

**JOINT CITY COUNCIL and PLANNING COMMISSION SPECIAL MEETING
MINUTES
March 28, 2023**

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS

The Joint City Council and Planning Commission Meeting was held in a hybrid format (in-person and via Zoom videoconference and broadcast) from the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Murphy called the Regular Meeting of the City Council to order at 6:00 p.m. and led the Pledge of Allegiance.

2. 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.

3. ROLL CALL, CITY CLERK'S REPORT & STATEMENT OF CONFLICT

An official who has a conflict must, prior to consideration of the decision: (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself/herself from discussing and voting on the matter; and (3) leave the room until after the decision has been made, Cal. Gov. Code § 87105.

A. COUNCILMEMBERS PRESENT

Devin Murphy, Mayor
Maureen Toms, Mayor Pro Tem
Norma Martinez-Rubin, Council Member
Cameron Sasai, Council Member

COUNCILMEMBERS ABSENT

Anthony Tave, Council Member

PLANNING COMMISSIONERS PRESENT

Ann Moriarty, Chairperson
Frankie Martinez, Vice Chairperson*
Tim Banuelos, Commissioner
David Kurrent, Commissioner
Rafael Menis, Commissioner

*Teleconference Location with Vice Chairperson Martinez reporting he had a disability and could not be present in the Council Chambers and sit for over 25-minutes, and no one else was present at his location.

PLANNING COMMISSIONERS ABSENT

Adam Benzuly, Commissioner

B. STAFF PRESENT

Andrew Murray, City Manager
Alex Mog, Assistant City Attorney
Neil Gang, Police Chief
Lilly Whalen, Community Development Director
David Hanham, Planning Manager
Roxane Stone, Deputy City Clerk

Deputy City Clerk Roxane Stone announced the agenda had been posted on Friday, March 24, 2023 at 4:00 p.m. with all legally required written notices. No written comments had been received in advance of the meeting.

Following an inquiry, the Council and the Planning Commission reported no conflicts with any items on the agenda.

4. **CITIZENS TO BE HEARD (Public Comments)**

Citizens may speak under any item not listed on the Agenda. The time limit is 3 minutes and is subject to modification by the Mayor. Individuals may not share or offer time to another speaker. Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The City Council may direct staff to investigate and/or schedule certain matters for consideration at a future Council meeting.

Anthony Vossbrink, Pinole, suggested the City Council had failed to be open and transparent and announce webinar information for the meeting prior to the start of the meeting or post the information on Pinole Community Television (PCTV), which issue had been raised on multiple occasions. On another matter, he requested a formal discussion of positioning a satellite police station somewhere in the Fitzgerald Drive corridor as a future agenda item given the increase in crime and safety issues in that area. He reported that crime statistics on the police blotter were all around and related to Fitzgerald Drive. As an example, a recent incident on Simas Avenue involved multiple law enforcement vehicles at a high rate of speed which posed a safety hazard to the community.

5. **BUSINESS**

A. **Overview of City of Pinole Land Use Policy/Regulation Documents [Action: Receive Overview (Mog)]**

Assistant City Attorney Mog provided a PowerPoint presentation on the land use policy in the City of Pinole that included an overview of the City's General Plan and the Community Character, Growth Management, Land Use & Economic Development, Housing, Circulation, Community Services & Facilities, Health & Safety, Natural Resources and Open Space and Sustainability Elements of the General Plan; Three Corridors Specific Plan; Zoning Ordinance and Design Guidelines.

The General Plan Land Use Map, General Plan Land Use Designations, Density in Pinole, number of units per acre and Affordable Housing 101, housing that was required to be rented/sold at affordable prices to households with qualifying incomes were all highlighted

Planning Commissioner Menis asked of the median income for the City of Pinole for 2022. He commented for the General Plan Land Use Designation, 15 percent had been identified for transportation and he asked if that had taken into account the WestCAT yard.

Assistant City Attorney Mog did not have the median income information for 2022 but he and Planning Manager David Hanham clarified the WestCAT yard would be identified as Public Quasi/Institutional Zoning.

Planning Commissioner Menis reported on ex parte communications and reported he had sent out a message about the meeting to his email list and had received no replies.

Council member Martinez-Rubin wanted to discuss the trends and the fact that local jurisdictions would have less discretion where construction occurred, which question had been raised by constituents as well as how that would affect local staff's ability to determine what could be built in the City. Since 2017, she had noticed the attempt by state legislators to create greater opportunities for developers to build in the Suburban Residential Zone where most Single-Family homes were located. She asked if that was an accurate observation.

Assistant City Attorney Mog confirmed the state had made it easier to build certain types of projects in family neighborhoods but had also pushed to make it easier to build everywhere. Most of the larger projects in Pinole that had recently been approved involved density bonuses, which allowed a developer to go above the maximum density allowed in an area or waive certain standards, and those laws had been used more frequently in the state.

