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

5
6 **October 24, 2022**

7
8 **THIS MEETING WAS HELD IN A HYBRID FORMAT**
9 **BOTH IN-PERSON AND ZOOM TELECONFERENCE**
10

11
12 **A. CALL TO ORDER:** 7:06 p.m.

13
14 **B1. PLEDGE OF ALLEGIANCE**

15
16 **B2. LAND ACKNOWLEDGEMENT:** *Before we begin, we would like to acknowledge the*
17 *Ohlone people, who are the traditional custodians of this land. We pay our respects to*
18 *the Ohlone elders, past, present and future, who call this place, Ohlone Land, the land*
19 *that Pinole sits upon, their home. We are proud to continue their tradition of coming*
20 *together and growing as a community. We thank the Ohlone community for their*
21 *stewardship and support, and we look forward to strengthening our ties as we continue*
22 *our relationship of mutual respect and understanding.*

23
24 **B3. ROLL CALL**

25
26 Commissioners Present: Kurrent, Menis, Vice Chairperson Martinez and Chairperson
27 Moriarty

28
29 Commissioners Absent: Banuelos, Benzuly

30
31 Staff Present: David Hanham, Planning Manager
32 Erica Gonzalez, City Attorney's Office
33 Justin Shiu, Contract Planner
34

35 **C. CITIZENS TO BE HEARD**

36
37 There were no Citizens to be Heard.

38
39 **D. MEETING MINUTES:**

40
41 1. Planning Commission Meeting Minutes from August 31, 2022

42
43 **MOTION** with a Roll Call vote to approve the Planning Commission Meeting Minutes from
44 August 31, 2022, as shown.

45
46 **MOTION:** Menis

SECONDED: Kurrent

APPROVED: 4-0-2

ABSENT: Banuelos, Benzuly

47
48
49 **E. PUBLIC HEARINGS:** None
50

1 **F. OLD BUSINESS:** None

2
3 **G. NEW BUSINESS:**

4
5 **1. 2023-2031 Housing Element Update Status**

6
7 Receive a presentation on the status of the 2023-2031 Housing Element Update
8 and the first draft of the Housing Element. Provide feedback that will be transmitted
9 to the City Council for consideration at a later City Council meeting and
10 incorporation into the Draft Housing Element document to be submitted to the
11 California Department of Housing and Community Development (HCD) for initial
12 comments.

13
14 Please Note: Submittal of a draft to HCD is part of the ongoing Housing Element
15 Update process in order to receive initial comments from HCD and conduct further
16 revisions as needed. A subsequent hearing to consider adoption of the Final
17 Housing Element will be conducted at a later date, anticipated to be in spring 2023.

18
19 Planning Manager David Hanham reported the City had hired Michael Baker International
20 (MBI) to complete the Housing Element Update as well as the Social Justice Element and
21 updates to the Safety Element. There had been a number of community outreach efforts
22 and surveys on the project, with the discussion at this time to provide the Planning
23 Commission the opportunity to review the first draft of the Housing Element with a focus
24 on the inventory sites, programs and policies.

25
26 Dan Wery, Housing Element Specialist and Emily Elliott, Community Outreach Specialist,
27 MBI, provided a PowerPoint presentation on the Land Use Planning for Pinole, which
28 included an overview of the MBI Team; purpose of the Housing Element to ensure the
29 availability and fair distribution of housing throughout the City, and plans to accommodate
30 the Regional Housing Needs Allocation (RHNA) assessment.

31
32 The contents of the 2023-2031 Housing Element contained six main chapters including a
33 review of accomplishments, needs assessment, housing resources, constraints,
34 Affirmatively Furthering Fair Housing (AFFH) and an implementation plan, which were all
35 highlighted. The City's obligation was to provide sufficient land zoned appropriately to
36 accommodate the RHNA. The City was not obligated to construct housing but must
37 demonstrate how it would meet the 500-unit RHNA assessment within the eight-year
38 period of the Housing Element with RHNA site designations adding value and options.

39
40 The City's public outreach efforts included the City website, community survey, stakeholder
41 focus groups, community workshops, study sessions, banner and social media posts, Pinole
42 Community Television (PCTV) advertisements, articles in the City's biweekly administration
43 report and an email list to update interested persons on future Housing Element Updates.

