

## AGENDA FOR THE



### CITY OF PINOLE PLANNING COMMISSION REGULAR MEETING

**Monday, November 27, 2023  
7:00 P.M.**

Via Zoom Videoconference and In Person

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#### **WAYS TO WATCH THE MEETING**

- IN PERSON. Attendance at the Pinole City Council Chambers (2131 Pear St).
- LIVE ON CHANNEL 26. The Community TV Channel 26 schedule is published on the City's website at [www.ci.pinole.ca.us](http://www.ci.pinole.ca.us). The meeting can be viewed again as a retelecast on Channel 26.
- VIDEO-STREAMED LIVE ON THE CITY'S WEBSITE, [www.ci.pinole.ca.us](http://www.ci.pinole.ca.us). and remain archived on the site for five (5) years.
- ZOOM VIDEOCONFERENCE. Zoom details are included below.
- If none of these options are available to you, or you need assistance with public comment, please contact Planning Manager David Hanham at (510) 724-8912 or [dhanham@ci.pinole.ca.us](mailto:dhanham@ci.pinole.ca.us).

#### **HOW TO SUBMIT PUBLIC COMMENTS**

##### **In Person:**

Attend meeting at the Pinole City Council Chambers, fill out a yellow public comment card and submit it to the Planning Manager.

##### **Via Zoom:**

Members of the public may submit a live remote public comment via Zoom video conferencing. Download the Zoom mobile app from the Apple Appstore or Google Play. If you are using a desktop computer, you can test your connection to Zoom by clicking [here](#). Zoom also allows you to join the meeting by phone.

**From a PC, Mac, iPad, iPhone or Android:**

<https://us02web.zoom.us/j/86505375301>

OR

<https://zoom.us/join>

**Webinar ID: 865 0537 5301**

**By phone:** +1 (669) 900-6833 or +1 (253) 215-8782 or +1 (346) 248-7799

- Speakers will be asked to provide their name and city of residence, although providing this is not required for participation.
- Each speaker will be afforded up to 5 minutes to speak.
- Speakers will be muted until their opportunity to provide public comment.

When the Chair opens the comment period for the item you wish to speak on, please use the "raise hand" feature (or press \*9 if connecting via telephone) which will alert staff that you have a comment to provide. Once you have been identified to speak, please check to make sure you have unmuted yourself in the videoconference application (or press \*6 if connecting via telephone).

### **WRITTEN COMMENTS**

Please submit public comments to Planning Staff before the meeting via email to [ghanham@ci.pinole.ca.us](mailto:ghanham@ci.pinole.ca.us). Please include your full name, city of residence and agenda item you are commenting on.

### **AMERICANS WITH DISABILITIES ACT**

In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in a City meeting or you need a copy of the agenda, or the agenda packet in an appropriate alternative format, please contact the Community Development Department at (510) 724-8912. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

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### **CITIZEN PARTICIPATION:**

Persons wishing to speak on an item listed on the Agenda may do so when the Chair asks for comments in favor of or in opposition to the item under consideration. After all of those persons wishing to speak have done so, the hearing will be closed and the matter will be discussed amongst the Commission prior to rendering a decision.

Any person may appeal an action of the Planning Commission or of the Planning Manager by filing an appeal with the City Clerk, in writing, within ten (10) days of such action. Following a Public Hearing, the City Council may act to confirm, modify or reverse the action of the Planning Commission and the Planning Commission may act to confirm, modify, or reverse the action of the Planning Manager. The cost to appeal a decision is \$500 and a minimum \$2,500 deposit fee.

Note: If you challenge a decision of the Commission regarding a project in court, you may be limited to raising only those issues you or someone else raised at the public hearing or in writing delivered to the City of Pinole at, or prior to, the public hearing.

### **A. CALL TO ORDER**

### **B1. PLEDGE OF ALLEGIANCE**

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

### **B3. ROLL CALL**

**C. CITIZENS TO BE HEARD:**

The public may address the Planning Commission on items that are within its jurisdiction and not otherwise listed on the agenda. Planning Commissioners may discuss the matter brought to their attention, but by State law (Ralph M. Brown Act), action must be deferred to a future meeting. Time allowed: five (5) minutes each.

**D. MEETING MINUTES:**

**1. Planning Commission Meeting Minutes from September 25, 2023**

**E. PUBLIC HEARINGS:**

At the beginning of an item, the Chair will read the description of that item as stated on the Agenda. The City Staff will then give a brief presentation of the proposed project. The Commission may then ask Staff questions about the item.

For those items listed as Public Hearings, the Chair will open the public hearing and ask the applicant if they wish to make a presentation. Those persons in favor of the project will then be given an opportunity to speak followed by those who are opposed to the project. The applicant will then be given an opportunity for rebuttal.

The Public Hearing will then be closed and the Commission may discuss the item amongst themselves and ask questions of Staff. The Commission will then vote to approve, deny, approve in a modified form, or continue the matter to a later date for a decision. The Chair will announce the Commission's decision and advise the audience of the appeal procedure.

**Note: No Public Hearings will begin after 11:00 p.m. Items still remaining on the agenda after 11:00 p.m. will be held over to the next meeting.**

None

**F. OLD BUSINESS:**

None

**G. NEW BUSINESS:**

**1. Objective Development and Design Standards**

Status update on ongoing work.