Council member Martinez-Rubin asked whether a Single-Family dwelling located in a Suburban Residential Zone could be razed and built with apartments regardless of height, as an example.

Assistant City Attorney Mog explained that depending on the zoning, an Administrative Permit could be obtained to demolish a residence and one may be able to build multiple units, but there were limits on what could be built pursuant to state regulations. In most situations, it would not result in major high-rise apartment building development.

Mayor Murphy asked how the City had decided its zoning policies and how cities currently considered Zoning Ordinance processes.

Assistant City Attorney Mog described the public review process that would be similar to the Housing Element Update. While the City's Zoning Ordinance had last been updated comprehensively in 2010, there had been amendments over the years and he offered examples and noted that the changes had generally been City Council directed.

Community Development Director Lilly Whalen stated the City Council may direct the wholesale update of the Zoning Ordinance but there was an opportunity in the next year to review the Three Corridors Specific Plan to make objective standards. Staff had captured areas of the Zoning Ordinance where interpretations over the years had been made or where there were inconsistencies which could be brought forward at the same time. Depending on the changes to be made, the City Council may want to consider a wholesale update to the Zoning Ordinance.

PUBLIC COMMENTS OPENED

Deputy City Clerk Stone reported there were no comments from the public.

PUBLIC COMMENTS CLOSED

B. Overview of Major Recent State Housing Laws (SB 9, SB 6, AB 2011 and AB 2097) [Action: Receive Overview (Mog)]

Assistant City Attorney Mog provided a PowerPoint presentation which included an overview of Density Bonus Laws including the criteria for Senate Bill (SB) 9, the California Home Act, which overrode existing density limits in Single-Family zones and was intended to support increased supply of starter, modestly priced homes by encouraging building of smaller houses on small lots.

Assembly Bill (AB) 2011 and SB 6 were new laws that allowed housing on sites where office, retail, or parking were a principle permitted use but which could not be adjacent to an industrial site. AB 2011 provided a streamlined ministerial approval pathway comparable to SB 35 for qualifying multifamily projects on commercially-zoned land that paid prevailing wages for construction work and met specified affordable housing targets. SB 6 did not create a ministerial approval process but projects were subject to the Housing Accountability Act (HAA) and the standard California Environmental Quality Act (CEQA) review, with the projects to have a minimum density requirement of 30 units to the acre. For both laws, projects must comply with various other development standards for the site and the project. Examples were provided.

AB 2097 prohibited public agencies or cities from imposing a minimum automobile parking requirement on most development projects within a half-mile radius of a major transit stop.

Planning Commissioner Banuelos commented that as an architect he was familiar with the building of Accessory Dwelling Units (ADUs) and he recalled some cities had massive development fees until the state prohibited development fees. He asked the Assistant City Attorney to provide clarification.

Assistant City Attorney Mog explained that ADU laws allowed some objective standards and the City had an ADU Ordinance. He reported the State Attorney General had sued some bad actors who had not complied with SB 9 or ADU laws but the Attorney General and the State Department of Housing and Community Development (HCD) had limited resources.

Community Development Director Whalen added that during the current Housing Element process, HCD was looking at the ADU Ordinances that had been adopted by cities, which were required to be submitted to the state after adoption, and HCD had flagged issues that required rectification.

Planning Commissioner Kurrent asked whether the 800 square-foot standard for an ADU was a minimum or maximum number and Assistant City Attorney Mog stated the City had to allow at least an 800 square-foot ADU unit.

Planning Commissioner Kurrent asked for clarification with respect to AB 2011 and SB 6 as it related to the development of the former Kmart site. He understood pursuant to the current legislation that residential by-right was allowed on commercial property and was informed by Assistant City Attorney Mog that was accurate in that the Kmart project was also required to comply with setback and other requirements.

Planning Commissioner Menis asked what SB 35 and SB 330 covered, to which Assistant City Attorney Mog explained that SB 35 streamlined housing construction in the counties and cities that failed to build enough housing to meet state mandated housing construction requirements. SB 330 shortened the timeframe for housing development approval under the Permit Streamlining Act pursuant to the criteria of the HAA.

Community Development Director Whalen added that development impact fees would be locked in. She noted that the Appian Village project was an SB 330 project.

Planning Commissioner Menis spoke to the criteria for SB 9 and the parking restrictions and asked for clarification.

Assistant City Attorney Mog again walked through the parking restrictions as shown in the PowerPoint presentation, which required a maximum of one parking space per unit except no parking space would be required if within one-half mile of a high-quality transit corridor or major transit stop, an existing rail or bus rapid transit station, a ferry terminal served by either a bus or rail transit service, fixed route bus service with service intervals no longer than 15 minutes during peak commute hours, and within one block of a car share vehicle. State law included a definition of how that qualified, which was not a new regulation.

