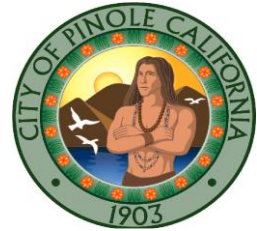


# Memorandum



**TO:** PLANNING COMMISSION MEMBERS

**FROM:** Justin Shiu, Contract Planner

**SUBJECT:** BCRC Project: 2801 Pinole Valley Road

**DATE:** May 9, 2022

<b>Property Owner</b>	Pinole Valley Partners, LLC, Contact: Brian Baniqued 2801 Pinole Valley Road Pinole, CA 94564
<b>Applicant</b>	Toby Long Design, Contact: Toby Long, AIA NCARB 6114 La Salle Avenue #552 Oakland, CA 94611
<b>File</b>	Planning Application PL20-0072 Design Review Application DR20-10
<b>Location</b>	2801 Pinole Valley Road, Pinole CA 94564
<b>Assessor Parcel Number(s)</b>	360-010-029
<b>Total Area</b>	1.74 acre parcel, total Infill redevelopment area: <ul style="list-style-type: none"><li>• 0.81 acres for new housing development site</li><li>• 0.19 acres for existing office expansion</li></ul>
<b>General Plan Land Use Designation</b>	SSA, Service Sub Area
<b>Specific Plan Sub-Area</b>	SSA, Pinole Valley Road Corridor /Service Sub-Area
<b>Zoning Classification</b>	OPMU, Office Professional Mixed Use
<b>Review Authority</b>	Comprehensive Design Review - Planning Commission – Pinole Municipal Code (PMC) Section Table 17.10.060-01  Affordable Housing Regulatory Agreement – City Council – PMC Section 17.32.060 (D)  California Environmental Quality Act Determination – Planning Commission – CA Public Resources Code Section 15022

## **BACKGROUND**

The property at 2801 Pinole Valley Road is owned by the Limited Liability Corporation, Pinole Valley Partners. It is surrounded by Pinole Valley Road to the west, the ARCO fuel station and multifamily residential to the north, Westmont of Pinole senior living facility to the east, and Pinole Valley Community Church and 7-Eleven to the south. The 1.74 acre lot is occupied by an approximately 25,161 square foot commercial building built in 1984 that has served office uses and commercial businesses. In 2021, tenant spaces were occupied by Alamode Donuts & Coffee; Armor Locksmith; Tammy's Nails & Spa; Transitions Hair Salon; Ocean Day Spa; Vincent Lim, DDS; Jung & Jung Chiropractic; Access Medical Services; Athena Wealth Strategies; Monique's Clozet LIVE!; DABS, Inc; and Baniqued Realty Inc. A previous planning application approval at the property included exterior modifications to the building in 2007 (DR07-19). See **Figure 1** for an aerial of the project's location.

On October 29, 2020, applicant Toby Long Design, Applicant, on behalf of the property owner submitted a Planning application for construction of an office addition and a new apartment building at 2801 Pinole Valley Road. See **Figure 2** for the proposed site plan and landscaping for the new development.

