

Memorandum



TO: PLANNING COMMISSION MEMBERS

FROM: David Hanham, Planning Manager

SUBJECT: Recommendation to the City Council Regarding the Pinole Vista Project at 1500 Fitzgerald Drive

DATE: July 25, 2022

PROJECT INFORMATION

Property Owner	ROIC California 11250 El Camino Real #200 San Diego, CA 92130
Applicant	Chris Cole, c/o Metrovation 25 Bridge Avenue, Suite 150 Red Bank, New Jersey, 07701
File	Planning Application PL21-0035 Design Review Application DR21-12
Location	1500 Fitzgerald Drive Pinole CA 94564
Assessor Parcel Number	426-391-010
Total Area	5.93-acre parcel, total <ul style="list-style-type: none">• 1.19 acres building sites• 4.74 acres of circulation/parking lot/landscaping areas
General Plan Land Use Designation	SSA, Service Sub Area
Specific Plan Sub-Area	SSA, Appian Way /Service Sub-Area
Zoning Classification	CMU, Commercial Mixed Use
Review Authority	Comprehensive Design Review - Planning Commission – Pinole Municipal Code (PMC) Section Table 17.10.060-01 Tree Removal Permit – Planning Commission – PMC Section 17.96.060 Affordable Housing Regulatory & Density Bonus Agreement – City Council – PMC Section 17.32.060 (D) & PMC Section 17.38.080 California Environmental Quality Act Determination – Planning Commission – CA Public Resources Code Section 15022

	<p>Density Bonus Review – City Council – PMC Section 17.38.080 and California Government Code section 65915. Note: The Municipal Code provides that whenever a project is requesting concessions under the Density Bonus Law, the City Council is the decision-making authority for all required permits for the project. Therefore, the Planning Commission’s role in this project is to make a recommendation to the City Council, and the Council will consider action on all entitlements.</p>
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PROJECT DESCRIPTION

The proposed project consists of demolishing an approximately 91,000 square foot vacant retail structure (formerly Kmart) and constructing a five-story 263,862 square-foot 223-unit apartment building on an existing parcel within the Pinole Vista Shopping located at 1500 Fitzgerald Drive. Pursuant to the City’s inclusionary housing requirements (PMC 17.32.020), the project will offer 13 very- low-income units, 14 low-income units with the remainder of the 196 units being market-rate units. The building will have the same orientation as the former Kmart building with the main entrances facing the existing shopping center. The front façade (east elevation) and the parking lot will be changed from its initial orientation of 45-degree parking stalls to 90-degree parking stalls. The rear of the building (west elevation) will add an additional row of parking along the building and have three entrances to the building that connect to the front lobbies. The sides of the building (north and south) will include additional landscaping and a new passive open space area for use on the southern end of the property. Landscaping will be added to the front of the building elevation and within the two rows of parking. Additional project details are provided in the Project Components section later in this report.

BACKGROUND

Overview of State Housing Laws

In recent years, the California Legislature has adopted or strengthened a number of laws intended to facilitate the development of new housing. These laws significantly restrict, or completely remove, the discretion of cities when reviewing certain residential projects within their jurisdiction.

The State Density Bonus law provides special multiple incentives to project that include affordable housing units. First, projects that provide affordable units are entitled to “bonus units” that allow the project to include more units than would otherwise be allowed by a city’s adopted density requirements. The greater the percentage of affordable units in the project, the greater the percentage bonus a project is entitled to receive, with the specific percentages established by state law.

In addition to a density bonus, the State Density Bonus law provides projects with “concessions”. An applicant may use a concession to reduce or eliminate any specific site development standards, zoning code requirements or architectural design requirements. An applicant is entitled to between 1-4 concessions based on the percentage of affordable units in the project. In addition, projects are automatically entitled to reduced parking requirements even without the use of any concession. Finally, density bonus projects are also entitled to “waivers”. An applicant may use a waiver to reduce or eliminate any standard that would physically prevent the project from being built at the density allowed (with the

density bonus units included).

In addition to the Density Bonus Law, the Housing Accountability Act prohibits a city from denying, or reducing the density of, any project that complies with all of the City's adopted objective standards. Conditions imposed on the project must not make the project infeasible. Under state law, a project complies with an adopted objective standard if that standard has been reduced or eliminated pursuant to the Density Bonus Law.

The City may only deny the use of a concession or waiver under the Density Bonus Law or deny or reduce the density of a project that complies with all adopted objective standards **if** the City can make very specific and narrow findings that the project would cause a "specific, adverse impact upon the public health or safety" that cannot be mitigated. A "specific, adverse impact" is defined under state law as "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete."

