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

5
6 **December 13, 2021**
7

8 **THIS MEETING WAS HELD IN ACCORDANCE WITH ASSEMBLY BILL (AB) 361 AND**
9 **A RESOLUTION ADOPTED BY THE CITY COUNCIL AUTHORIZING REMOTE**
10 **MEETINGS FOR ALL CITY LEGISLATIVE BODIES**
11

12 **A. CALL TO ORDER: 7:02 P.M.**
13

14 **B1. PLEDGE OF ALLEGIANCE**
15

16 **B2. LAND ACKNOWLEDGEMENT:** Before we begin, we would like to acknowledge the Ohlone
17 people, who are the traditional custodians of this land. We pay our respects to the Ohlone elders,
18 past, present and future, who call this place, Ohlone Land, the land that Pinole sits upon, their
19 home. We are proud to continue their tradition of coming together and growing as a community.
20 We thank the Ohlone community for their stewardship and support, and we look forward to
21 strengthening our ties as we continue our relationship of mutual respect and understanding
22

23 **B3. ROLL CALL**
24

25 Commissioners Present: Benzuly, Kurrent, Martinez, Menis, Wong, Vice
26 Chairperson Moriarty, Chairperson Banuelos
27

28 Commissioners Absent: None
29

30 Staff Present: David Hanham, Planning Manager
31 Alex Mog, Assistant City Attorney
32

33 **C. CITIZENS TO BE HEARD**
34

35 There were no Citizens to be Heard.
36

37 **D. MEETING MINUTES:**
38

39 1. Planning Commission Meeting Minutes from November 8, 2021
40

41 **MOTION** with a Roll Call vote to adopt the Planning Commission Meeting Minutes
42 from November 8, 2021, as submitted.
43

44 **MOTION:** Kurrent

SECONDED: Wong

APPROVED: 7-0

45
46 **E. PUBLIC HEARINGS:** None

1
2 **F. OLD BUSINESS:** None

3
4 **G. NEW BUSINESS:**

5
6 **1. 2021 Housing Legislation Presentation (Continued)**

7 Informational presentation on State housing legislation passed in
8 September 2021
9

10 Assistant City Attorney Alex Mog continued a PowerPoint presentation on the 2021
11 Housing Legislation Presentation and continued to provide an overview of State Bills
12 (SB) 9, End of Single Family Zoning, SB10, Streamlining for Upzoning and SB8,
13 Extension of Housing Crisis Act (SB330).
14

15 Mr. Mog and Planning Manager Hanham clarified the following:
16

- 17 • Accessory Dwelling Units (ADUs) were allowed pursuant to SB9 as long as
18 there was not a lot split. If the lot was divided with two SB9 units built on each
19 of the lots, an ADU was not permitted to be built on each of the lots. If the lot
20 were split with one unit built on each lot, an ADU would be permitted. If the
21 lot was not split and two units were built, an ADU would be permitted on the
22 property.
23
- 24 • Examples of objective and subjective standards related to SB9 were provided.
25
- 26 • The City of Pinole did not have any bus routes that met SB9 criteria since if
27 not spaced out equally, there would be headways more than 15 minutes apart.
28
- 29 • SB9 regulated local agency authority but did not preempt Covenants,
30 Conditions and Restrictions (CC&Rs) or Homeowners' Association (HOA)
31 rules. Most State planning and zoning laws focused on establishing
32 restrictions on cities as the land use regulators and not private agreements
33 between property owners.
34
- 35 • The criteria of SB9 was again outlined and would go into effect January 1,
36 2022. There was no penalty to not having the objective and subjective
37 standards in place at that time.
38

39 While the City did not have specific regulations in place, the City's experience
40 with ADUs was instructive and it had taken time to get a sense of what was or
41 was not allowed.
42

- 43 • The City of Pinole had approved one or two ADUs as part of new construction
44 in the past year.
45

- The building constraint limits were again highlighted. The City of Pinole may consider adopting a size limit but it was not required by SB9, with the Planning Commission and the City Council as the ultimate decision maker to determine whether there was a public policy benefit. As an example, an approved application for four lots on Hazel Street, if not built, staff acknowledged the applicant could come back with a Design Review request to build eight homes rather than four homes; and
- A project at 2801 Pinole Valley Road included an affordable housing component, and pursuant to the Housing Affordability Act (HAA), the City could not deny a project or require a project to be built at a lower density, if the project met all of the City's objective standards, although reasonable conditions may be applied. The law previously required projects to be judged based on when a development application is submitted. Under SB10, applications are judged based on standards at the time a preliminary application is submitted rather than development application.