Planning Commissioner Menis again spoke to AB 2011 and SB 6 and the Kmart project and his understanding that often a developer may use density bonuses to get the changes desired rather than go through the legislative process. He asked why a developer would choose to comply with AB 2011 and SB 6 rather than just build a higher density project and reap the profits without having to comply with the regulations.

Assistant City Attorney Mog clarified that a density bonus could still be used with SB 6 and AB 2011 projects. If a project complied with AB 2011, it would require ministerial approval and would not require CEQA review saving time and money for a developer, and depending on the time a city may take for processing may offset the prevailing wage costs. He noted the Kmart developer had been able to use that legislation since residential was an allowed use on the site subject to some conditions.

Community Development Director Whalen clarified the site adjacent to Kmart, the former Best Buy, was in a Regional Commercial (RC) Zone and would not allow Residential as an allowed use as currently zoned.

Planning Commissioner Menis spoke to the requirements of AB 2097 and asked of the requirements for public transit for the intersection of two plus lines with 15-minute headways and if that meant headways had also taken into consideration the reliability of those headways or just the stated time, and Assistant City Attorney Mog clarified that would be “published” headways.

Planning Commission Vice Chairperson Martinez further clarified the criteria of SB 9 and the development of ADUs and asked how many lots in Pinole had been identified that met the criteria for ADUs.

Community Development Director Whalen clarified the minimum lot size for SB 9 projects was 1,200 square feet with a quarter of an acre in the 12,000 square-foot range.

Assistant City Attorney Mog also clarified that any lot that was 2,400 square feet in size could be split in half into two 1,200 square-foot lots.

Planning Manager David Hanham reported that based on research of 10,000 square-foot lots, in Pinole there were around 150 lots that met the criteria but staff was still putting that information together.

Planning Commission Chairperson Moriarty spoke to SB 9 and asked whether there were any locations in Pinole that were in the earthquake fault zone, in a High Fire Hazard Severity Zone or could be impacted by sea level rise that could be under the Federal Emergency Management Agency (FEMA) Floodplain.

Community Development Director Whalen reported a High Fire Hazard Severity Zone was located in the valley area.

Planning Manager Hanham identified a small earthquake fault along Pinole Valley Road, specifically around 2801 Pinole Valley Road, although no one had identified where the fault started and stopped.

Assistant City Attorney Mog stated with respect to flood and High Fire Hazard Severity Zones, an SB 9 project could still be built in those areas but must address additional issues.

Planning Commission Chairperson Moriarty clarified with staff pursuant to the Climate Central Maps that the City of Pinole would not be impacted by sea level rise at this point. As to the projects not subject to CEQA review, she asked if that posed a potential threat to the City and the environment.

Assistant City Attorney Mog commented that impacts from infill housing were different from other projects and any project could have impacts that must be considered individually.

Community Development Director Whalen explained that the projects would still be required to obtain building permits and comply with state building codes and fire protections.

Council member Sasai asked whether there were any unintended consequences with Short-Term Rentals (STRs) that SB 9 was trying to prevent, and Assistant City Attorney Mog explained the legislators' intent of the legislation was as previously described.

Community Development Director Whalen added that the intent of SB 9 was to contribute to the housing stock and not to the hotel industry.

Council member Sasai asked whether there was any data related to complaints associated with STRs in Pinole, to which Community Development Director Whalen reported there had been under five complaints during her tenure with the City.

Council member Sasai asked for an update of the legislative efforts to update SB 9, and Assistant City Attorney Mog commented that every year the Legislature proposed new laws, some of which had become law, and he provided some examples.

Council member Martinez-Rubin spoke to the criteria for SB 9 and asked about the type of alterations that could or could not be made to a residence and how those alterations were gauged and measured.

Assistant City Attorney Mog detailed the specific measures that could be considered such as more than 25 percent of the exterior walls could not be demolished. The intent was that alterations not be done to the basic unit that would change the structure from what had been a three-bedroom house to something else, as an example, and he again clarified the criteria for SB 9.

Council member Martinez-Rubin also clarified with the Assistant City Attorney the definition of STRs was “less than 30-days.”

Mayor Pro Tem Toms spoke to the development fees for ADUs and asked for clarification on the fees that could be charged.

Assistant City Attorney Mog clarified that if under 750 square feet in size, the City could not charge any impact fees but there was potentially an exception for a sewer connection fee. If above 750 square feet in size, the fee must be proportionate to the size of the Single-Family home.

Mayor Murphy again clarified the traditional approval process for a project that had been impacted by state legislation which limited local controls. He asked staff how the public was being informed of those projects that were being approved ministerially.

Assistant City Attorney Mog explained the City currently did not have a process for that but the City Council may consider how it wanted to handle that situation and create new processes. The City’s website could be used to post major updates but no mailers had been mailed to the public for items that did not involve a public hearing. Some cities held a Town Hall or workshop on projects that involved ministerial approval, but that could be misleading to the public. It was up to the City Council how to address that issue.

Community Development Director Whalen suggested through the process of developing objective standards the City could ensure robust community input.

