

AGENDA FOR THE



CITY OF PINOLE PLANNING COMMISSION REGULAR MEETING

Monday, December 13, 2021

7:00 P.M.

Via Zoom Videoconference

DUE TO THE STATE OF CALIFORNIA'S DECLARATION OF EMERGENCY – THIS MEETING IS BEING HELD VIA VIDEOCONFERENCE PURSUANT TO AB 361 – CITY COUNCIL AND COMMISSION MEETINGS ARE NOT CURRENTLY OPEN TO IN-PERSON ATTENDANCE.

WAYS TO WATCH THE MEETING

- LIVE ON CHANNEL 26. The Community TV Channel 26 schedule is published on the City's website at 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. and remain archived on the site for five (5) years.
- 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 ghanham@ci.pinole.ca.us.

TO PARTICIPATE IN PUBLIC COMMENT DURING THE MEETING

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/87637149010>

OR

<https://zoom.us/join>

Webinar ID: 876 3714 9010

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 3 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).

COMMENTS

Please submit public comments to Planning Staff before or during the meeting via email ghanham@ci.pinoles.ca.us. Comments received before the close of the item will be read into the record and limited to 3 minutes. 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 Development Services 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.

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.

NOTE FOR VIDEOCONFERENCE MEETINGS: Public comments may be submitted to Planning Staff before or during the meeting via email ghanham@ci.pinoles.ca.us. Comments received before the close of the item will be read into the record and limited to 3 minutes. Please include your full name, city of residence and agenda item you are commenting on.

Persons wishing to speak when items are opened for public comment may use the raise hand feature if connected via Zoom or press *9 if connected via telephone. When identified to speak, persons should ensure they have unmuted themselves or press *6 to unmute if connected via telephone.

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 November 8, 2021

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. 2021 Housing Legislation Presentation (Continuation)

Informational presentation on State housing legislation passed in September 2021.

2. Three Corridors Specific Plan – Pinole Valley Road Corridor Information and Discussion

Informational and discussion item reviewing the content of the City's adopted Three Corridors Specific Plan, with a focus on the Pinole Valley Road corridor.

3. Planning Commission Schedule 2022

Reviewing and adopting the Planning Commission Regular Meeting Schedule dates in 2022.

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

I. COMMUNICATIONS:

J. NEXT MEETING(S):

Planning Commission Regular Meeting, January 10, 2022 at 7:00PM

K. ADJOURNMENT

POSTED: December 9, 2021

David Hanham
Planning Manager

1 **DRAFT**

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

5
6 **November 8, 2021**

7
8 **THIS MEETING WAS HELD IN ACCORDANCE WITH ASSEMBLY BILL (AB) 361 AND**
9 **A RESOLUTION ADOPTED BY THE CITY COUNCIL AUTHORIZING REMOTE**
10 **MEETINGS FOR ALL CITY LEGISLATIVE BODIES**
11

12
13 **A. CALL TO ORDER:** 7:03 P.M.

14
15 **B. PLEDGE OF ALLEGIANCE AND ROLL CALL**

16
17 Commissioners Present: Benzuly, Kurrent, Martinez, Menis, Wong, Vice
18 Chairperson Moriarty, Chairperson Banuelos*
19 *Arrived after Roll Call
20

21 Commissioners Absent: None

22
23 Staff Present: David Hanham, Planning Manager
24 Lilly Whalen, Community Development Director
25 Justin Shiu, Senior Planner
26 Alex Mog, Assistant City Attorney
27

28 Assistant City Attorney Alex Mog clarified for the record that the Planning
29 Commission agenda was slightly inaccurate in that the Planning Commission was
30 meeting remotely, not in accordance with any executive orders from Governor
31 Newsom, but in accordance with Assembly Bill (AB) 361 and a resolution adopted by
32 the City Council authorizing remote meetings for all City legislative bodies.
33

34 Planning Commissioner Menis apologized for his absence from the Planning
35 Commission meeting that had been scheduled for October 25, 2021, since his
36 absence had resulted in the cancellation of the meeting.
37

38 **C. CITIZENS TO BE HEARD**

39
40 An unidentified individual speaking on behalf of fellow residents commented that
41 a number of ongoing issues had previously been raised with the Planning
42 Commission and the City Council without resolution to date. He referenced a
43 major breach at the end of the Sprouts Shopping Center between the parking lot
44 and the bowling alley on the northeast side of the creek, which had become worse
45 after recent rains. The landscaping and trees in the shopping center had not been

1 completed, with gaps in the parking lots, which were a health and safety issue
2 since the curbs and abutments had not been appropriately painted to prevent
3 safety hazards. The ingress/egress at DaVita Dialysis/Starbucks/Kaiser
4 Permanente also remained an issue and a flag banner had been installed on one
5 of the islands between the buildings, absent proper signage or landscaping, and
6 the metering light system eastbound near Jack in the Box was inoperable.
7

8 Staff was asked to provide an update on the status of the former Safeway
9 Shopping Center and Doctors' Hospital buildings. The lights were out in the
10 Safeway parking lot during the evening, also a safety hazard. In addition, three
11 telephone poles along Pinole Valley Road and Granada Court had been band-
12 aided together with orange cones around them. The City needed to work with
13 PG&E to address the situation, particularly since the orange cones were blocking
14 the sidewalk in violation of Americans with Disabilities Act (ADA) regulations.
15

16 Planning Manager David Hanham explained that staff would have to contact the
17 West Contra Costa Flood Control Protection District to look into the concerns with
18 the creek. The metering lights were a Caltrans issue and the issues on the DaVita
19 Dialysis side would have to be researched to determine whether it was a City or
20 Flood Control Protection District issue. Also, the telephone poles on Pinole Valley
21 Road would have to be addressed with the Public Works Department. He
22 recommended that the speaker provide his e-mail in writing to staff to allow status
23 reports to be provided. He provided his e-mail address to the public at this time
24 ghanham@ci.pinole.ca.us.
25

26 Commissioner Kurrent asked that a future agenda item be considered to allow staff
27 to provide an update on the items identified.
28