**Figure 1: Project Location**

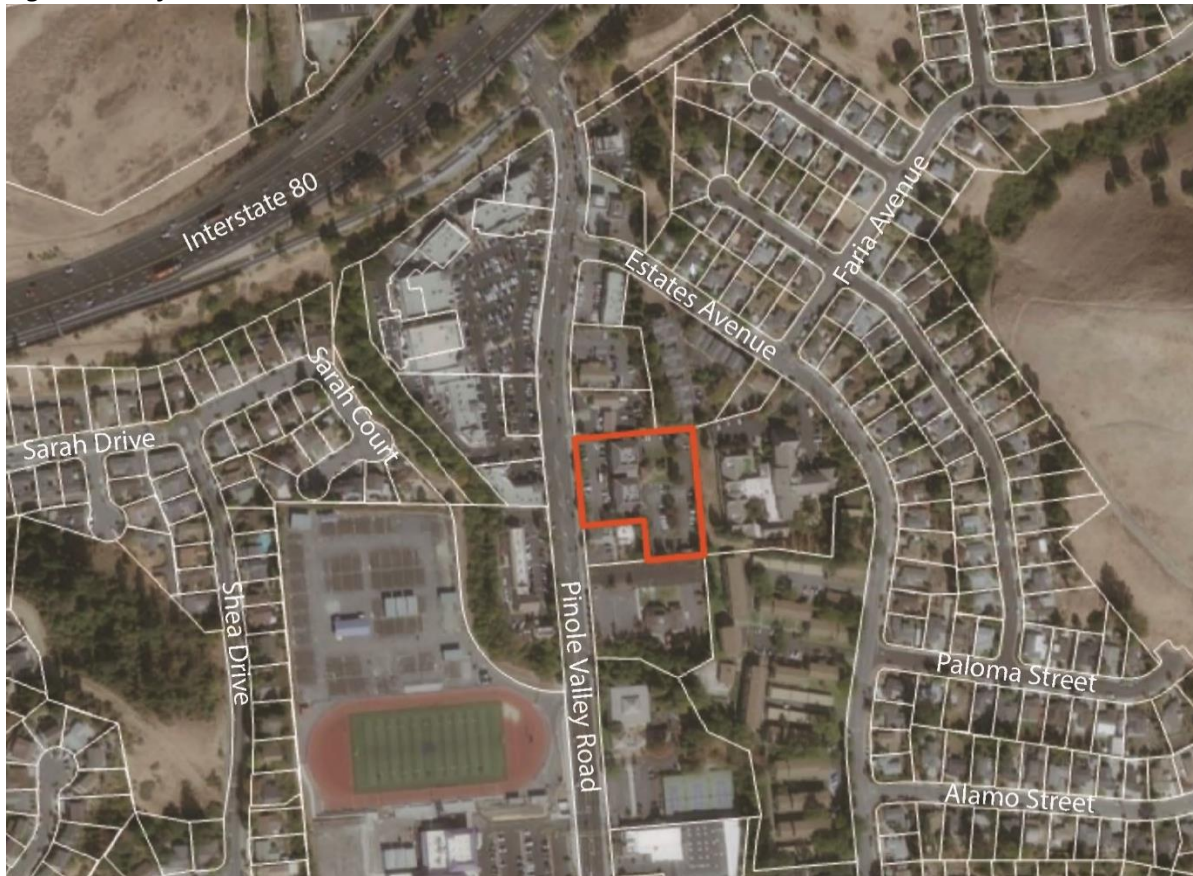
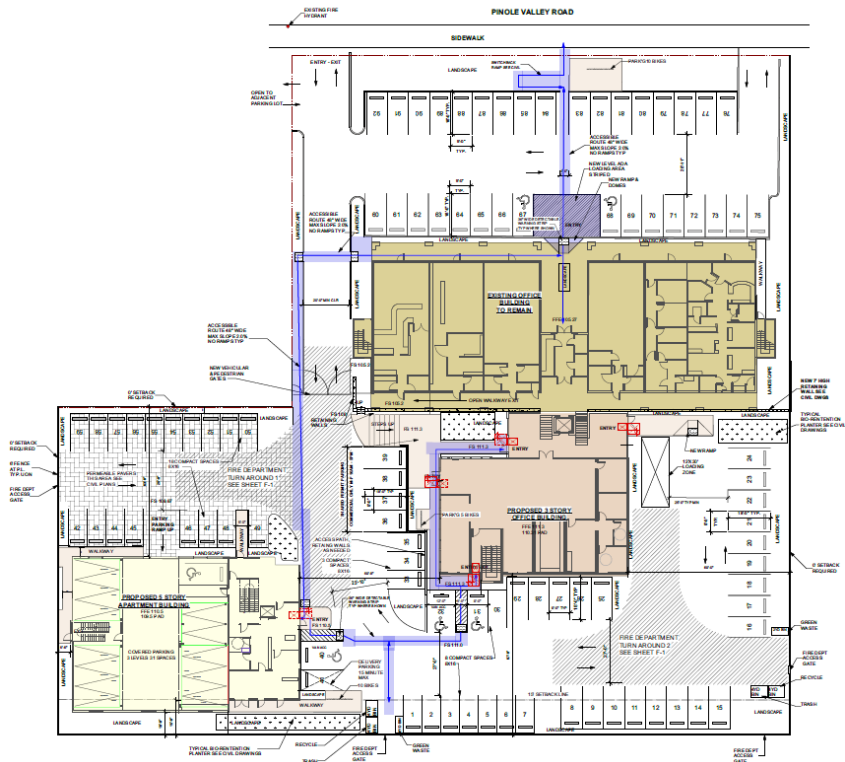
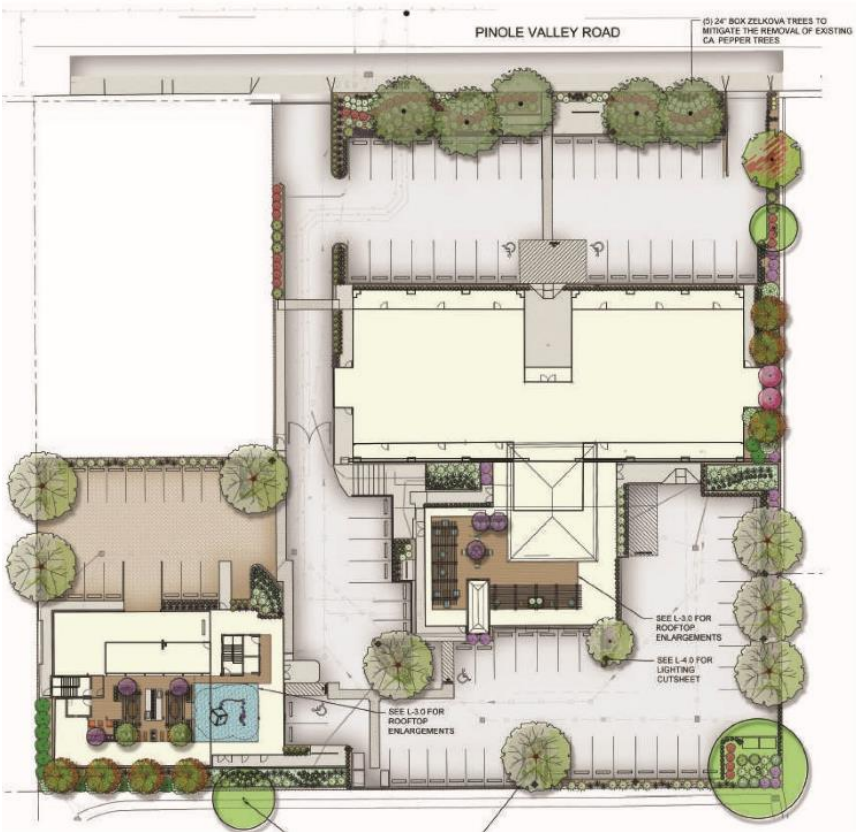


Figure 2: Proposed Project Layout



The Planning Commission Ad-Hoc Committee, consisting of three Planning Commissioners, provided input on proposed plans on two occasions. The Ad-Hoc Committee provided feedback on design treatments on May 5, 2021 that resulted in architectural revisions adding more building details. Updated plans were reviewed on April 13, 2022 where the Ad-Hoc Committee recommended approval of the project to the Planning Commission and added comments for further consideration, of which several topics are summarized below with the status noted.