Project Overview

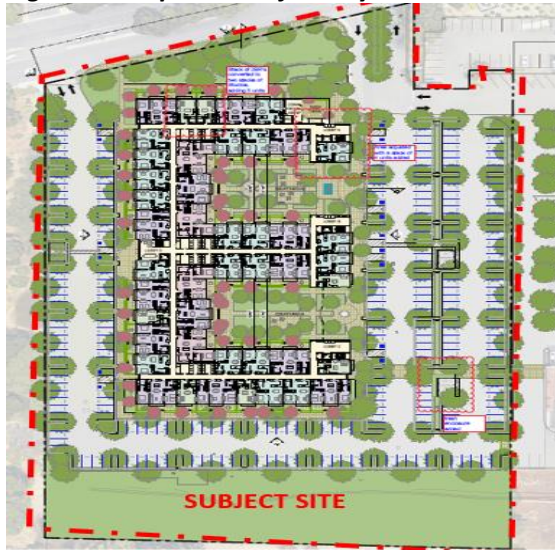
The property at 1500 Fitzgerald Drive is currently configured with an approximately 91,000 square foot vacant commercial retail building formerly occupied by Kmart and owned by the ROIC Pinole Vista Limited Liability Corporation. The commercial structure has been vacant since early 2019 with seasonal uses of the building (i.e., Halloween Spirit store) sporadically. The project is surrounded by Fitzgerald Drive to the north, the City Limits and existing single-family residential (unincorporated El Sobrante) to the south, the existing Pinole Shopping Center to the east, and Best Buy (Pinole Vista II) shopping center to the west. The Pinole Vista Shopping Center tenants include Mountain Mike's Pizza, Lucky's Supermarket, Starbucks, Big Five Sporting Goods, Pho Craze, Ristorante Due Rose, Noah's Bagel, the UPS Store and other smaller service, restaurant, and retail tenants. See **Figure 1** for an aerial view of the project's location.

On April 6, 2021, Chris Cole, Applicant, on behalf of the property owner, submitted a Planning application for demolition of the existing commercial building and construction of a new five-story 223-unit apartment building at 1500 Fitzgerald Drive. See **Figure 2** for the proposed site plan 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 to staff on the proposed project on two occasions. The Ad-Hoc Committee provided feedback on design treatments and project specifics on May 5, 2021, that resulted in revisions to the architecture with additional building details as well as landscape improvements.

The applicant conducted a virtual community meeting on July 29, 2021. The Applicant sent notices to all property owners within 1,000 feet from the project area. The community meeting was attended by 16 people. The majority of public comments were related to the size and scale of the project. There were also comments from the public regarding the loss of the commercial use on the site. The applicant took all of the names of the people who attended and reached out to them throughout the process.

Updated plans were reviewed by the Ad-Hoc Committee on July 14, 2022. At that meeting, the Committee reviewed comments from May 2021 and input from the community meeting and recommended to staff that with the additional comments below, the project was ready to be reviewed by the Planning Commission. The Ad-Hoc Committee's additional July 2022 comments are summarized below, with a note from staff in italics regarding the status of the recommendation.

1. Consider using native trees for the new landscaping being proposed

Staff Comment: *The Applicant will consult with the arborist, and a condition of approval has been included in the draft conditions of approval which would require the inclusion of more native trees to the maximum extent possible.*

2. Ensure existing landscaping at project frontage/entrance is refreshed.

Staff Comment: *New plantings and refreshed landscaping are included in the plans and will be implemented.*

3. Consider fencing around the exterior for the project.

Staff Comment: In consultation with the applicant and their design architect, there are opportunities for perimeter fencing and gating for the project, in order to provide circulation safety given the adjacent shopping center. A condition of approval has been included to require the applicant to prepare and submit a perimeter fencing and gating plan for review and approval by the Community Development Director in consultation with the Planning Commission Ad-Hoc Committee and the Pinole Police and Public Works Department. The perimeter fencing and gating for the project will be required to clearly delineate and separate the residential areas from the commercial shopping center, be at least 48 inches in height, constructed of attractive and high- quality materials and remain in place through the life of the residential building.

4. Ensure adequate lighting but minimize spillover light.

Staff Comment: Preliminary lighting fixture details are included the plans, and a condition of approval has been included in the draft conditions of approval that would require the project to comply with the City's Municipal Code Lighting standards, which address levels of illumination.

5. Consider if permeable paving can be used in parking areas.

Staff Comment: The Applicant has indicated to staff that permeable paving is infeasible due to the cost of the materials.

6. Consider Electric Vehicle (EV) parking, E-Bike charging, Solar Panels.

Staff Comment: The Applicant will be installing eight EV charging stations on southeast portion of the parking area and will be adding stations in the future as demand increases. Conduit will be installed in the parking area, making additional EV charging stations in the future feasible without additional modifications to the parking area. The Applicant is working with the design engineer to make sure the building has the capacity for E-Bike charging. The Applicant will be installing solar panels on the roof top as a part of this project.

7. Consider another roof deck and appropriate play space within the courtyards.

Staff Comment: City Staff has confirmed from the applicant that based on the design of the roof on the southern portion of the building there are not opportunities for additional roof decks. The applicant has confirmed that there is an opportunity for an additional children's play space (most likely a passive play space) in one of the courtyards and has included a requirement to provide such an amenity through the draft conditions of approval.