29 Mr. Hanham expressed the willingness to include a status report in the
30 Communications section of the next meeting agenda.
31

32 Irma Ruport, Pinole, referenced the passage of Measure X, a countywide half cent
33 sales tax measure and a recent article regarding the proposed use of the funds by
34 the Measure X Advisory Committee, which included a goal for the reopening of
35 East not West County Fire Stations. She had raised this issue with the City Council
36 during its October 19, 2021 meeting.
37

38 Ms. Ruport understood the Contra Costa County Board of Supervisors (BOS) had
39 planned to discuss the Measure X Advisory Committee recommendations during
40 a meeting on November 2, but the item had been continued to a BOS meeting
41 scheduled for November 16, 2021. She had contacted Supervisors Glover and
42 Gioia to inquire of the status of the Measure X funds and why West County had
43 been eliminated from consideration. Supervisor Gioia had contacted her and had
44 provided a report to the City Council on November 2. She read into the record
45 Supervisor Gioia's response to her inquiries.
46

1 Ms. Ruport added that Planning Commissioner Menis had placed a petition on the
2 NextDoor website with information on this issue, with residents encouraged to e-
3 mail and contact the BOS prior to its November 16 meeting pledging support for
4 the use of Measure X funds to reopen Pinole's Fire Station No. 74.

5
6 Lilly Whalen introduced herself to the Planning Commission as the new
7 Community Development Director. She looked forward to working with the
8 Planning Commission and the local community.

9
10 **D. MEETING MINUTES:**

11
12 1. Planning Commission Meeting Minutes from September 27, 2021

13
14 Commissioner Menis requested that a land acknowledgment be added to the start of
15 each Planning Commission meeting agenda consistent with City Council meeting
16 agendas.

17
18 Mr. Mog suggested the request be made as part City Planner's/Commissioner's
19 Reports.

20
21 **MOTION** with a Roll Call Vote to adopt the Planning Commission Meeting Minutes
22 from September 27, 2021, as submitted.

23
24 **MOTION: Kurrent**

SECONDED: Martinez

APPROVED: 6-0-1
ABSENT: Banuelos

25
26
27 **E. PUBLIC HEARINGS: None**

28
29 **F. OLD BUSINESS: None**

30
31 **G. NEW BUSINESS:**

32
33 1. **Three Corridors Specific Plan – San Pablo Avenue Corridor**
34 **Information and Discussion**

35 Information and discussion item reviewing the content of the City's adopted
36 Three Corridors Specific Plan, with a focus on the San Pablo Avenue
37 Corridor

38
39 Mr. Hanham presented the staff memorandum dated November 8, 2021 and
40 explained that over the next few meetings the Planning Commission would review
41 the Specific Plan and its relationship with the General Plan and Zoning Ordinance,
42 and the potential of each of the corridors for both residential and non-residential
43 developments.

44
45 Mr. Hanham provided a PowerPoint presentation of the Three Corridors Specific
46 Plan – San Pablo Avenue Corridor which included an overview of the vision for

1 San Pablo Avenue, urban design and circulation principles, parking and focal
2 points, aesthetic, landscaping, lighting and signage principles for San Pablo
3 Avenue, economic and land use development, and the sub-area framework for
4 San Pablo Avenue including the Mixed Use, Old Town and Service Sub-Areas
5 along with eight zoning areas, as outlined in the staff memorandum.
6

7 Examples of projects in the Three Corridors Specific Plan area were also
8 highlighted and included the Satellite Affordable Housing Associates (SAHA)
9 Project located on Appian Way consisting of 33 units on .5 acres, and Vista Woods
10 also on Appian Way consisting of 179 units on 2.01 acres. The San Pablo
11 opportunity sites west and east of Appian Way and the permitted land uses, design
12 standards, and economic development strategies in the Three Corridors Specific
13 Plan were all highlighted.
14

15 Responding to the Commission, Mr. Hanham and Mr. Mog clarified:
16

- 17 • The City had limited Geographic Information System (GIS) capacity to
18 prepare a comprehensive Three Corridors Specific Plan Map, but staff was
19 working on plotting projects in the Three Corridors Specific Plan area with
20 frontages using Google Earth.
21
- 22 • San Pablo Avenue was a four-lane expressway with significant traffic volume.
23 Parklets or outdoor dining on San Pablo Avenue were challenging given the
24 traffic, sidewalk width, and need to ensure pedestrian safety. Some
25 businesses had been fortunate to provide outdoor dining but the traffic on San
26 Pablo Avenue during the rush hour was a constraint, although using side
27 streets (Tennant Avenue, Pinole Valley Road and Fernandez Avenue) to
28 create the outdoor dining and public space experiences could be considered.
29 The City may also need to consider the area between John Street and
30 Tennant Avenue and expand back into Oakridge Road, which would open up
31 the possibility of parklets through repaving and other street work. West
32 towards San Pablo Avenue, the buildings were set back providing more
33 opportunities for public spaces.
34
- 35 • The Three Corridors Specific Plan included design guidelines, some of which
36 removed parking, but the parking removed would need to be added elsewhere
37 or consideration of a garage to make San Pablo Avenue a more walkable
38 community. Properties that were underutilized or able to handle more parking
39 was another constraint requiring collaboration with property owners. Many
40 parcels were flag parcels, requiring some parcel reconfiguration to make them
41 easier to develop, and determining property lines was another constraint.
42
- 43 • Priority sites had previously been handled by the Redevelopment Agency,
44 and with the new Community Development Director on-board staff would be
45 reviewing the priority sites to look at the desired uses that may be possible to

1 develop a strategy. Staff may also be able to identify a Priority Development
2 Area (PDA), although that would depend on a property owner's willingness to
3 sell the property. The existing physical constraints on San Pablo Avenue were
4 again highlighted as outlined in the PowerPoint presentation.
5

