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

5
6 **March 27, 2023**

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

11
12 **A. CALL TO ORDER:** 7:03 p.m.

13
14 **B1. PLEDGE OF ALLEGIANCE**

15
16 **B2. LAND ACKNOWLEDGEMENT:** *Before we begin, we would like to acknowledge the*
17 *Ohlone people, who are the traditional custodians of this land. We pay our respects to*
18 *the Ohlone elders, past, present and future, who call this place, Ohlone Land, the land*
19 *that Pinole sits upon, their home. We are proud to continue their tradition of coming*
20 *together and growing as a community. We thank the Ohlone community for their*
21 *stewardship and support, and we look forward to strengthening our ties as we continue*
22 *our relationship of mutual respect and understanding.*
23

24 **B3. ROLL CALL**

25
26 Commissioners Present: Banuelos, Benzuly, Kurrent, Menis, Vice Chairperson
27 Martinez*, Chairperson Moriarty
28 *Teleconference Location
29

30 Commissioners Absent: None

31
32 Staff Present: David Hanham, Planning Manager
33 Alex Mog, Assistant City Attorney
34 Justin Shiu, Contract Planner
35

36 Assistant City Attorney Alex Mog reported that Vice Chairperson Martinez was not present
37 in-person and pursuant to the new regulations for in-person meetings, a general description
38 of the location where the Vice Chair was located, circumstances related to the need to
39 participate remotely as well as identify whether anyone was over 18 years of age was present
40 in the same room and off camera was to be provided.
41

42 Vice Chairperson Martinez reported he was on vacation and wanted to participate to ensure
43 a quorum. There was no one in the room under 18 years of age present at his location and
44 given he was experiencing technical difficulties he left the meeting at this time.
45

46 Commissioner Kurrent encouraged Vice Chairperson Martinez to forward any comments he
47 may have related to Item E1 to staff.
48

49 **C. CITIZENS TO BE HEARD**
50

1 Planning Manager David Hanham reported there were no comments from the public.

2
3 **D. MEETING MINUTES**

4
5 1. Planning Commission Meeting Minutes from February 27, 2023.

6
7 **MOTION** with a Roll Call vote to approve the Planning Commission Meeting Minutes from
8 February 27, 2023, as submitted.

9
10 **MOTION: Menis**

SECONDED: Kurrent

APPROVED: 3-0-3

ABSTAIN: Banuelos, Benzuly

ABSENT: Martinez

11
12
13
14 After the motion was taken, and in response to Commissioner Menis as to whether a
15 majority was required to approve the meeting minutes, Assistant City Attorney Mog
16 clarified a majority vote of the Commission was required for some things such as
17 resolutions or actions on permits, but other actions such as the approval of the meeting
18 minutes allowed a vote from the majority of the quorum present.

19
20 **E. PUBLIC HEARINGS:**

21
22 **1. Recommendation of a General Plan Amendment to Adopt Revised 2023-2031**
23 **Housing Element**

24 The Planning Commission is requested to consider making a recommendation to
25 the City Council for a General Plan Amendment to adopt the revised 2023-2031
26 Housing Element. On January 17, 2023, the 2023-2031 Housing Element (issue
27 date: December 2, 2022) was adopted by City Council. Following receipt of
28 subsequent comments from the California Department of Housing and Community
29 Development (HCD), the revised 2023-2031 Housing Element was prepared to
30 incorporate changes based on the feedback received. As an Element of the Pinole
31 General Plan, and in accordance with the California Government Code, the
32 Housing Element presents a comprehensive set of housing policies and programs
33 to address identified housing needs for the City of Pinole for the 2023 through 2031
34 planning period. The project is exempt from the California Environmental Quality
35 Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA guidelines
36 (Common Sense Exemption) because (1) it can be seen with certainty that there
37 is no possibility that the proposed 2023-2031 Housing Element would have a
38 significant effect on the environment, (2) no property re-zoning is needed to
39 accommodate the City's Regional Housing Needs Allocation, and (3) potential
40 residential development densities have already been analyzed and mitigated in an
41 earlier Environmental Impact Report. The revised 2023-2031 Housing Element
42 can be accessed online (www.landuseplanningforpinole.com) or at the Community
43 Development Department at Pinole City Hall (2131 Pear Street).