PROJECT COMPONENTS

Uses and Layout

The proposed apartment building contains five floors of residential units. The ground floor level includes three major lobby areas and tenant amenities/ facilities including a fitness center, a leasing office, mailboxes, restrooms, storage for up to 160 bicycles, lounge/café, and access to two courtyards. The proposed unit mix on the ground level is five studios, 16 one-bedroom, 12 two-bedroom, and 4 two bedrooms plus office units. All the exterior units on the ground level have private patios that are 258 square feet. Levels Two through Four include a mixture of eight studios, 21 one-bedroom, 14 two-bedrooms, and four two-bedrooms plus office units. Level Five includes a mixture of seven studios, 20 one-bedroom, 14 two-bedroom, and four two-bedroom plus office units. Open space is provided with two outdoor courtyards, benches, and picnic tables along the southern portion of the property, a seating area in the lounge in the front of the property facing Fitzgerald Drive, and a rooftop common open space area on the northeast side of the building facing Fitzgerald Drive. Solar Panels will be installed on the roof in a location that will maximize the energy absorption for the building.

Parking

The proposed construction requires modifications to the existing parking area. Sidewalks and additional landscaping will be installed around the exterior of the building. The redeveloped parking lot for the project will provide 275 surface parking spaces that surround the apartment building. **Table 4** shows the parking requirements. In general, all parking areas would be repaved with concrete. Existing landscaping strips in and around the existing parking area will be removed; and new landscaping areas consisting of native shrubs and ground covers as is prescribed in the preliminary landscape plan is being proposed. The project proposes a shared parking arrangement and parking management strategies with the existing shopping center to provide sufficient parking to meet demand (see **Attachment D**).

Accessibility

To comply with the ADA (Americans with Disabilities Act) accessibility standards, a new 48-inch-wide pathway and ramp from the sidewalk on Fitzgerald Drive would be established around the apartment building. The parking area would be repaved and restriped to accommodate the new path as well as relocated ADA spaces. Likewise, the landscape area at the Fitzgerald Drive portion of the property will be updated to establish the ramp and path. A new accessibility path to the rear of the property will also be established along east and west of the project.

Landscaping

The landscaping on the property would generally be refreshed on the northern and southern portion of the property, the front and rear parking areas, and landscaping around the building, as shown in the project's landscaping plan (**Attachment C**). The landscaping is native to the area and drought tolerant. PMC Section 17.44.050 addresses the placement and size of the landscape treatment for the project. The preliminary landscape plan (Pages L1.1 to L1.3 of the project plans) outlines the placement, size, and species of all of the landscape components (trees, shrubs, groundcovers, and turf). The landscaping plan is in compliance with the PMC requirements for landscaping.

There are 83 total trees within the development site, 29 of which would be removed, including three native trees. The three native trees, Italian Stone Pines along the property frontage of Fitzgerald Drive are classified as protected pursuant to PMC Chapter 17.98 due to their size (greater than 56 inches or larger

in circumference measured four and a half (4 1/2) feet above the natural grade) and are proposed to be removed. PMC Table 17.44.070-1 (Tree Replacement Schedule) requires the removal of protected trees 6 inches or greater to be mitigated with a minimum 36-inch box replacement trees. In recognition of the size and maturity of the existing protected trees more mature trees are recommended to be planted as replacement trees for the project. In order to achieve an immediate effect of robust landscape installation and allow the replacement trees to reach optimum height more quickly, staff recommends enhanced planting requirements.

Staff has included a condition of approval that would require a minimum of six replacement trees, with three of the replacement trees being 48-inch or 60-inch box trees, and three being 36-inch box trees. The species and exact planting location is subject to review and approval by the Community Development Director, in consultation with the Planning Commission Ad-Hoc Subcommittee. The species selection is conditioned to be drought-tolerant and native, complement the architectural design of structures on the site, and suitable for the soil and climatic conditions specific to the site. The Applicant will also be required to submit a protected tree removal plan, pursuant to PMC Section 17.96.060.D indicating which protected trees can be removed and shall be used by the Community Development Director to issue a protected tree removal permit in compliance with the action taken on the entitlements.

Development Standards

Table 1 compares the proposed project with the required development standards in Chapter 6 of the Three Corridors Specific Plan and in PMC Section 17.24.030 and 17.48.050 of the Zoning Ordinance. As noted, there are standards that are being waived or modified consistent with California 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.

Circulation

The Pinole Vista Apartment's circulation is dictated by the existing circulation conditions of the Pinole Vista Shopping Center. The Apartment complex is using two existing access driveways on the western portion of the property to create loop around the building. By removing the existing vacant structure and adding the apartment building, the site gains an additional 40,000 square feet of buildable area. This additional square footage allowed the project to add parking adjacent to the building on the rear and southern portion of the property. In the front portion of the building the parking lot is proposed to be adjusted to allow for two full rows of 90-degree parking. By taking away the existing parking and installing the two new rows, it gives the apartment an opportunity to create new main aisle for the existing shopping center and create a boundary for the residents. The residents will access the shopping from a covered walking path from the apartment building to the western edge of the shopping center. The applicant will be required, through a condition of approval, to fence the project for the purpose of delineating the existing shopping center parking and the apartment complex.