1. Consider whether providing diagonal and one way parking at the front of the property can create room for more parking and landscaping.
  - *The Applicant has been exploring this concept and will be able to respond to questions about their findings at the hearing.*
2. Ensure landscaping in front is refreshed.
  - *New plantings and refreshed landscaping are included in the plans and will be implemented.*
3. Consider use of native tree species as much as possible.
  - *The Applicant will consult with the arborist, and a condition of approval has been included in the draft resolution which would require the inclusion of more native trees where possible.*
4. Ensure adequate lighting but minimize spillover light.
  - *Preliminary lighting fixture details are included the plans, and a condition of approval has been included in the draft resolution that would require the project to comply with the City's Municipal Code Lighting standards, which address levels of illumination.*
5. Consider if more permeable paving can be used in parking areas.
  - *The Applicant has been exploring this concept with their engineer and will be able to respond to questions about their findings at the hearing.*
6. Consider more uniformity in tenant sign design.
  - *The Applicant has discussed the possibility of sign guidelines for the property, and a condition of approval has been included in the draft resolution that would require the Applicant to prepare and submit a Master Sign Program to establish tenant sign guidelines prior to building permit final.*

## **PROJECT DESCRIPTION**

The proposed project consists of new infill development within a portion of the existing property at 2801 Pinole Valley Road. The front of the lot will maintain the same general existing form, function, and use, with refreshes and updates to the façade of the front building, parking area, and landscaping. Redevelopment is proposed at the rear portion of the lot with an attached nonresidential addition to the existing commercial/office building and a new detached multifamily residential structure at the rear portion of the property. The proposed office development consists of a 17,280 square foot, four-story addition in a 0.19 acre area extending from the back of the existing building. Proposed new residential development consists of a new five-story detached 27,980 square foot, 29-unit apartment building in a 0.81 acre housing development site.

### **Uses and Layout**

The proposed office addition to the existing building is planned for office space and potential banking uses. The ground floor will be able to accommodate office uses or a bank. The second through fourth floors serve as new office space. Open space has been provided as balconies on the third floor and a rooftop patio area. The office addition will occupy the approximate area of the existing landscaped patio area behind the building and require partial demolition of rear portions of the structure.

The new apartment building would contain four floors of residential units over a ground floor lobby and tenant amenities and facilities including a parking garage. Units offered in the apartment building include a mix of 12 studio, 11 one-bedroom, and 6 two-bedroom units. The project will provide four units affordable to very-low and low-income households. The ground floor area contains the lounge, rental office, gym, mail area, restrooms, elevator, and other equipment facilities. A bike storage area on the ground floor is accessible at the side of the building. The garage is fitted with lift parking facilities over 11 spaces that are capable of serving 30 vehicles and has one accessible parking space. Tenants would use their individualized code to call up their specific vehicle space from the lift. Open space is provided as private balconies for 17 units and as a rooftop common open space area. Solar panels are proposed on the roof. The building would occupy a portion of the existing southeastern parking area.

### Parking

The proposed construction requires modifications to the parking area and additional landscaping at the rear of the property. The redeveloped parking area at the rear of the property will provide 59 surface parking spaces, in addition to the 31 spaces in the apartment building's garage. Including the 33 parking spaces at the front portion of the property, on the whole, 123 parking spaces will be provided on site. In general, all parking areas would be repaved with concrete with the exception of the parking area in front of the apartment, which will feature permeable pavers. Landscaping strips in and around the existing parking area will be removed; and new landscaping areas are proposed. The project proposes a shared parking arrangement and parking management strategies to provide sufficient parking to meet demand (see **Attachment D**).

### Accessibility

To comply with ADA accessibility standards a new 48" wide pathway and ramp from the sidewalk on Pinole Valley Road would be established through the middle of the front parking lot. This parking area would be repaved and restriped to accommodate the new path as well as relocated ADA spaces and loading areas. Likewise, the landscape area at the frontage of the property is updated to establish the ramp and path. A new accessibility path to the rear of the property is also established along south side of the property.

### Landscaping

The landscaping on the property would generally be refreshed, as shown in the project's landscaping plan (**Attachment C**). There are 36 trees on the property or near the property lines, of which 29 trees on the property would be removed for the project but most of which are in decline. None of the trees are native trees. The six California Pepper Trees along the property frontage (three of which are considered protected due to size) are proposed to be removed and replaced with five 24-inch box Zelkova Serrata trees. Other protected trees that would be removed include five interior ash and Mayten trees in the interior of the lot and that would be replaced with eight 24" box cork oaks.

### Development Standards

**Table 1** compares the proposed project with the required development standards under Chapter 6 of the Three Corridors Specific Plan and in PMC Section 17.24.030 and 17.48.050. As noted, there are standards that are being waived or modified consistent with State Law for the project's provision of affordable housing under a Density Bonus request (PMC Section 17.38.010, as supplemented by the latest provisions under California Government Code Section 65915. Additional information on waivers and concessions requested are discussed later in this report.

**Table 1. Development Standards**

Development Standard	Code Requirement	Proposal		Compliance
		Office Addition	Apartment Structure	
Density	20.1 dwelling units/acre, or “du/ac” (minimum)	N/A	35.8 du/ac (29 units proposed on a 0.81 acre development site)	Yes, with application of State Density Bonus provisions (GC 65915)
	30.0 du/ac (maximum)			
	Eligible for Density Bonus up to 29%			
Setbacks				
Front	0-5 feet	N/A	N/A	N/A, no modification or additional development at front of property
North Side	0 feet	60 feet+	200 feet+	Yes
South Side	0 feet	160 feet	5 feet - 6 inches	Yes
Rear	15 feet	67 feet – 9 inches	10 feet	Office: Yes  Apartment: Yes, with application of waiver/reduction of standard through State Density Bonus provisions (GC 65915)
Height	4 stories/ 50 feet	4 stories/50 feet	5 stories/60 feet (to the roof)/ 70 feet (to the roof access structure)*	Office: Yes  Apartment: Yes, with application of waiver/reduction of standard through State Density Bonus provisions (GC 65915)