**2. Planning Commissioner's Academy**

Discuss Commissioner participation opportunity.

H. CITY PLANNER'S/COMMISSIONER'S REPORT:

I. COMMUNICATIONS:

J. NEXT MEETING(S):

Planning Commission Regular Meeting, December 11, 2023 at 7:00PM

K. ADJOURNMENT

POSTED: November 22, 2023



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David Hanham  
Planning Manager

## DRAFT

MINUTES OF THE REGULAR MEETING  
PINOLE PLANNING COMMISSION

September 25, 2023

THIS MEETING WAS HELD IN A HYBRID FORMAT  
BOTH IN-PERSON AND ZOOM TELECONFERENCEA. CALL TO ORDER: 7:03 p.m.B1. PLEDGE OF ALLEGIANCE

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

B3. ROLL CALL

Commissioners Present: Banuelos, Bender, Lam-Julian, Martinez, Sandoval, Vice Chairperson Menis, Chairperson Benzuly

Commissioners Absent: None

Staff Present: David Hanham, Planning Manager  
Erica Gonzalez, Senior Associate, City Attorney's Office  
Justin Shiu, Contract Planner

Reporting on ex parte communications, Vice Chairperson Menis reported he had sent out email messages about the meeting to his email list.

C. CITIZENS TO BE HEARD

Daniel Tashjian, Pinole, stated he lived on the 300 block of Summit Drive in Old Pinole, and reported on the number of pedestrian-versus-vehicle near misses in the Buena Vista Drive and Lefebvre Way corridor, caused by the lack of sidewalks on either side of the street, from the 400 block of Summit Drive to Buena Vista and Valley View Drives. While many residents who lived in the corridor were willing to do whatever possible to alleviate this challenge, he had learned that 2,500 feet of new sidewalk had been estimated to cost approximately \$150,000. Having conducted some research, he had also learned that since this was a safety issue, state or federal funds may be available but he understood that a reportable injury or fatality was required before action would be taken by the City, which residents did not want to see happen. He suggested this matter was a safety and liability concern.

1 Vice Chairperson Menis suggested the speaker reach out to the Traffic and Pedestrian  
2 Safety Committee (TAPS) that was actively working to implement the Active  
3 Transportation Plan (ATP) while the City was working to identify key areas and to obtain  
4 funding.  
5

6 Planning Manager David Hanham added he would follow-up with the Public Works  
7 Director.  
8

9 Anthony Vossbrink, Pinole, commented that during the August 14, 2023 Planning  
10 Commission meeting, he had been flagged by staff for taking more than five minutes to  
11 speak while he had been experiencing technical issues. He suggested the Planning  
12 Manager and the City Attorney should offer an apology for stopping his comments and for  
13 not providing a response to his inquiries. He asked about the status of the Old Adobe  
14 Road Trail behind the dog park that was to have been repaired years ago, with dirt from  
15 an Appian Way sinkhole breach to be taken to the site to fill an existing hole; concrete  
16 abutment drain pipes that were to have been removed from the Old Adobe Trail years ago  
17 that could be placed around the Pinole-Hercules Wastewater Treatment Plant or around  
18 the Bay Front Shore Trail to help with erosion issues or used to fill the breach on the Old  
19 Adobe Trail; and the City had removed debris from the dog park maintenance cleanup  
20 weeks ago and in violation of City code had dumped debris on either side of the trail which  
21 could have been used for the sinkhole repair. He also asked about the status of the Pear  
22 and Plum Streets traffic and safety build-out project that was to have been completed  
23 between August 28 and September 28, 2023.  
24

25 In response to the comments, Mr. Hanham explained that the work around Pear and Plum  
26 Streets was a Public Works Department project, he was unaware of the status of the  
27 project and would have to follow-up with the Public Works Director.  
28

29 Vice Chairperson Menis commented that based on his personal experience, and as of  
30 today, the construction work at Pear and Plum Streets was incomplete. He also clarified  
31 the cost of the project and noted that the City Council had decided to move forward with  
32 a smaller scale demonstration project.  
33

34 Mr. Hanham was unaware of what was being dumped on the Old Adobe Trail and would  
35 again reach out to the Public Works Director for a report back to the Planning Commission.  
36

37 Commissioner Lam-Julian asked whether the consultant preparing the ATP's scope of  
38 work had included the 300 block of Summitt and Valley View Drives and Pear and Plum  
39 Streets.  
40

41 Mr. Hanham stated he would have to contact the Public Works Director to clarify the scope  
42 of work for the ATP, and while a risk assessment would likely be identified as part of the  
43 ATP, he understood only the public engagement plan was being discussed at this time.  
44

45 Commissioner Lam-Julian suggested Mr. Tashjian keep on eye on the City's website given  
46 that feedback from the public was being solicited for the ATP.  
47

#### 48 **D. MEETING MINUTES**

- 49 1. Planning Commission Meeting Minutes from August 14, 2023  
50

1 **MOTION** with a Roll Call vote to approve the Planning Commission Meeting Minutes from  
2 August 14, 2023, as submitted.