Overall Design

The proposed architecture of the new multi-family residential building has a distinct coordinated look throughout each level of the building that at the same time provides variation in colors, materials, and articulation to provide interest and reduction in visual massing. The ground floor is mixture of a brown and tan colored concrete base, vines, and planters. In order to better integrate into the existing shopping

center, the ground level at the front of the building (east elevation) has been designed to have the appearance of a commercial front with full length windows as well as covered sidewalks to give the look of storefront awnings. In addition, the front living units on the ground floor (facing the existing shopping center) have raised patios to create an outdoor dining look. Levels two through four feature whitewash and tan accent plaster. Level five is accentuated by gray horizontal siding that wraps the entire building. On all levels the building features a dark trim. Elevations are varied and punctuated with metal guardrails, glass and metal railing, and casement windows. The rooftop located on the northeast portion of the building offers an uncovered outdoor common space for residents including a lounge furniture, outdoor tables, and a BBQ island. The rooftop common area will be landscaped with raised planters. **Figures 2 through 5** show the proposed design of the new apartment building. The full set of project renderings are located on Pages A3.1 through A3.9 of the plan set (**Attachment C**).

Table 1. Development Standards

Development Standard	PMC Requirement and Citation	Specific Plan Requirement and Citation	Proposal	Compliance
Density (dwelling units/acre, or “du/ac”)	Eligible for Density Bonus up to 25% of the “base units” (State Government Code Section 65915)	Between 20.1 and 30.0 units per acre (Three Corridor Specific Plan – Table 6.1 page 6.0- 4)	37.6 du/ac (223 units proposed on a 5.93-acre development site)	Yes, with application of State Density Bonus provisions (Government Code 65915)
Setbacks				
Front	N/A	0-5 feet (Table 6.16. page 6.0.58)	67	Yes
East Side	N/A	0 feet (Three Corridor Specific Plan Table 6.16. page 6.0.58)	Over 142 feet	Yes
West Side		0 feet (Three Corridor Specific Plan Table 6.16. page 6.0.58)	77 feet	Yes

Development Standard	PMC Requirement and Citation	Specific Plan Requirement and Citation	Proposal	Compliance
Rear	N/A	0 feet (Three Corridor Specific Plan, Table 6.16. page 6.0.58)	167 feet	Yes
Height	N/A	6 stories/ 75 feet (Table 6.16. page 6.0.58)	5 stories/55 (to the roof)/ 64 feet (to the roof access structure)	Yes
Parking	363 spaces for residents and 78 for visitor parking (Section 17.18.050, Table 17.48.050-1)	N/A	275 spaces	Yes, application of State Density Bonus provisions (Government Code 65915.p.1) ¹
Open Space (Multifamily)	Multifamily: 20% of lot area and not less than 300 square feet per unit (PMC Section 17.24.030 {2})	N/A	32% 369 square feet per unit	Yes
Landscaping	Multifamily: 30% of lot area (PMC Section 17.24.030 {3})	N/A	32%	Yes

¹ The State Density Bonus Law allows for standard reduction in parking. The State Law maximum parking requirement is 1-space/per studio and one-bedroom units and 1.5 spaces/per two bedroom or greater. Using the State Density provisions and the proposed unit mix, the parking requirement is 267. The City is not able to require further increases to the proposed parking count.

Figure 2: Project Rendering from Main Project Entry (from Fitzgerald Drive)



Figure 3: Project Rendering with Ground Level Detail



Figure 4: Project Rendering of West Entrance



Figure 5: Project Rendering of Evening View from the Shopping Center Plaza



Required Land Use Approvals

Entitlements and approvals required for the project include Comprehensive Design Review, Tree Removal Permit, Density Bonus Request, Affordable Housing Regulatory & Density Bonus Agreements, 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, Tree Permit and CEQA determination. However, PMC Section 17.38.080 provides that whenever a project is requesting concessions under the Density Bonus Law, the City Council is the decision-making authority for all required permits for the project. In addition, the City Council has approval authority over the Affordable Housing Agreement, which is necessary to ensure that the affordable units required by the City's inclusionary housing ordinance and the Density Bonus Law are provided and maintained for 55 years. The Affordable Housing Agreement will be reviewed by the Council only after entitlements are approved. Accordingly, the Planning Commission will be making a recommendation to the City Council regarding the proposed project, and not a final decision. Final decision on the entitlements will rest with the City Council.

ANALYSIS

As part of the Comprehensive Design Review, the project is reviewed for consistency with the City's General Plan, the Three Corridor Specific Plan, and the Zoning Ordinance. The purpose of comprehensive design review is to ensure that the design and layout of the proposed project will constitute suitable development and will not result in a detriment to the City of Pinole or to the environment. Unlike a Conditional Use Permit, Comprehensive Design Review does not review the proposed use, only the project's design and layout. The Planning Commission, when making a recommendation to the City Council, is required evaluate 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 in order to assist the Planning Commission in making their recommendation.

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, the authorized body taking action on entitlements 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 1500 Fitzgerald Drive 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. The Appian Way Corridor SSA is intended to maintain and enhance the regional gateway area into Pinole and capitalize on freeway access to upgrade existing development and attract a desirable mix of commercial service and residential uses.

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.3.4** ENCOURAGE NEW PEDESTRIAN-ORIENTED DEVELOPMENT. Encourage new development and redevelopment that place residences in close proximity to a variety of services and facilities.
- 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.5.2** Encourage mixed-use developments that put residences in close proximity to services, employment, transit, schools, and civic facilities/services.
- 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.2.2** Pinole should continue to encourage a vital economy that supports green businesses and green industry.
- 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.
- POLICY SE.7.2** Support the expansion of tree planting and landscaping practices that encourage the use of trees, plants, and vegetation to improve air quality to enhance the scenic quality of the City.
- POLICY SE.8.1** Encourage alternatives to single-occupancy vehicle use, including using public transit, carpooling, teleworking, bicycling, and walking.

