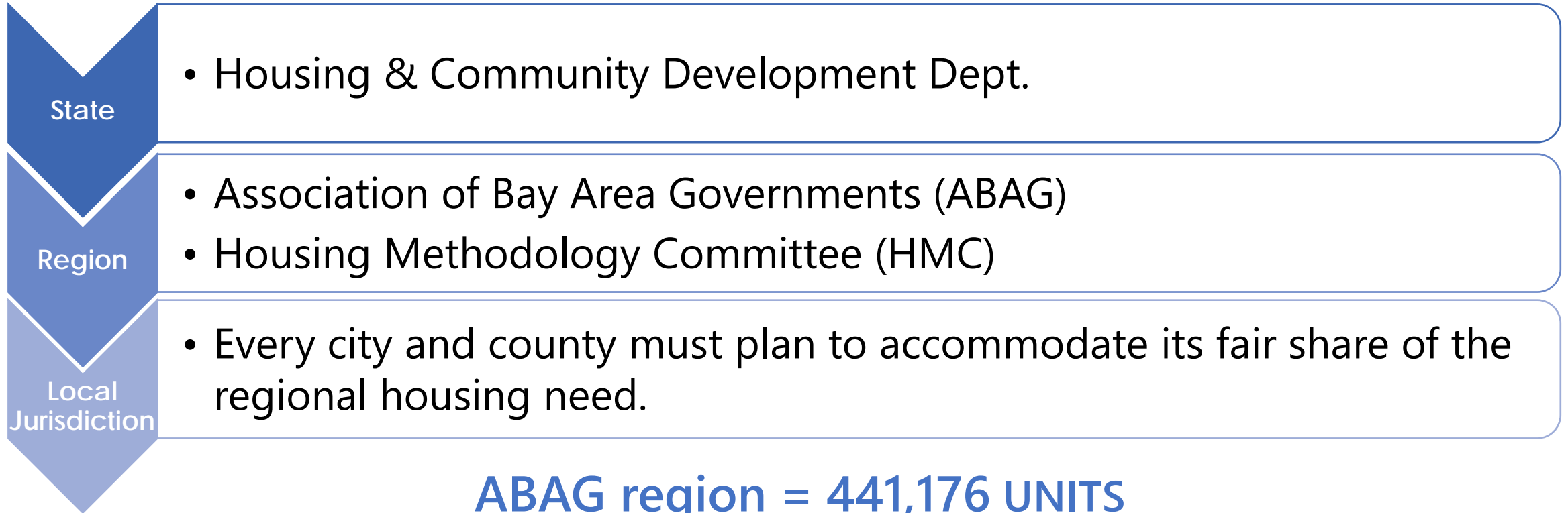
AB 1398 (2021) – Rezone in 1 year (vs 3) if Housing Element isn't certified by HCD by May 31, 2023.

AB 215 (2021) – 4.5-month mandatory HCD and Public Review period

AB 1397 (2018) – More stringent requirements for eligible RHNA sites

SB 166 (2017) – “No Net Loss” - Cities must maintain adequate capacity for all income levels through the cycle

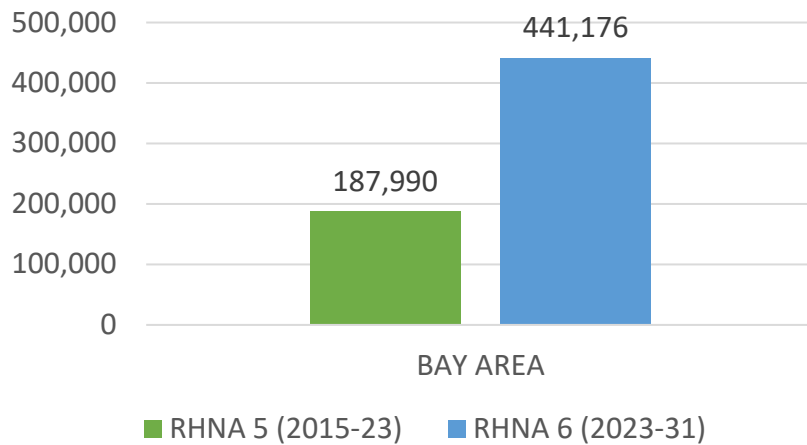
Regional Housing Needs Allocation (RHNA)



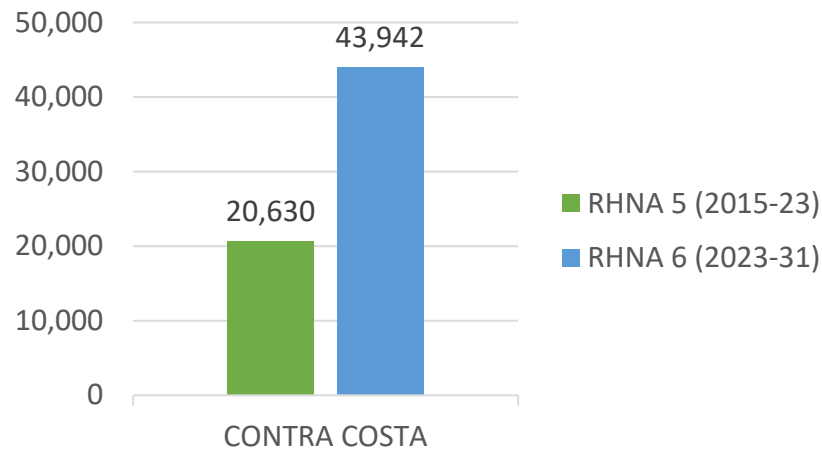
ABAG region = 441,176 UNITS
City of Pinole = 500 UNITS