Development Standard	Code Requirement	Proposal		Compliance
		Office Addition	Apartment Structure	
Parking	152		123	Yes, with application of incentive/concession through State Density Bonus provisions (GC 65915). Shared Parking proposal to ensure parking demand can be met with the incentive/concession for parking reduction.
Open Space	Multifamily: 20% of lot area and not less than 300 sf per unit  Office: N/A	N/A	9%	Yes, with application of waiver/reduction of standard through State Density Bonus provisions (GC 65915)
Landscaping	Multifamily: 30% of lot area  Office: N/A	N/A	14%	Yes, with application of waiver/reduction of standard through State Density Bonus provisions (GC 65915)

### Overall Design

The proposed architecture of the residential building features stone texture fiber cement board panels on the ground floor, neutral colored stucco siding and wood textured fiber cement board panels, and uniform windows. Elevations are varied and punctuated with metal guardrails, glass and metal railing, and casement windows. The roof top offers outdoor common space for residents including a play structure, lounge furniture, outdoor tables, a BBQ island, and raised planters.

The proposed architecture of the office addition and façade improvements to the existing building are meant to complement each other and tie the older building with the new addition. They include neutral colored stucco siding, wood textured fiber cement board panels, and casement windows. The office addition would also feature an eyebrow-shaped window at the front façade, replicating the window style of the existing building. **Figures 2 through 5** show the proposed design of the completed project, featuring the existing building, office addition, and new apartment building.

Figure 2: Project Rendering West (from Pinole Valley Road)



Figure 3: Project Rendering North



Figure 4: Office Addition South Elevation





**Figure 5: Apartment West Elevation**



### Required Land Use Approvals

Entitlements and approvals required for the project include Comprehensive Design Review, Density Bonus requests, an Affordable Housing Regulatory Agreement, and a California Environmental Quality Act (CEQA) determination. Pursuant to PMC Table 17.10.060-1, the Planning Commission has approval authority of the Comprehensive Design Review and CEQA determination. The City Council has approval authority over the Affordable Housing Agreement, which would be reviewed by the Council only after entitlements are approved by the Planning Commission. It should be noted that the Council has *de novo* approval authority of the entitlements on a timely filed appeal of the Planning Commission's decision.

### ANALYSIS

The project is reviewed for consistency with the City's General Plan, the Three Corridor Specific Plan, and the Zoning Ordinance. Planning Commission as the approval authority would be required to make specific findings for approval as described under Pinole Municipal Code Chapter 17.12.150. The following discussions expand on elements considered in determination of consistency with findings.

It is recognized that consistency with City policies and regulations would need to be viewed in context with State law that may allow for provision of certain deviations for local standards. To that extent, Planning Commission may find that the project is consistent with the applicable City policies and regulations, and as provided by State law.

### General Plan Consistency

The property located at 2801 Pinole Valley Road has a General Plan Land Use Designation of "SSA" (Sub-Service Area). The SSA designation is intended to maintain and enhance existing land uses while providing land use flexibility and incentives to encourage new private investments and additional development. Each Service-Sub Area has a different emphasis. Pinole Valley Road Corridor SSA is intended to maintain and increase existing employment opportunities and encourage new housing opportunities while accommodating commercial uses that serve residents through mixed use development. This is a transitional area that serves residential neighborhoods in Pinole Valley and acts as a gateway immediately south of the historic Old Town.

## **POLICIES**

The project helps to implement numerous policies within different elements of the General Plan including the Community Character Element, Land Use and Economic Development Element, Circulation Element, Health and Safety Element, and the Sustainability Element. The policies below are a partial list of the most relevant to the project.

### **Community Character Element**

- POLICY CC.1.1** All new development and redevelopment shall adhere to the basic principles of high-quality urban design and architecture including, but not limited to, human-scaled design, pedestrian orientation, and interconnectivity of street layout, siting buildings to highlight important intersections, entryways, focal points, and landmarks.
- POLICY CC.1.2** Require all new development to incorporate high-quality site design, architecture and planning to enhance the overall quality of the built environment in Pinole and create a visually interesting and aesthetically pleasing town environment.
- POLICY CC.1.5** Encourage project compatibility, interdependence, and support with neighboring uses, especially between commercial and mixed-use centers and the surrounding residential neighborhoods. Uses should relate to one another with pedestrian connections, transit options, shared parking, landscaping, public spaces, and the orientation and design of buildings.

### **Land Use and Economic Development Element**

- POLICY LU.3.2** Ensure high quality site planning, architecture and landscape design for all new residential development, renovation, or remodel
- POLICY LU. 7.5** Ensure that new and existing developments can be adequately served by municipal services and facilities in accordance with City standards. New projects which require construction or expansion of public improvements shall pay their fair share of the costs necessary to improve or expand infrastructure to serve them, including street improvements, parks, water storage tanks, sewer and water service, and other public services.

### **Housing Element**

- POLICY H.4.1** PROVIDE A CHOICE OF HOUSING. Provide a mix of sizes and housing types to meet the needs of Pinole's diverse population. Specific examples include traditional single-family homes, second units, mixed use developments, infill development, accessible housing, and transitional and emergency housing. Opportunities must be available for lower, moderate, and above-moderate income households reflecting available job opportunities in close proximity to Pinole.

Available housing choices should also strive to minimize transportation needs.

**POLICY H.4.4**

**SUPPORT THE DEVELOPMENT OF AFFORDABLE HOUSING.** Maintain appropriate land use regulations and other development tools to encourage development of affordable housing opportunities throughout the City.

**Circulation Element**



**POLICY CE.1.4**

Encourage maximum utilization of the existing public transit system and alternate modes of transportation in Pinole.



**POLICY CE.8.1**

Require development to provide pedestrian walkways that are safe, interconnected, and accessible by all members of the community.



**POLICY CE.8.4**

Encourage the location of basic shopping and services within walkable distances to residential areas.

**Health and Safety Element**



**POLICY HS.6.1**

Promote and encourage walking and bicycling as viable forms of transportation to services, shopping, and employment.