- 6 • Prior to 2010, Pinole Shores had been undeveloped and the City owned a
7 portion of the property. With the development of the Three Corridors Specific
8 Plan in 2010, most light industrial uses were to be located in that area.
9
- 10 • The Quimby Act was a state law which governed how much park land should
11 be dedicated for residential subdivisions. The City had a Quimby Act
12 Ordinance but staff was uncertain when it had last been used. The City also
13 had a Park Impact Fee for parks and recreation imposed on all new residential
14 development, although there had not been significant residential development
15 in the City since the adoption of the Three Corridors Specific Plan. The funds
16 were used for new facilities such as buying park property or building new park
17 recreational facilities at parks.
18
- 19 • The City had not initiated a green plan but as the City implemented its Climate
20 Action Plan (CAP) and green inventory it would be able to identify projects
21 that may work.
22
- 23 • Properties located at 1456 San Pablo Avenue through 1504 San Pablo
24 Avenue, and 1990 through 2100 San Pablo Avenue were identified as areas
25 with gaps in the sidewalks and where the City currently had no plans to
26 improve the sidewalks. If the properties were developed in the future, curb
27 and sidewalk improvements would be required. Staff could also consider
28 whether or not there was a Capital Improvement Program (CIP) project that
29 may have been considered for this segment of San Pablo Avenue. The
30 Caltrans Complete Streets program was described along with potential
31 planning grants which may offer opportunities to address street improvements
32 along the San Pablo Avenue corridor. In order to create a pedestrian
33 environment in the Three Corridors Specific Plan area all sidewalk gaps must
34 be closed and would have to be further evaluated.
35
- 36 • Staff would have to review whether or not the City was compliant with Quimby
37 Act funding requirements.
38
- 39 • Concerns with pedestrian safety related to the Vista Woods development was
40 noted with solutions and options sought to ensure pedestrian safety. Staff
41 noted that an easement may be required to install a sidewalk or retaining wall
42 and staff would have to review whether or not any engineering plans had been
43 prepared in the past, or whether such improvements could be included in the
44 CIP in order for staff to consider grant opportunities.
45

- 1 • Staff acknowledged a request to red stripe 2137 to around 529 San Pablo
2 Avenue since vehicles routinely parked in front of the three Victorian homes
3 where there was not a cut-in for parking, and vehicles were parked in the
4 middle of the major thoroughfare impacting the path of travel for vehicles and
5 buses. The City also needed to ensure that vehicles moved in and out of the
6 cities of Hercules and Pinole as efficiently as possible.
7
 - 8 • Staff asked to open up conversations with WestCAT to ensure adequate bus
9 service for the SAHA and Vista Woods developments, and staff confirmed
10 initial contact had been made with WestCat.
11
 - 12 • San Pablo Avenue was identified as part of the Lincoln Highway and the 1927-
13 28 route across the Carquinez Strait, the first dedicated road that traveled
14 coast to coast and which had been designated as a Route of Regional
15 Significance as part of Measure J. Any improvements to San Pablo Avenue
16 would require concurrence with the surrounding cities, which was another
17 constraint given the lack of interest from neighboring cities for any
18 improvements that could create a bottleneck.
19
 - 20 • The Planning Commission through staff could review the comments offered
21 during this meeting, identify what could be done, and bring the Three
22 Corridors Specific Plan back to the Planning Commission for formal action or
23 recommendation to the City Council. Staff could also be directed to put
24 something together for the Planning Commission to review and the Planning
25 Commission may make recommendations to the City Council.
26
- 27 As an example, if the Planning Commission wanted staff to consider a grant
28 application for Sustainable Communities staff would research all of the
29 particulars to be brought back to the Planning Commission for a
30 recommendation to the City Council; however, much was outside of the scope
31 of the Planning Commission's authority. The Planning Commission's role on
32 the CIP was to confirm consistency with the General Plan but not add
33 individual items to the CIP, which was the City Council's role. The Planning
34 Commission may pass on recommendations to the City Council about any
35 number of topics.
36
- 37 • Staff could work with the Public Works Department in that the CIP was
38 updated and reviewed each year. Projects could potentially be added and if
39 the City Council permitted staff may consider potential grant opportunities.
40
 - 41 • The City Council reviewed the CIP annually and received quarterly updates
42 on the CIP.
43

44 Vice Chairperson Moriarty still sought a map of projects in the Three Corridors
45 Specific Plan area which would help to visualize what had been proposed for the

1 area, particularly given major expected changes as part of future development. She
2 emphasized the importance of seeing how the Three Corridors Specific Plan area
3 may change.
4

5 Commissioner Menis suggested a future agenda item for an examination of
6 possibilities to identify constraints in the San Pablo Avenue Specific Plan Area, and
7 Mr. Hanham suggested if so directed by the Planning Commission staff could look at
8 specific areas in the Three Corridors Specific Plan and zero in on creating a path,
9 sidewalk or retaining wall, and as a project was defined it would be better refined.
10 Staff could place an item on the agenda with information on what staff may find and
11 the next steps and outline those steps to achieve the goal. He could not guarantee
12 any timing for any projects.
13

14 Chairperson Banuelos suggested a joint meeting between the Planning Commission
15 and the City Council prior to such direction to staff. While some of the items may not
16 be under the purview of the Planning Commission, the Planning Commission had
17 identified issues of concern and it was very important for the two entities to meet
18 jointly to discuss those issues.
19

20 Mr. Mog advised that apart from speaking as individuals, the Planning Commission
21 may instruct the Planning Commission Chair to make public comments at a future
22 City Council meeting and request the City Council consider a future agenda item.
23

24 Mr. Hanham recommended if that was the direction the Planning Commission sought
25 he would recommend a motion, second and consensus on an item with an individual
26 Commissioner designated to appear before the City Council to represent the
27 Planning Commission. He acknowledged the following:
28

- 29 • A recommendation to consider narrowing the lanes of San Pablo Avenue
30 while retaining the Route of Regional Significance designation.
31
- 32 • The volume of planned residential development had not been anticipated in
33 the San Pablo Avenue corridor.
34

35 PUBLIC COMMENTS OPENED

36
37 Mr. Hanham reported there were no comments from the public for this item.
38

39 PUBLIC COMMENTS CLOSED

40
41 The Planning Commission thanked staff for the presentation.
42

43 2. **2021 Housing Legislation Presentation**

44 Informational presentation on State housing legislation passed in
45 September 2021

1 Mr. Mog provided a PowerPoint presentation of the 2021 Housing Legislation
2 which highlighted Senate Bills (SB) 8, Extension of Housing Crisis Act (SB 330);
3 SB9, End of Single Family Zoning; and SB10, Streamlining for Upzoning and
4 responded to specific questions from the Commission on SB8 and SB9.