Staff Comment: *As supported by the policies listed above from the General Plan, the project has been found to be 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 opportunities for employment, services and shopping 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.*

Eight EV-installed stations would be installed on the southeast portion of the parking area. Additional EV stations will be able to be added in the future as demand increases due to conduit being installed with the parking lot improvements. By installing the EV charging stations and the additional conduit, the applicant will be exceeding current codes. 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. This project is consistent with the General Plan.

Specific Plan and Zoning Consistency

The Pinole Vista project is in the Appian Way 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 Commercial Mixed Use (CMU). Table 6.14 (Permitted Use Table for Appian Way) in the Specific Plan indicates that Multifamily Dwellings (i.e., apartments) are a permitted use by-right (see **Figure 6**). See **Figure 7** for the Appian Way Land Use Plan, which illustrates the Specific Plan designations of this Corridor. The purpose and characteristics of the Commercial Mixed-Use designation is to designate property for vibrant commercial and mixed-use developments. Pursuant to Table 6.1 (Land Use Districts) in Chapter 6.0 of the Three Corridor Specific Plan, while the CMU category is to allow predominately commercial uses, “this category is designed to provide for the integration of retail and service commercial uses with office and/or residential uses. In multiple story buildings, retail uses are the predominant use on the ground floor. Commercial retail and service uses (including general retail, personal services, and minor auto services) are permitted by right and more intense commercial and service uses are conditionally permitted. Business and professional office uses, as well as residential uses (density between 20.1 and 30.0 units per acre), are also permitted by right when integrated vertically or horizontally with commercial uses. At least 51 percent of the total floor area should be commercial retail and service use. However, up to 100 percent of total floor area may be residential use for development with an affordable housing agreement and when that development includes community benefits as specified in the General 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 5. Support existing viable uses while encouraging a new mix of uses.

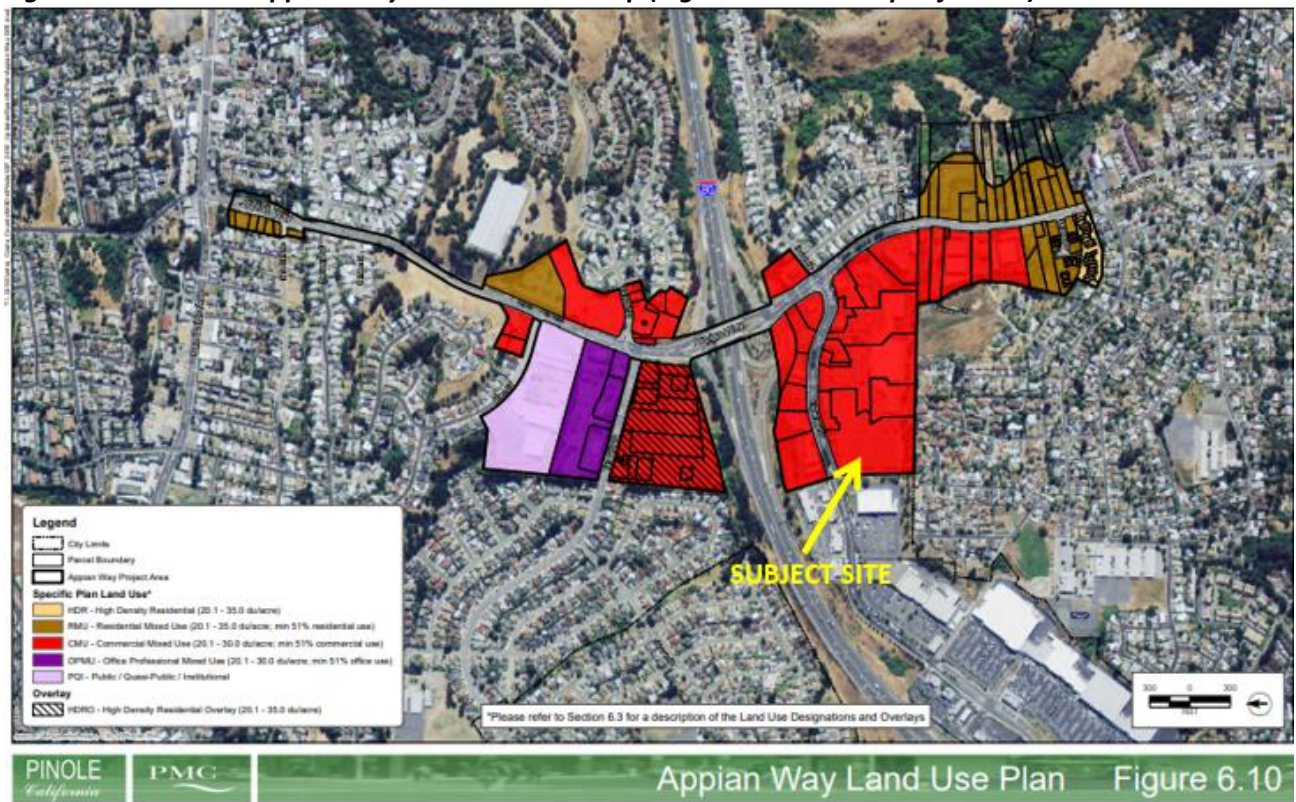
Land Use Policy 6. Actively promote the “revitalization” of underutilized land.