**POLICY HS.7.3**

Reduce the transport of runoff and surface pollutants off site.

**Sustainability Element**

**POLICY SE.3.4**

Reduce GHG emissions by reducing vehicle miles traveled and by increasing or encouraging the use of alternative fuels and transportation technologies.

**POLICY SE.4.3**

Pinole will promote and require renewable energy generation and cogeneration where feasible and appropriate.

**POLICY SE.4.5**

Pinole will continue to promote and support and require, where appropriate, the development of solar energy.

**Staff Comment:** Based on the policies listed above from the General Plan, the project is consistent with the General Plan. The project features high quality architectural design with internal aesthetic and functional connections between new development and existing development and between residential and nonresidential portions. The project proposes infill development that realizes potential within the existing property to create new opportunities that expand both business and housing uses. The proposal would bring residents to an area with employment and shopping opportunities in a corridor served by transit and continuous sidewalks. As new construction, the project would be required to comply with current green building standards under the building code, which include energy efficiency standards in buildings, compliance with solar requirements, and electric vehicle (EV) capable infrastructure. The project would bring updates to the lot design that would meet current standards to manage stormwater and runoff, including features such as permeable pavers in parking areas, updated landscaping areas, and

new storm drain connections. Additionally, new landscaping areas and plantings are proposed on site, which would bring landscaping up to current water efficient landscaping requirements.

### Specific Plan and Zoning Consistency

The BCRE project is in the Pinole Valley Road Corridor of the Three Corridor Specific Plan. The project is in the service sub-area (SSA) and has a Specific Plan Land Use/Zoning Designation of Office Professional Mixed-Use (OPMU). See **Figure 3** for a map of the Specific Plan designation. The intent of OPMU under the Specific Plan is to allow development of larger office buildings and business parks with supporting retail and service uses. The predominant use allowed is office, however, the Specific Plan allows commercial uses to be integrated into office buildings or located horizontally in freestanding buildings. At least 51 percent of the total usable floor area on a given parcel should be office uses. This designation also allows residential uses to be integrated with office use at a density between 20.1 and 30.0 units per acre.

The project is consistent with the following Land Use Policies in the Specific Plan:

#### **POLICIES**

**Land Use Policy 1.** Provide for a variety of housing types throughout the plan areas.

**Land Use Policy 3.** Provide affordable housing within the plan areas consistent with the City's General Plan

**Land Use Policy 4.** Ensure development of "Opportunity Sites" with high quality mixed-use or high-density housing

**Land Use Policy 5.** Support existing viable uses while encouraging a new mix of uses.

**Land Use Policy 6.** Actively promote the "revitalization" of underutilized land.

**Figure 6: Specific Plan Designation**



**Staff Comment:** Based on the policies listed above from the Specific Plan, the project is consistent with the Specific Plan. The property is identified as Opportunity Site #3 in the Specific Plan, where commercial development was identified as a potential example of future development and office mixed use would be desired. Additionally, the Specific Plan identifies that residential development is projected in the Pinole Valley Road Corridor and multifamily residential is a permitted use by right in the OPMU designation. The project includes retention and expansion of the existing office building resulting in a renovated office/commercial structure and a new detached apartment structure on the site which increases utilization of the property.

The office building would continue to be the predominant use on site. With the expansion, it would be approximately 42,441 square feet upon completion of the project, with approximately 28,912 square feet of leasable area. The apartment building would be approximately 27,980 square feet, with approximately 15,649 square feet of leasable area. The OPMU designation indicates office use should be 51 percent of total useable area. The project maintains consistency with this standard as more than half of both total and leasable floor area would be available for office (see **Table 2**).

**Table 2: Total/Leasable Square Footage Proposed**

Square Footage	Office Building	Apartment Building
Total Proposed	42,441 (60%)	27,980 (40%)
Total Proposed Leasable	28,912 (65%)	15,649 (35%)

The project proposes horizontal mixed use in the form of a detached multifamily residential development and applies a density bonus to exceed 30 du/ac, allowed through State Density Bonus Law due to the project's provision of housing affordable to families who earn 80% or less of the Area Median Income (AMI).<sup>1</sup>

#### *Pinole's Inclusionary Housing Requirements*

The project proposes the development of multifamily residential units and provides for affordable housing consistent with proportions under the City's affordable housing requirements (Chapter 17.32) and State Density Bonus Law (see following section).

PMC Section 17.32.020 requires for all rental residential developments of four or more dwellings, at least 15% of the units must be offered for rent as affordable housing units to lower income households, with at least 40% of those units (rounded up) affordable to very low-income households. The project meets the City's inclusionary housing requirement by reserving four of the 24 base units for rent to lower income households, with two of the units reserved at the very low-income level (not exceeding 50% of AMI) and the remaining balance of two units reserved at the low-income level (not exceeding 80% of AMI). The 15% affordability requirement applied to 24 base units is 3.6, which is rounded to four units. For the very low-income unit allocation, 40% of four units is 1.6 units, which rounded up to two units. Per Table 17.32.020-1 and the examples provided in Pinole Municipal Code Section 17.32.020, the remaining units (2) would be provided as low-income units. See **Table 3**.

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<sup>1</sup> The California Department of Housing and Community Development (HCD) publishes income limits annually at: <https://www.hcd.ca.gov/state-and-federal-income>



**Table 3: Project's Conformance with Inclusionary Housing Requirements**

	Base Project	Inclusionary Units out of the Base	
		<i>Affordable to Very-Low Income Households</i>	<i>Affordable to Low Income Households</i>
<b>Number of Units</b>	24	4	
		2	2

### Density Bonus Provisions

To encourage the production of affordable housing, the State Density Bonus Law (Government Code Section 65915) allows developers to receive a density bonus of up to a 50% increase for projects, depending on the amount of affordable housing provided, and an 80% increase in density for projects that are 100% affordable where at least 80% of the affordable units are affordable at lower income levels. The Density Bonus is a state mandate, and any developer who meets the requirements of the State Law is entitled to receive the density bonus and other benefits as a matter of right.