3  
4 **MOTION: Menis**

**SECONDED: Bender**

**APPROVED: 5-0-2**

**ABSTAIN: Banuelos, Martinez**

5  
6  
7 **E. PUBLIC HEARINGS:**

8  
9 **1. Zoning Code Text Amendment Regarding Campaign Signs (PA-23-01)**

10  
11 **Request:** Consideration of a recommendation to City Council for an  
12 amendment to Pinole Municipal Code Chapter 17.54 to  
13 clarify regulations for posting of political and campaign signs  
14 on City property. The project qualifies for a CEQA  
15 exemption under CEQA Guidelines Section 15061(b)(3).

16  
17 **Applicant:** City of Pinole

18  
19 **Location:** Citywide

20  
21 **Planner:** Erica Gonzalez/David Hanham

22  
23 Erica Gonzalez, Senior Associate, City Attorney's Office provided a PowerPoint  
24 presentation on the Zoning Text Amendment Regarding Campaign Signs (PA-23-01).  
25 She recommended the Planning Commission adopt Resolution 23-08, recommending the  
26 City Council adopt an ordinance amending Chapter 17.54 'Signs on City Property' and  
27 Section 17.54.030 "General Prohibitions" of the Pinole Municipal Code (PMC) to include  
28 political and campaign signs.

29  
30 Responding to questions from the Planning Commission, Ms. Gonzalez and Mr. Hanham  
31 clarified the following:

- 32
- 33 • In the event of a violation of the proposed Zoning Text Amendment, enforcement  
34 would be through the Nuisance Code where staff could enforce any sign deemed  
35 a nuisance. In most cases, staff would remove the political sign in violation and  
36 store it in the City's Corporation Yard and contact the candidate to pick-up the sign.  
37 If a candidate continued to violate the City's code, the City may file a Nuisance  
38 Complaint pursuant to Section 8.32 of the Nuisance Code through a citation  
39 process detailed under the code.
  - 40
  - 41 • The Zoning Text Amendment did not apply to campaign or political signs on private  
42 property.
  - 43
  - 44 • The Zoning Text Amendment was a result of staff's observation of an increase in  
45 the number of campaign and political signs on City property and was intended to  
46 provide clarification.
  - 47
  - 48



- The Zoning Text Amendment applied to campaign or political signage on prominent street corners, as an example, presuming the street corner was City-owned; the Zoning Text Amendment would apply only to City-owned property. Political and campaign signage on fences or posts in intersections, as another example, were allowed but not on City-owned property.
- Section 17.54.040 Signs Allowed on City Property D, which read: *Signs allowable under Section 17.54.050 (Temporary Signs Displaying Noncommercial Message) of this chapter*; was further clarified, with any other sections under this Chapter to apply.
- The Zoning Text Amendment had been brought before the Planning Commission since this action fell under the Zoning Code of the PMC requiring Planning Commission recommendation to the City Council; and
- In terms of making the general prohibition more specific to political and campaign signs, language had been crafted to be broader and not weaken the general prohibition.

#### PUBLIC COMMENTS OPENED

There were no comments from the public.

#### PUBLIC COMMENTS CLOSED

Commissioner Bender commented that freeway on- and off-ramps were under the jurisdiction of Caltrans which had express policies in place to prohibit campaign signs.

Commissioner Sandoval asked for more detail on how to file a public nuisance complaint and what that would actually look like.

Mr. Hanham explained that if someone placed a political sign on public property and the candidate did not remove it, the City would provide a courtesy notice for the removal of the sign within a certain number of days, and if not removed a citation notice would be filed subject to a fine as permitted in the code until such time as the sign was removed. Or the City could mitigate and remove the sign. If there were multiple signs in multiple areas, City staff would notify the candidate of the need to remove the signs, as described.

In response to Commissioner Lam-Julian, Mr. Hanham commented that oftentimes when a sign was removed a new sign would be installed in its place a few days later. Since candidates were aware of where their signs were placed and if they noticed them missing, the candidates typically contacted the City and asked whether the City had their signs and they would then be informed the City had removed the signs since they were in a place they did not belong. City staff tried to work with candidates to ensure these signs were not installed in the public areas. Regardless of who had installed the signs, the candidate or County representative or coordinator for a proposition, as an example, were responsible for the signs. Code Enforcement was in the field often, although typically non-compliance was complaint driven.



Commissioner Martinez asked whether staff could provide contact information for the community to contact the City with any code enforcement violations, to which Mr. Hanham explained that once the election cycle came into play, residents may contact City Hall or the Community Development Department when signs were found in the wrong location, with the complaint then routed to Code Enforcement. Candidates were informed of the City's regulations on signage when filing for candidacy and the candidate must sign-off on that process with the City Clerk's Office.

Commissioner Banuelos confirmed that candidates were made aware of the regulations when filing for candidacy and were well aware of the City's rules about signage. While a candidate may not always control an overzealous supporter when installing signs, the candidate was ultimately responsible for the signs.

Vice Chairperson Menis was aware candidates within the City of Pinole received information from the City Clerk's office but asked whether regional or state candidates received the same information.

Mr. Hanham reiterated that whether the candidate was local, county, regional, state, federal or otherwise, the Zoning Text Amendment would apply and that candidate would be contacted if political or campaign signs had illegally been posted on City property. He emphasized the City dealt directly with the candidate and did not go so far as to try and find out who had actually placed the sign.