5
6 The Planning Commission meeting was interrupted when staff reported technical
7 difficulties with the Zoom feed when the public was unable to see the meeting, and
8 two Commissioners and the Assistant City Attorney had lost their Zoom feed.

9
10 Commissioners Benzuly, Menis, Moriarty, Martinez, Wong and Planning Manager
11 Hanham were present via Zoom. Community Development Director Whalen was
12 also present by telephone.

13
14 Mr. Hanham reported he had spoken with the Assistant City Attorney by telephone
15 who had recommended the meeting adjourn at this time with the remaining agenda
16 items to be continued to the next Planning Commission meeting.

17
18 **MOTION** with a Roll Call Vote to continue the current meeting with the discussion of
19 the 2021 Housing Legislation, specifically a discussion of SB10 continued to the next
20 meeting scheduled for November 22, 2021.

21
22 **MOTION: Wong SECONDED: Martinez APPROVED: 5-0-2**
23 **ABSENT: Banuelos, Kurrent**

24
25 **H. CITY PLANNER'S / COMMISSIONERS' REPORT**

26
27 No report.

28
29 **I. COMMUNICATIONS: None**

30
31 **J. NEXT MEETING**

32
33 The next meeting of the Planning Commission to be a Regular Meeting scheduled
34 for November 22, 2021 at 7:00 P.M.

35
36 **K. ADJOURNMENT: 9:54 P.M.**

37
38 Transcribed by:

39
40
41 Sherri D. Lewis
42 Transcriber



Memorandum

TO: Planning Commission

FROM: Alex Mog, Assistant City Attorney

SUBJECT: 2021 Housing Legislation

DATE: December 13, 2021

Planning Commissioners:

On November 8, 2021, a presentation providing a general overview of SB 8, SB 9, and SB 10, from the 2021 State housing legislation, was started but the item was cut short due to technical difficulties during the meeting.

This item is continuation of the presentation and discussion. The slides are included here for your reference.






2021 Housing Legislation: SB, SB 9, & SB 10

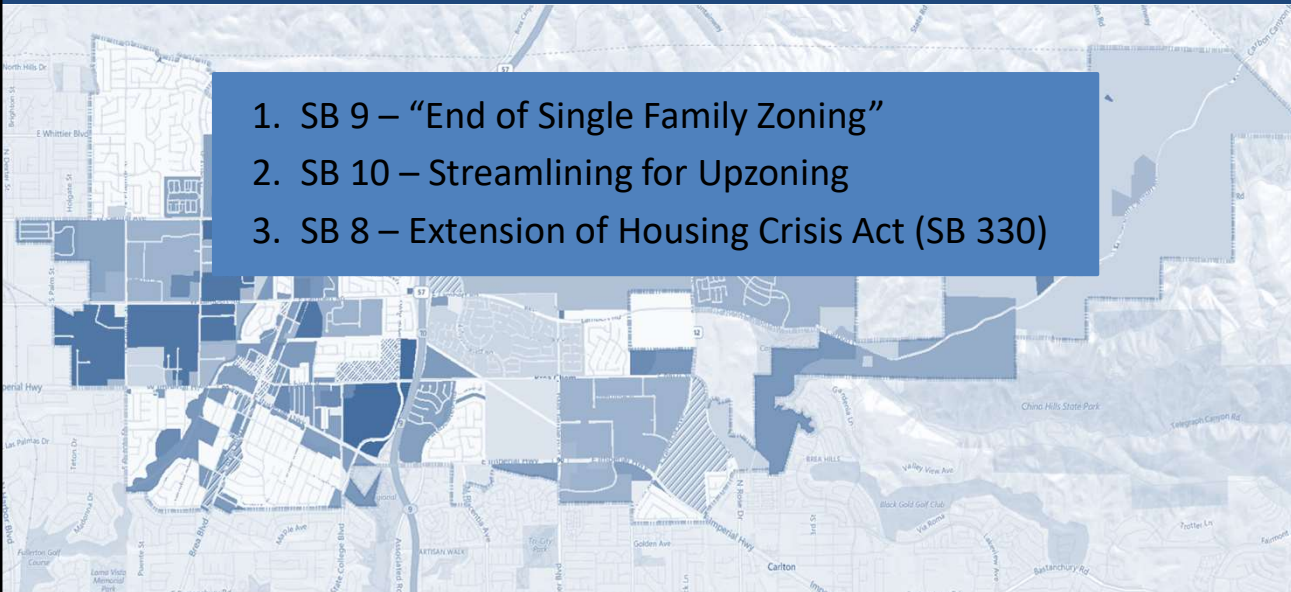
Alex J. Mog, Assistant City Attorney


November 8, 2021

1

Agenda

1. SB 9 – “End of Single Family Zoning”
2. SB 10 – Streamlining for Upzoning
3. SB 8 – Extension of Housing Crisis Act (SB 330)





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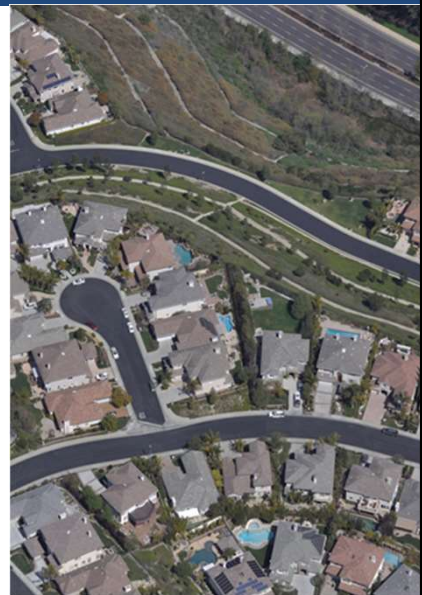
SB 9

3

The Basics

SB 9 requires **ministerial approval** of:

- 2-lot subdivision
and/or
- Development projects for 2 units per lot
- For projects that meet certain criteria



4

Qualifying Criteria

5

Where are SB 9 projects allowed?