The maximum allowable density in the OPMU Zoning District is 30 du/ac, which would yield 24 units on the subject 0.81-acre development site. Based on 24 base units at 16.7% affordability, with four units for lower income households of which two units (8% of total) are reserved for low-income households and two units (8% of total) are reserved for very-low income households, the proposed project is eligible for an up-to 29% density bonus, or up to seven additional units for a total of 31 units.<sup>2</sup> The project proposes five additional dwelling units, for a total of 29 units, with 25 of the units offered at market rate, two of the units offered to low income households (household earning 50-80% of AMI), and two of the units offered to very lower income households (households earning less than 50% of AMI). The proposed 29-unit development represents a 21% increase over the maximum allowable density, which is less than the allowable 29% density bonus. Under the State Density Bonus Law, the applicant is entitled to receive the requested 21% density bonus as a matter of right.

Additionally, the project is eligible for 1) an unlimited number of waivers/reductions of development standards that may be used to waive any development standard that would physically prevent the construction of the project at the allowed density (including density bonus); 2) reduced parking ratios entitled to projects qualifying for a density bonus without needing the use of a concession; and 3) one incentive/concession since the project provides 16.7% of base units as units affordable to lower income households. The applicant is entitled to these benefits under Government Code Section 65915.

- A. Waivers/Reductions:** If any City development standard would physically prevent the project from being built at the permitted density and with the granted concessions/incentives, the developer may propose to have those standards waived or reduced. The waiver or reduction of a

<sup>2</sup> Per State Density Bonus Law section 65915(f)(1), density bonus starts at 20% for setting aside 10% of base units as lower income units. For each one percent above 10% set aside for lower income units, an additional one and one half percent is added to the 20% density bonus. Fractional units for density bonus units are rounded up.

development standard does not count as an incentive or concession, and there is no limit on the number of development standard waivers that may be requested or granted. The applicant requests three waivers/reductions of development standards under Government Code Section 65915(e) to:

1. Allow for additional height above standard limits to accommodate an additional story and rooftop open space.

**Staff Comment:** The additional story and additional units allow for the feasibility of providing the affordable units within the parameters of an otherwise market-rate project, as analyzed by the applicant. As required by the City's affordable housing ordinance, the project is required to provide at least 15% of base units to lower income households. The additional market rate units contribute to offsetting the cost to provide the affordable units. The request results in one additional story or about 10 feet above what would have been the standard height limit (four stories, 50 feet). The desire to provide rooftop open space results in an additional 10 feet in height for two smaller, enclosed rooftop access facilities (elevator/stairs/storage/restroom) at the top of the building.

2. Reduce the required rear yard setback to ten feet.

**Staff Comment:** The standard rear setback applicable to Service Sub-Area in the Pinole Valley Road corridor is 15 feet when the property is adjacent to residential. There is no required rear yard setback if the subject property is not adjacent to residential. Due to the existing senior living facility use adjacent to the rear property line (Westmont of Pinole), a 15-foot setback is required. The applicant has requested a reduction in the rear yard setback from 15 feet to 10 feet. The reduction of the rear setback to 10 feet allows the developer additional space for more surface parking and achieving standard drive aisles, as well as providing the required fire turn-arounds among the footprints of the proposed buildings. Although the requested setback is reduced to 10 feet, there is additional buffering provided by an underdeveloped sloped area adjacent to the rear property line on the adjacent property side.

3. Reduce the standard required landscaping and open space.

**Staff Comment:** In prioritizing providing surface parking to meet demand as much as possible, available landscaping and open space opportunities are reduced. In terms of landscaping, 14% of the lot would be landscaped area, where 30% is the standard requirement. For residential common space, this is 9% of the lot, where 20% is the standard requirement. Parking lot landscaping and tree shading are also requested to be waived. Due to the limited amount of space available on the ground, the project has provided proposed open space above ground through private balconies on the apartment building and roof decks on the apartment building and office addition to add as much open space as possible for residents and employees.

- B. Parking Ratio Reductions:** Pursuant to State Density Bonus Law, upon the developer's request, the City may not require more than one parking space for studio/one-bedroom units and 1.5 parking spaces for two-bedroom units for a density bonus project (inclusive of parking for persons with disabilities). These parking ratios are lower than standard City parking ratios.

**Staff Comment:** The project has applied these ratios. These ratios are allowed by right under Government Code 65915. This results in 23 parking spaces for the 23 total studio or one-bedroom units and 9 parking spaces for two-bedroom units, as shown in **Table 4**.

**Table 4: Parking Requirements**

Bedroom Type	Number of Units	Rate	Spaces Required	Spaces Provided	Compliance
<b>Studio</b>	12	1 space/unit	12	12	Yes
<b>One-Bedroom</b>	11	1 space/unit	11	11	Yes
<b>Two-Bedroom</b>	6	1.5 spaces/unit	9	8	Yes, with grant of incentive/concession to further reduce parking requirements and implementation of the parking management plan.
<b>Total</b>	29	N/A	32	31*	Yes, with grant of incentive/concession to further reduce parking requirements and implementation of the parking management plan.

**C. Incentive/Concessions:** In addition to the Density Bonus, the City is also required to provide one or more “incentives” or “concessions” to each project which qualifies for a density bonus. A concession or incentive is defined as:

- A reduction in site development standards or a modification of zoning code or architectural design requirements, such as a reduction in setback or minimum square footage requirements; or
- Approval of mixed use zoning; or
- Other regulatory incentives or concessions which actually result in identifiable and actual cost reductions.