Commissioner Banuelos found that violations of the City code for political and campaign signs were not City candidates but outside candidates. He also commented on the number of signs that were not removed after an election was over, which was also problematic.

Mr. Hanham clarified due to the election cycles and if there was a runoff, as an example, some signs were allowed to remain up pursuant to County election laws and there were many rules and regulations governing how long signs may be up before and after an election.

Chairperson Benzuly asked whether there were state and county regulations with the same type of language as the City had proposed as part of the Zoning Text Amendment, and Mr. Hanham commented that in most cases political signs were not allowed on public property.

**MOTION** to adopt Planning Commission Resolution 23-08, with Exhibit A: Zoning Text Amendments, a Resolution of the City of Pinole Planning Commission Recommending that the City Council Adopt an Ordinance Amending Chapter 17.54 "Signs on City Property" Section 17.54.030 "General Prohibition" of the Pinole Municipal Code to Include Political and Campaign Signs.

**MOTION: Banuelos**

**SECONDED: Bender**

**APPROVED: 7-0**

**F. OLD BUSINESS:** None

**G. NEW BUSINESS:** None

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

Mr. Hanham reported the Housing Element had been certified by the State of California.

1 The City was in compliance with state law and staff was working on the Objective  
2 Development Design Standards with the Ad Hoc Planning Commission Subcommittee to  
3 review the changes, with the changes to be presented to the Planning Commission in  
4 November.

5  
6 Mr. Hanham added in response to Commissioner Lam-Julian that the City provided funds for  
7 three Planning Commissioners, the Planning Manager and the Community Development  
8 Director to attend the Annual League of California Cities Planning Commissioners' Academy.  
9 Commissioners interesting in attending the next event would be allowed on a rotating basis.

10  
11 Mr. Hanham also reported that plans were anticipated to be submitted for Pinole Vista;  
12 Appian Village was in plan check for the first phase; and staff continued to work with BCRE  
13 and SAHA. Staff also continued to work with Pinole Shores II, with the applicant working on  
14 securing clients for their building, and Conditional Use Permits (CUPs) were also anticipated  
15 with staff working with a number of property owners.

16  
17 Contract Planner Justin Shiu added for the BCRE project that the applicant had submitted a  
18 grading permit and staff was waiting for the submittal of a building permit application.

19  
20 Mr. Hanham also added, when asked by the Chair, that the Appian Village project was a  
21 phased project and the Subdivision Map and other entitlements remained to be completed.  
22 The first four buildings had been submitted for development, with the backbone (water and  
23 sewer), driveways and circle road to be completed as part of the first phase of the project.  
24 The building plans had been submitted but actual improvement plans had yet to be  
25 submitted.

26  
27 Commissioner Lam-Julian asked about the status of the Safeway project and the former  
28 Pinole Animal Shelter.

29  
30 Mr. Hanham reported he had no update for the former Pinole Animal Shelter. Staff was  
31 working with property owner Balboa Properties for the Safeway project, which was diligently  
32 working on a new site plan since the prior conceptual plans approved in 2020 had expired.  
33 He was uncertain the new plan would be submitted prior to the end of the year but staff  
34 remained in regular contact with the property owner. Any new site plan would require review  
35 and approval by the Planning Commission.

#### 36 37 PUBLIC COMMENTS OPENED

38  
39 Anthony Vossbrink, Pinole, referenced the Safeway project and his understanding that major  
40 landscaping work or other development was ongoing adjacent to the property on the hillside.  
41 He asked whether staff had any update on the Kroger buyout and new property owner for  
42 the Safeway project since there had been little update provided over the past few months.  
43 He also referenced the improvement project at Pear and Plum Streets and asked whether  
44 the City had to place a downpayment for the project since nothing had been done other than  
45 white paint striping on the street corners and the placement of cones over the past few weeks,  
46 with only a few days left to complete the project. If the contractor did not meet the project  
47 requirements, he asked whether the contractor would be penalized. He also understood the  
48 funds for the project were intended as a temporary "band-aid" and the City would have to  
49 spend more funds in the future for the balance of a much larger project.

1 PUBLIC COMMENTS CLOSED

2  
3 Mr. Hanham clarified that Safeway leased the property from the property owner, Balboa  
4 Properties. He was unaware whether Safeway had reached a new business agreement with  
5 Balboa Properties, nor did he have any news on who Safeway may be under negotiations  
6 since the City was not privy to negotiations. Again, the property owner was working diligently  
7 to do a project on the site and had been working with its design team to work out contract  
8 negotiations with their tenants. As to the Pear and Plum Streets project, he was not involved  
9 in the project and was not aware of the project details and would have to follow-up with the  
10 Public Works Director. In addition, the work on a hill near Safeway may involve some hillside  
11 shoring-up work but he was uncertain of the details and would follow-up with a status report  
12 at the next meeting.

13  
14 As to whether there was a Public Works Department forum or meeting where the public may  
15 participate, Mr. Hanham commented that members of the public may contact the Public  
16 Works Department directly or participate in City Council meetings to raise concerns.