- Lot must be within a single-family **residential** zone
- Lot must be within “**urbanized** area or urban cluster”
 - applies whether the project is proposed to locate in a city or an unincorporated area



6

Where are SB 9 projects prohibited?

- Location of a historic landmark or within a designated historic district
- Certain identified “sensitive areas” including:
 - Wetlands
 - Earthquake fault zone
 - Lands under conservation easement
 - FEMA Flood Plain
 - High fire hazard severity zone



Permitted in
“coastal zones”
≈

Prohibited Locations

FEMA-Designated Flood Plains

- Prohibition does not apply if development site:
 - 100-year flood plain:
 - Has been subject to a Letter of Map Revision (LOMR) by FEMA; or
 - Meets FEMA requirements to meet minimum flood plain management criteria
 - Regulatory floodway:
 - Satisfies all applicable federal qualifying criteria



Prohibited Locations

High Fire Hazard Severity Zone

- Prohibition does not apply to:
 - Sites excluded from the hazard zone by a local agency
 - Sites that have adopted fire hazard mitigation measures



Prohibited Locations

Other prohibited locations:

- Land subject to
- Certain farmland
- Land designated for agricultural protection by a local ballot measure
- Hazardous waste sites
- Lands identified for conservation under the Natural Community Conservation Planning Act or Endangered Species Act
- Species habitat protected by the federal and CA Endangered Species Acts and the Native Plant Protection Act

Anti-Displacement Requirements

A project cannot involve the
demolition or alteration of:

- Deed restricted affordable housing
- Rent-controlled housing
- Housing withdrawn from rental market in last 15 years
- Housing that was occupied by a tenant in the past 3 years

Ministerial Approval

Local agency must ministerially approve:

The development of up to 2 residential units

- Two new units
- Adding one new unit to one existing unit



Local agency must ministerially approve:

The creation of a 2-lot subdivision:

- Each lot must be at least 1,200 sq. ft.
- Each lot must be at least 40% of the original lot
- Can't subdivide lot that was previously subdivided via SB 9
- Adjacent parcels can only be subdivided via SB 9 if owners are independent

Limited Ability to Reject

The local agency can deny the housing development project or the subdivision if:

- building official makes written finding
- based on preponderance of evidence
- that project would have a specific, adverse impact on public health and safety that can't be mitigated

This is a very high standard to meet

Requirements Imposed by Local Agency

Subdivision Requirements

A local agency can require:

- Easements for provision of public services
- Easements to ensure both lots have access to public ROW

A local agency cannot require:

- Dedication of ROW
- Construction of offsite improvements
- Correction of nonconforming zoning conditions

Objective Standards

- Agency may impose **objective** zoning standards, subdivision standards, and design standards (i.e. through local ordinance) subject to certain limitations:
 - No setback can be required if unit is built within the footprint of an existing structure
 - Otherwise maximum 4' setback from side and rear yards
- Standards cannot physically prevent 800 square feet unit

More on objective standards later...

Rental Restrictions

- Agency must prohibit short term rental of any units created through SB 9
- For lot splits, an applicant must submit an affidavit that it intends to occupy one of units as principal residence for at least 3 years
 - No other owner occupancy standards allowed

Parking Restrictions

Maximum of 1 parking spot per unit, except no parking spot if:

- Within ½ mile of 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
- Within one block of a car share vehicle

Accessory Dwelling Units (ADU)

The local agency may prohibit ADUs and JADUs when:

- The lot is subdivided pursuant to SB 9, when there are two units existing/constructed on each lot
- Both lot subdivision and housing unit construction are done via SB 9

Two-unit project without SB 9 lot subdivision?



Relationship to CEQA

SB 9, projects are approved ministerially and are exempt from CEQA

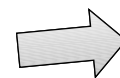
Adoption of local ordinance is not a “project” for CEQA purposes



Illustration

23

Does the project qualify?



- Single-family zone
- Urban cluster
- Meets anti-displacement requirements

- Prohibited:
- Historic sites
 - Fault zone
 - FEMA Flood Plain
 - Fire Hazard zone
 - Other “sensitive areas”

24

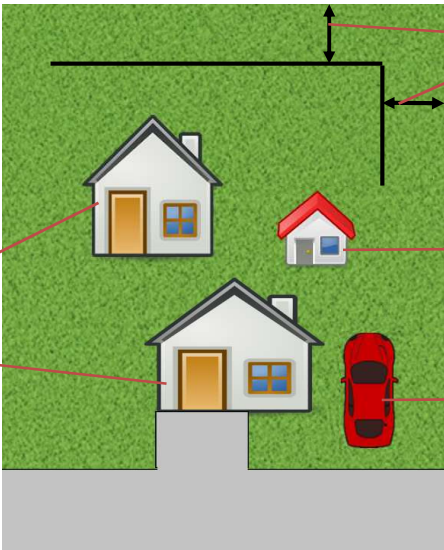
What does it look like?

2-unit project

Existing lot
Existing Home
No subdivisions

2 new units
or
1 new + 1 existing


At least 800 square feet with objective standards



4' side and rear yard setback; none if within building footprint

Maybe ADUs

One parking spot per unit unless ½ mile from major transit stop, or one block from car share vehicle



Oakland
Sacramento
San Diego

Los Angeles
Santa Rosa
meyersnave.com

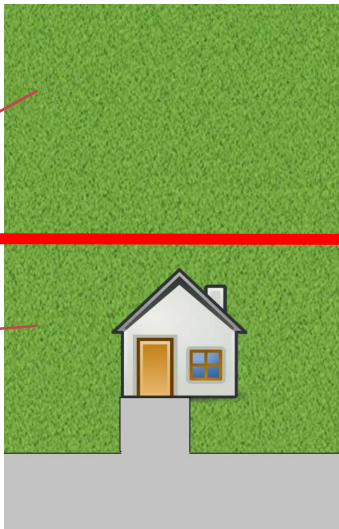
25

25


What does it look like?