Mayor Murphy suggested testing what a ministerial approval looked like in the City of Pinole and possibly projects that had been approved ministerially could be posted on the City website with the possible creation of standard policies when moving forward, which was something the Planning Commission could recommend.

Planning Commissioner Banuelos detailed his experience with the ministerial approval criteria for ADUs and noted that no ADU process was to continue beyond 60-days.

Mayor Murphy asked whether it was possible for a city to create an objective standard to require an Environmental Impact Report (EIR) for a project.

Assistant City Attorney Mog explained that CEQA was state law and there would be no objective standard that required an EIR since that was all subjective and there was no way to make CEQA an objective standard.

Objective standards to address some of the impacts could be a way to address construction noise, as an example, where construction hours could be changed to address some of the impacts by adopting a new standard as opposed to relying on the CEQA process.

Community Development Director Whalen suggested staff could potentially explore disclosure through the application and there could be certain categories of environmental impacts that could be disclosed through the CEQA process, which the applicant may disclose through the application form.

Mayor Murphy understood that EIRs all looked different but there were pieces that were standard, which could be a way to codify that within the ordinances.

Assistant City Attorney Mog confirmed there could be a way for disclosure as staff had described. The CEQA process took that information and if there was an impact it was mitigated with a mitigation measure identified as part of the process, which he suggested would be difficult to do since the City had no mechanism to impose an ad hoc impact, which was where they must consider the most common impacts and address them in the objective standards and also consider what disclosure requirements could be imposed outside of the project approval requirement.

Mayor Murphy commented he had seen the cities of Santa Clara and Fremont map out how their communities could look being SB 9 friendly. He asked whether Pinole could do the same, and also asked of the status of the valley study staff was doing.

Planning Manager Hanham reiterated that staff was conducting an informal study of the number of lots that may be SB 9 eligible, although that process would take some time possibly six months to a year in order to capture all of the lots.

Community Development Director Whalen commented as part of identifying where SB 9 lots may be allowed, staff would also identify potential constraints to development or splitting lots and creating additional parcels on those lots, which would be helpful to determine what may or may not be a constraint in developing SB 9 lots.

PUBLIC COMMENTS OPENED

Deputy City Clerk Stone reported there were no comments from the public.

PUBLIC COMMENTS CLOSED

C. Update on the Status of Private Development Projects in the City [Action: Receive Update (Whalen)]

Community Development Director Whalen provided a PowerPoint presentation on the Status of Private Development projects in the City of Pinole, which included a map of the location of current development and tenant improvement projects in Pinole; a summary of new housing in 2022 including the housing type, number of units; whether planning permits had been approved; building permits issued; and whether construction had been completed and an occupancy permit granted.

The following multifamily projects were described in detail along with presentations of color renderings and project timelines:

- SAHA, 811 San Pablo Avenue, 33 rental housing units with a \$15.8 million dollar valuation.
- Vista Woods, 600 Roble Avenue, 1109 San Pablo Avenue and 1230 San Pablo Avenue, 179 senior housing units with a \$30.4 million valuation.
- Appian Village, 2151 Appian Way, 154 condominium for-sale units with a \$62.5 million valuation.
- BCRE, 2801 Pinole Valley Road, 233 housing units, anticipated \$20 to \$30 million valuation; and
- Pinole Vista, 1500 Fitzgerald Drive, 233 housing units, anticipated \$55 million dollar valuation.

Other housing projects under construction and timelines included:

- New single-story residence at 1169 Pinole Valley Road
- New Triplex at 1479 San Pablo Avenue
- New two-story single-family residence and ADU at 472 Limerick Road
- New two-story single-family residence and ADU at 2525 Brandt Street
- Four-lot subdivision at 1630 Hazel Street; and
- New single-family residence and ADU at 8 N. Rancho Court

Since 2018, 30 ADUs and 4 JADUs had been constructed, and nine ADU applications had been received thus far in 2023. Numerous commercial, industrial and tenant improvement projects and the status of all entitlements were also highlighted.

Planning Commission Chairperson Moriarty appreciated the map of all projects that had been highlighted, and reported the Planning Commission had asked for information on what projects would look like in the City as it was being built out. She expressed her hope that at some point a digital conceptual rendering could be prepared, particularly for Old Town. She added the Planning Commission had also been asked continually by the public how the projects would address transportation and whether transportation infrastructure would be provided to get people out of cars, particularly getting seniors into Old Town and safely across San Pablo Avenue. She also asked about the City's process for permitting ADUs as compared to other cities.

Community Development Director Whalen walked through the ADU review process that had been streamlined into one review as part of the building permit process.

Planning Commission Vice Chairperson Martinez commented on how the City was looking at traffic improvements for the Tennent Avenue Corridor.