Comparison with previous RHNA

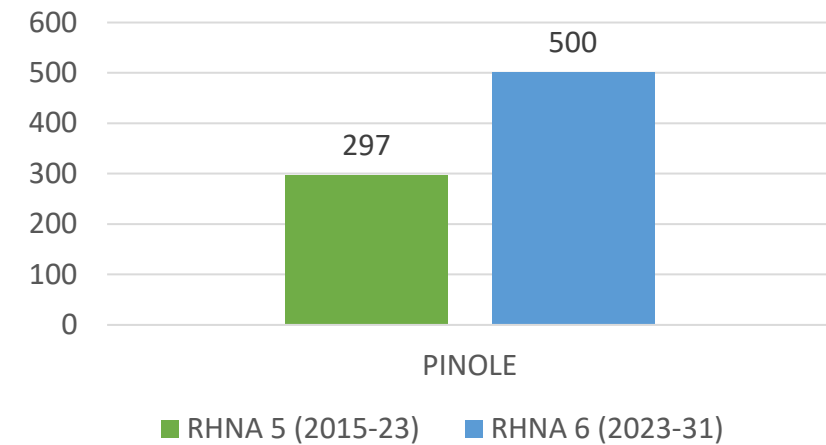
BAY AREA



CONTRA COSTA COUNTY



PINOLE



RHNA Buffer & No Net Loss



The City must always maintain enough sites to meet the RHNA during the planning period

500-unit RHNA
(190 extremely-low to low income)



Any site developed at lower density or different income than was projected must replace (rezone) the lost capacity within 6 months



Buffer Sites

Buffers are not mandated by law, but strongly encouraged by HCD
20% buffer is recommended to protect the City from continuously rezoning to replace “lost” units

Regional Housing Needs Allocation

This table compares the City's upcoming (2023-2031) RHNA allocation to the 5th Cycle (2015-2023) RHNA allocation.

	Very-Low Income	Low Income	Moderate Income	Above-Mod Income	Total RHNA
5th Cycle RHNA	80	48	43	126	297
6th Cycle RHNA	121	69	87	223	500
6th Cycle + 20% Buffer	145	83	118	302	600
Percent Change*	+51.25%	+43.75%	+102.33%	+76.98%	+68.35%

Source:

1. *Pinole 5th Cycle Housing Element*
2. *Final RHNA Allocation Report ABAG*

* Does not account for buffer

Regional Housing Needs Allocation Breakdown

The City's obligation is to provide sufficient land, zoned appropriately, to accommodate the RHNA.

Income Category	2021 Annual Income 4-person household	RHNA City of Los Altos Hills
Very Low Income < 50% of Median Income	\$68,500	121 units
Low Income 50 - 80% of Median Income	\$109,600	69 units
Median Income Moderate Income: 80-120% of Median Income	\$125,600	87 units
Above Moderate Income >120% of Median Income	\$150,700	223 units
TOTAL		500 units

Source:

1. HCD 2021 Income Limits
2. Final ABAG RHNA Allocation Report

Income Levels and Density

- Minimum density to meet Low and Very-Low-income levels is 20 dwelling units per acre (DU/acre).
- May increase to 30 DU/acre, depending on 2020 Census results and HCD interpretation.

Income Levels	Minimum Density (DU/acre)
Very Low income	20
Low income	20
Moderate income*	12
Above Moderate income	N/A

** Not statutory requirement*

Sites Inventory Requirements

Capacity

- Use a “realistic capacity” that accounts for multiple factors

Size

- Lower Income sites must be between 0.5 and 10 acres.

Infrastructure

- Served by Water, Wastewater, and Dry Utilities
- Above Moderate-Income sites may rely on septic