44
45 Tables depicting the RHNA allocations for the specific income categories including Extremely
46 Low, Very Low, Low, Moderate and Above Moderate Incomes; the Draft RHNA Strategy;
47 Draft RHNA Strategy Revisions (based on the recent approval of the redevelopment of the
48 former Kmart site) and the Draft Housing Sites Inventory Revisions were also highlighted.

1 Mr. Wery also provided an overview of the Housing Element Plan: Goals, Policies and
2 Actions. The Draft Housing Element Goals included housing production and adequate sites
3 to meet the RHNA; housing to meet all needs of all income levels and special needs groups;
4 removal of governmental constraints; conserve, preserve and improve the housing stock;
5 AFFH and housing education and community outreach.

6
7 Housing Production Programs included provision of adequate sites and site inventory
8 monitoring, publicize and promote residential sites inventory, outreach and technical
9 assistance to applicants and facilitate Accessory Dwelling Unit (ADU) production along with
10 incentives for Mixed-Use development, development of Housing Successor's Low and
11 Moderate Income Housing Asset Fund Policy, affordable housing incentives, housing for
12 Extremely Low Income households and persons with disabilities, senior housing incentives
13 and home sharing and tenant matching.

14
15 Constraint Removal Programs included zoning amendments, objective design standards and
16 Senate Bill (SB) 35 streamlining, fee evaluation and publicization and permit streamlining
17 with examples provided.

18
19 Conserve, Preserve and Improve the Housing Stock included programs on rehabilitation
20 assistance, acquisition and rehabilitation properties and Below Market rate regulations and
21 conversions. AFFH programs included place-based improvements, fair housing resources
22 and services and displacement prevention/housing mobility.

23
24 Housing Education and Community Outreach included programs on housing resources and
25 education, ADUs and Junior ADUs (JADUs) and SB 9 education and promotion. Examples
26 were provided for all of the programs detailed in the Draft Housing Element.

27
28 In terms of the next steps, Mr. Wery advised that comments would be collected from the
29 Planning Commission and comments from the public would continue to be accepted through
30 November 17, 2022, pursuant to the 30-day public comment period. The City Council would
31 hold a workshop on the Draft Housing Element on November 15, 2022. All comments would
32 be assessed and any appropriate changes to the Draft Housing Element would be made
33 prior to submittal to HCD, which would have 90-days to review the document. During HCD
34 review, the consultants would continue to review, define and polish the ideas. He was
35 confident HCD would like the City's Draft Housing Element given the City's production of
36 housing and since the City of Pinole was already over 80 percent of its eight-year RHNA
37 requirement.

38
39 Mr. Wery highlighted the project schedule with a review of any comments from HCD around
40 February-March 2023; Planning Commission review and recommendation to the City Council
41 for its review and adoption in April 2023; and submittal of an adopted Housing Element to
42 HCD in May 2023. He welcomed comments and questions from the Planning Commission
43 at this time.

44
45 Commissioner Kurrent referenced Page 94 of the 2023-2031 Draft Housing Element Table
46 63: Planning Related Fees, and identified a typographical error for the fees shown for
47 Variance: Single Family Variance. He commended MBI on the PowerPoint presentation and
48 analysis provided, and commented that he liked to see General Plan and Housing Element
49 Updates since they showed what the City was about. He encouraged people to read the
50 documents.

1 Commissioner Kurrent spoke to the programs proposed to meet the needs of the homeless
2 and recognized the difficulty given the size of the challenge. He suggested expecting a city
3 to address the homeless situation was beyond the City's power. He wanted to see the
4 program address the aspect of housing related to Single-Room Occupancy (SRO) and
5 leasing out rooms addressed in the document. As an example, someone with a single-family
6 home or rental unit with multiple rooms who may bring in unrelated roommates to help with
7 mortgage or rent needed to be addressed. He suggested using the 2020 Census information
8 to determine how many unrelated people were living in housing that were supplementing
9 rent. He was unsure whether that was possible but stated it should be mentioned as a safety
10 valve as a housing opportunity for the homeless.

11
12 Commissioner Kurrent added the RHNA levels were for a four-person household but when
13 addressing the housing needs for the Extremely Low category it was usually for one person
14 or a couple, and he was uncertain of the thought process for the allocation of housing. As
15 an example, if the City provided housing for one person that was not adequate for a four-
16 person household but was adequate for many individuals who needed housing. He asked
17 how that could be addressed.