Planning Commission Vice Chairperson Martinez noted that while the City had been required to increase density and build more housing, it was not addressing needed traffic improvements in the area. The SAHA development had existing bus service across the street but he asked whether the existing bus service would be increased or whether a plan was in place to integrate safety and transportation needs. He asked whether a workshop could be considered to solicit input on the transportation needs future residents of the identified developments in the pipeline would need to ensure gaps were covered and whether or not there was a Master Plan in place for the community.

Community Development Director Whalen and Planning Manager Hanham explained that staff had worked with the developers of Vista Woods on traffic demand strategies that included a shuttle service for the project, and some shared vehicles could be brought in when needed such as a van to transport residents to local medical facilities. Rideshare parking would also be provided in the development. The SAHA development would have staff on-site who could provide assistance with transportation modes.

Mayor Pro Tem Toms reported as a WestCAT Board member, most residents in the senior project and some or all in the veterans' project would qualify for using paratransit with WestCAT. Also, as part of the Traffic Demand Management Plan (TDMP) they would be eligible for on-site transit training, a program offered through WestCAT and the West Contra Costa Transportation Advisory Committee (WCCTAC), which had been folded into the TDMP programs.

Planning Commission Vice Chairperson Martinez asked whether or not the City would consider stop lights or other safety measures in the areas identified given the increase in density in those areas, and asked whether the City would consider a three- or five-year plan to improve public safety.

Community Development Director Whalen explained as part of the entitlement review of the projects, traffic studies had been completed to identify the need based on the use and demand at the two sites (SAHA and Pinole Vista). Those traffic studies had not identified the need for additional traffic lights as part of the projects.

Planning Commissioner Menis commented the Planning Commission met on March 27, 2023 and discussed the comparison of the Complete Streets goal for the City, what had been planned more broadly for Appian Way, and whether it was possible to have something similar to that for San Pablo Avenue to mitigate the traffic risks to the vulnerable population that would be added with new development. He asked staff whether that was possible.

Planning Commissioner Menis referenced the SAHA project and the subsidies provided by the City, and asked whether or not units would be provided for Extremely Low income persons or whether the subsidies were just for eligible veterans to bring that up to the Very Low income threshold at the minimum.

Community Development Director Whalen noted the affordability mix was at 30 to 60 percent of the Average Median Income (AMI).

Planning Commissioner Menis asked for more detailed data for the affordability mix for Vista Woods and asked that the PowerPoint be updated with that information, and Community Development Director Whalen confirmed that clarification could be provided.

Planning Commissioner Menis spoke to the Appian Village project and clarified with Community Development Director Whalen it would include eight Low income units.

Planning Commissioner Menis referenced the BCRE project and noted the number of housing units had been copied from the Pinole Vista project and should be updated. He also clarified with Community Development Director Whalen the affordability mix for Pinole Vista would be 14 Very Low and 13 Low income units, with the applicant having elected to modify the mix and enhance the number of Very Low units and remove some units from the Low category.

Planning Commissioner Menis referenced the Summary Major Multifamily Timeline in the PowerPoint presentation, which had shown that most projects would have a one- to two-year timeline for construction with Appian Village at a three-year timeline, and asked for clarification.

Community Development Director Whalen reiterated the Appian Village project would be a phased project comprised of nine different phases with building permits to be submitted one phase at a time.

Planning Commissioner Menis spoke to the chart for Status in Progress Commercial/TI/Industrial Locations and asked how tenant improvements had been defined, to which Community Development Director Whalen explained the intent was to highlight new businesses coming to the City, with tenant improvements taking the existing space and modifying it for a new business, and while there may be some exterior improvements, there was no expansion of square footage.

Planning Commissioner Kurrent commented on the ADU constructed by the Property Brothers years ago, which he described as a coup for the City. As to the Commercial and Industrial locations, he noticed that Pinole Square had not been included and asked of the status of the project.

Community Development Director Whalen reported there was a new property owner for Pinole Square as of January 2023, who had been reviewing the entitlements and existing buildings on the site to determine what could be done with the site. She had no further information on what the property owner planned to do at this time.

Planning Commissioner Banuelos asked how ancillary review was handled with ADUs and was informed by Planning Manager Hanham that prior to the City's consolidation with the Contra Costa County Fire Protection District (CCCFFPD), the City's plan checker had checked for Fire Code compliance as part of the building permit process. That process would have to be updated with the new consolidation with the CCCFFPD.

Planning Commissioner Banuelos asked of the number of ADUs currently permitted in the City and how many had been illegal but later legitimized, to which Community Development Director Whalen stated she would have to return with that information.

Mayor Pro Tem Toms thanked staff for the complete information, particularly the valuation of the developments and the investment in Pinole.

Council member Martinez-Rubin noted the valuation figures were private investments with the figures provided by the parties and the flip side of the investment were the costs associated with the infrastructure such as safety and transportation improvements.

Council member Martinez-Rubin asked whether staff had looked at that flip side and could offer a sense of what that was to make the projects actually happen over a certain period of time, as shown.