44
45 Planning Manager Hanham introduced the agenda item as described and provided an
46 overview of the background and community engagement as part of the Revised 2023-2031
47 Housing Element and as outlined in the March 27, 2023 staff report.

1 David Wery, Michael Baker International (MBI), provided a PowerPoint presentation which
2 also detailed the background of the 2023-2031 Housing Element Update and community
3 engagement process and the review of the Draft 2023-2031 Housing Element by the
4 California Department of Housing and Community Development (HCD). HCD provided 30
5 informal comments on the City's Draft Housing Element with staff having met with HCD on
6 January 30, 2023 to review the comments, and with a Revised Draft of the Housing Element
7 having been published and submitted to HCD on February 17, 2023. HCD responded on
8 March 2, 2023 with 22 formal comments for review.

9
10 HCD requested additional detail to support analyses and conclusions, additional outreach
11 and support from developers and real estate professionals. There were no changes to the
12 sites inventory and only minor changes to programs.

13
14 Mr. Wery summarized the revisions which included more data on development disabilities,
15 overpayment, local rent source, code enforcement, City-level fair housing data, local
16 knowledge from developers and real estate professionals, review of voter initiatives and Bay
17 Area Regional Energy Network (BayREN) participation. As part of Affirmatively Furthering
18 Fair Housing (AFFH), he noted the City of Pinole was the most integrated community in
19 Contra Costa County, and more rationale was provided for Regional Housing Needs
20 Allocation (RHNA) sites along the City's three Mixed Use (MU) Corridors and comparison of
21 census tracts, County-level historic development trends had been added, and two other
22 contributing factors had been added to the local fair housing conditions.

23
24 As to the Sites Inventory, trends and examples of commercial-commercial development,
25 comparison of non-vacant sites in the inventory to recent projects, and details on each
26 pending project including demonstrating affordability of lower and moderate-income units
27 had been added along with support letters from housing developers to finish projects.

28
29 For Constraints, revisions included specifics on permit processing time, example and details
30 on comprehensive design review; clarified that inclusionary requirements were not a
31 constraint on housing production by using recent project trends; identified local amendments
32 to the building code; provided information on requests to develop below the anticipated
33 density on the 5th Cycle Housing Element sites; and added analyses reviewing height and
34 setback standards of recent projects.

35
36 As to the Zoning, clarifications were provided for compliance of emergency shelter and
37 supportive housing standards, Senate Bill (SB) 330, replacement of affordable housing units
38 and streamlining of the parking reduction process. For Public Participation, efforts to reach
39 out to lower and moderate-income individuals had been discussed.

40
41 Mr. Wery provided a map of the Housing Sites Inventory which included recently entitled
42 projects and RHNA sites to meet the remaining RHNA obligations. He also walked through
43 the Housing Element Program revisions as follows:

- 44
45 • Program 5 added to address SB 9, Technical Assistance to streamline SB 9 units;
- 46
47 • Program 1 to include a mid-cycle progress review in 2027;
- 48
49 • Program 3 to include coordination with PG&E and include proactive outreach to
50 developers of special needs housing;

- Program 4 to identify a timeline for additional actions should Accessory Dwelling Units (ADUs) trends not be met;
- Program 6 a timeline had been added for updating environmental documents;
- Program 9 details added to ensure program assists all lower and special needs households and set a goal of 25 households for fee waiver program;
- Program 11 identified specific emergency shelter standards to comply with state law;
- Program 12 allowed group homes in the R-Zone and defined group homes, reviewed and revised the definition of household to ensure clarity, further studied and revised the parking standards, reduced the level of approval for parking standards from Conditional Use Permit (CUP) to Administrative Use Permit (AUP), and identified specific State Law Density Bonus requirements;
- Program 13 modified to ensure replacement of affordable units per state law (SB 35 and SB 330);
- Program 15 to include implementation of electronic permitting process by the end of 2023;
- Program 19 to include two efforts from the Capital Improvement Plan (CIP) regarding park improvements; and
- Program 23 to include outreach at no less than two events per year.