18
19 Commissioner Kurrent also commented that with the recent economic downturn in rents and
20 mortgages, many people who were otherwise capable of working had been priced out of the
21 housing market and did not need the type of aid that others required but needed a place to
22 live. In some cases, those people were living in their cars or recreational vehicles (RVs) and
23 needed a place to park and some were living in tiny homes. He suggested considering
24 places where people could park their cars or RVs if they could not afford housing, and while
25 not a big fan of that option he suggested it should be considered. He also suggested teacher
26 and school district housing should also be addressed.

27
28 Commissioner Kurrent understood the Daly City School Board had built housing for teachers
29 and school employees, which was a solution that Pinole should also consider. A program
30 could be added where the City of Pinole would work with the local schools public and private
31 such as St. Joseph School, as an example, and find ways to collaborate on housing for
32 educational staff.

33
34 Commissioner Kurrent further commented as part of the last General Plan Update, the City
35 had considered overlays in the City's shopping centers, such as the Kmart site, where much
36 of the Commercial areas and brick and mortar stores had been challenged. He suggested
37 the housing inventory should be revised to include the City's retail areas as overlaid by
38 housing and pre-plan those sites for housing. He again commended MBI for its work on the
39 Housing Element.

40
41 Mr. Wery agreed the issue with homeless may be difficult beyond the programs that had
42 already been identified. The renting of rooms could be addressed with respect to ADUs or
43 smaller units. He clarified that the renting of rooms was allowed and JADUs, which were
44 smaller units, would address that issue. In response to the comments about SROs, almost
45 all had been eliminated given that housing was expensive for single occupants and were no
46 longer being built.

47
48 In terms of RVs and safe parking programs, Mr. Wery commented if an appropriate spot
49 where overnight RV or vehicle parking was allowed that could be a potential program.
50

1 Also, the four-person household had been used as a benchmark in terms of how HCD looked
2 at the types of housing units and income categories, with the four-person household used
3 since it was often what people could relate to and was used for administrative purposes.
4 Teacher housing had been encouraged for institutional sites, schools and religious facilities
5 that may offer a number of opportunity sites and with a number of programs that could be
6 considered to encourage and promote such housing.
7

8 The state had also made a few changes to state housing laws related to religious institutions
9 where the parking could be cut in half for a religious facility, using the remaining parking for
10 affordable housing, and sharing the remaining 50 percent of that parking.
11

12 Mr. Wery added that housing overlays was another good program and the City had Mixed-
13 Use zoning and some could be tweaked with some programs allowing 100 percent of
14 Commercial to be used for Residential, although that could be sensitive depending on the
15 areas involved and it would have to be determined what areas would be suitable for such
16 development. He cited the former Kmart site that had recently been approved to allow
17 Residential development, as an example.
18

19 Commissioner Kurrent suggested a program should be considered to formalize the room
20 rental aspect of housing, such as whether the City should consider an ordinance or oversight
21 of the rental of rooms in single-family homes or apartments so that the City could receive
22 formal recognition of such housing and formalize the regulations of that housing. He again
23 wanted the consultants to also explore the possibility of teacher housing.
24

25 Commissioner Menis cited Program 10. Home Sharing and Tenant Matching, as shown on
26 Page 193 of the Draft Housing Element, which would match with the comments about the
27 City incentivizing room sharing, to which Mr. Wery confirmed the benefit of making better use
28 of existing rooms and households and explained that Program 10 was about not necessarily
29 regulating room sharing but incentivizing it.
30

31 Commissioner Menis referenced Program 1, Provision of Adequate Sites and Site Inventory
32 Monitoring as shown on Page 185, and clarified the City's RHNA was 500 units but was
33 uncertain whether that also included the buffer amount. As to Program 3, Outreach and
34 Technical Assistance to Applicants on Page 187, he was curious why it had targeted faith-
35 based organizations although given the comments about changes in state law he recognized
36 that made sense.
37

38 As to the heading which read Housing to Meet the Needs of All Income Levels and Special
39 Needs Groups as shown on shown on Page 190, Commissioner Menis was uncertain
40 whether the header should be before Program 5, Incentives for Mixed-Use Developments as
41 shown on Page 189, or Program 6, Development of Housing Successor's Low and Moderate
42 Income Housing Asset Fund Policy as shown on Page 190.
43