Mr. Mog asked whether the Planning Commission would like to make a recommendation to the City Council to adopt Pinole specific SB9 regulations or rely on State law and reevaluate in the future.

Chairperson Banuelos supported objective standards. He had concerns with over-densifying the City and emphasized that public transit must be addressed as part of the requirements related to SB9. A lot needed to be taken into account when considering lot splits, which was not covered by SB9 necessitating the City to have its own objective standards.

Commissioner Martinez suggested the Planning Department should do some research on the number of lots that could be established related to the possible scenario for the lots on Hazel Street, as described.

Commissioner Wong noted the reality for possibly eight homes on the lots on Hazel Street was due to the fact the City had no objective standards and the homes could be quite large.

Mr. Mog clarified the Hazel Street project was unique in that the project included a Development Agreement (DA) binding the applicant to do certain things and there was an affordable housing requirement as part of the DA.

In response to Vice Chairperson Moriarty, Mr. Hanham stated the City had until March 2022 to craft objective standards and those standards could be considered by the Planning Commission prior to going to the City Council.

Vice Chairperson Moriarty thanked Mr. Mog for the presentation and information on the changes in Housing legislation, potential scope, and potential changes to the

1 community.

2
3 Mr. Mog confirmed that any objective design standards would go to the Planning
4 Commission prior to the City Council.

5
6 Mr. Hanham explained that staff was currently working on crafting objective
7 standards, and looking at what other cities had done or were considering as part of
8 the update to the Housing Element. Staff hoped to have something presented to the
9 Planning Commission fairly quickly as part of the Housing Element Update. He was
10 unaware of any city that was comparable to the City of Pinole that already had
11 objective standards in place. He reiterated that staff was researching that information
12 and he hoped to have information to the Planning Commission in the next eight to
13 ten weeks.

14
15 In response to Commissioner Menis who wanted to know whether he was permitted
16 to comment related to the Hazel Street Project, Mr. Mog stated that while the project
17 had been approved by the City, Commissioner Menis lived within a 500-foot radius
18 of the project site and he recommended Commissioner Menis not comment on the
19 project at this time.

20
21 Mr. Mog expected there would likely be changes to the Housing Legislation over a
22 period of time.

23
24 **2. Three Corridors Specific Plan – Pinole Valley Road Corridor**
25 **Information and Discussion**

26 Information and discussion item reviewing the content of the City's adopted
27 Three Corridors Specific Plan, with a focus on the Pinole Valley Road
28 Corridor

29
30 Mr. Hanham presented the staff memorandum dated December 13, 2021 and
31 explained that the Planning Commission had been reviewing the Three Corridors
32 Specific Plan and its relationship with the General Plan and Zoning Ordinance,
33 along with the potential of each of the corridors for both residential and non-
34 residential developments. The Planning Commission had reviewed the San Pablo
35 Avenue Corridor at its November 8, 2021 meeting, with the Appian Way Corridor
36 to be discussed at the January 24, 2022 Planning Commission meeting.

37
38 At this time, Mr. Hanham provided a PowerPoint presentation of the Three
39 Corridors Specific Plan - Pinole Valley Road Corridor with an overview of the vision
40 for Pinole Valley Road, Pinole Valley Road Sub-Area framework, zoning
41 designations, urban design and circulation principles, parking and focal points,
42 aesthetic, landscaping, lighting and signage principles for Pinole Valley Road, and
43 economic and land use development (with the figures in the table for this section
44 to be corrected).