Developable Land

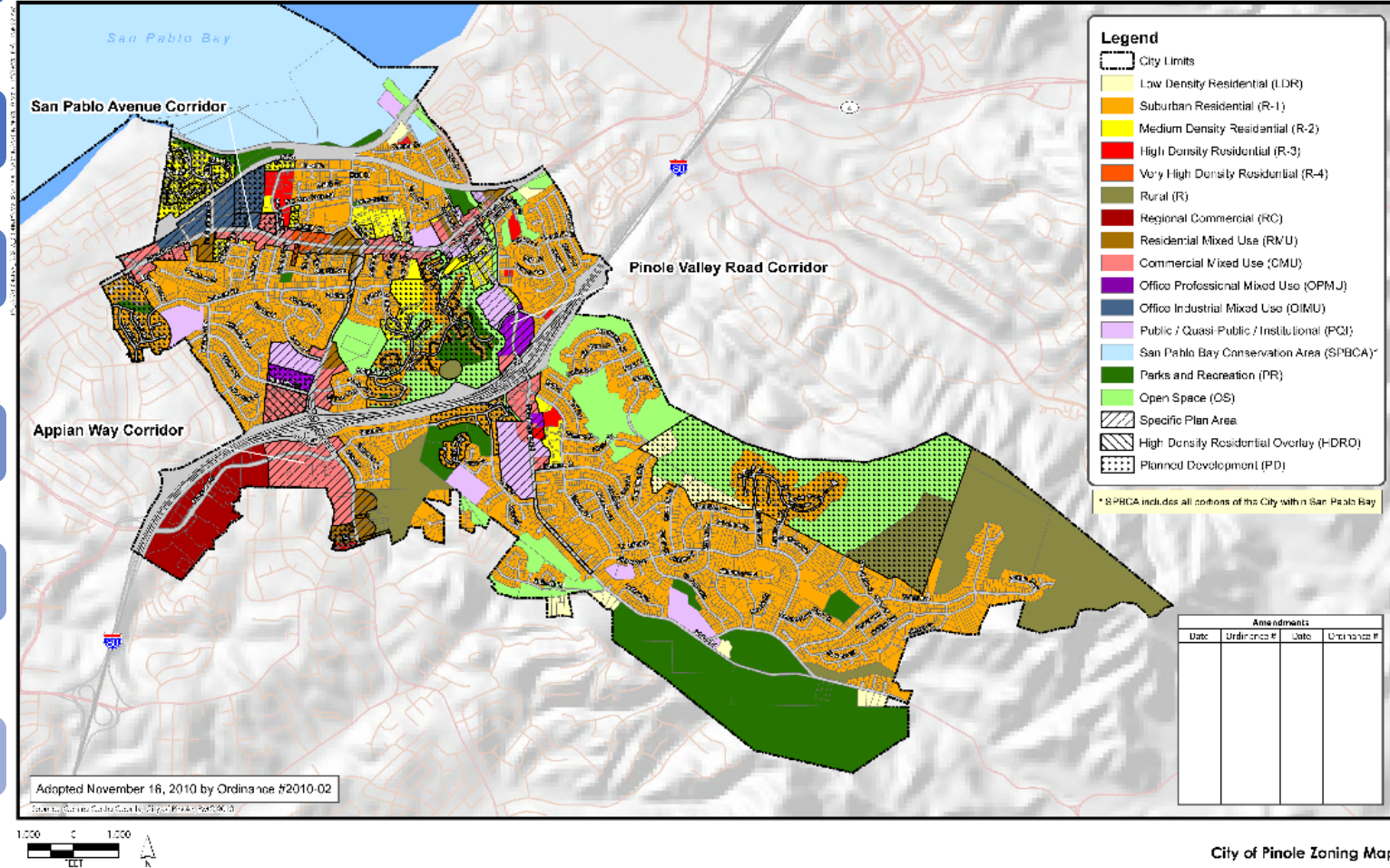
- Account for Environmental Constraints

Near Term Development Opportunity

- Owner or Developer Interest
- Vacant or Underutilized Land

Further Fair Housing

- The City must demonstrate that the sites further fair housing conditions



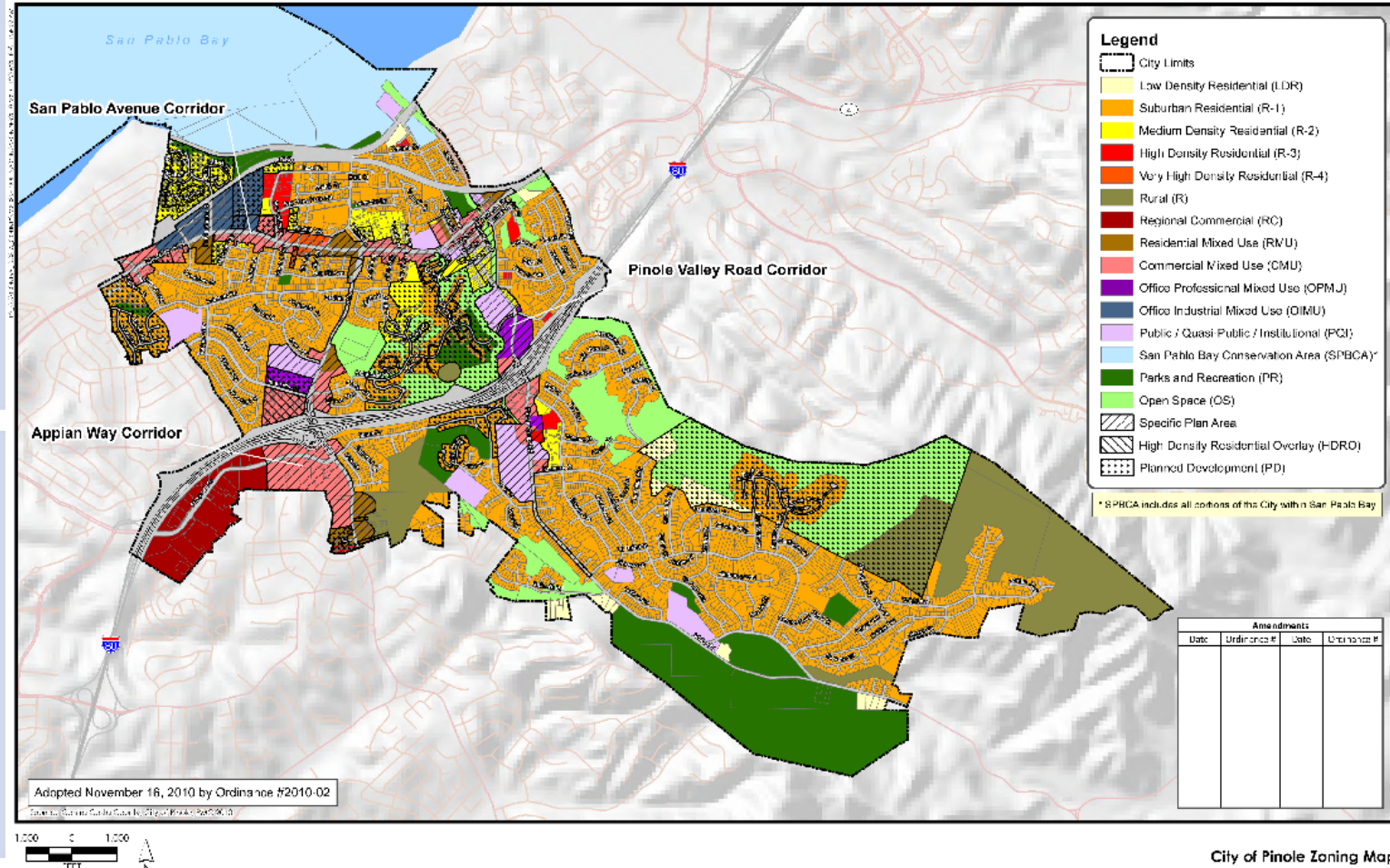
Constraints to Site Capacity and Selection