17  
18 PUBLIC COMMENTS CLOSED

19  
20 I. **COMMUNICATIONS:**

21  
22 Commissioner Lam-Julian reported on her attendance at several community  
23 engagements in her personal capacity including the Asian American & Pacific Islander  
24 Legislative Caucus (AAPILC) Leadership Summit, Parks and Recreation Master Plan  
25 Workshop and Community Engagement discussion for the ATP, and briefed the Planning  
26 Commission on the discussions.

27  
28 Vice Chairperson Menis also reported on his attendance at City Committee meetings  
29 including the Walk N Roll Plan Outreach and reported that National Night Out would be  
30 held on Tuesday, October 4, 2023.

31  
32 J. **NEXT MEETING**

33  
34 The next meeting of the Planning Commission to be a Regular Planning Commission  
35 Meeting scheduled for October 23, 2023 at 7:00 p.m.

36  
37 K. **ADJOURNMENT:** 8:19 p.m.

38  
39 Transcribed by:

40  
41  
42 Sherri D. Lewis  
43 Transcriber



## Memorandum

**TO:** PLANNING COMMISSION MEMBERS

**FROM:** David Hanham, Planning Manager

**SUBJECT:** Update -- Objective Development Design Standards (ODDS)

**DATE:** November 27, 2023

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**PURPOSE:**

Pursuant to Program 13 in the City's Adopted Housing Element, the City is developing objective development design standards (ODDS) for the review of multi-family housing and mixed-use development applications, in addition to SB 9 projects. Housing Element Program 13 was developed in response to state housing laws, including the Housing Accountability Act, SB 330, and SB 35. These laws significantly restrict localities from applying non-objective (subjective) development standards to the review of a housing project of two or more units. Only adopted objective standards that do not require interpretation are allowed to be used to deny eligible housing projects. Implementation of Program 13 will ensure that the City has a robust set of adopted objective development standards that will provide multifamily developers with more predictability and a clear and streamlined review and approval process. In turn, the City will set clear expectations for the design of multifamily developments in Pinole.

Staff will be requesting the Ad-Hoc Design Review Committee to assist in the development of these standards that will ultimately be reviewed by the full Planning Commission for a recommendation on adoption by the City Council. The ODDS work includes review and updates to following documents:

- The Three Corridor Specific Plan (last updated: 2018)
- The Zoning Code (last updated: 2020)
- The Old Town Design Guidelines (last updated: 1997)

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## **BACKGROUND**

In recent years, the State of California has enacted several new laws to increase housing supply and affordability and reduce obstacles to housing production. New State mandates present an opportunity for cities and counties to revisit existing design guidelines, convert any subjective guidelines to design standards, and create objective residential design and development standards that expedite the application and design review process. Program 13 in the City's adopted Housing Element involves adoption of Objective Development and Design Standards for all eligible housing projects.

As defined in State Law, objective standards are defined as:

*standards that involve no personal or subjective judgements by a public official and ...[are] verifiable by reference to an external and uniform benchmark ... knowable by both the development applicant ... and the public official.*

State Law prohibits local jurisdictions from denying or decreasing densities of affordable or market rate multi-family housing projects unless the projects fail to meet one or more adopted objective standards established in the General Plan, Zoning Code, Specific Plan, or design guidelines.

- Senate Bill 35 (Government Code Section 65913.4), which went into effect January 1, 2018, was part of comprehensive bill package aimed at addressing the State's housing shortage and high costs. SB 35 requires a streamlined ministerial approval process for multi-family residential developments in jurisdictions that have not yet made sufficient progress toward meeting their Regional Housing Need Allocation (RHNA). Included in the streamlining process, these cities and counties are required to establish objective design standards for multi-family developments. To qualify for SB 35 projects must meet affordability standards and satisfy certain other requirements.
- The Housing Accountability Act (HAA) (Government Code Section 65589.5), establishes the State's overarching policy that a local government may not deny, reduce the density of, or make infeasible affordable or market rate housing development projects, emergency shelters, or farm worker housing that are consistent with objective local development standards. This provides developers more certainty about the standards, conditions, and policies that apply to their projects. Local Governments that deny a project due to subjective standards (e.g., standards that are not objective) could be a violation of the HAA.

- Senate Bill 330 (“Housing Crisis Act of 2019) went into effect on Jan. 1, 2020. The bill establishes regulations that sunset on Jan. 1, 2025, as a means to address the housing crisis in the State. During this period, cities, and counties in urban areas, are prohibited from rezoning or imposing new development standards that would reduce capacity for housing or adopting new design standards that are not objective. The bill also defined previously undefined terms such as “objective standards” and “complete application” and set forth vesting rights for projects that use a new pre-application process.

**Table 1**, Subjective vs Objective Standards shows the differences between subjective and objective standards.

<u>TABLE 1: SUBJECTIVE vs OBJECTIVE STANDARDS</u>	
Subjective Standards	Objective Standards
<b>Requirements that are subject to interpretation</b> (e.g.: “Height of the new building must be compatible with surrounding structures” or <b>“The top building story must be articulated to reduce massing”</b> )	Measurable, quantifiable, easily defined, and enforceable requirements (e.g.: “Height is limited to 35 feet” or “The top building story shall be set back at the rate of one foot for every five feet of the height of the floor below”

Additionally, recent changes in State law set short time limits on determinations on application completeness and whether the application complies with a jurisdiction’s adopted standards. If the jurisdiction fails to notify the applicant that the application is incomplete or that is inconsistent with an adopted standard within the required period of the application is deemed “complete” and “compliant”, and the jurisdiction may not thereafter identify new defects in the application A jurisdiction must now note all inconsistencies during initial application review. If an application.