Figure 6: Annotated Permitted Use Table for Appian Way

Table 6.14
Permitted Use Table for Appian Way
 Permitted Use provisions are symbolized in the table as follows:
 P = Land Use permitted by right
 CUP = Land Use permitted with approval of Conditions Use Permit
 N = Land Use not permitted
 N/A = Not Applicable

Land Use Classifications	Service Sub-Area					Mixed-Use Sub-Area		
	RMU	CMU	OPMU	PQI	HDR	RMU	CMU	PQI
Residential Use Listings								
Adult Day Care Home	P	P	P	N	P	P	P	N
Child Day Care Facility	CUP	CUP	CUP	N	CUP	CUP	CUP	CUP
Dwelling, Multifamily	P	P	P^b	N	P	P	P^b	N
Dwelling, Second Unit	N/A ^c	N/A ^c	N/A ^c	N	N/A ^c	N/A ^c	N/A ^c	N
Dwelling, Single-family	N	N	N	N	N	N	N	N
Dwelling, Two-family	N/A ^c	N/A ^c	N/A ^c	N	N/A ^c	N/A ^c	N/A ^c	N
Family Day Care Home, Small (6 children or less)	P ^d	P ^d	P ^d	N	P ^d	P ^d	P ^d	N
Family Day Care Home, Large (7 – 24 children)	CUP	CUP	CUP	CUP	N	CUP	CUP	CUP
Home Occupation	P ^a	P ^a	P ^a	P	P ^a	P ^a	P ^a	P
Live-Work Facility	P	P	P	P	P	P	P	P
Residential Care Home	CUP	CUP ^b	CUP ^b	CUP	CUP	CUP	CUP ^b	CUP
Emergency Shelter/ Temporary Home	N	N	N	N	N	N	N	N

Figure 6: Annotated Appian Way Land Use Plan Map (Figure 6.10 in the Specific Plan)



Staff Comment: Staff recommends that this project is consistent with the State Housing Density law and the Three Corridor Specific Plan. The project proposes a multifamily residential development consisting of 223-units on a 5.93- acre CMU-zoned site in the Appian Way Corridor. Based on the size of the parcel, the City’s Zoning Ordinance, Specific Plan and General Plan allow a maximum of 178 units (the project’s “base units”). However, a state density bonus has been applied by the applicant to exceed the Zoning Ordinance and Specific Plan-prescribed maximum of 30 du/ac by 45 units, which is allowed pursuant to State Density Bonus Law due to the project’s provision of 27 units of housing affordable to families who earn 80% or less of the Area Median Income (AMI) ².

Although directly adjacent to the Pinole Vista Shopping Center, the project site is a separate parcel from the Shopping Center and the 100% residential project is not providing a commercial component. The Applicant has included a waiver of the requirement in the Specific Plan that “at least 51 percent of the total floor area should be commercial retail and service use” consistent with the waivers/concession outlined in Section 65915 of the California Government Code (State Density Bonus Law). Under the State Density Bonus Law, the applicant may use a concession to reduce or eliminate “site development standards...zoning code requirements or architectural design requirements”. (Gov. Code § 65915(k)(1).) The definition of “development standards” includes requirements established by specific plans. (Gov. Code § 65915(0)(1).) The Specific Plan identifies that residential development is projected in the Appian Way Corridor and multifamily residential is a permitted use by right in the CMU designation. Based on the standards and policies listed above, in combination with the State Density Bonus Law, staff recommends that the project is consistent with the Specific Plan.

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 section immediately following). Most federal and State housing assistance programs set maximum incomes for eligibility to live in assisted housing, and maximum rents and housing costs that may be charged to eligible residents, usually based on their incomes. The Department of Housing and Community Development (HCD) publishes annual tables of official federal and State income limits for determining these maximums for a variety of programs. These limits are based on the median income of four-person households in each county in California.

Table 2 below illustrates the maximum annual income and associated maximum rents for a household of four in the five income categories in 2021 – extremely low income households (less than 30 percent of Contra Costa County median income in 2021), very-low income households (between 30 and 50 percent median income), low income households (between 50 and 80 percent median income), moderate income households (between 80 and 120 percent median income) and above moderate income households (over 120 percent median income. Pursuant to PMC Chapter 17.98, in order to determine the maximum monthly rent and purchase price of home affordable to households at various income levels, 30 percent of gross monthly income should be reserved for “housing expenses.” Housing expenses for renter occupied units include monthly utility fees and renters' insurance.