Mr. Wery recommended the Planning Commission adopt the resolution contained in Attachment A to the March 27, 2023 staff report recommending adoption of the Revised Housing Element. Staff was confident HCD would approve the recent revisions and certify the Housing Element as submitted.

PUBLIC HEARING OPENED

Mr. Hanham reported there were no comments from the public.

PUBLIC HEARING CLOSED

Commissioner Menis reported on ex parte communications and advised that he had sent out a notice of the Planning Commission public hearing to his email list and had received one comment back from a resident who suggested it would have been nice if the community as a whole could have been informed of letters mentioned during City Council hearings.

Commissioner Kurrent referenced Attachment B, HCD Comment Letter dated March 2, 2023, which referenced correspondence from YIMBY Law, CarLa and 350 Contra Costa. He asked whether the parties were part of a lawsuit against the City of Pinole.

Assistant City Attorney Mog clarified the organizations themselves were not party to the lawsuit against the City but worked closely with the entity that was in litigation with the City.

1 Mr. Wery added that MBI had received the comments referenced late and through HCD.
2 The comments were premature in that one of the letters spoke to the calculation of the RHNA
3 and housing production trends, which had been based on old data and had not taken into
4 account the 600 plus or minus units entitled in the last two years. Another letter had focused
5 on an esoteric procedural requirement. No changes had been proposed to the City's current
6 code or processes in response to the comments.
7

8 Commissioner Kurrent suggested MBI and City staff had done a fantastic job and he liked
9 the responses to HCD. He asked how many dynamic discussions had occurred with HCD
10 to make the changes and was informed by Mr. Wery it was really a one-sided discussion
11 since HCD had made its mind up and generally there was no negotiation with HCD. He
12 noted that a track change document had been prepared to identify the comments from HCD
13 along with the responses to those comments. The main reasons for the meetings was to
14 understand what HCD was requesting and he noted that some of the comments from HCD
15 were common for each individual city.
16

17 Commissioner Benzuly clarified with Assistant City Attorney Mog the timeline process was
18 standard for Housing Element submittal to HCD and that HCD was stricter in this cycle than
19 it had been in previous cycles, and comments from HCD were not uncommon. It was also
20 clarified that HCD had 60-days to respond to the City's comments. Staff and MBI was
21 confident they had addressed all of HCD's comments but it was not out of the question that
22 HCD may raise something new. Also, there was flexibility for the City to work out the
23 programs identified although the details needed to be worked out.
24

25 Mr. Wery explained that HCD held a lot of leverage and the recipients of the comments must
26 do what was required to satisfy HCD. HCD had accepted most of the City's programs in its
27 initial draft with some minor revisions. He was confident there would not be a lot of change.
28 The programs had been drafted to forecast what would be done with flexibility on
29 implementation over the next eight years.
30

31 Commissioner Kurrent commented on his experience with Housing Elements over the years
32 and noted this was his third cycle with the City of Pinole. While he found little scrutiny in the
33 past, there appeared to be more scrutiny with the 6th Cycle Housing Element. He was
34 encouraged that some jurisdictions had received HCD compliance and he was confident and
35 liked the way MBI had responded to some of the comments from HCD, particularly identifying
36 the City of Pinole as one of the most diverse cities in Contra Costa County.
37

38 Chairperson Moriarty appreciated the work of MBI and City staff and stated the organization
39 of the information was easy to review. She had no other general comments at this time.
40

41 Commissioner Kurrent also found the format easy to review and he again applauded the
42 responses to comments from HCD. He recommend the inclusion of information related to
43 concerns with homelessness with the affordable Veterans Housing at 811 San Pablo Avenue
44 that could potentially be leveraged to address homelessness. He understood that many
45 homeless individuals were veterans and having such a facility in the City should be identified
46 to HCD. He also liked the references to a UC Berkeley Study that had shown the diversity
47 of the City of Pinole. He reiterated that MBI and City staff had done a great job and he had
48 few comments on the changes made.
49
50