State law prescribes certain eligible projects that are only allowed to be reviewed under “ministerial review” as opposed to “discretionary review”. Ministerial review means a process for development approval involving no personal judgment by the public official as to the wisdom of carrying out the project. The public official merely ensures that the proposed development meets all the applicable objective standards for the proposed action but uses no special discretion or judgment in reaching a decision. A ministerial review most often a “staff-level review.” This means that a staff person at the local agency reviews the application, often using a checklist, and compares the application materials (e.g., site plan, project description,



etc.) with the objective development standards, objective subdivision standards, and objective design standards.

**Table 2**, Discretionary vs Ministerial Review, shows the differences in discretionary vs ministerial reviews.

<b><u>TABLE 2: DISCRETIONARY v MINISTERIAL REVIEW</u></b>	
<b>Discretionary Review</b>	<b>Ministerial Review</b>
<b>1. Project undergoes design review</b>	1. Streamlined review by City Staff
<b>2. Qualitative judgement and review by City Staff and Planning Commission.</b>	2. Removes personal or subjective judgements.
<b>3. Planning Commission determines the project's compliance with design guidelines</b>	3. Consistency with objective design standards is the primary tool for project review

### **ANALYSIS**

In 2022 the City contracted with professional planning consulting firms WRT and Sustainable Community Planning (SCP) to evaluate and make recommendations for the update of the City's three major design documents: the Zoning and Subdivision Code of the Pinole Municipal Code (PMC), the Three Corridor Specific Plan and the Old Town Design Standards.

After reviewing the three documents, the consulting team and Staff catalogued all existing standards as being either objective or subjective. All existing subjective standards were evaluated in terms of ease of conversion to an objective standard. Finally, recommendations were produced regarding how to best how to refine, and in many cases, develop, objective development standards. **Table 3** provides an overview of regulations contained the PMC, Three Corridor Specific Plan and Old Town Design Guidelines.

<b><u>TABLE 3: REGULATORY DOCUMENT CONTENTS</u></b>	
<b><i>Pinole Municipal Code</i></b>	The Pinole Municipal Code (PMC) regulates development through its zoning regulations in Title 17. Districts which allow multi-unit residential development include the R-2 (Medium Density), R-3 (High Density), R-4 (Very High Density), R (Rural), RMU (Residential Mixed Use), CMU (Commercial Mixed Use), OPMU

	(Office Professional Mixed Use), and OIMU (Office Industrial Mixed Use) Districts.  The PMC also contains overarching regulations that pertain to all districts, including administrative provisions in Article I, site planning standards in Article III, special use standards in Article IV and resource conservation standards in Article V. In addition, development standards are found in Titles 12 (Streets and Sidewalks), 15 (Grading) and 16 (Subdivisions).
<b>Three Corridor Specific Plan</b>	The Three Corridor Specific Plan adds additional development and design criteria for properties along Pinole's major corridors: San Pablo Avenue, Pinole Valley Road, and Appian Way. These corridors present major opportunities for mixed-use and multifamily development. Development regulations are mostly contained within Chapter 6 (Land Use Standards) and -- for building and site design -- Chapter 7 (Private Realm Standards and Guidelines). Developer expectations for street improvements are contained in Chapter 8 (Public Realm Guidelines).
<b>Old Town Design Guidelines</b>	The Old Town Design Guidelines provides advisory guidelines for development that is within the historic Old Town district to retain its established historic character.

All of these adopted codes and guidelines contain development regulations that are a mix of (1) objective standards that are independently verifiable, and (2) subjective provisions that are open to interpretation or within the purview of decision-makers. Additionally, the review noted some development entitlement regulations that contain procedures relying on discretionary (and therefore subjective) judgement by a public official or decision-making body which is not permissible for certain qualified residential projects.

The review of existing objective standards has provided the opportunity to evaluate whether the current standards are sufficient to accomplish the City's design objectives. The review has revealed the following opportunities for adjustment, refinement, and clarity:

#### Pinole Municipal Code

*Design-Related Standards.* Basic development parameters (building setbacks, height restrictions, floor area limits) are present, but most design-related criteria are expressed as guidelines or are achieved through a discretionary entitlement process to achieve design compatibility. Standards are needed for design characteristics that are critical to modulate building mass and assure minimal façade articulation, to support walkability

by achieving the desired streetscape/public realm, and to assure an appropriate building scale for neighborhood compatibility.

*Discretionary Entitlement Processes.* The codes provide detailed regulations for various entitlements (Plan Check, Administrative Use Permit, Administrative Design Review, Comprehensive Design Review, Sign Permit, Subdivision Development Plan, Grading and Encroachment) with thorough submittal requirements and procedural regulations but lack objective review criteria other than compliance with specific objective regulations (development regulations, use regulations, etc.). Creation of objective standards for building design, specific land uses, landscaping, parking lot design, grading and subdivision improvements will allow the City to achieve its desired standards in cases where discretionary permits are precluded.