² The California Department of Housing and Community Development (HCD) publishes income limits annually at: <https://www.hcd.ca.gov/state-and-federal-income>

Table 2: Affordable Housing Income Categories and Maximum Associated Rent

Income Category	2021 Annual Income 4-person household	Maximum Monthly Rent
Extremely Low Income < 30% of Median Income ³	Less than \$41,100	\$1,028
Very Low Income 30 - 50% of Median Income	\$41,100 - \$68,500	\$1,713
Low Income 50-80% of Median Income	\$68,500 - \$109,600	\$2,740
Moderate Income 80-120% of Median Income	\$109,600 - \$150,700	\$3,768
Above Moderate Income >120% of Median Income	>\$150,700	>\$3,768

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 affordable to very low-income households. The project meets the City's inclusionary housing requirement by reserving 27 of the 178 base units for rent to lower income households. The Code requires 11 of the units to be reserved at the very low-income level (not exceeding 50% of AMI) and the remaining balance of 16 units to be reserved at the low-income level (not exceeding 80% of AMI)⁴.

However, the applicant has voluntarily elected to modify the mix of affordable units, offering 14 units (instead of 16) to low-income households and 13 units (instead of 11) for very low-income households, which add additional affordability for very-low-income households and increase the overall affordability mix of the project. The affordable units are required to be disbursed across the various unit size types in approximately the same proportions as the overall unit size type allocation. **Table 3** project's conformance with the City's inclusionary housing requirements.

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

	Base Project	Total Number of Required Inclusionary Units (15% of Base Units)	Inclusionary Units Affordability Distribution	
			Affordable to Very- Low Income Households	Affordable to Low Income Households

³ Based on the median annual household income in Contra Costa County for a 4-person household (which in 2021 was \$125,600)

⁴ The 15% affordability requirement applied to 178 base units is 26.7, which is rounded to 27 units. For the very low-income unit allocation, 40% of four units is 10.6 units, which rounded up to 11 units. Per Table 17.32.020-1 and the examples provided in Pinole Municipal Code Section 17.32.020, the remaining units (16) would be provided as low-income units.

PMC Section 17.32.020 Requirements	178	27	11	16
Applicant's Proposed Distribution	178	27	13	14

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 100% increase for projects, depending on the amount and level of affordable housing provided. 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 CMU Zoning District is 30 du/ac, which would yield 178 units on the subject's 5.93-acre development site. Based on 178 base units at 15% affordability, with 27 units for lower income households of which 14 units (8% of total) are reserved for low-income households and 13 units (7% of total) are reserved for very-low income households, the proposed project is eligible for an up-to 27.5% density bonus, or up to 49 additional units for a total of 227 units.⁵ The project proposes 45 additional dwelling units, for a total of 223 units, with 196 of the units offered at market rate, 14 of the units offered to low-income households (household earning 50-80% of AMI), and 13 of the units offered to very lower income households (households earning less than 50% of AMI). The proposed 223-unit development represents a 22% 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 22% 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 15% of base units as units affordable to lower income households. The applicant is entitled to these benefits under Government Code Section 65915, and the City is prohibited from denying these requests unless very narrow findings can be made, as described in further detail above.

- 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 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

⁵ 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.

requests one waivers/reductions of development standards under Government Code Section 65915(e) to:

Staff Comment: *Currently, the Applicant is not requesting any Waivers/Reductions*

- 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. **Table 4** shows the types of units, the required ratio and requirements, and the spaces provided. The parking spaces provided by the project is in accordance with required ration under Government Code Section 65915.*

Table 4: Parking Requirements

Bedroom Type	Number of Units	Rate	Spaces Required	Spaces Provided	Compliance
Studio	36	1 space/unit	36	38	Yes
One-Bedroom	99	1 space/unit	99	101	Yes
Two-Bedroom	68	1.5 spaces/unit	102	104	Yes
Two-Bedroom + Office	20	1.5 spaces/unit	30	32	Yes
Total	223	N/A	267	275	Yes

- 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 incentives or concessions required to be granted by the city 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

Number of Incentives/Concessions Allowed	Very Low-Income Percentage	Low-Income Percentage
1	5%	10%
2	10%	17%
3	15%	24%

The Project is requesting one incentive/concession under Government Code Section 65915(d) to waive the requirement that at least 51% of the project's floor area be for commercial use as defined the CMU Zoning Designation in the Three Corridor Specific Plan.

Staff Comment: *Incentives/concessions under Government Code 65915(k) mean a reduction in site development standards or a modification of zoning code requirements, including, other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that would result in identifiable, financially sufficient, and actual cost reduction. Multi-family residential is a permitted use by right in the CMU Zone. However, the CMU zone requires that at least 51% of a project's floor area be commercial, and no more that 49% of the floor area be residential.*

The total square footage of the proposed apartment building is 263,862 square feet. The developer is entitled to construct this sized residential project under the City's adopted standards and the inclusion of the density bonus units. If the developer were to also comply with the requirement to include 51% commercial square footage, the project would need to include an additional 274,632 square feet of commercial space, which would presumably require the project to increase from five stories to nine or 10 stories. The 274,632 additional commercial square footage is approximately three times the size of the existing Kmart building. Such a project would not require any concessions and would be entitled to waive the otherwise applicable height limit of 6 stories. The developer has instead elected to use its concession to eliminate the requirement to provide 51% of the square footage as commercial. This is an eligible concession based on the mandates of the State Density Bonus Law.