44 As to Program 6 itself, Commissioner Menis noted the RHNA charts appeared to want all of
45 the affordable Low Income categories to be Very Low Income categories and shift to a 100
46 percent requirement, which had not been reflected in any of the programs shown. He cited
47 the former Kmart property, which included a 50-50 split with very few Low Income housing
48 units whereas much more was needed.
49
50

1 For Program 7, Affordable Housing Incentives, as shown on Page 191, Commissioner Menis
2 asked how the City could expedite review of affordable housing projects with the time for
3 review fixed and based on the size of the projects and required entitlements.
4

5 As to Program 10, Home Sharing and Tenant Matching, as shown on Pages 193 and 194,
6 Commissioner Menis cited the quantified objective under this program and he found the *10*
7 *tenant matches to be completed throughout the planning period* to be a very low number
8 given that the City planned to build that number of ADUs in the planning period. He
9 suggested that number could be higher.
10

11 For Page 196 and Program 14, Permit Streamlining, Commissioner Menis understood
12 based on the information contained in that program the Planning Commission would be the
13 final authority on density bonus projects but he was unsure how far that would go and asked
14 for clarification.
15

16 As to Program 18, Place-Based Improvements on Page 199, Commissioner Menis
17 commented that access to parks would be important for low income communities, whereas
18 Program 7, Affordable Housing Incentives, had shown a *waiver of parking impact fees for all*
19 *deed-restricted affordable units in above the 15 percent inclusionary units require* and
20 Program 8, Housing for Extremely Low Income Households and Persons with Disabilities,
21 Page 192 recommended the *evaluation of fee deferrals or subsidies and design*
22 *modifications*. He commented that one of the ways to incentivize affordable housing was to
23 waive parking impact fees whereas elsewhere in the document there was a discussion of the
24 importance of having access to parks at the same time as there was a discussion to waive
25 the fees for parks. He was unsure how that would all work out.
26

27 Commissioner Menis also commented that the geographic targets had targeted Place-Based
28 Improvements to Western Pinole in the Environmental Justice Element impacted
29 communities first, which was a good idea since many of the maps and charts were located
30 in the AFFH subsection rather than the programs element proper.
31

32 Commissioner Menis also referenced Program 21, Housing Resources Education on Page
33 202, and the provision of materials in multiple languages in coordination with Program 19,
34 which was great. For Program 22, ADU, JADU and SB 9 Education and Promotion, Pages
35 202 and 203, he identified a typographical error in the last sentence of the third paragraph.
36

37 Mr. Wery responded to the questions and explained with respect to Program 1, that the City
38 had more than doubled its RHNA for the Low Incomes and had not allowed any sites for Low
39 Income categories, which was why no sites had been allowed or a buffer shown. As long as
40 the City met a certain density, it would meet the Extremely Low, Very Low and Low income
41 categories. As to Program 7, he clarified the general goal to streamline the processing time
42 for affordable projects. Some cities had a guaranteed turnaround period and had done so
43 by elevating priority projects to be reviewed first before other projects. This commitment
44 would require staff resources to reduce the permit time, if possible, but that time period could
45 be modified if found to be too ambitious. Program 10 could also be modified to increase the
46 quantified objective.
47

48 As to Program 10, Ms. Elliott explained that HCD had stated it would accept a minimum goal
49 and also an aspirational goal since the achievable outcome was unknown.
50

1 Mr. Wery added the minimum goal for ADU production had been shown at five per year and
2 that too could be revised to be more aspirational. As to Program 18, he clarified it was not
3 meant to mean if a fee was waived for an affordable housing project there would be no park,
4 but it was a commitment and if the fee was waived it would require some park investment on
5 a per capita or site basis, and funds may come out of the General Fund if fees were waived.
6

7 Chairperson Moriarty commented it appeared the City had made significant progress on its
8 RHNA requirements and she questioned having to pull out one ADU when there was not
9 much need, with the state making it easier for housing to be built. She was uncertain the
10 City had to incentivize that much.
11

12 Chairperson Moriarty stated as a teacher and in terms of educational efforts and the survey
13 that had been conducted, she found the City and the consultants had done an excellent job
14 providing opportunities for the public to participate but the survey had involved 150
15 respondents, most of whom were homeowners who had lived in their homes for 20 to 30
16 years, a small segment of the City's population. Based on comments, Pinole had become
17 more diverse, which had been reflected in the 2020 Census, although that had not been
18 reflected in the process. She was uncertain how to change that and engage with those who
19 needed it but she wanted to be more creative in the educational outreach.
20