Land Use / Zoning

- Densities
- Little Vacant Land
- Parking
- Setbacks

Environmental

- Terrain
- Flood
- Fire hazard
- Habitat



City of Pinole Zoning Map

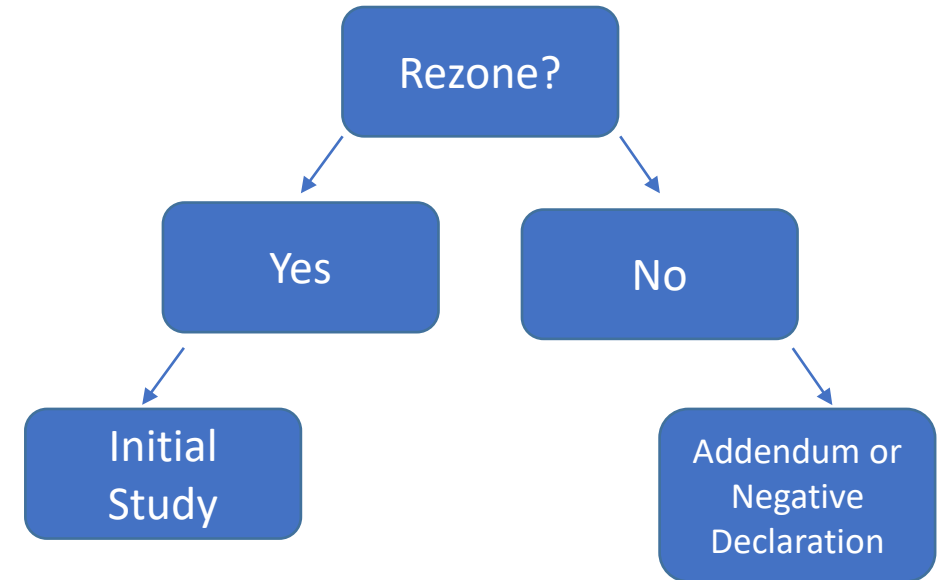
California Environmental Quality Act (CEQA)



The Housing Element requires evaluation under CEQA



CEQA process will be defined by RHNA strategy (summer 2022)



Example Housing Program Areas

Adequate Sites and Zoning (RHNA Compliance)

Accessory Dwelling Units

Education

Constraint Removal

Affirmatively Furthering Fair Housing

Affirmatively Furthering Fair Housing (AFFH)

“Taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities...” *

- Fair Housing Enforcement and Outreach Capacity
- Segregation and Integration Patterns
- Racially and Ethnically Concentrated Areas of Poverty and Affluence
- Disparities in Access to Opportunity
- Disproportionate Housing Needs and Risk of Displacement
- **Meaningful Goals, Policies, and Actions**
 - Specific Metrics, Timelines, and Evaluation Criteria



Consequence of Non-Compliance

Disqualification from State Funding

Carryover of RHNA Unit Allocation to next cycle (GC 65584.09)

Fines and Penalties

Court Receivership/Loss of Local Control

HCD recently added a new “Housing Accountability Unit” to proactively enforce state laws.

