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2
3 **MINUTES OF THE REGULAR MEETING**
4 **PINOLE PLANNING COMMISSION**
5

6 **April 26, 2021**
7

8 **DUE TO THE STATE OF CALIFORNIA'S DECLARATION OF EMERGENCY – THIS**
9 **MEETING WAS HELD PURSUANT TO AUTHORIZATION FROM GOVERNOR**
10 **NEWSOM'S EXECUTIVE ORDERS – CITY COUNCIL AND COMMISSION MEETINGS**
11 **WERE NO LONGER OPEN TO IN-PERSON ATTENDANCE. THE MEETING WAS**
12 **HELD VIA ZOOM TELECONFERENCE.**
13

14
15 **A. CALL TO ORDER: 7:05 P.M.**
16

17 **B. PLEDGE OF ALLEGIANCE AND ROLL CALL**
18

19 Commissioners Present: Banuelos, Flashman*, Martinez, Moriarty, Wong*, Chair
20 Kurrent
21 *Arrived after Roll Call
22

23 Commissioners Absent: Commissioner Benzuly
24

25 Staff Present: David Hanham, Planning Manager
26 Alex Mog, Assistant City Attorney
27

28 **C. CITIZENS TO BE HEARD**
29

30 The following speaker submitted written comments via email that were read into
31 the record and would be filed with the agenda packet for this meeting: **Rafael**
32 **Menis.**
33

34 **D. MEETING MINUTES:**
35

36 1. Planning Commission Meeting Minutes from March 22, 2021
37

38 **MOTION** by a Roll Call Vote to adopt the Planning Commission Meeting Minutes
39 from March 22, 2021, as submitted.
40

41 **MOTION: Moriarty SECONDED: Banuelos APPROVED: 4-0-3**
42 **ABSENT: Benzuly, Flashman, Wong**
43

44 **E. PUBLIC HEARINGS: None**
45

46 **F. OLD BUSINESS: None**

1 **G. NEW BUSINESS:**

2
3 **1. Selection of Chair, Vice-Chair and the Ad-Hoc Planning Commission**
4 **Subcommittee**

5
6 Planning Manager David Hanham presented the staff report dated April 26, 2021,
7 and recommended the Planning Commission select the Chair and Vice-Chair and
8 members of the Ad-Hoc Planning Commission Subcommittee for the term of May
9 1, 2021 through April 30, 2022.

10
11 Vice-Chair Flashman reported she would be resigning from the Planning
12 Commission in the next month since she would be moving out of the City of Pinole.
13 As such, she would not be able to serve as the Chair for the 2021/2022 term.

14
15 Vice-Chair Flashman offered a nomination to select Ann Moriarty as the Chair of
16 the Planning Commission for 2021/22; however, Commissioner Moriarty preferred
17 to serve as the Vice-Chair if so selected by the Planning Commission.

18
19 Commissioner Wong nominated *Tim Banuelos* as the Chair of the Planning
20 Commission and *Ann Moriarty* as the Vice-Chair. Commissioner Martinez
21 seconded the nominations. There being no further nominations the nominations
22 were closed.

23
24 **MOTION** by a Roll Call Vote to select ***Tim Banuelos*** as the ***Chair*** and ***Ann Moriarty***
25 as the ***Vice-Chair*** of the Planning Commission for the term of May 1, 2021 through
26 April 30, 2022.

27
28 **MOTION: Wong** **SECONDED: Martinez** **APPROVED: 6-0-1**
29 **ABSENT: Benzuly**

30
31 **MOTION** by a Roll Call Vote to appoint ***Tim Banuelos, Frankie Martinez,*** and ***Ann***
32 ***Moriarty*** to the Ad-Hoc Planning Commission Subcommittee for the term of May 1,
33 2021 through April 30, 2022.

34
35 **MOTION: Wong** **SECONDED: Flashman** **APPROVED: 6-0-1**
36 **ABSENT: Benzuly**

37
38 The Planning Commission postponed appointing an Alternate Member to the Ad-
39 Hoc Planning Commission Subcommittee with the item to be agendaized for the
40 next meeting scheduled for May 24, 2021.

41
42 **2. Housing Law Review**

43
44 Assistant City Attorney Alex Mog provided a PowerPoint presentation of the
45 Housing Law Review related to numerous laws intended to address California's
46 housing crisis.