21 Chairperson Moriarty also commented on new state legislation on housing laws, and
22 suggested that should have been included in the education and outreach efforts. As to
23 Program 18, she emphasized that the non-vacant sites suggested were all located on San
24 Pablo Avenue with a lot of development occurring on San Pablo Avenue, although the
25 transportation infrastructure had not been included. She suggested the City should be
26 proactive in getting seniors and those without vehicles into the City and stressing the
27 transportation aspect was important.
28

29 Chairperson Moriarty also cited the development of the former Kmart building and concerns
30 to make Tennent Avenue a safe corridor. As to permit streamlining, she commented that
31 Pinole was a small town. She had heard people who were going through the planning
32 process for single-family homes and who had expressed frustration with that process. She
33 was not in favor of prioritizing larger projects and suggested the applications should be
34 considered in the order received, particularly given the limited staff resources. She reiterated
35 her concerns reaching out to those in the community who were not being represented in the
36 surveys and current educational outreach efforts.
37

38 Mr. Wery explained in terms of outreach, MBI worked hard to reach the hard-to-reach
39 populations and had reached out to community-based organizations and service providers
40 who worked with those populations and through stakeholder interviews. He suggested it
41 could be an indication that those individuals were too busy, but suggestions to improve that
42 area were welcome. The Housing Element encouraged and promoted ongoing education
43 and engagement if the Planning Commission could provide ways to make that better
44 throughout the process, which would be helpful.
45

46 As to the comments about reflecting those not represented in the surveys and workshops,
47 such as those without vehicles, Mr. Wery suggested other communities had rideshare
48 services that could be provided outside of the Housing Element if they existed, and if not,
49 such programs could be encouraged.
50

1 Mr. Wery clarified the programs related to permit streamlining (time reduction) were programs
2 HCD liked to see.

3
4 PUBLIC COMMENTS OPENED (Programs)

5
6 There were no comments from the public.

7
8 PUBLIC COMMENTS CLOSED

9
10 On the topic of the site inventory, Commissioner Menis referenced Appendix B, Pages
11 205 through 209 of the Draft Housing Element, and commented the PowerPoint
12 presentation had shown different parcels as being Mixed and Above Moderate which was
13 different from the information in Appendix B, and the sites list had ended at Project 29 but
14 he understood there should have been information for Projects 30 through 44.

15
16 Mr. Wery confirmed some information appeared to be missing and would be corrected.
17 There would be modifications given the addition of the former Kmart site and there was
18 an overabundance of sites, which may work to the City's detriment in the long term and
19 they would rework the information. As a result, some sites may drop off the list to
20 compensate for the Kmart site.

21
22 Mr. Hanham added that oftentimes when sites had been included in multiple Housing
23 Elements, sites that were counted now may not be used for future sites and if sites were
24 not needed they would be pulled off and added later on to ensure the City was not
25 penalized.

26
27 Commissioner Kurrent commented that given the City was in good shape meeting its
28 RHNA, reducing the number of sites made sense.

29
30 Chairperson Moriarty spoke to Page 170 and the discussion of Non-Vacant Sites, and
31 clarified with Mr. Wery the requirement of property owners of a property identified as a
32 potential development site would not change a property owner's obligation or
33 requirements. There were some benefits to being identified as a RHNA site, in particular
34 over successive Housing Elements such as if a development provided 20 percent of the
35 units as affordable and Low Income that must be approved by right and approved
36 ministerially. It did not require a property owner to change any plans, zoning or change
37 the General Plan and that owner would still retain all of the rights he or she had even if
38 not identified as a RHNA site.

39
40 Chairperson Moriarty appreciated the Google Earth photos of the RHNA sites. She asked
41 that Sites 30 through 44 be added and Mr. Hanham clarified the site numbers may change
42 but they would ensure the number of sites equaled the number in the table.

43
44 PUBLIC COMMENTS OPENED (Site Inventory)

45
46 There were no comments from the public.