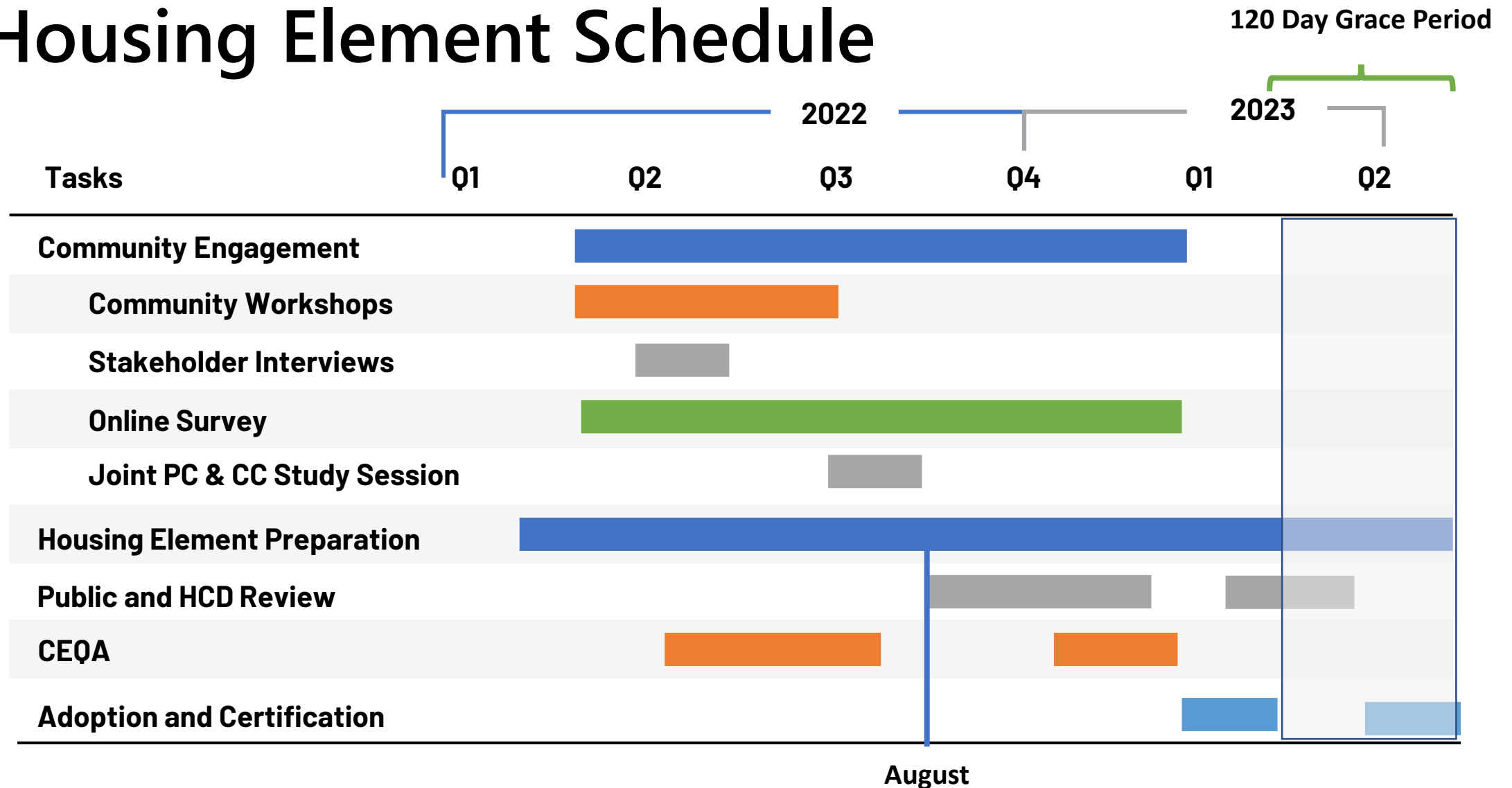


Street view of old downtown Pinole - photo by Earl Combs

Community Outreach Strategy

- Project Website in development: CityofPinoleHousingElement.com
- Online Housing Needs Survey (March 22, 2022 – August+)
- Stakeholder Focus Groups/Interviews (April-May)
- Community Workshops (2)
 - April & June
- Joint Planning Commission and City Council Study Session (July)

Housing Element Schedule



Health & Safety Element

Required Health & Safety Element Updates

California adopted laws requiring the City to:

Update the Health & Safety Element at the time as the Housing Element update

Identify and update information related to:

- Seismic and geologic hazards
- Evacuation routes
- Military installations
- Peak-load water supply requirements
- Minimum road widths and clearances around structures
- Flood hazards
- Fire hazards

Identify residential developments in any hazard area that do not have at least two evacuation routes

Prepare a climate change vulnerability assessment and develop climate adaptation and resilience strategies

Evacuation Routes & Resiliency

- Identify residential developments or areas that do not have two or more evacuation routes:
 - Identification method must include:
 - A review of the known evacuation routes, and the route's capacity, safety and viability under a range of emergency scenarios.
 - Identification of residential developments in hazard areas that do not have at least two emergency evacuation routes (Senate Bill 99).
- Identify Climate Change vulnerability and develop adaptation and resiliency goals and policies.

Environmental Justice Element

Background

- State passed Senate Bill 1000 in 2016 requiring cities and counties with any “**disadvantaged communities**” to incorporate Environmental Justice related goals, policies, and objectives into their general plans.
- CalEPA identifies disadvantaged communities as:
 - Uses definition in Section 39711 of the Health and Safety Code, or
 - Low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure or environmental degradation
- Must happen upon adoption or revision of two or more elements on or after January 1, 2018

Required Environmental Justice Element Components



Identify disadvantaged communities within the County's General Plan planning area.

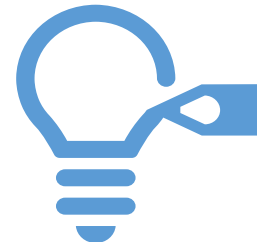
** County will use the term: Environmental Justice Communities (EJCs)



Identify objectives and policies to **reduce unique or compounded health risks** in EJC. To include 5 EJ Topic Areas: Pollution Exposure, Public Facilities, Safety & Sanitary Homes, Food Access, Physical Fitness