1 An example of a project in the Pinole Valley Road Corridor at 2801 Pinole Valley
2 Road was highlighted and consisted of a Mixed-Use Project with 29 residential
3 units with 17,280 square feet of office addition, with the project to be presented to
4 the Planning Commission for consideration in January/February 2022. Pinole
5 Valley Road Opportunity Sites north and south of I-80 were also highlighted.
6

7 Responding to the Commission, Mr. Hanham clarified:
8

- 9 • The overall parking situation and goals in the Pinole Valley Road Corridor as
10 detailed in the staff memorandum.
11
- 12 • Building garages would centralize parking to allow the rest of the parcels to
13 be able to be maximize their use and have minimal parking on their parcels.
14 The goal was to maximize parking where they could and limit areas where
15 they could share parking and not create individual parking for each individual
16 use.
17
- 18 • The historical perspective on a potential parking garage in Old Town was
19 detailed and had been considered at the time the City had a Redevelopment
20 Agency, although it was not cost effective given the absence of the
21 Redevelopment Agency. Pinole Municipal Code (PMC) requirements for
22 parking in Old Town were identified and there were alternative options to
23 provide parking rather than a multi-story parking garage.
24
- 25 • An example of a cottage-industry under Industrial Uses included Kitchen at
26 812, located at 812 San Pablo Avenue, a local community service/non-profit
27 kitchen incubator.
28
- 29 • Table 2, Existing vs. Proposed Development Projections for the Pinole Valley
30 Road Corridor, as shown on Page 3 of the staff memorandum, included future
31 potential development for Pinole Valley Road.
32
- 33 • The Three Corridors Specific Plan section of the Local Road Safety Plan
34 would have to be further researched by staff to determine the status.
35
- 36 • The Three Corridors Specific Plan had not addressed creek rehabilitation
37 policies but those policies could be addressed in the General Plan. Staff
38 would have to do further research to determine whether a creek plan and
39 action items could be addressed in the Open Space Element or in the
40 Community Character chapter of the General Plan.
41
- 42 • There had been discussions internally amongst staff on a new or updated
43 wayfinding signage program and creation of a more standard entry into Pinole,
44 and a program which incorporated the trails and a more comprehensive
45 program that brought in each of the corridors of the Three Corridors Specific

1 Plan.

- 2
- 3 • Staff was working with the applicant regarding the bowling alley property on
- 4 changes to the color scheme, with staff working to ensure the colors matched
- 5 the Sprouts Center. The applicant had plans to address the parking lot
- 6 although due to the pandemic those plans had fallen through. Staff had
- 7 informed the applicant they would be willing to allow painting but any changes
- 8 to the structure outside would trigger improvements to the parking lot and
- 9 Americans with Disabilities Act (ADA) requirements.

10

11 As to whether requirements could be imposed for Electric Vehicle (EV)

12 charging stations, if any parking lots were reconstructed staff advised the

13 applicant of the need for the conduit to be installed for the electric vehicles so

14 that if and when the applicant was ready for charging stations they could easily

15 be installed. Staff was also looking into the adoption of Reach Codes

16 (amendments to the Energy and Green Building Standards Code to reduce

17 Greenhouse Gas Emissions (GHGs)) regarding all-electric buildings and EV

18 charging stations.

- 19
- 20 • Staff would have to check with the Fire Department on the status of an
- 21 Emergency Operations Plan (EOP) regarding traffic backups related to the I-
- 22 80/Pinole Valley Road interchange. Most of the City's street, curb and road
- 23 standards were consistent with Contra Costa County requirements. Many
- 24 issues related to the I-80 interchange involved Caltrans which was
- 25 responsible for the on/off-ramps.
- 26
- 27 • Staff acknowledged a request for more communication between the City and
- 28 involved agencies such as the Contra Costa County Flood Control and Water
- 29 Conservation District (CCCFCWCD) and Caltrans.

30

31 Several Commissioners offered their historical perspectives on several issues

32 including issues related to the I-80 interchange and traffic backups in the

33 community, future projects planned by Caltrans, issues involving Pinole Valley

34 Creek, and the need to improve public transportation vis-a-vis WestCAT given that

35 future multi-family/senior development had not been considered when the Three

36 Corridors Specific Plan had been developed.

37

38 The Planning Commission also emphasized the need to remain in contact with the

39 City Council with a request for a Joint City Council/Planning Commission meeting

40 in 2022 to discuss items of interest.