47
48 PUBLIC COMMENTS CLOSED

1 Mr. Hanham understood Commissioner Menis had a number of additional questions but
2 asked that he prepare them in writing, which could be shared with MBI and he would
3 ensure the comments were being updated in future staff reports.
4

5 Commissioner Menis commented he had a few larger comments he wanted to address
6 about the survey in terms of who was taking the surveys. He read into the record some
7 of the questions in the survey and the percentage of respondents involved, which had
8 shown a percentage of the respondents from the white population in the City of Pinole and
9 which data had also shown the City had failed to reach the Filipino population. He
10 suggested the City should conduct more outreach to the Filipino leadership in the
11 community in order to reach the Filipino population.
12

13 Commissioner Menis also referenced Table 2, Review of 5th Cycle Programs on Page 10
14 of the Draft Housing Element, and asked how the creation of the Historic Overlay District
15 would interact with Program H2.1. As to Program H2.3, Rehabilitation Assistance on the
16 same page, he asked whether there were any metrics to reflect whether any subsidies
17 had been used in the community and whether the City was allowed to track that
18 information. He also asked why accessible units for the physically disabled element had
19 been removed rather than continued.
20

21 As to Page 21, Projected Housing Needs and Table 3, Pinole RHNA 2023-2031,
22 Commissioner Menis understood the City was only required to provide housing for Very
23 Low and not separately for Extremely Low categories. Staff clarified that Extremely Low,
24 Very Low, and Low had typically been lumped into one category, with incentives for the
25 Extremely Low and Very Low categories.
26

27 Commissioner Kurrent suggested the Extremely Low category of individuals could be
28 addressed in the renting of rooms in residences.
29

30 Commissioner Menis referenced Page 48 and Table 30, Units at Risk of Conversion or
31 Converted During the 5th Cycle, and commented the City as part of a sales contract
32 decided to deed restrict a considerable number of senior beds and he asked why that had
33 been done.
34

35 Mr. Hanham explained that when a developer had an affordable housing agreement there
36 was a caveat for the affordable requirement, and when those developments reached those
37 thresholds and while the City could work with the developer to maintain those affordable
38 units, the developer had the right to revert back to Above Market rate units. He could not
39 speak to the specific agreements at this time.
40

41 Commissioner Menis commented that many of the tables had data from 2014 and he
42 asked when more recent data would become available, in particular as it related to Page
43 68 and Table 50, Income Distribution, Elderly Households (62+ Years), and the
44 information contained on Page 70.
45

46 Mr. Wery advised that there had been different data sources used and they had updated
47 as much as possible with recent and available data.
48

49 Commissioner Menis referenced Page 92, Permit Processing Time and requested
50 clarification of the information in that section.

1 Mr. Hanham explained that by adding some residential design guidelines and by updating
2 them there were other items where projects could be exempt as long as they were
3 consistent with the General Plan and Specific Plan, and when upgrading and tiering off
4 old environmental documents with more current data and environmental data, they could
5 tier off of projects that had come through the process.
6

7 Commissioner Menis referenced Pages 113 and 114, Figure 16, Racial and Ethnic
8 Majority 2010, and Figure 17, Percent non-White 2018 and RHNA Sites, and stated it was
9 confusing, particularly given the different dates so far apart and the different map designs.
10 He commented that the map on Page 119, Figure 22, Poverty Status 2010-2014 and
11 2015-2019 had done a better job with two different maps side by side.
12

13 Mr. Wery stated the information and colorations on the maps had come directly from HCD.
14

15 Commissioner Menis commented the maps had shown the percentage of the white
16 population and the percentage of the Low to Moderate Income population was higher in
17 the Pinole Valley in both cases, with the RHNA sites flagged for development Above
18 Moderate in all charts in the Draft Housing Element whereas the PowerPoint presentation
19 had shown them to be mixed, and it was not working towards AFFH.
20

21 Mr. Wery clarified they were looking for a distribution of sites throughout the City. HCD
22 would look for the Lower Income categories on the map in the high resource areas. Some
23 sites were what was available based on zoning, some were pending sites and some
24 reflected what was in process, with much coming down to where there was higher density
25 zoning which related to older areas of the City with transit and access to employment,
26 important to affordable housing. MBI had worked with staff on the RHNA inventory sites
27 and there would be some adjustments, particularly with the recent approval and addition
28 of the former Kmart property.
29

30 Commissioner Menis also commented there was no location in Pinole that qualified for
31 racially concentrated areas of affluence, pursuant to Figure 30, RCAAs Vicinity 2015-
32 2019, as shown on Page 127, but the existing charts between Figure 17 and Figure 20
33 were sufficient to indicate a trend in that direction even if it did not reach the level to trigger
34 the state threshold.
35