1 Commissioner Banuelos also found that MBI and City staff had done a great job putting the
2 materials together, although he remained concerned with the state process and the gut
3 reaction rules that in his view made the process fake. He questioned what the City of Pinole
4 would look like in eight years if all units that had been envisioned were built given that the
5 City already had parking problems, transit was limited and there were a number of pieces
6 that had not been well thought out. While he had voted to submit the 6th Cycle Housing
7 Element previously since he did not want the City to get into trouble absent a certified Housing
8 Element, he wanted to see how current court cases that were fighting against HCD were
9 resolved. He found the City had controlled as much as possible where the proposed 600
10 units would be built in the City, but he remained concerned how over time additional
11 development would impact the small Pinole community.
12

13 Commissioner Menis provided extensive comments, many of which were linked to the redline
14 changes as reflected in Exhibit A: Revised 2023-2031 Housing Element, as follows:
15

- 16 - Page 5 of the 6th Cycle Housing Element Update related to the City's comprehensive
17 efforts to reach Low and Moderate Income housing individuals to participate in the
18 Housing Element Update. He asked about evidence the City had to support the assertion
19 and whether the City had reached out to specific groups like Pinole Grove Tenants
20 Association or other Low to Moderate housing tenant groups in Contra Costa County.
21
- 22 - Pages 9 and 10 of the 6th Cycle Housing Element and the references to public letters that
23 had been received regarding the Housing Element Update. He asked when the Planning
24 Commission had been informed of the existence of the letters during the process and
25 why the information had not been presented earlier in the process.
26
- 27 - Page 11, why as part of Program 3 outreach had been added to developers as a new
28 addition.
29
- 30 - Page 12, questioned the statement the City had *excellent production of Very Low, Low*
31 *and Moderate units*, in that while Low and Moderate units had been built, the data did not
32 support the production of Very Low income units.
33
- 34 - Page 12, appreciated the notes as to why developers found Pinole an easy place to
35 develop and congratulated staff for its collaborative process and ensuring all rules and
36 regulations were being followed.
37
- 38 - Page 30, the breakdown of the RHNA into the Extremely Low and Very Low categories
39 for build out as reflected in Table 3: Pinole RHNA, 2023-2031, and asked whether that
40 would impact the City's requirement for build out or whether that was a specific
41 requirement of the RHNA for those categories.
42
- 43 - Page 34, Table 7: Racial and Ethnic Composition for Pinole, and commented the set of
44 Hispanic individuals identifying as White had decreased over the ten-year timeframe,
45 although the net percentage of Hispanic individuals in the City as a whole had not
46 changed.
47
- 48 - Pages 51 and 52, Figure 8: Average Rent – 2 and 3 Bedroom, had shown an outlier
49 between the 3 bedroom prices between April and August 2022, and if that outlier had
50 been accounted for.

- Page 53, Table 25: Affordable and Fair Market Rent for Low-Income Households, the fair market rent for three-bedroom houses relatively matched up with the rent charged in Pinole from August 2022 onwards but the annual salary required for the fair market rent was above the average household income in Pinole.
- Figure 8 on Pages 51 and 52, as previously noted, the two-bedroom rents were the same cost as the three-bedroom rents from August to December 2022, which was notable as a trend, with a market spike in two-bedroom rents from April to August 2022. Two- and three-bedroom rents were remarkably close together in the actually charged amount despite the fact they were to be different and staff was asked to clarify that information.
- Page 56, Table 29, Overpayment by Lower-Income Households, while the City was doing better than the County, it did not have good numbers for both owner and rental households, as reflected in the table showing substantial financial stress to lower income households whether one was an owner or renter.
- Page 63, Table 34: Overview of Special Needs Groups, Pinole, data for 2021 had not been included.
- Page 69, no data was available for 2021, which could be an issue for HCD.
- Page 72, the methodology the Police Department used to identify unsheltered homeless persons should be clarified as to whether it varied from the methodology used by the County Health Department and whether it contributed to an over-or-under count in comparison of the metrics.
- Page 71, Table 42: Characteristics of Persons Experiencing Homelessness, Contra Costa County, 2019 included a breakdown of homeless persons including veterans.
- Pages 76 and 77, Figure 12: Population with a Disability 2015-2019 should be clarified.
- Page 95, it was important to note that "...in conversations with developers pursuing projects in the City, parking was not noted as a constraint on their projects."
- Page 96, it was important to note "the City was including multiple programs to review and reduce parking requirements ..."
- Page 100, the information related to in-lieu fees was noted and there was concern fees would be pooled over time, and asked how the net value of funds to build affordable housing over time would be balanced, which should be clarified.
- Page 101, Table 60: Allowed Residential Uses Under the Zoning Code, the zoning category for RC needed to be defined on Page 100 and should be clarified and staff clarified RC was defined as Regional Commercial, which had been established as part of the General Plan process in 2010.
- Page 105, questioned the reference to the northwestern quadrant of the City as the most walkable corridor of the City and suggested it would more likely be Old Town.