Lot split

Each new lot at least 1,200 square feet



50/50
or
40/60
split



Oakland
Sacramento
San Diego

Los Angeles
Santa Rosa
meyersnave.com

26

26

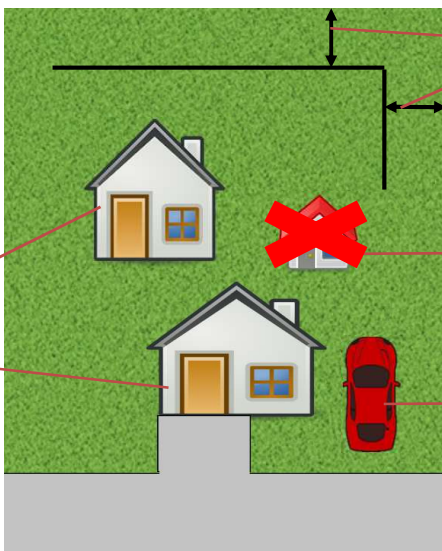
13

What does it look like?

2-unit + lot split

2 new units
or
1 new + 1 existing

At least 800 square
feet with objective
standards



4' side and rear yard
setback; none if within
building footprint

No ADUs

One parking spot per
unit unless ½ mile
from major transit
stop, or one block
from car share vehicle

27

Summary

Housing units on existing lot	Lot split	Housing units + lot split
<ul style="list-style-type: none"> 2 new units <i>or</i> 1 new unit + 1 existing unit No short term rental ADUs may be allowed-unclear No owner occupancy requirement Demolition restrictions 	<ul style="list-style-type: none"> Empty lots = 2 new units on each lot if empty, or 1 new unit + 1 existing No ADUs Owner occupancy affidavit required Demolition restrictions 	<ul style="list-style-type: none"> Empty lots = 2 new units on each lot if empty, or 1 new unit + 1 existing No ADUs Owner occupancy affidavit required No short term rental Demolition restrictions

28

Objective Standards

29

Objective Standards

Agencies may enact objective zoning standards as long as standards do not physically prevent a unit that is at least **800** square feet

- An objective standard is a standard that is uniformly verifiable and involves no personal or subjective judgement

30

Objective Standards

- The ability to limit units to no more than 800 square feet is a valuable tool for local agencies
 - What projects are economically feasible?
- Agencies should endeavor to adopt objective design standards by January 1
 - Many agencies have existing objective standards that only apply to multi-family housing projects

Additional Factors to Consider



SB 9 regulates local agency authority, and does not preempt CC&Rs or HOA rules



Scope of law may be limited because financial and physical constraints

SB 10

33

Summary of the Law

- Authorizes legislative bodies to zone any parcel for up to 10 units of residential density
 - Authorizes legislative body to override local initiative measures with 2/3 vote
 - The ordinance, conforming general plan amendments and other changes in regulations are not “projects” subject to CEQA
- Parcel must be in transit-rich area or an urban infill site, and meet certain other requirements
- Local agency **retains authority** to decide whether or not to make zoning change

34

SB 8

35

Extension of SB 330

- Housing Crisis Act of 2019 (SB 330) contains various requirements intended to increase the supply of housing
- Some of the law was originally scheduled to sunset in 2025, but SB 8 extends the law to housing projects submitted by 2030

Senate Bill No. 330

CHAPTER 654

An act to amend Section 65589.5 of, to amend, repeal, and add Sections 65940, 65943, and 65950 of, to add and repeal Sections 65905.5, 65913.10, and 65941.1 of, and to add and repeal Chapter 12 (commencing with Section 66300) of Division 1 of Title 7 of, the Government Code, relating to housing.

[Approved by Governor October 9, 2019. Filed with Secretary of State October 9, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 330, Skinner. Housing Crisis Act of 2019.

(1) The Housing Accountability Act, which is part of the Planning and Zoning Law, prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project for very low, low-, or moderate-income households or an emergency shelter unless the local agency makes specified written findings based on a preponderance of the evidence in the record. The act specifies that one way to satisfy that requirement is to make findings that the housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete. The act requires a local agency that proposes to disapprove a housing development project that complies with applicable, objective general plan and zoning standards and criteria that were in effect at the time

36

Provisions Extended to 2030

- Jurisdiction cannot disapprove housing project or approve it at a lower density if project complies with applicable, objective standards in place upon complete **preliminary application**
 - Must contain information required by jurisdiction's checklist, which can only require certain limited information
- Changes to the project allowed, including increasing the number of units or square footage by up to 20%
- Complete application required within 180 days
 - Construction must start within 2.5 years (**new- 3.5 years for affordable housing project**)
- Five-hearing limit for certain projects with complete applications

37

Questions?



38



Memorandum

TO: Planning Commission

FROM: David Hanham, Planning Manager

SUBJECT: Pinole Valley Road Corridor

DATE: December 13, 2021

BACKGROUND

The City Council adopted the Three Corridor Specific Plan (the Specific Plan) in 2010.¹ The purpose of the Specific Plan as it was developed, was to define the three major corridors within the city. The three corridors are San Pablo Avenue, Pinole Valley Road, and Appian Way. The Specific Plan outlined visions and economic development strategies for the three corridors to facilitate revitalization of the San Pablo Avenue, Pinole Valley Road and Appian Way commercial corridors. The Specific Plan intended to implement the General Plan, land use development standards, public and private standards, and design guidelines for the three corridors. The Plan also identifies circulation and infrastructure improvements for the three corridors.

Over the recent years, an influx of new Planning Commissioners led to opportunities for Staff to provide information sessions on the General Plan in order to enhance Commissioner and community member familiarity with the Plan. Similar information sessions were envisioned for the Specific Plan. Early in 2021 the City received five applications for large multifamily residential projects totaling approximately 606 units over the three corridors, with two of the projects located on the San Pablo Avenue corridor, two projects in the Appian Way corridor, and one along Pinole Valley Road corridor. The submittal of these applications, in addition to conversations the City was having regarding a Historic Overlay District, led to a series of programed information sessions with the Planning Commission regarding the Specific Plan. The purpose of the information sessions is to review the Specific Plan and its relationship with the General Plan and Zoning Ordinance and the potential of each of the corridors in terms of both residential and non-residential developments.