1 Mr. Mog provided an overview of the basic structure of affordable housing; the
2 Regional Housing Needs Allocation (RHNA) determined by the Association of Bay
3 Area Governments (ABAG); Housing Element requirements and the 6th Cycle
4 Housing Element, which was currently underway with Pinole's draft allocation
5 currently at 500 units. He explained that Senate Bill (SB) 35 allowed streamlined
6 ministerial approvals of multifamily residential projects to satisfy certain
7 requirements; Density Bonus law allowed developers to build a certain percentage
8 of affordable units in a project and were then entitled to a specific density bonus;
9 and the Housing Accountability Act (HAA); Senate Bill (SB) 330, Housing Crisis
10 Act (HCA) of 2019 were all intended to address housing needs. All were detailed
11 at length.
12

13 Messieurs Mog and Hanham responded to specific questions from the Planning
14 Commission related to the PowerPoint presentation, particularly the background
15 of ABAG, how the RHNA had been calculated, consequences if the City did not
16 meet its RHNA mandate or the mandates of the HAA and HCA, with additional
17 details provided on the Density Bonus law and how current legislation may impact
18 the City of Pinole.
19

20 The Planning Commission thanked staff for the presentation and encouraged the
21 public to watch the video of the meeting given the need for the public to understand
22 the limitations facing the City regarding the approval of affordable housing due to
23 the State mandates.
24

25 Vice-Chair Flashman sought more information on how the City may advocate and
26 encourage property owners to develop Very Low and Low Income housing,
27 including strategies used by other cities and what strategies Pinole may consider
28 when approving affordable housing.
29

30 Commissioner Banuelos commented that there had been past projects in Pinole
31 that had involved agreements with subsidized housing for a specific number of
32 years but when the projects had expired the property owners did not want to renew,
33 which was difficult given the need for housing. He recognized the tremendous
34 push back from developers in response to current legislation. As densities were
35 increased, he expressed concern with the potential negative impacts to the smaller
36 communities such as Pinole, which was why Pinole had worked to develop transit
37 corridors and keep building heights lowered. He wanted to see a balance on how
38 everything was done given the fact the State was taking away local control but he
39 was uncertain how it would work.
40

41 Vice-Chair Flashman acknowledged the need to protect small cities and maintain
42 a balance although that would be difficult given the State mandates. She
43 suggested the small town feel could be maintained while also having single-family
44 duplex development, as an example. A small town feel could also be maintained
45 by ensuring developments included low-income units, such as housing on top of
46 retail. She recognized that smaller cities would struggle with the State mandates.

1 Commissioner Wong cited the Appian 80 development as an example of a location
2 that needed development but asked how the City would address that issue if
3 housing was not included. He suggested it would depend on the strength of City
4 leadership to push that agenda forward.

5
6 Commissioner Banuelos commented that when the City Council had discussed the
7 potential commercial renovation of the Appian 80 property, there had been
8 discussion whether or not a stipulation could be imposed for housing inclusion if a
9 future second floor was provided.

10
11 Mr. Hanham explained that developers were becoming savvy having to respond
12 to current legislation and it was up to the City to ensure quality projects. Since
13 incentives were needed for affordable housing to grow there would be impacts in
14 the community and there could be a loss of the small town feel. While housing
15 was needed, the City also had to do its best to ensure that designs fit within the
16 community either through Transit Oriented Developments (TODs) or other
17 planning options. A number of housing developments would be considered by the
18 Planning Commission this year that included requests for incentives, waivers, and
19 height exceptions. As a result, the Planning Commission Ad-Hoc Subcommittee
20 would be asked to meet as soon as possible. It was also important to have public
21 outreach prior to the projects being formally presented to the Planning
22 Commission.

23
24 **PUBLIC COMMENTS OPENED**

25
26 Mr. Hanham reported no written comments had been submitted for this item.

27
28 **PUBLIC COMMENTS CLOSED**

29
30 **H. CITY PLANNER'S / COMMISSIONERS' REPORT**

31
32 **1. Verbal Updates of Projects**

33
34 Mr. Hanham reported staff had received the scope of services for the
35 environmental work for property at 2801 Pinole Valley Road; and the applicant for
36 811 San Pablo Avenue proposed 33 units of 100 percent affordable housing
37 consistent with SB 330 and SB 35 guidelines, with staff working on the scope of
38 work.