- Page 111, appreciated the concrete data on permit processing examples but suggested the data be converted to bar charts with timelines and with a comparison of the timelines.
- Page 117, Table 65: Planning Related Fees and Regional Fee Comparison, asked whether some of the columns that were blank meant those jurisdictions did not have comprehensive design review fees or a comprehensive design review process for the categories as shown or if it meant staff did not have the data.
- Page 119, Regional Fee Comparison, as shown, Table 65 had not shown the information in this section but recognized there were several categories where the data may not be available to allow a cross comparison. Suggested the assertions in this section should include more data or be more specific how the City's fees were typically lower than the neighboring jurisdictions.

Assistant City Attorney Mog stated that staff would not be able to respond to most of the questions raised by Commissioner Menis at this time. He suggested it would be helpful to submit comments in writing to allow staff to provide responses prior to the City Council's consideration of the item and staff could possibly incorporate them into the staff presentation for the City Council.

Commissioner Banuelos provided an overview how the City's fees had been developed as part of the Zoning Ordinance update in 2010, which had been compared to neighboring jurisdictions at that time.

Commissioner Menis suggested that was the type of data that could be shown in the chart earlier referenced to make that comparison that the City was making more accurate since there was currently a mismatch between statements in the document and the chart. He continued his comments as this time.

- As to AFFH, commented there were several areas in the Draft Housing Element where staff had attempted to allay differences between regions of the City, the amount of segregation in the City, and the differences in environmental qualities of the City, and where he wanted to flag since it could pose a conflict with HCD.
- Page 140, and the redline language related to AFFH, which read in part: *When evaluating the City for segregation, the City has a moderate dissimilarity index of 31.86, which is just above the threshold of 30.0 for low segregation. Segregation at the City level is much lower than 47.32 index for Contra Costa County as a whole*, he suggested it should be stated the City of Pinole was in the moderate segregation level.
- Page 150, Figure 24: Poverty Status, 2010-2014 and 2015-2019, there was no data for 2020 or later.
- Page 164, Figure 36: TCAC Composite Score and Page 165, Figure 37: TCAC Designation Comparison of RHNA Units, and the information contained therein in the redline language on Pages 164 and 165, which had shown a significant variance which no one category would cover. Expressed concern the City was arguing in bad faith and strongly objected to the redline language on Pages 164 and 165, as shown.