36 Commissioner Kurrent stated a recent newspaper article had recognized the City of Pinole
37 as being the second most diverse city in the Bay Area, which should be acknowledged as
38 an accomplishment.
39

40 Commissioner Menis commented that HCD apparently favored having Lower Income or
41 at least Mixed developments in higher resource white areas, as reflected on Page 132, in
42 Figure 34 TCAC Composite Score, which had shown it was higher for that region than for
43 the rest of the City, likewise the environmental score and the like, and while not large, it
44 was a noticeable difference based on past development, which AFFH was to address and
45 which was why he wanted to highlight that issue.
46

47 Commissioner Kurrent was not worried about HCD not approving the Housing Element
48 because of that issue.
49
50

1 Commissioner Menis further referenced Page 168 and Table 79, Housing Capacity and
2 the figures shown for the Very Low income category. He questioned whether the figures
3 under Vacant Site Capacity and Non-Vacant Site Capacity were feasible, and a potential
4 major problem. The City was doing well providing housing in all categories, with the
5 exception of the Very Low income category, and he questioned the City's projections in
6 that table as shown. He was unsure how realistic the table was and if not realistic there
7 were problems that had to be addressed.

8
9 Chairperson Moriarty suggested that was an area where the idea Commissioner Kurrent
10 had raised about getting credit for rentals in houses to outside family members could be
11 considered.

12
13 Mr. Hanham clarified the City's Inclusionary Ordinance covered 60 percent Low and 40
14 percent Very Low income categories and that component was part of projects. He noted
15 if a project wanted to build Very Low income units that was where the density bonus would
16 kick-in. The table under discussion had provided a breakdown of how the City could get
17 there.

18
19 Mr. Wery confirmed the tables had set goals, and while they may be aspirational, that was
20 what the collection of the programs was trying to emphasize with a focus on the Very Low
21 units, which were the most difficult to build and required the most subsidy. Through
22 marketing and through the proposed programs, he suggested the City had a reasonable
23 chance to reach that goal. While the numbers in the table could be changed, they were
24 trying to reflect the City's RHNA and the goal was to meet the RHNA. The programs were
25 collectively intended to get the City to that goal, which was what the City had been doing
26 the last few years. If they could build off that, the City would be in good shape.

27
28 Commissioner Menis advised he would provide some of his minor questions to staff in
29 writing.

30
31 The Planning Commission thanked MBI for its work and looked forward to the finished
32 product, and Mr. Wery thanked the Planning Commission for the comments.

33
34 Commissioner Kurrent suggested Program 23 be added to encourage housing for
35 teachers and school employees on school sites and work with the school district and
36 private schools to identify opportunities for financing and construction of housing for
37 teachers and school district employees. Also, as to Program 10, he suggested the
38 program be expanded to not only focus on seniors but include opportunities for housing
39 for non-seniors.

40 41 **H. CITY PLANNER'S / COMMISSIONERS' REPORT**

42
43 Mr. Hanham reported the Appian Way site had commenced construction; the application for
44 Pinole Shores II was still under review; the City Council had approved the Pinole Vista
45 Project; staff was working on the affordable housing agreements for PCRE and Appian
46 Village to be presented to the City Council at a future meeting; a consultant was working on
47 the objective development standards and once drafted would be carried over to all
48 documents; the Final Map for the Dhaliwal project on Hazel Street was being completed; and
49 two housing projects at 612 and 600 Tennent Avenue were being worked on by staff. This
50 work was in addition to the continued work on the Housing Element.

1 Chairperson Moriarty reported she had asked the Assistant City Attorney to provide a
2 summary of the Old Town Design Guidelines given there had been confusion about the
3 regulations. She read into the record his comments and noted that the Draft Ordinance and
4 Design Guidelines had been considered by the Planning Commission, which had
5 recommended approval to the City Council with certain changes in April 2021. The City
6 Council had considered the draft ordinance and Design Guidelines and had appointed a
7 special committee to review the items in more depth before the item was further considered
8 by the City Council. That process did not involve further consideration by the Planning
9 Commission as an entity. The committee had met, requested staff make certain changes to
10 the documents, and the direction at the last committee meeting was that the updated
11 documents could be shared by the committee by email with members providing feedback to
12 staff over email and with staff scheduling a meeting only if needed. This part of the process
13 had been truncated because of timing and in order to ensure there was still the opportunity
14 for feedback from the committee and the public. The Design Guidelines had not been
15 agendized to be adopted at the first reading of the Historic Preservation Overlay Ordinance.
16