The Commission meeting on November 8, 2021 highlighted the San Pablo Avenue corridor. This report focuses on the Pinole Valley Road corridor. It is anticipated that at the January 24, 2022 Planning Commission meeting. Staff will provide an information item on the Appian Way corridor.

The goal of the Three Corridor Specific Plan is to preserve the character of Pinole and support commercial and residential development that can function as the catalyst for economic revitalization and further the city' goals and objectives as outlined in the General Plan and Specific Plan. Another goal of the plan is to enhance the Old Town Pinole as a vibrant, pedestrian-oriented commercial destination with a strong civic identity. The Plan will encourage Transit Oriented Developments (TOD)

¹ Available online: https://www.ci.pinole.ca.us/city_government/planning/general_plan/three_corridors_specific_plan/

within the Priority Development Areas (PDA) on San Pablo Avenue, Pinole Valley Road, and Appian Way. The Plan will support economic development that will bring more housing, retail, and employment opportunities to the community.

Below is a brief description of the three corridors, followed by a detailed description of the Pinole Valley Road corridor in the Analysis section.

San Pablo Avenue

The San Pablo Avenue Specific Plan Area extends north and south along the San Pablo Avenue corridor between Dursey Drive to the west and the Burlington Northern Santa Fe rail line to the east. San Pablo Avenue has a diverse history as a major thoroughfare in the East Bay, home to important industrial and light industrial land uses, community aims of attracting new retail and service industry, while achieving more diverse residential development that can be served by transit.

Pinole Valley Road

The Pinole Valley Road Specific Plan Area extends east and west along the Pinole Valley Road corridor between San Pablo Avenue to the north and Simas Avenue to the south. The northern edge of the corridor does not extend all the way to San Pablo Avenue. The boundary of the Pinole Valley Road is at Prune Street. Plum and Pear Streets are in the San Pablo Avenue Specific Plan Area. Pinole Valley Road's history as a shopping and service corridor, attracting new retail, medical facilities, and higher density residential development, while simultaneously improving open space access, enhancing Pinole Creek, and improving automobile flow and pedestrian and bicycle circulation.

Appian Way

The Appian Way Specific Plan Area extends east and west along the Appian Way corridor between San Pablo Avenue to the north and the City of Pinole boundary to the south. Appian Way's history as a large-scale shopping area, medical care services, service corridor, attracting new retail and higher density residential development, while simultaneously improving open space access, automobile flow, and bicycle circulation.

ANALYSIS:

The Three Corridors Specific Plan outlines the Vision, Economic Development Strategy, Circulation, Private and Public Realm Standard and Design Guidelines, Land Use and Development Standards, Infrastructure, and Implementation for the Pinole Valley Road Corridor. See **Figure 1** for a map illustrating the Pinole Valley Road Corridor.

Figure 1: Map showing the Pinole Valley Road Corridor



Land Area

The Pinole Valley Road Corridor encompasses approximately 78.2 acres from southern edge of Tennant Ave and Pear to the intersection of Pinole Valley Road and Simas Avenue. The Land Uses stop at the intersection of Pinole Valley Road and Shea Avenue. From Shea Avenue to Simas Avenue, Pinole Valley Road is the only segment within the Pinole Valley Road Corridor.

Development Projections

Since the completion of the adoption of the Specific Plan, the Pinole Valley Road has seen the newest development. The Gateway Project Area (Sprouts, DaVita, Orange Theory) was approved in 2015. The redevelopment of the Pinole Valley Shopping Center on the south side of Interstate 80 was also completed after the adoption of the Specific Plan.

The following **Table 2** examines the existing development and the proposed development projections for the Pinole Valley Road Corridor.

Table 2: Existing vs. Proposed Development Projections for the Pinole Valley Road Corridor

Existing	Residential Units	Retail (SF)	Office (SF)	Industrial (SF)
	141	238,708	105,038	1,239
Proposed	Residential Units	Retail (SF)	Office (SF)	Industrial (SF)
	351	192,603	386,843	0
Total	+210 units	-46,105 SF	+281,305 SF	1,239 SF

Land Use Standards

The Pinole Valley Road Project Area has three Sub-Areas (Corridor, Old Town, and Service). The Pinole Valley Road Zoning Districts described in the Land Use Plan consist of seven Zoning Areas. They are Medium Density Residential, High Density Residential, Commercial Mixed Use, Office Professional Mixed Use, Office Industrial Mixed Use, Public/Quasi Public/Institutional, and Open Space.

Each of these categories have corresponding uses that are either permitted, not permitted or conditional use. The use categories permitted range from Residential Uses, Community Service Uses, Utility, Transportation and Communication Uses, Retail/Service/Office Uses, Automotive Uses, and Industrial/Manufacturing, and Processing Uses. The Land Use table is provided in Chapter 6

Development Standards

The Pinole Valley Road corridor has a number of development standards, which provides maximum or minimum requirements for development. The development standards are listed in Chapter 6 and includes regulations regarding the height of structures, building placement, setback requirements, allowable building types, and allowable parking types. Generally, maximum height of structures in this area ranges from 40 to 50 feet and setbacks range from zero to 15 feet. See **Table 6.11-6.13** below for examples of allowable frontage and building types, along with allowable parking types.