Fiscal Impact to City

Information has been requested on the fiscal impact of the proposed project on the City. The City has obtained two analyses of the project's fiscal and/or economic impact for informational purposes. An economic impact study was prepared by the applicant's consultant (**Attachment E**), and a fiscal impact analysis was prepared by a consultant retained by the City (**Attachment F**).

The Kmart building has been located at this site since the 1980's. From 2016-2019 the Kmart revenues dropped 45 percent and the store closed in early 2019. At this point in time, the property owner has not indicated any ability and/or interest at obtaining a new "big-box" tenant or redeveloping the site for new commercial uses. Based on trends that have been occurring with retail development, medium size box stores 60,000 square feet – 95,000 square feet have been replaced with either big box stores 120,000 square feet to 200,000 square feet or smaller niche sizes, similar to the existing shops within the Pinole Vista Shopping Center.

The two studies are attached for reference. While the two studies have some overlap, they have somewhat different focuses. The fiscal impact analysis looks at City revenues and costs related to the proposed project (residential) and compared to the impacts that would result in the existing structure were re-tenanted with retail commercial uses. The economic impact study provided by the Applicant considers broader economic impacts such as construction jobs. Although there is some fiscal analysis of City revenues, there is no information in the study about costs expended by the City. It is important to note that the project's fiscal impact is not a valid basis to deny a density bonus concession or the project itself, under either state housing laws or the City's comprehensive design review requirements.

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.

Finding 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.**

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

Staff Comment: *The project features a new lighted crosswalk at the main entrance of the project and Fitzgerald to implement other improvements located at main intersection of Fitzgerald and the main entrance to the Pinole Vista Shopping Center. The improvement to the two entrances of the project would meet the needs of interior vehicular circulation and emergency vehicle turnaround. Vehicles would access the property via the same entries and driveways on the property. Accessible pedestrian pathways are introduced to the property that would provide pedestrian connection from the apartment to the existing businesses on the property as well as the street. Fitzgerald is designated as a Class II bicycle facility (Bike Lane) where automobiles and bicycles are separated by lane line along 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 with not create conflicts with vehicular, bicycle or transportation modes of circulation.**

Finding 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 Fitzgerald Drive is one to two stories, however the standards for new development allow for taller developments as the corridor continues to redevelop over time. Additionally, this new construction is set back from the street as development is located western end of the Pinole Vista Shopping Center away from the existing shopping center and setback from the Best Buy to the west. 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 Appian Way Corridor SSA is intended to maintain and enhance the regional gateway area into Pinole and capitalize on freeway access to upgrade existing development and attract a desirable mix of commercial service and residential uses.*

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.**

Finding 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, with the application of the State Density Bonus law. 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. 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.

Consideration 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 June 27, 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 June 27, 2022, relating to site layout and other design features in relation to the physical characteristics of the site and surrounding properties have been made.

Consideration 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.

Consideration 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 have 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.

Consideration 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 (approximately totaling almost \$2.3 million dollars in one-time revenue based on the number of proposed units) to augment city services (police, fire, public facilities, transportation, drainage and parks and recreation) for this project.

Exercise and Expiration of Entitlements

The PMC Section 17.10.100.A (Time Limits) indicates: "Unless a condition of approval or other provision of this title establishes a different time limit, any permit not exercised within one (1) year of approval shall expire and become void, except where an extension of time is approved..." PMC Section 17.10.100.B. (Exercising Permits) states: "The exercise of a permit occurs when the property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon such permit(s). A permit may be otherwise exercised pursuant to a condition of the permit or corresponding legal agreement that specifies that other substantial efforts or expenditures constitutes exercise of the permit." Typically, the issuance of a building permit is a standard bright line to demonstrate exercise of permit entitlements, and due to the size of the project, a one-year expiration is a very tight timeframe to produce construction drawings, apply for, and be issued a building permit. Staff is recommending allowing a two-year time limit for this entitlement, consistent with other recent entitlements approved for larger housing project. Staff has also included a condition of approval that defines the entitlement as being exercised when a Building Permit is issued for the construction of the apartment building.

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 proposed 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 July 29, 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 44 to 448.
 - 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.

TRIBAL CONSULTATION

A brief summary of the tribal consultation conducted pursuant to AB 52 is below:

- Staff sent email to all tribes within the local area on January 5, 2022 (response received on January 20, 2022, acknowledging staff for the outreach)
- Staff sent email notification on July 14, 2022 (no response)
- Staff called local tribe representatives on July 18 and 19, 2022 (no response)

Consultation pursuant to AB 52 has been completed and conditions have been added to the draft resolution which address cultural resources and procedures to preserving artifacts if found.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution 22-05 recommending approval of the Comprehensive Design Review and CEQA Exemption for the Pinole Vista Project located at 1500 Fitzgerald Drive (PL21-0035 & DR21-12).

ATTACHMENTS

- A. Draft Resolution 22-05 – with Exhibit A, Conditions of Approval
- B. CEQA Determination – CEQA Exemption, with Environmental Studies
- C. Plan Set 7/6/2022 – received 7/26/2022
- D. Parking Study and TDM
- E. Economic Impact Study, prepared by Marin Economic Consulting, provided by applicant
- F. Fiscal Impact Analysis, prepared by The Natelson Dale Group, retained by the City of Pinole