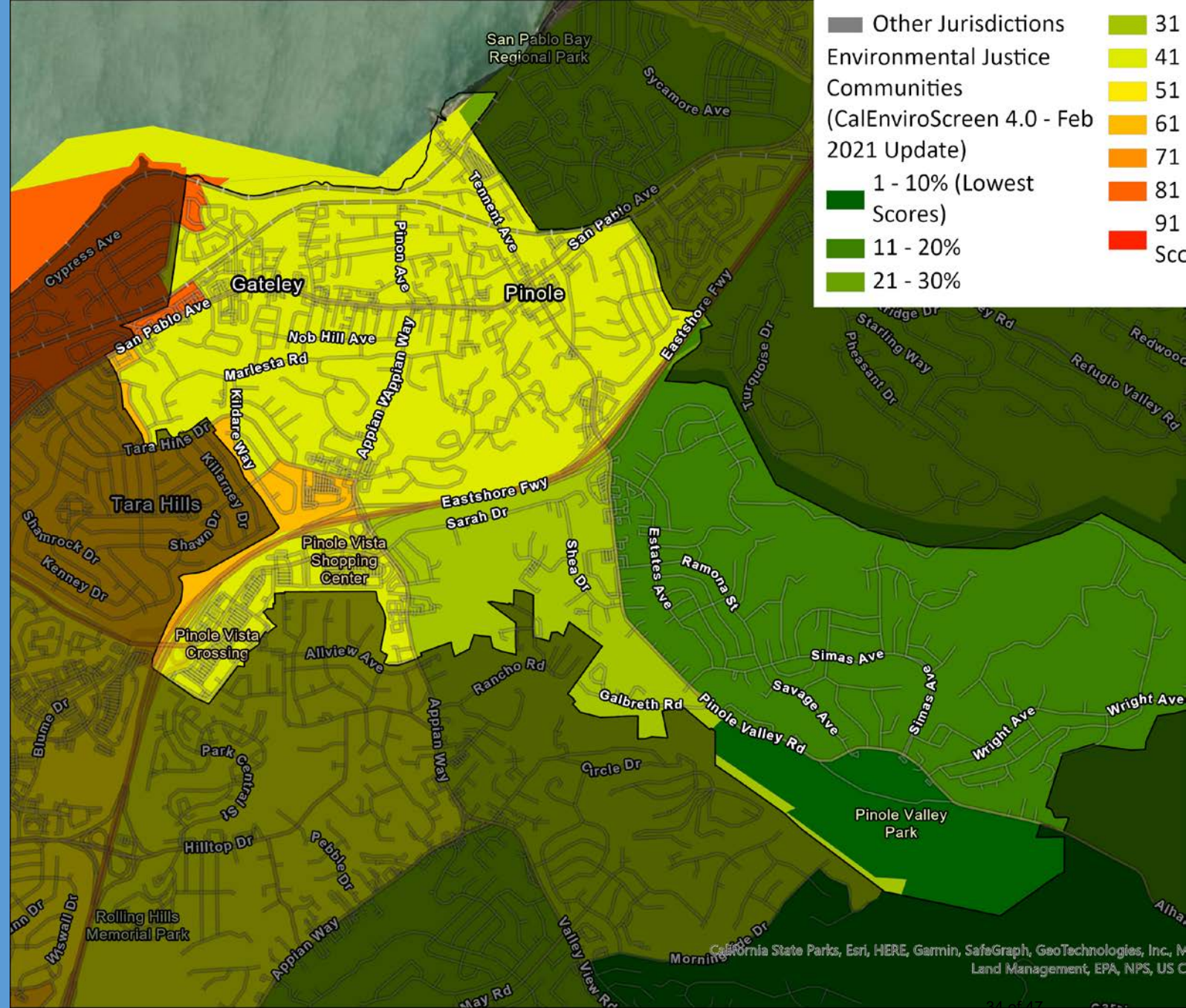


Identify objectives and policies to **promote civic engagement** in public decision making.

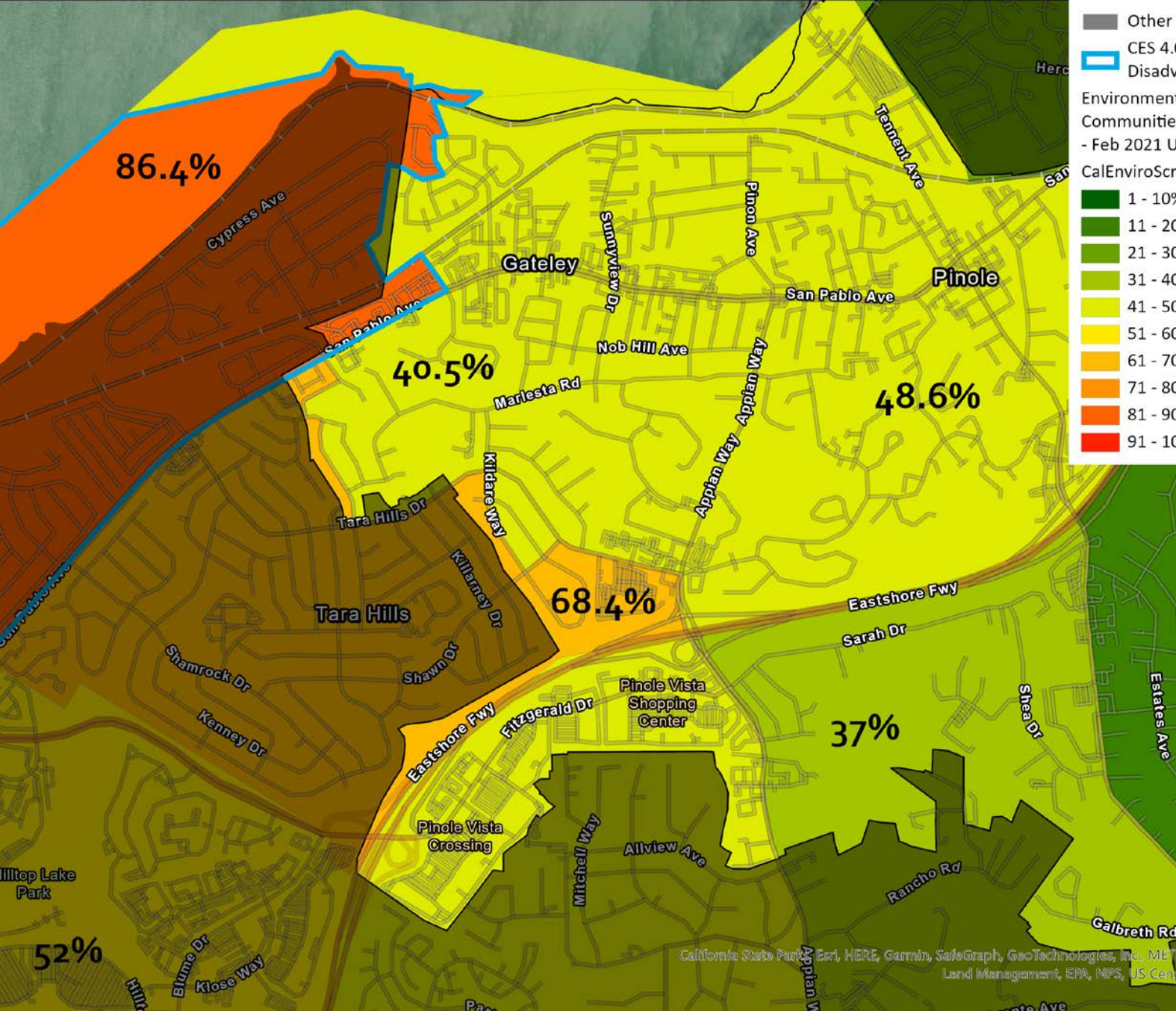


Identify objectives and policies to **prioritize improvements and programs** to address the needs of EJC

CalEnviroScreen 4.0 Analysis



Cal EnviroScreen 4.0 Scores



Proposed Environmental Justice communities (EJCs)

What is next for Identifying EJC's?