*Verification of Adopted Public Works Standards.* The municipal code contains references to adopted public works standards for curbs and sidewalks, utility connections, a Streets Master Plan, right-of-way improvement standards, street and parking lot tree list, and truck loading space and maneuvering standards. It should be verified that these referenced standards exist since each section of the Grading, Subdivision and Streets and Sidewalks titles rely largely on undefined criteria for approvals by the City Engineer.

*Basic Development Parameters.* The Specific Plan refines the Zoning Code's typical development parameters including subarea densities, allowable land uses, setbacks including build-to lines and height allowances including a daylight plane limitation when adjacent to residential development.

*Building and Parking Types.* The Specific Plan defines allowable building types and allowable forms of parking. The various types are defined but there are no specific development regulations in terms of building dimensions, configuration, massing, or location that would assure the resulting buildings or parking configurations will achieve the desired outcomes.

### Three Corridors Specific Plan

*Conditional Residential Uses.* The San Pablo Avenue and Pinole Valley Road areas require a Use Permit for multifamily and emergency shelters in some districts. These should be made either permitted uses or not allowed so as not to require a discretionary review process. The use tables for all three areas do not include:

*Building Height Exceptions.* Define missing height exceptions, such as roof access stairwells.

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*Screening Rooftop Equipment.* Establish screening requirements for rooftop equipment.

*Trash Enclosures, Loading & Mechanical Equipment.* Regulate location of these features to be away from public sidewalks and adequately screened.

*On-Site Parking.* Limit extent of parking along streets. Establish standards for landscaping in surface parking lots, including along pedestrian paths and to screen view from streets and neighbors.

*Landscape, Hardscape & Fencing.* Establish site minimums and appropriate materials palettes.

*Open Space Requirements.* Consider establishing minimum open space requirements with flexibility that allows shared space to meet most or all of the requirement. Private open space requirements should be appropriate to the housing types anticipated.

*Provisions for supportive or transitional housing,* which must be permitted.

*Massing, Articulation and Façade Design Standards.* Standards are needed to reduce building scale/massing, require a minimally acceptable level of façade articulation, avoid blank walls, and define allowable building materials.

*Street Frontages.* The current subjective design guidelines reflect stated objectives to have pedestrian-oriented street frontages. Standards are needed to designate land uses appropriate for the ground floor, minimum proportions of building facades along the “build-to” setbacks, to highlight building entries, and to define minimum amounts of ground floor transparency (window area).

#### Old Town Design Guidelines

*Historic Structures,* Address the protection of historic structures in consultation with qualified cultural resource consultants.

*Compatibility,* Define representative characteristics and require characteristics that maintain consistency and compatibility as new development occurs. Focus on methods of massing and façade design to maintain consistent scale, whole also regulating cornices, materials, colors, window proportions, and other key characteristics. If assessment of context determines there to be dominant styles, consider standards that maintain consistency with those styles.

*Building Form & Scale,* Establish standards to codify tripartite (base, middle, and top) building form.

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*Height and Massing*, Consider shallow step back requirements` to maintain appearance of compatible height.

*Materials & Colors*, Codify appropriate materials described.

### **TIMELINE**

The overall work program is estimated to be complete in June 2024, which is consistent with timeline outlined in Program 13 of the adopted 2023-2031 Housing Element Update. The ad-Hoc Committee is meeting throughout the process with the Objective Development Design Standards going to the full Planning Commission in May of 2024 and the City Council in June of 2024. Attachment 1 of this reports outlines the schedule of the Objective Development Design Standards scope of work.

### **STAFF RECOMMENDATION**

There is no staff recommendation at this this stage of the project. Staff working with the Ad-HOC committee is completing the work and will bringing back to the Commission when completed.

### **ATTACHMENTS:**

1. Schedule of Activities.

## OBJECTIVE DEVELOPMENT DESIGN GUIDELINES

### Timeline for Completion

<u>Week/Dates</u>		<u>#NAME?</u>
6/26/2023	Completed	Planning Commission Meeting to introduce project and assign the PC AdHoc Design Review Team
7/3/2023	Completed	Meeting for AdHoc Meeting and review work done by Consultant
7/10/2023-8/21/2023	Completed	Staff is working on Specific Plan Items as defined in Consultant documents.
8/28/2023	Completed	AdHoc Meeting on Specific Plan items as defined in Consultant documents
9/4/2023-9/08/2023	Completed	Refine Comments from AdHoc meeting
9/11/2023-10/16/2023	In Progress	Staff is working on Zoning Code items as defined in Consultant documents
10/23/2023	In Progress	AdHoc Meeting on Zoning Code items as defined in Consultant Documents
10/30/2023-11/03/2023	In Progress	Refine Comments from AdHoc meeting
11/13/2023-12/11/2023	In Progress	Staff is working on Old Town Guidelines as defined in Consultant Documents
12/18/2023	In Progress	AdHoc Meeting on Old Town Guidelines as defined in Consultants Document
12/26/2023- 01/06/2024	In Progress	Refine Comments from AdHoc meeting
01/09/2024-02/06/2024		Combine all of the changes in one document and bring to the AdHoc Committee for final review
02/13/2024-03/27/2024		Prepare ODDS documents for the Planning Commission Review, Prepare and ODDS Checklist
4/10/2024		Planning Commission Meeting for recommendation to City Council
5/16/2024		City Council Approval of ODDS