Community Development Director Whalen explained that valuation provided by the applicants was for materials and labor to construct the project and staff had taken a hard look at those figures to ensure the applicant was providing a fair number given that the building permit fee was derived upon that valuation. For each new unit of housing, the City also had development impact fees for multifamily housing that the City used to address different impacts and make other investments for the City.

Assistant City Attorney Mog added that valuation helped and while not a direct correlation it provided an idea of the value of the property increasing the property tax. Impacts the property may have on the City was something the City Council may consider and he noted for the Kmart property, as an example, an expert had provided information on the valuation for that project. That was something the City may consider on a project-by-project basis, or consider a study of the impacts from future development in general.

Council member Martinez-Rubin suggested having that information informed when a project came about that there was a figure based on that valuation and she wanted to keep in mind the long-term effects of all construction and the fact that increased housing and increased valuation was great. While that increased the value of nearby properties, at the same time demands for infrastructure would continue and the City did not have the budget to accommodate that need. She suggested the comments from the public about repairing City streets spoke to that concern.

Council member Martinez-Rubin also commented on her recollection the former owner of the Pinole Square property had until June 2023 to do something with the property. While she understood staff was unaware of the new property owner's intention, she expressed concern the City may have to wait years for a new application.

Community Development Director Whalen confirmed the entitlements for Pinole Square expired in June 2023, and while there was still the possibility the new owner could exercise those entitlements it was unlikely plans would come through and it depended on what the new owner wanted to do with the site. She described the process if the new property owner submitted a new application.

Council member Sasai clarified with Community Development Director Whalen that all of the new housing that had been proposed would be "all electric" but staff was unaware of legislation requiring "all electric" homes in the future, although it may be a requirement of the building codes in the next two to three years.

Council member Sasai asked for more information on the commercial and industrial projects in progress such as the lot between the Bank of Pinole and the community corner, Pinole Shores II and Rebel Gas Station.

Planning Manager Hanham reported the applicant for the lot near the Bank of Pinole had applied for building permits, was completing tenant improvements for outdoor space and had permits for the shed and new trash enclosure. The irrigation for the project had also been installed.

Planning Manager Hanham stated that Pinole Shores II was owned by the City and the project was in the entitlement process for two warehouse projects and had been tentatively scheduled to go before the Planning Commission in the next 30 to 45-days. He did not have information on Rebel Gas Station and would have to return with an update.

Mayor Murphy thanked staff for the presentation, the information provided and the visualization and timelines for the projects. He too appreciated the valuation information which was important for the public. He advised the information was also being provided as part of the Mayoral Monthly Updates, and suggested there could be a creative way to replicate the PowerPoint for PCTV as well. He also asked for clarification with respect to the SAHA project and of the available funds to support the construction of affordable housing projects in Pinole as well as the status of those funds.

Community Development Director Whalen confirmed the City had an Affordable Housing Fund for Low and Moderate income projects, did not know the exact figures but understood it would be \$6.5 million in June 2023 absent SAHA leaving a balance of \$2.5 or \$3 million. There was also a program in the Housing Element to develop an Affordable Housing Fund Policy which would guide the use of the funds for future projects.

Assistant City Attorney Mog reported the next City Council meeting agenda would include an item related to the Successor Agency Report, which would include detailed information on the assets. He commented that some cities had replenished their Affordable Housing Fund by encouraging inclusionary units and payment of in-lieu fees.

Community Development Director Whalen further added as part of the Housing Element there was a program that would consider in-lieu fees for inclusionary units.

As to what the funds in the Affordable Housing Fund could be used for in addition to affordable housing, Assistant City Attorney Mog stated \$250,000 per year could be used for homelessness services/expenses and \$200,000 for administration, which would specifically be identified in the Successor Agency Report to be presented to the City Council.

Planning Commissioner Menis thanked staff for the nicely presented information and charts.

PUBLIC COMMENTS OPENED

Deputy City Clerk Stone reported there were no comments from the public.

PUBLIC COMMENTS CLOSED

- D. Overview of How the 6th Cycle Housing Element Will Streamline Creation of New Housing and Status Update on Other General Plan Elements [**Action: Receive Overview (Whalen)**]

Community Development Director Whalen provided a PowerPoint presentation on the 6th Cycle Housing Element that would streamline the creation of new housing and status update on other General Plan Elements.