The number of required incentives or concessions is based on the percentage of affordable units in the project, as shown in **Table 5** below:

**Table 5: Percentage of Affordable Units and Incentives/Concessions Allowed**

No. of Incentives/Concessions Allowed	Very Low Income Percentage	Low Income Percentage
<b>1</b>	5%	10%
<b>2</b>	10%	17%
<b>3</b>	15%	24%

The Project is requesting one incentive/concession under Government Code Section 65915(d) to further reduce parking requirements while employing strategies to meet parking demand.

**Staff Comment:** Incentives/concessions under Government Code 65915(k) mean a reduction in site development standards or a modification of zoning code requirements, including, but not limited to, a reduction in the ratio of vehicular parking spaces that would otherwise be required. The project has applied the by-right lower parking ratios described above. The requested incentive/concession is proposed to provide for further reduction in required parking (from 152 total required spaces including the use of by-right parking ratios to 123 total parking spaces) and applying a shared parking arrangement on the property as well as other parking demand reduction strategies to meet demand. A shared parking/transportation demand management study has been prepared that identified parking demand and strategies to manage parking needs (**Attachment D**).

#### Parking Demand Management

Parking management strategies were reviewed as part of the project to consider the possibility of shared parking arrangements to make efficient use of spaces where uses have different peak usages, as well as reviewing peak parking demand and required parking ratios (**Attachment D**).

The property was found to be able to accommodate the projected parking demand for the new development on weekends and outside of peak periods during weekdays. The study determined there were periods during weekdays where there is potential for demand to exceed supply, from 9:00am to 5:00pm. Through shared parking, the estimated typical peak demand is about 139 spaces on weekdays. For comparison, 152 spaces would be the requirement based on parking ratios and 160 spaces is the peak weekday demand with no shared parking.

The peak demand can be further reduced to 125 spaces with implementation of transportation demand management (TDM) measures. TDM measures most applicable to the project include charging for employee parking, unbundling residential parking (parking for residents is a separate additional cost, or residents have one free space but are charged for any additional), and providing transit incentives (transit passes) to both residents and employees. Other TDM measures that were considered include car share, bicycle benefits (pre-tax bike benefit to employees and bikes for residents), and financial incentives for residents to use transportation network companies (Uber, Lyft, etc.), although these were determined to be less effective measures. The property is able to accommodate 123 parking spaces, leaving a shortage of two spaces under the TDM measures.

To address the shortage, the project would provide for offsite parking to expand the available supply of parking. The owner has negotiated with Pinole Valley Community Church, the adjacent property at 2885 Pinole Valley Road, for six additional spaces available Monday through Friday 8:30 am to 5:00 pm during the commercial peak. A parking management plan was proposed based on the study in order to meet projected demands (**Attachment D**), which includes the negotiation offsite parking, and its implementation is captured in the conditions of approval.

#### Comprehensive Design Review Findings

In order to approve the Comprehensive Design Review, the Planning Commission must find for each of the required Comprehensive Design Review findings. Each finding is listed below followed by staff comment and conclusion.

*1. The proposed project is consistent with the objectives of the general plan and complies with applicable zoning regulations, planned development, master plan or specific plan provisions, improvement standards, and other applicable standards and regulations adopted by the city.*

**Staff Comment:** General Plan and Specific Plan policies have been identified to satisfy consistency with the project. The project is compatible with the applicable development standards for the project, and as otherwise permitted for provision of affordable housing under State Density Bonus Law.

**Staff Conclusion:** Based on the discussion above, the proposed project is consistent with the General Plan, Three Corridor Specific Plan, and the City of Pinole Zoning Ordinance, and as otherwise permitted through State Law.

*2. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.*

**Staff Comment:** The project features a redesigned rear parking lot area that would meet the needs of interior vehicular circulation and emergency vehicle turnaround. Vehicles would access the property via the same entry and driveway on the property. Accessible pedestrian pathways are introduced to the property that would provide pedestrian connection from all buildings on the property to the street. Pinole Valley Road is designated as a Class III bicycle facility (Bike Route) where automobiles and bicycles share the road. The project does not propose changes to the public right of way that would affect its function as a bike route.

**Staff Conclusion:** Based on the discussion above, the proposed project will not create conflicts with vehicular, bicycle or transportation modes of circulation.

*3. The site layout (orientation and placement of buildings and parking areas), as well as the landscaping, lighting, and other development features, are compatible with and complement the existing surrounding environment and ultimate character of the area under the general plan and applicable specific plans.*

**Staff Comment:** The project proposes infill development within an existing urban environment, and on a property that is covered with paved surfaces and structures. The plan is designed around the constraints of the existing building situated on the lot and circulation and parking areas placed around it. Much of the existing development facing Pinole Valley Road is one to two stories, however the standards for new development allow for taller developments as the corridor continues to redevelop over time. The project includes an addition to the office building, which is consistent with the heights and stories allowed for development along the Pinole Valley Road corridor. Although the apartment building includes an additional story and height above the general standard, these would be allowed through the provision of affordable housing and State law. Additionally, this new construction is set back from the street as development is located at the rear portion of the lot. The opportunities for landscaping and open space are limited on the property, however the project proposes rooftops to provide open space, maintains the landscaping area on the property frontage, and provides landscaping strips and pockets around the property as possible while maintaining adequate room for parking and circulation. The vision of the Service Sub-Area in the Pinole Valley Road corridor of the Specific Plan includes a desire for the area to “maintain existing employment opportunities while creating the potential for future



housing opportunity through mixed use development with a variety of housing densities.” The project would be compatible this vision for nonresidential and residential mixed use opportunities in the corridor.

**Staff Conclusion:** Based on the above discussion, the project would be compatible with and complement the existing surrounding environment and ultimate character of the area, and as otherwise permitted under the provisions of State Law.

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

**Staff Comment:** The project includes the development of a multi-family residential building within the Three Corridors Specific Plan area. The Three Corridors Specific Plan includes design guidelines for multi-family residential projects which include design standards for massing, landscape, setbacks, and exterior building design. The project includes applicable design elements consistent with the Three Corridors Specific Plan, and as otherwise permitted through the provisions of waivers/reductions under State Density Bonus Law. The project includes an additional story and additional height above the general standard, a reduction in the rear setback, and reduction in the standard landscaping and open space. Through the provision of affordable housing, the project can receive the above waivers and reductions from general standards.