# Memorandum

**TO:** PLANNING COMMISSION MEMBERS

**FROM:** David Hanham, Planning Manager

**SUBJECT:** Planning Commission Academy

**DATE:** November 27, 2023

## PURPOSE

The Planning Commissioner's Academy is designed for planning commissioners and staff members of all tenures from throughout the state, the Planning Commissioners Academy expands an individual's knowledge on a wide range of topics relevant to the planning commissioner's role within their city and fosters relationships and communication with peers. Now more than ever, the opportunity for planning commissioners to learn from and network with each other is invaluable.

## BACKGROUND

The Planning Commissioner's Academy is one of the many functions that is put on by the League of California Cities to help educate appointed commissioners. This Academy will have session regarding Planning Law, Environmental Law, Best Practices for Commissions, etc.

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## PROJECT DESCRIPTION:

Staff has put together a sample calendar of sessions that you might attend during the course of the day.

### **Registration Open**

7:30 a.m.-4:30 p.m.

### **Networking Breakfast and Visit with Sponsors**

7:45-8:45 a.m.

### **Joint Session**

### **Processing Housing Development Applications under SB 330**

9:00-10:15 a.m.

In this interactive session, learn about the constraints and requirements in processing housing development applications under SB 330. SB 330 amended the Permit Streamlining Act by imposing new timing requirements in considering housing projects and amended the Housing Accountability Act by imposing limits on an agency's consideration and approvals/disapproval of housing projects. In addition, SB 330 created a new streamlining process and vesting mechanism by creating a preliminary housing application. This session will highlight what staff and planning commissioners need to know and be watchful for in processing and considering housing projects.

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### Concurrent Sessions

10:30-11:45 a.m.

#### ***Fundamentals Session***

##### **Relationship Between Planning Commission, City Council, and Planning Staff**

As a city official, there will be various competing values and priorities that drive you and your colleagues within your city. Your success on the planning commission requires an effective relationship with your planning staff and city council, where everyone's values are respected and represented. Learn how to work together while cultivating each of your diverse roles.

#### **CEQA: Advanced**

This session assumes some familiarity with the California Environmental Quality Act (CEQA). Hear an in-depth discussion on the process of crafting mitigation measures, long- and short-term impacts, and how the CEQA landscape changes with legislation, court decisions, and agency preferences. Dive into why CEQA documents look the way they do, the role of findings, and what to do with late-hit letters. Finally, some of the more technical sections of the document will be demystified.

### Networking Lunch

11:45 a.m.-1:00 p.m.

#### ***Joint Session***

### Planning Commissioner Jeopardy

1:15-2:30 p.m.

The session will run in a show game format similar to Jeopardy. Attendees will be presented with an answer and will be given an opportunity to respond in a question format. The Jeopardy hosts will work through five different categories with difficulty ranging from 100 points to 500 points. Categories will include Brown Act (with emphasis placed on Social Media), Conflicts of Interest, Housing, Parliamentary Procedure, and Constitutional Issues. Winning participants will be eligible for prizes!

### Concurrent Sessions

2:45-4:00 p.m.

#### ***Fundamentals Session***

##### **Planning Commission: Roles, Responsibilities and Restrictions**

Planning commissioners will walk away having learned the answers to the following questions: What is the role of the planning commission as defined by state laws, city charter or local ordinance? What is the planning commission's role in policy making versus policy recommendations? What are the responsibilities of the planning commission that it must understand and implement as a local agency body? What are the restrictions placed on the planning commission, such as new housing laws, Brown Act, Public Records Act, and conflicts of interest regulations?

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***Emerging Issues Session***

**Surplus Land Act: Know the Impact Before You Transact**

2:45-3:15 p.m.

California is faced with a housing crisis. The state has revved up enforcement to accelerate the production of affordable housing including the use of public agency-owned land. Effective in 2020, the Surplus Land Act (SLA) requires all public agencies to follow a process to sell or lease any public property by first offering it to a state-controlled list of affordable housing developers. Learn how the SLA process impacts local land use and how to navigate the sale/lease/licensing of public agency property to pursue public-private projects that are compliant with state requirements and produce preferred community and economic development.

***Joint Session***

**Objective Standards: How to Apply Objective Standards to Comply with State Law and Retain Local Control**

4:15-5:30 p.m.

Recent state housing legislation requires that certain housing projects be reviewed only against objective standards such as “objective zoning standards,” “objective subdivision standards,” and “objective design standards.” As a result, objective standards are the only basis that a jurisdiction may use to deny or reduce the density of certain projects. This session will present alternative approaches for developing objective standards that comply with state law and ensure the appearance of new development is compatible with a jurisdiction’s vision. Learn how to measure design objectively, how to differentiate between a design guideline and a design standard, and how to apply a variety of approaches for developing standards that are measurable and verifiable.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission send up to five (5) members to the Planning Commission Academy.