- Pages 167 through 169, Figure 39: 39: CES Percentile and RHNA Sites, Figure 40; CalEnviro Screen Percentile Comparison of RHNA Units and Figure 41: BayREN Weatherization Participation by Census Tract, 2015-2022, and the redline language as shown, which had identified resources went to this specific area of the City whereas there were other areas of the City that were worse off environmentally. Noted the City planned to focus its efforts of BayREN in particular, place-based improvements in West Pinole, but was a broader pattern where resources, availability and power were concentrated in an area that was more environmentally friendly, had fewer RHNA sites, and more White people, all of which tended towards potentially AFFH issues. Found that a lot of the data points within the document had shown the statements the City was making to address state concerns could be seen as emphasizing why those were concerns in the first place.
- Page 240, Program 6, and the redline language which stated: *The City will review and update as necessary the EIR prepared for the GP and Specific Plan so that individual projects can utilize opportunities for tiering from environmental documentation and streamlining provided under CEQA, where applicable, which can reduce duplicative analyses and streamline environmental review. The City will begin the review within 3 years of Housing Element adoption and complete it within 6 years of adoption*, and asked whether that was a reasonable period of time for the update.
- Page 252, and the information as shown for Program 19: Place-Based Improvements, noted that there were several parts of the western quadrant of the City which had several areas that were disadvantaged as compared to Pinole Valley and the eastern part of the City. Referenced the fact the Planning Commission had brought up a patch on San Pablo Avenue on the north side between Roble and Pinon Avenues in the past where there was no sidewalk and whether an easement could be built, and on San Pablo Avenue at the north side underneath the Methodist Church there was an uncontrolled stream that could collapse and block the road outright, which had no sidewalk. Suggested Program 19 be modified to create a San Pablo Complete Streets Project as part of the Place-Based Improvements; and
- Appendix C, Public Participation, asked whether tenant associations had been contacted, which tied into the earlier comments about reaching out to those currently living in affordable housing. Asked whether the City had reached out to the President of the Pinole Historical Society with regards to the history of exclusionary zoning and the patterns of segregation within the City.

Chairperson Moriarty commended Commissioner Menis' attention to detail but suggested his major points got lost in the volume. She encouraged him to prepare written comments such as with an Excel spreadsheet or something similar.

Assistant City Attorney Mog reiterated staff was unable to answer Commissioner Menis' questions at this time, but he again hoped staff would be able to incorporate responses for the City Council, which would consider the item during its April 4, 2023 meeting.

Mr. Wery suggested some changes could be made but ultimately it was the City Council's decision. Many of the concerns raised were questions and insightful review of the data. He acknowledged some of the language could be tweaked. The City Council could be advised that it reserved the right to allow staff to make technical changes without changing programs and policies after the fact to allow adoption without having another round of public review.

1 Mr. Wery suggested overall the project was what was needed, and in response to
2 Commissioner Menis' concerns with respect to characterization, the language could be
3 tweaked but the bottom line was what the programs were trying to address regardless of the
4 characterizations and differences in areas, by encouraging more housing in those areas to
5 encourage and promote more capital and programmatic improvements in areas that may not
6 have the same advantages as other areas of the City.

7
8 Commissioner Menis commented that the first time the Draft Housing Element had been
9 discussed, the sites zoned for affordable housing were in the Pinole Valley, with one on the
10 edge of the region as evidenced in Figure 36 on Page 164 and other figures in the document.
11 The RHNA sites were almost entirely outside the Pinole Valley zone for the reasons
12 articulated in the document, but he remained concerned HCD could see that as the City
13 deliberately not having sites in areas that had historically been more affluent, White, with
14 higher incomes, areas better off environmentally than other locations in the City, which he
15 wanted to highlight.

16
17 Mr. Wery explained that HCD pushed its analysis to sites that were more suitable for high
18 density housing and pushed towards nature preserves, areas further from transit, towards
19 the highest income communities with the areas of the largest lots and away from services
20 and employment and there was always that friction, which had been explained to HCD and
21 which had been made evident in the document.

22
23 Commissioner Kurrent understood Commissioner Menis' concerns with disparity between
24 the Pinole Valley and the rest of the City, but Old Town and other areas of the City had been
25 developed first with more services and different characters. He found the state recognized
26 some of the challenges such as with SB 9, which allowed ADUs and denser housing in the
27 valley.

28
29 Commissioner Menis clarified he was not saying massive apartment towers should be
30 developed in the valley which would change the character of the area and was away from
31 transportation. He reiterated that in prior drafts of the Housing Element there had been sites
32 in the valley that had been removed for whatever reason but at the same time affordable
33 housing could be considered for the valley without disrupting its character.

34
35 Commissioner Banuelos noted that Pinole Valley and the bulk of Pinole had been built out
36 with Old Town having some areas that could be redeveloped and which the City's Specific
37 Plan had taken into account.

38
39 Chairperson Moriarty commented she could not find the definition for "household" in the
40 document, and Mr. Wery explained the definition of "family" or "household" had been read
41 differently by HCD.