**Staff Conclusion:** Based on the discussion above, the project is consistent with the Three Corridors Specific Plan design guidelines, and as otherwise permitted through State Law.

In conducting comprehensive design review, the Planning Commission must take into account the following consideration. Each consideration is listed below followed by staff comment and conclusion.

*1. Considerations relating to site layout, the orientation and location of building, signs, other structures, open spaces, landscaping, and other development features in relation to the physical characteristics, zoning, and land use of the site and surrounding properties.*

**Staff Comment:** The Development Package dated March 25, 2022 (**Attachment C**), as well as the assessment of the project in this report demonstrates that the project has been designed to consider all of the development features applicable to the project site and surrounding properties. As described above, the project proposes development that accounts for the inherent constraints of the existing structures and layout of the property. Development would meet the applicable standards for the land use and zoning for the location, and as otherwise permitted though State Law.

**Staff Conclusion:** Based on the discussion in the staff report and the design package dated March 25, 2022, relating to site layout and other design features in relation to the physical characteristics of the site and surrounding properties have been made.

*2. Considerations relating to traffic, safety, and traffic congestion, including the effect of the development plan on traffic conditions on abutting streets, the layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways, the adequacy of off-street parking facilities to prevent traffic congestion, and the circulation patterns within the boundaries of the development.*

**Staff Comment:** The project utilizes the existing driveway and includes design of the interior circulation on the property to account for vehicular circulation. A trip generation and vehicle miles traveled (VMT) study prepared for the project found less than significant impacts related to traffic. The project proposes shared parking and parking management strategies, including transportation demand management strategies and offsite parking arrangements, that would address parking demands, as recommended by a shared parking/transportation demand management study prepared for the project.

**Staff Conclusion:** As documented in this report, the proposed project design addresses and considered traffic, safety, traffic congestion and the effect of the development on traffic conditions. The project includes appropriately designed vehicle and pedestrian entrance, exits, driveways and walkways.

*3. Considerations necessary to ensure that the proposed development is consistent with the general plan and all applicable specific plans or other city plans, including, but not limited to, the density of residential units.*

**Staff Comment:** As documented in this report, General Plan and Specific Plan policies have been identified to evaluate consistency with this project and the City of Pinole General Plan, and the Three Corridor Specific Plan. The project and proposed density has been found to be consistent with the General Plan and Three Corridor Specific Plan, and as allowed through provisions of State Density Bonus Law.

**Staff Conclusion:** As documented in this report, the project is consistent with the General Plan and the Three Corridors Specific Plan.

*4. Considerations relating to the availability of city services, including, but not limited to, water, sewer, drainage, police, and fire, and whether such services are adequate based upon city standards.*

**Staff Comment:** Based on a review of available utility information, this project has availability of water, sewer, drainage, police, and fire service.

**Staff Conclusion:** City services are available and adequate to serve the site. Also, the developer will pay impact fees to augment city services for this project.

## **ENVIRONMENTAL REVIEW**

The California Environmental Quality Act (CEQA) provides several Categorical Exemptions which are applicable to categories of projects and activities that the Lead Agency has determined generally do not pose a risk of significant impacts on the environment. The subject project consists of development within the developed urban area of the City of Pinole. The project is exempt under Section 15332 of the State CEQA Guidelines (Class 32-Infill Development Projects), Sec. 15168 (Consistency with Program EIR) and Sec. 15183 (General Plan/Community Plan Exemption), and under Government Code Section 65457 (Consistency with Specific Plan). The detail of these exemptions is located in **Attachment B** of this report.

## **PUBLIC NOTIFICATION**

Pursuant to California Government Code Section 65090 to 65094, public notice must be given at least 10 days before the scheduled date of a hearing. The notice is required to state the date, time, and place of hearing, identify the hearing body, and provide a general explanation of the matter to be considered.

Notice of this hearing was provided in accordance with PMC Section 17.10.050 in the following manner:

- 1- Published in at least one newspaper of general circulation in the city.
- 2- Mailed to the owners of property within a radius of 300 feet of the exterior boundaries of the property involved in the application.
- 3- Mailed to the owner of the subject real property or the owner's authorized agent and to each local agency expected to provide water, sewerage, streets, roads, schools, or other essential facilities or services to the proposed project.
- 4- Posted at City Hall.
- 5- Mailed to any person who has filed a written request for notice.

Additionally, due to the size of the project, Staff provided additional notification/community engagement enhancements in the following manner:

- 1- Requiring a virtual community meeting hosted by the applicant (occurred on March 4, 2021).
- 2- Enhanced written notification including:
  - a. Increasing the radius of notification from 300 feet to 1,500 feet, which increased the number of property owners in the vicinity who received notice from 39 to 484.
  - b. Providing an increased notification time period, from the standard 10 days in advance of the hearing to 21 days
  - c. Requiring the applicant to install large 4'x8' signs in two key locations at the property letting the public know about the application and upcoming hearing opportunity in advance of the hearing.
- 3- Build out of an [individual development project webpage](#) with project information, plans, studies and hearing information, developed and maintained by City staff.
- 4- Staff use of social media (Facebook) and City's biweekly Administrative Report to notify public of upcoming development and link to project specific pages.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission adopt Resolution 22-02 approving the Comprehensive Design Review and CEQA Exemption for the BCRE Project at 2801 Pinole Valley Road (PL20-0072 & DR20-10).

## **ATTACHMENTS**

- A. Draft Resolution 22-02 – with Exhibit A, Conditions of Approval
- B. CEQA Determination – CEQA Exemption, with Environmental Studies
- C. Plan Set 3.25.22 – received 4.13.22
- D. Parking Management Plan and TDM/Shared Parking Study