- Conduct outreach for the current project and the preliminary assessment of EJC's
- Hold additional listening sessions to inform of the process and to provide input

EJ Topic Areas within Unique or Compounding Health Risks



Pollution Exposure:
Air Quality, Water
Contamination,
Toxic Waste and
Hazardous
Materials



Public Facilities



Safe and Sanitary
Homes



Food Access



Physical Activity

COMMUNITY INPUT

YOUR INPUT IS VALUABLE TO
US!

Community workshops
Stakeholder Focus Groups
/ Interviews
Social Media Posts
Public Hearings
Videos
Online Surveys



Question & Answer Session

- Please email additional comments, questions and suggestions.
- Please complete the on-line community survey.

Please Email Feedback to:
Courtney.Long@mbakerintl.com



Thank You!

Extra Slides

Zoom Controls - Phone

- Anyone calling in to the meeting via phone is muted
- During the Q&A period, we will set aside time for those on the phone to leave a verbal comment or question
- When it is time for verbal comment, press Star (*) 9 to indicate you would like to speak
- Listen for the message: “The host would like you to unmute your microphone.” You can press Star (*) 6 to unmute
- When you are done with your comment, please press Star (*) 6 to re-mute

Zoom Controls

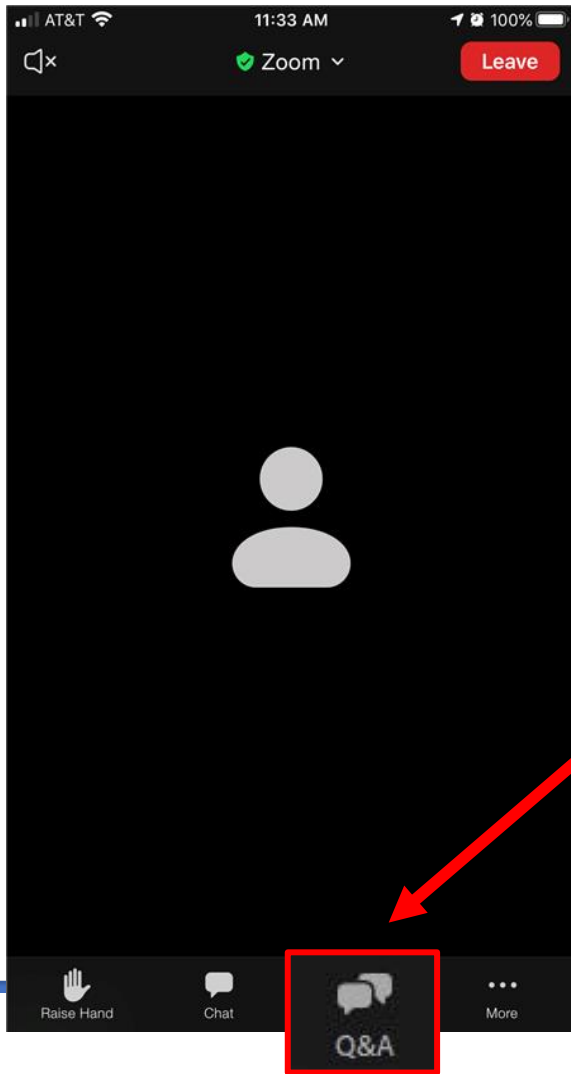
Use Q&A window to send comments/questions

Send questions to all panelists here

Type your question here...

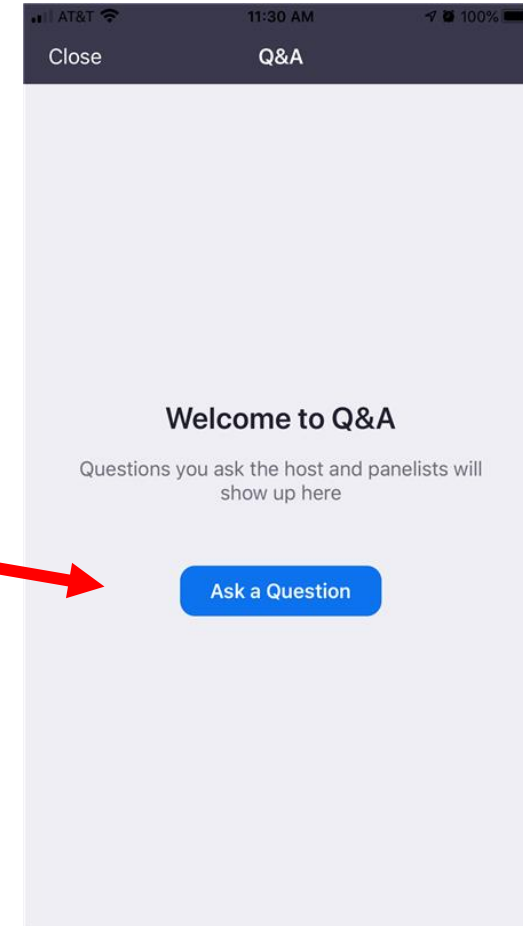
Mute Chat Raise Hand Q&A English Leave

Zoom Controls



First click,
"More"

Access the Q&A
window to send
comments/
questions



ATTACHMENT B

Background Information (Housing, Health & Safety, Environmental Justice)

1. Housing Element

Under State law, all local governments in California are required to adequately plan to meet the housing needs of the region by adopting a Housing Element as part of the General Plan every eight years. The City of Pinole adopted the current Housing Element on May 19, 2015 in compliance with State law as a part of the 5th Cycle (generation) of updates, covering the period 2015-2023. The 6th Cycle will cover the period 2023-2031.