Table 6.11
Frontage Types

Frontage Type	Old Town	Service
Arcade	X	X
Gallery	X	X
Shopfront & Awning	X	X
Stoop	X	
Dooryard/Terrace	X	
Porch	X	
Minimum Frontage Requirement	80%	30%

Table 6.12
Building Types

Allowed Building Type	Old Town	Service
Podium	X	X
Full Block Liner		X
Half Block Liner	X	X
Quarter Block/ Infill Housing	X	X
Stacked		X
Terraced	X	X
Carriage House	X	
Du/Tri/Quadplex	X	
Multi-Family Faux House	X	
Rowhouse	X	
Courtyard Housing		
Front Yard Housing	X	

Table 6.13
Parking Types

Allowed Parking Type	Old Town	Service
Parking Structure	X*	X
Behind Structure	X	X
Next to Structure	X	X
Alley Access	X	
Subterranean	X	X
Tucked-under Structure	X	X

* - lined with ground floor retail

Private and Public Realm Standards and Design Guidelines:

Chapters 7 and 8 of the Specific Plan identifies standards for all three corridors. There are no specific standards for the Pinole Valley Road Corridor. The standards and guidelines address Site Planning and Design, Site Amenities, Architecture, Landscape and Hardscape, Circulation, Parking, Service and Storage, Lighting, Signage, and Green Design. This Chapter also requires mandatory design standards, some of which are provided below, as examples.

- a. **Site design shall be pedestrian-oriented, not dominated by parking lots, automobile use, or unattractive utilities.**
- i. **Sidewalks and on-site pedestrian paths shall provide direct and safe access to building entrances and transit stops.**
- e. **Renovation of existing buildings with historic value shall preserve those aspects of the site and structure that contribute to the historic character and context.**
- h. **Residential buildings shall have main entrances from the street to facilitate pedestrian activity and increase security through more “eyes on the street.”**

Infrastructure:

The Pinole Valley Road Corridor infrastructure is a developed area with existing infrastructure (e.g., roadway network, water, sewer, storm drainage). Essential services (e.g., police, fire, schools, parks, street lighting, and utilities) for the Pinole Valley Road are the same services that are used throughout the city. The service providers for the Pinole Valley Road are listed below:

Service Providers in Specific Plan Project Areas	
Parks and Community Facilities	Library: Pinole Library, Contra Costa County Library system
	Parks: East Bay Regional Park District (EBRPD) (Regional Parks, regional inter-park trails and trails within EBRPD parklands) and City of Pinole (community and neighborhood parks) City provides recreational facilities including parks and trails – 1 regional park, 4 community parks, 5 neighborhood parks and 4 unimproved open space public areas
	Community Recreation Facilities: Pinole Youth Center City of Pinole Recreation Department Tiny Tots, a child care service and facility Pinole Valley Tennis Courts Pinole Swim Center Pinole Playhouse (Memorial Hall) Pinole Senior Center
Public Transportation	Western Contra Costa Transit Authority (WestCAT) Alameda Contra Costa Transit Authority (AC Transit) Eastbay Paratransit

Service Providers in Specific Plan Project Areas	
Water Supply, Treatment, and Distribution	East Bay Municipal Utility District (EBMUD)
Sewer/ Waste Water	City of Pinole and West County Sanitary District (WCWD)
Solid Waste Collection, Disposal and Recycling	Richmond Sanitary Services (RSS) Portero Hills Landfill
Storm Drainage and Hydrology	City of Pinole Public Works Department
Dry Utilities	Electrical and Natural Gas: Pacific Gas and Electric (PG&E)
	Telephone and Telecommunications: AT&T and Comcast Pinole Local Cable Access – Channel 26 and 28
Public Safety	Police: City of Pinole Police Department.
	Fire: City of Pinole Fire Department
	Ambulance: American Medical Response
Parks and Public Facilities	
City Government Facilities	City Hall
School Districts	West Contra Costa Unified School District (WCCUSD) – 8 schools
	Private Schools: 4 schools

Economic Development Strategy:

The Economic Development Strategy for the Pinole Valley Road corridor is entwined with the other two corridors (Appian Way & San Pablo Avenue). The Guiding Principles for the Economic Development Strategy for all three areas including the Pinole Valley Road corridor are listed below:

- ❖ Market forces are the dominant drivers of a regional economy.
- ❖ Public-sector economic development efforts must focus on factors internal to the workings of the regional economy and under the influence of public policy at any given level of government, be that local, regional, state, or federal.
- ❖ Sensible economic development policy must build upon the strengths of the regional economy. Economic development should yield real net impacts on growth or, in the short term, the potential for growth.
- ❖ The public sector should pursue economic development policies that result in broad benefits for residents and businesses, especially benefits that will continue to have a positive impact even if specific businesses close or move.
- ❖ Public-sector economic development efforts should pay attention to the needs of lagging or distressed areas and of groups at the lowest rungs of the economic ladder.
- ❖ Public policy should recognize the regional nature of economic development and advance strategies that address challenges and opportunities throughout the regional economy.
- ❖ Economic development efforts should address the development potential of places, as well as the needs of people in that place



Memorandum

TO: Planning Commission

FROM: David Hanham

SUBJECT: 2022 Planning Commission Regular Meeting Schedule

DATE: December 13, 2021

Planning Commissioners:

The proposed Planning Commission Regular Meeting Schedule for 2022 is attached. Comments and suggested revisions are welcome. Staff is seeking approval of the schedule, as modified based on Planning Commission input.

2022 Planning Commission Regular Meeting Schedule

MONTH	DATE	TIME
January	Monday, 1/10/22	7:00 PM
January	Monday, 1/24/22	7:00 PM
February	Monday, 2/14/22	7:00 PM
February	Monday, 2/28/22	7:00 PM
March	Monday, 3/14/22	7:00 PM
March	Monday, 3/28/22	7:00 PM
April	Monday, 4/11/22	7:00 PM
April	Monday, 4/25/22	7:00 PM
May	Monday, 5/9/22	7:00 PM
May	Monday, 5/23/22	7:00 PM
June	Monday, 6/13/22	7:00 PM
June	Monday, 6/27/22	7:00 PM
July	Monday 7/11/22	7:00 pm
July	Monday, 7/25/22	7:00 PM
August	Monday 8/8/22	7:00 PM
August	Monday, 8/22/22	7:00 PM
September	Monday 9/12/22	7:00 PM
September	Monday 9/26/22	7:00 PM
October	Monday 10/10/22	7:00 PM
October	Monday, 10/24/22	7:00 PM

November	Monday 11/14/22	7:00 PM
November	Monday, 11/28/22	7:00 PM
December	Monday, 12/12/22	7:00 PM
	TOTAL MEETINGS: 23	