41

42 The Planning Commission thanked staff for the presentation.

43

44 **3. Planning Commission Schedule 2022**

45 Reviewing and adopting the Planning Commission Regular Meeting

1 Schedule dates in 2022.

2
3 The Planning Commission acknowledged receipt of the Planning Commission
4 Schedule for 2022.

5
6 Chairperson Banuelos suggested the meeting dates scheduled for August 2022
7 may have to be modified due to National Night Out.

8
9 As to when a joint meeting between the Planning Commission and City Council
10 could be scheduled, Mr. Hanham would meet with the Community Development
11 Director and the City Manager to determine when a potential meeting could be
12 considered. Commissioners were encouraged to provide staff with a list of
13 potential items for discussion as soon as possible.

14
15 Commissioner Kurrent pointed out that October 10 was Indigenous Peoples' Day
16 and Commissioner Benzuly noted that February 14, 2022 was Valentine's Day and
17 those meeting dates may have to be canceled.

18
19 Mr. Hanham advised that meetings could be canceled, as needed, and the meeting
20 schedule could be approved subject to modification.

21
22 **MOTION** with a Roll Call Vote to adopt the Planning Commission Schedule for 2022,
23 subject to removing the meeting dates of February 14 and October 10, 2022.

24
25 **MOTION: Menis**

SECONDED: Martinez

APPROVED: 7-0

26
27 Mr. Hanham advised that an updated meeting schedule would be provided to the
28 Planning Commission.

29
30 **H. CITY PLANNER'S / COMMISSIONERS' REPORT**

31
32 Mr. Hanham reported he was working on the three remaining multi-family projects to
33 be presented to the Planning Commission including Appian Village to be considered
34 by the Planning Commission in early January 2022, with the remaining two projects
35 to be presented in February. He also reported that staff had issued a Request for
36 Proposal (RFP) for the Housing Element and staff would be doing some code
37 updates in response to new housing legislation.

38
39 The Appian Way Corridor would be presented to the Planning Commission on
40 January 24; and staff was working with WestCAT related to future development.

41
42
43 Mr. Hanham added that a Planning Commission Ad Hoc Subcommittee meeting
44 would be scheduled for either January 5 or 6, 2022, to consider the Appian Village
45 and Pinole Vista projects and the respective design plans. An invitation with the
46 meeting date would be e-mailed to subcommittee members. Staff was also working

1 with the applicants on another round of community meetings which would be held via
2 Zoom.

3
4 Mr. Hanham otherwise had no additional information as to when meetings would
5 return to an in-person format and suggested it was likely in-person meetings would
6 not be held until the spring. Further, staff would be scheduling a meeting in the next
7 couple of weeks with the property owner for the Gateway project to discuss a number
8 of issues.
9

10 Vice Chairperson Moriarty thanked staff for responding to the public comment that
11 had been raised during the November 8, 2021 Planning Commission meeting. She
12 inquired of the status of a request to red stripe San Pablo Avenue just prior to John
13 Street, and Mr. Hanham explained that the request would require City Council action
14 and staff was still looking into that request.
15

16 At this time, a number of Planning Commissioners reported difficulties accessing their
17 City e-mails and were guided by staff as to how to access the Planning Commission
18 e-mails via the City's website and specific links. Planning Commissioners were
19 encouraged to contact staff to walk through how to get into their e-mails if problems
20 persisted.
21

22 Planning Commissioners wished everyone a Happy Holiday.
23

24 Mr. Hanham also reported that sand bags were available for the community at Pinole
25 Valley Road towards the Fire Station.
26

27 **I. COMMUNICATIONS:** None
28

29 **J. NEXT MEETING**
30

31 The next meeting of the Planning Commission to be a Regular Meeting scheduled
32 for January 10, 2022 at 7:00 P.M.
33

34 **K. ADJOURNMENT:** 10:00 P.M.
35

36 Transcribed by:
37

38
39 Sherri D. Lewis
40 Transcriber