39
40 The applicant for 2151 Appian Way had proposed a 154-unit apartment complex
41 in the former Doctor's Hospital building, to include a 25 percent density bonus
42 consistent with SB 330. The applicant for Vista Woods had proposed 179 units
43 consistent with SB 35 and SB 330; and the 214-unit Pinole Vista project on the
44 former Kmart site would also be consistent with SB 330. All projects had been
45 scheduled to be discussed by the Planning Commission Ad-Hoc Subcommittee.

1 Staff had also received an application for a Zoning Ordinance Text Amendment;
2 the City received its LEAP grant money for the Housing Element Update and
3 would receive additional funds in May to allow staff to proceed with the Request
4 for Proposal (RFP) for the Housing Element Update; and Design Review
5 applications had also been received and were being processed by staff.
6

7 In response to Commissioner Banuelos, Mr. Hanham advised that some of the
8 larger projects referenced would include Negative Declarations (NDs) given the
9 size and location of the projects. No Environmental Impact Reports (EIRs) would
10 be required for the projects identified, and if the projects qualified for exemptions
11 an ND may not be required. Staff would ensure the accuracy of all requirements
12 prior to presentation to the Planning Commission.
13

14 Mr. Hanham also reported in response to Commissioner Moriarty that Dr. Lee had
15 ordered all of the plants/trees needed for the modified Landscape and Tree
16 Mitigation Plan for the East Bay Ophthalmology Center, with the landscaping
17 scheduled to be planted in the next couple of weekends. A building permit had
18 not yet been submitted for Pinole Square, but once submitted staff would ensure
19 the landscape plan identified the inclusion of more native trees. A parcel map for
20 the property was expected in the next three to four weeks.
21

22 As to the planned mitigation for trees for the Sprouts project, staff continued to
23 work with Sprouts to determine how to best resolve the mitigation requirements.
24

25 Commissioner Moriarty stated she was completely against mitigation for the
26 Sprouts project via payment into a maintenance fund or anything other than
27 planting other trees. She otherwise referenced property at 2518 San Pablo
28 Avenue which had a home that had been painted yellow and a street tree which
29 had been removed. She asked staff whether or not the tree removal had been
30 permitted by the City.
31

32 Mr. Hanham reported the property at 2518 San Pablo Avenue involved code
33 enforcement related to the tree that had been removed. Staff had prepared a
34 mitigation plan with a tree to be replanted in the same location where the tree had
35 been removed. In terms of the house color, he had reviewed the Design
36 Guidelines and Specific Plan, and the issue had been raised with the City Council
37 due to a citizen complaint. City staff was addressing the situation and he would
38 report out on the status of the issue at a future meeting.
39

40 **2. Planning Commissioner's Discussion Following the League of** 41 **California Cities Planning Commissioner's Academy** 42

43 Commissioner Moriarty provided written comments to the Planning Commission
44 based on her attendance at the March 2021 League of California Cities Planning
45 Commissioner's Academy. She walked through her comments on the topics which
46 had been discussed during various sessions attended.

1 Commissioner Moriarty stated the academy had been beneficial and she encouraged
2 Planning Commissioners to participate in 2022.

3
4 Mr. Hanham reported there were funds in the budget for Planning Commissioners to
5 attend the 2022 academy and Commissioners were encouraged to participate.

6
7 Vice-Chair Flashman commented that one of the topics discussed during the 2020
8 academy was separate Planning Commissioner e-mails.

9
10 Mr. Hanham commented that the discussion had been delayed due to the
11 coronavirus pandemic. The City had new Information Technology (IT) staff and he
12 would work with the City Attorney's Office to determine whether or not separate
13 Planning Commissioner e-mails would be possible.

14
15 Other Planning Commissioners agreed with the need for separate e-mails.

16
17 Vice-Chair Flashman was recognized for her tenure on the Planning Commission,
18 Commissioners wished her well on her next endeavors, and Vice-Chair Flashman
19 clarified that she would be present for the next meeting scheduled for May 24.

20
21 Chair Kurrent reminded Planning Commissioners to submit their Form 700 Conflict
22 of Interest statements.

23
24 **I. COMMUNICATIONS:** None

25
26 **J. NEXT MEETING**

27
28 The next meeting of the Planning Commission to be a Regular Meeting to be held
29 on Monday, May 24, 2021 at 7:00 P.M.

30
31 **K. ADJOURNMENT:** 9:21 P.M.

32
33 Transcribed by:

34
35
36 Sherri D. Lewis
37 Transcriber