17 The first reading of the ordinance would allow an opportunity for the City Council to review
18 the Design Guidelines and receive additional input from the public and they would be
19 scheduled for adoption at a later meeting unless the Council provided direction for a different
20 process. The City Council had continued consideration of the Historic Preservation Overlay
21 Ordinance from October 18, 2022 to the November 1, 2022 Council meeting and re-noticing
22 to the public was not required.
23

24 Commissioner Kurrent asked the status of the General Plan Update and Mr. Hanham
25 advised that was still on the docket for 2023 as was the creation of the Environmental Justice
26 Element and update to the Safety Element. The Housing Element was the priority at this
27 time.
28

29 Commissioner Kurrent suggested the General Plan Update should be considered after new
30 Planning Commissioners were seated to ensure continuity. He added he had sent staff a
31 post from NextDoor related to concerns with the old Valero Gas Station property at Fitzgerald
32 and Sarah Drives and the proposed senior housing along Fitzgerald Drive, and he wanted
33 staff to be apprised of the issues.
34

35 Mr. Hanham clarified that staff would ensure the applicant complied with the required
36 setbacks and would take a look at the Valero Gas Station project.
37

38 Justin Shiu, Contract Planner, reported the Valero Gas Station had been issued its building
39 permit and should comply with the plans submitted as part of the building permit. Staff would
40 verify that information.
41

42 Vice Chairperson Martinez spoke to the Historic Preservation Overlay Ordinance and his
43 understanding staff would be working on an updated version of the document based on the
44 many changes that had been discussed; however, based on his review of the document, he
45 found instances where some of the changes the Planning Commission had requested had
46 not been included. He asked of the process to ensure those changes had been included
47 prior to City Council consideration on November 1.
48

49 Mr. Hanham suggested any comments be provided to him in writing as soon as possible or
50 to the Assistant City Attorney.

1 Mr. Shiu advised a member of the public wished to speak via Zoom and Chairperson Moriarty
2 allowed public comment at this time.

3
4 **PUBLIC COMMENTS OPENED**

5
6 Tony Vossbrink, Pinole, asked the status of the Safeway/Tara Hills project that was to include
7 housing and suggested a future agenda item include a revisit of that project to get Safeway,
8 Albertsons and the landlord to add housing. He also understood that Kroger's had presented
9 an offer to merge the Safeway and Albertsons chains, which would be a huge acquisition. If
10 that occurred, he asked whether they could back out of the project. He also spoke to vacant
11 housing in Pinole, and asked the City to consider a task force to address the vacant
12 caretaker's house that could be a revenue source for the City, but could become another
13 fiasco like the Faria House if not addressed since the property was dilapidated and full of
14 weeds. He had raised this concern with the City Manager who had not responded.

15
16 **PUBLIC COMMENTS CLOSED**

17
18 Mr. Hanham was uncertain of the status of the caretaker's home and would have to refer that
19 matter to the City Manager. He was uncertain what could happen with the Kroger's merger,
20 but staff understood that Safeway was negotiating its lease with the current owner, and there
21 was the potential sale of the property. The applicant had until June/July 2023 to activate the
22 entitlements for that project and if the entitlements were not activated within that time, all
23 entitlements would expire. The project had included a high-density overlay with a
24 commitment of 125 housing units but because of the available housing sites, the site had
25 been removed from the buffer. The City had not lost any affordable housing with that action
26 but had removed those units from the buffer in the RHNA, and the City Council had made a
27 finding at a prior City Council meeting to make that happen.

28
29 Commissioner Kurrent further commented that Safeway did not want housing in the Pinole
30 Square development and he reiterated the City had more than exceeded its housing
31 requirements. In his opinion, the City should not memorialize that property in the Housing
32 Element, and Mr. Hanham stated there was housing potential within the project area but the
33 City had neither received proposals nor development interest in such development on the
34 property.

35
36 **I. COMMUNICATIONS:** None

37
38 **J. NEXT MEETING**

39
40 The next meeting of the Planning Commission to be a Regular Meeting scheduled for
41 November 14, 2022 at 7:00 p.m.

42
43 **K. ADJOURNMENT:** 9:35 p.m.

44
45 Transcribed by:

46
47
48 Sherri D. Lewis
49 Transcriber