The Housing Element identifies housing conditions, needs, and constraints and establishes goals, policies, and programs to meet the City's housing needs. State Housing Element law focuses on both the production and geographic distribution of new housing units and requires that each municipality strive to meet their "fair share" of the regional need for low- and moderate-income housing, otherwise known as the Regional Housing Needs Allocation, or RHNA. Each local government must then update the Housing Element of its General Plan to show the locations where housing can be built and the policies and strategies necessary to meet the community's housing needs, including identifying sites that are zoned with enough capacity to meet the RHNA allocation. The process is complete once the California Department of Housing and Community Development (HCD) reviews and certifies local Housing Elements. Communities are also required to report their progress to HCD annually, through the Annual Progress Report (APR).

Preparation of a Housing Element is a time-intensive process and requires significant community participation and data analysis. The process also has a firm deadline as the City is statutorily required to adopt and submit the new Housing Element by January 31, 2023, or within a 120-day grace period, to HCD.

Furthermore, the passage of Assembly Bill (AB) 686 in 2018 created new requirements for jurisdictions to affirmatively further fair housing. Pursuant to AB 686, affirmatively furthering fair housing means to take "meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics." Local jurisdictions must now incorporate fair housing principals into the Housing Element, create land-use and funding opportunities to increase affordable housing in high resource neighborhoods, and bring additional resources to traditionally under-resourced neighborhoods.

2. Health and Safety Element

A Safety Element is a legally mandated chapter of a community's General Plan. The goal of the Safety Element is to enact land use practices that reduce the potential short and long-term risk of death, injuries, property damage, and economic and social dislocation resulting from fires, floods, droughts, earthquakes, landslides, climate change, and other hazards. State law allows jurisdictions to organize their General Plans in a consolidated

*Attachment B:
Background Information (Housing, Health & Safety, Environmental Justice)*

fashion, and Pinole adopted a Health and Safety Element in 2010, alongside a comprehensive update to the General Plan. Pinole's Health and Safety Element addresses items statutorily required by the State in a Safety Element, such as risk from hazards (e.g., earthquakes, landslides), in addition to safety issues (e.g., surface and groundwater contamination, the potential release of hazardous materials into the community). In addition, the Health and Safety Element addresses general issues related to police and fire protection services and the significance of health care accessibility and affordability in Pinole.

California has passed many bills in the last few years to ensure that climate adaptation is incorporated into local planning efforts and effects the content and timing of Safety Element updates including:

- SB 379 (2015) requires the Safety Element of a community's General Plan to address the hazards created or exacerbated by climate change. The Safety Element must include a vulnerability assessment that identifies how climate change is expected to affect hazard conditions in the community. It must also include a set of goals, policies, and measures to adapt and improve resilience to these anticipated changes
- SB 1035 (2018) requires jurisdictions to review and, if necessary, update the Safety Element upon each revision of the Housing Element or Local Hazard Mitigation Plan. This should be done at least once every eight years to identify new information not available during the previous revision relating to flood and fire hazards and climate adaptation and resilience strategies.
- SB 1241 (2012) addresses wildfire hazards in the wildland-urban interface and adds mandatory wildfire requirements for jurisdictions in state responsibility areas and very high -Fire Hazard Severity Zone ones in local responsibility areas upon the next Housing Element update.
- AB 747 (2019) requires jurisdictions to, after January 1, 2022, review and update the Safety Element of their General Plan as necessary to identify evacuation routes and evaluate their capacity, safety, and viability under a range of emergency scenarios.
- SB 99 (2019) requires cities, upon the next revision of the Housing Element on or after January 1, 2020, to review and update the Safety Element to include information identifying residential developments in hazard areas that do not have at least two emergency evacuation routes.
- SB1000 (2016) mandates that cities and counties adopt an Environmental Justice Element or integrate environmental justice goals, objectives, and policies into other elements of their General Plans.

The update of the City of Pinole's Health & Safety Element will include safety considerations in the planning and decision-making process by establishing policies related to future development that will minimize the risk of personal injury, loss of life, property damage, and environmental damage associated with natural and man-made hazards. In addition, the update will address emergency evacuation routes and climate vulnerability and adaptation. If desired by the Council, the scope of the update could be expanded in concert with MBI to include enhanced Health Element-related policies and

Attachment B:
Background Information (Housing, Health & Safety, Environmental Justice)

programs associated with promotion of community health and wellness, such as walkable neighborhoods, access to healthy foods, robust transportation systems, and equitable access to quality health care. This topic can be explored during the study session with the Council.

3. Environmental Justice

State law now requires that when a jurisdiction updates two or more General Plan Elements concurrently the topic of Environmental Justice must be addressed in the General Plan (as a separate Element or through related goals, policies, and objectives within other Elements). Low-income communities and communities of color have experienced disproportionate environmental effects, pollution burdens, and related health impacts and, as a result, these communities face barriers to overall health, livelihood, and sustainability. Environmental Justice-related work must disclose and work to reduce the disproportionate health risks, promote civic engagements in the decision-making process, and prioritize improvements that address the needs of identified disadvantaged communities.