Included in the presentation was an overview of the 6th Cycle Housing Element Update process for the 2023-2031, 6th Cycle Housing Element. The Housing Element contents were also highlighted and included a review of accomplishments, needs assessments, housing resources, constraints, AFFH and implementation plan. The three main components of the Housing Element Plan included the goals, policies and actions. The following housing production programs were highlighted:

- Program 4: Facilitate ADU Production
- Program 5: SB 9 Technical Assistance and Facilitation
- Program 6: Incentives for Mixed-Use Developments
- Program 7: Development of Housing Successor Agency's Low and Moderate Income Housing Asset Fund Policy
- Program 8: Affordable Housing Incentives
- Program 9: Housing for Extremely Low, Very Low and Moderate.
- Program 10: Income Households and Special Needs Households, Including Persons with Disabilities
- Program 11: Senior Housing Incentives
- Program 12: Home Sharing and Tenant Matching
- Program 13: Objective Design Standards and SB 35 Streamlining
- Program 14: Fee Evaluation and Publicization
- Program 15: Permit Streamlining
- Program 16: Rehabilitation Assistance
- Program 17: Acquisition/Rehabilitation of Properties
- Program 18: Housing Preservation/Below Market Rate Regulations and Conversion
- Program 19: Place-Based Improvements
- Program 20: Fair Housing Resources and Services
- Program 21: Displacement Prevention/Housing Mobility
- Program 22: Housing Resources Education
- Program 23: ADU, JADU, and SB Education and Promotion

An overview of Other General Plan Element Updates included the simultaneous effort to update the Health & Safety Element and create a new Environmental Justice Element. A summary of the General Plan Update Timeline was also provided, with the Health & Safety and Environmental Justice Elements to be presented to the Planning Commission in June 2023 and with adoption of the elements by the City Council in July 2023.

Planning Commission Chairperson Moriarty reported the Planning Commission was pleased to receive the Housing Element Update presented by Michael Baker International (MBI) and City staff at its March 27, 2023 meeting, at which time the Planning Commission had recommended City Council adoption of the document.

Planning Commission Chairperson Moriarty acknowledged with the Community Development Director that some of the program numbers may not have been updated from the most current version of the Housing Element as compared to the slides in the PowerPoint presentation but all information would be clarified and updated. Any discrepancies were to be brought to staff's attention.

Planning Commission Vice Chairperson Martinez commented on the work everyone had done collectively to ensure there was new housing stock on-line for people that were not yet ready to buy but needed a place to live such as the development of housing on the former Kmart property and senior housing on San Pablo Avenue. He asked whether there was a current program or whether a program would be created to educate the public on the different housing stock options that could be available in the community.

Community Development Director Whalen stated that was not currently part of the outreach and education program in the Housing Element but could be a component of the website where information on recently-approved developments in the City could be provided. She reported the Vista Woods development had its own website and the City could consider cross promotion.

Planning Commissioner Menis also found the PowerPoint presentation had not matched the presentation on the City's website or the information in the agenda packet and was informed by Community Development Director Whalen she had prepared the slides in the PowerPoint presentation prior to the revised Housing Element going out on Friday, March 24 and updates were needed. She would email the City Council and the Planning Commission her PowerPoint presentation.

Planning Commissioner Menis reported he had expressed detailed questions and concerns with respect to the Revised Housing Element during the Planning Commission meeting on March 27. The meeting had been recorded and he planned to submit additional questions in writing he had not been able to raise during the meeting. As to the PowerPoint presentation, he referred to Program 4 in particular and noted the fee waiver for affordable ADUs may potentially reduce the affordability time period from fifteen to five years depending on the level of affordability, and he expressed concern with the net benefit to the City and the community having covenants with such a short duration.

Community Development Director Whalen commented that the Pinole Municipal Code (PMC) provided a proportional development fee for ADUs above 750 square feet in size but the fee could be waived if the ADU was restricted for 55-years as an affordable unit. No one had taken advantage of that fee waiver and the City could not require the ADU be deed restricted. Of the ADUs the City had approved none included affordability covenants.

Planning Commissioner Menis stated as someone within the Extremely Low income category, he had unease with the affordability constraint at five years duration and rather suggested ten years at a minimum should be considered. As to Program 11, he asked whether there would be any impacts to treating senior housing as fractional units other than for parking requirements and Community Development Director Whalen stated it would be for parking only.

Planning Commissioner Menis spoke to Program 19 and noted the details for the program had not been included in the PowerPoint presentation and was informed by the Mayor the information had been shown on Page 86 of 92 of the agenda packet.

Planning Commissioner Banuelos thanked staff for the comprehensive presentation. He spoke to the reference for an electronic permitting system and clarified with the Community Development Director that a Central Square Technologies track-it system would be used as part of upgrades to the City's current antiquated system and would include an on-line component.

Planning Commissioner Kurrent commented he had not realized that this was the 6th Cycle Housing Element and that the City had done half of the Housing Element already. He also had not realized that private development projects had meshed with the Kmart project with apartments and affordable components, and that the Doctors Hospital property would provide entry-level housing and end of life care in the senior housing project.

Planning Commissioner Kurrent acknowledged affordable housing carried a stigma and there had been comments from the public expressing concern with the potential increase in crime with the development of the Kmart property with affordable housing. Affordable housing allowed people to remain in the community and the City had a public relations job to convince the public that affordable housing was needed, would not create crime and was a positive. He otherwise commented that for the past three years public meetings had been held via Zoom and he had been unable to meet some members of City staff and members of the City Council. He was impressed with the work done by City staff, the City Council and MBI and he applauded everyone for a job well done.

Council member Martinez-Rubin spoke to the Housing Element's focus on the disadvantaged and vulnerable communities, which had grabbed her attention given the different communities in Pinole. She suggested the perception that there was crime associated with poverty may or may not hold true but there were disadvantages for members of the community who were experiencing displacement, unemployment, lower levels of education and the impacts from moving from one socio-economic level to the next even for median incomes. Work was still needed on the City's objectives to have an outreach program to address the needs of the disadvantaged in the community. She asked whether those communities had been dispersed through the City of Pinole or were in a particular geographic area of the City such as the west side of Pinole bordering the unincorporated area of San Pablo Avenue.

Planning Manager Hanham explained that it had been found the City had certain areas facing those difficulties but it was not centralized in one area, and while most was on the western side it was throughout the City. He did not have the numbers involved at this time.

Assistant City Attorney Mog advised the agenda packet for the April 4, 2023 City Council meeting would include a larger discussion about that issue as part of the Revised 2023-2031 Housing Element.

Council member Martinez-Rubin looked forward to the information given recent discussions how the City of Pinole had not qualified to receive state funding focused on addressing disadvantaged communities. If the numbers had changed, it placed the City in a position to apply for funding that involved specific criteria; however, Community Development Director Whalen noted the metrics used for that funding was different from the metrics evaluated in the Housing Element.

Community Development Director Whalen added that she had looked at opportunity zones for disadvantaged communities in Pinole and it had not fallen into that category. She also cited the Del Monte Center side of the City where a small portion of a census tract met the Environmental Protection Agency (EPA) qualifications criteria.

Council member Martinez-Rubin pointed out the EPA qualifications or criteria did not mesh with the larger distribution of people that may fall into the disadvantaged category and who were dispersed in Pinole.

Community Development Director Whalen again explained that the metrics for funding and the term disadvantaged communities as it related to different funding sources were different.

Council member Martinez-Rubin clarified she was not thinking about a particular funding source but about the updated piece of information if there were individual families dispersed throughout Pinole for whom services could be provided that could somehow be meshed with funding opportunities criteria the City had used.

Mayor Pro Tem Toms thanked staff and MBI for a heavy lift in getting them this far and also recognized the Planning Commission for its work. She hoped this was the last cycle for adoption issues and the next iteration of the Housing Element would be successfully certified by HCD.

Council member Sasai also expressed his appreciation to City staff and the Planning Commission for all of their hard work on the Housing Element. He otherwise agreed with the need to educate the public on the benefits of affordable housing and agreed there remained a stigma attached to the term affordable housing. He emphasized it was the City's responsibility to educate the public.

Mayor Murphy also expressed his appreciation to City staff for all of its hard work and allowing the public to better understand what was happening in Pinole, for providing clarity, answering questions and the City Council and Planning Commission for its patience and grace in this process. He particularly thanked Planning Commission Chairperson Moriarty for her leadership and commitment to the City.

Mayor Murphy reported he had spoken at the Bay Front Chamber of Commerce, State of the Cities in the last week and he had been intrigued how the data informed the City's work. He also commented on the importance and depth of partnership in that work. He recognized the last couple of years had been a challenge due to the pandemic leading to the creation of many projects but the City had changed, the City Council was the most diverse it had been in years and City staff was tremendous and the City organization had expanded. He questioned how a better community might be created, acknowledged it would take a lot of work, but with dedicated staff, courage and political will along with public engagement, participatory budgeting and volunteerism it could work.

Mayor Murphy again thanked everyone present and those at home watching the meeting and others who may be part of the conversation in the future. He wanted to see everyone continue to work together and think of the leaders of tomorrow who may be brought into the conversation. He pointed out in the next year there would be different initiatives from the City Council and from other agencies, and he provided examples of potential initiatives that may be on future ballots in the state. He described the City of Pinole as a one of a kind and a strong city in the Bay Area which should never be underestimated and he was proud to represent the City of Pinole as Mayor. He looked forward to more and to growing and scaling the work together.

PUBLIC COMMENTS OPENED

Deputy City Clerk Stone reported there were no comments from the public.

PUBLIC COMMENTS CLOSED

Mayor Murphy opened public comment for any items not on the agenda.


Deputy City Clerk Stone reported there were no comments from the public.

Planning Commissioner Kurrent expressed his appreciation to the Public Works Department for its work during the recent storms and stated the Public Works Director had been very responsive to comments and emails.

6. **ADJOURNMENT** to the Regular City Council Meeting of April 4, 2023 in Remembrance of Amber Swartz.

At 9:57 p.m., Mayor Murphy adjourned the meeting to the Regular City Council Meeting of April 4, 2023 in Remembrance of Amber Swartz.

Submitted by:



Heather Bell, CMC
City Clerk

Approved by City Council: April 18, 2023