42
43 Shannon Liska, MBI referenced Page 122 of the document, which defined "family" and
44 "household" as one which *does not require a single lease or rental agreement, rather uses*
45 *this as an example of one of the characteristics that are indicative of a single household.*
46 *However, in order to ensure clarity in the definition of household, as a part of Program 12,*
47 *the City will review the definition of family and revise as appropriate to ensure that the*
48 *definition does not require nor imply that it requires a single lease or rental agreement.*
49
50

Chairperson Moriarty appreciated the revision to the number of homeless in the City of Pinole. She referenced Page 175, Figure 47: Overcrowded Households, and clarified the legend had indicated the blue color in Figure 47 was the Bay, but was actually San Pablo Bay, which should be corrected. She also appreciated the inclusion of entitled and pending projects which had been helpful. She recognized the community was evolving and recognized and understood the tension for the City to comply with state requirements, which was why she appreciated the work of MBI to see that bigger picture and staff for seeing what that bigger picture was.

Commissioner Kurrent offered a motion to adopt Resolution 23-01, with Exhibit A: Revised 2023-2031 Housing Element B: Notice of Exemption, a Resolution of the Planning Commission of the City of Pinole Recommending to the City Council Adoption of an Amendment to the General Plan to adopt revised Housing Element 2023-2031 Update dated March 24, 2023 and authorize the City Manager to make technical modifications, refinements, and clarifications (including but not limited to implementation details of the proposed housing plan programs) to the Housing Element Update without requiring a subsequent hearing and re-adoption; new goals, policies or programs would require re-adoption, and subject to the revision to Page 175, Figure 47, as articulated by the Chair.

Commissioner Menis offered to second the motion, with an amendment for staff to take into consideration the questions made both during the meeting and those submitted before the document was submitted to the City Council and any revisions that might be made in that process.

MOTION to adopt Resolution 23-01, with Exhibit A: Revised 2023-2031 Housing Element B: Notice of Exemption, a Resolution of the Planning Commission of the City of Pinole Recommending to the City Council Adoption of an Amendment to the General Plan to adopt revised Housing Element 2023-2031 Update dated March 24, 2023 and authorize the City Manager to make technical modifications, refinements, and clarifications (including but not limited to implementation details of the proposed housing plan programs) to the Housing Element Update without requiring a subsequent hearing and re-adoption; new goals, policies or programs would require re-adoption and subject to the following:

- Revision to Page 175, Figure 47, as articulated by the Chair; and
- Staff to take into consideration the questions made both during the meeting and those submitted before the document was submitted to the City Council and any revisions that might be made in that process.

MOTION: Kurrent

SECONDED: Menis

APPROVED: 4-1-1

NOES: Banuelos

ABSENT: Martinez

F. OLD BUSINESS: None

G. NEW BUSINESS: None

H. CITY PLANNER'S / COMMISSIONERS' REPORT

1 Mr. Hanham reported the Pinole Shores II project would be presented to the Planning
2 Commission at its second meeting in April. He also reported that staff continued to work on
3 the objective development standards, parklet regulations would be presented to the City
4 Council at its April 4, 2023 meeting, the City Council had received its Annual Progress Report
5 to be submitted to HCD, and a couple of CUPs would be presented to the Planning
6 Commission at future meetings.

7
8 Commissioner Kurrent reported the City of San Francisco would be charging \$2,000 for
9 parklets in its jurisdiction and he reported that Sue's Place parklet was in disarray.

10
11 Mr. Hanham stated that staff was working with the business owner for Sue's Place on its
12 temporary outdoor dining permit.

13
14 Assistant City Attorney Mog explained the City Council may set a fee for parklets and
15 commented on his understanding the fee in the City of San Francisco was actually a
16 reduction from its current fee.

17
18 Commissioner Menis reported in a private capacity not as a member of the Planning
19 Commission, he had attended a meeting where the entities in litigation with the City
20 discussed their work and the issues they had with the City of Pinole. He made no comments
21 about the City of Pinole based on direction from the City Attorney's Office.

22
23 Mr. Hanham clarified the Joint City Council and Planning Commission meeting scheduled for
24 Tuesday, March 28, 2023 would start at 6:00 p.m., not 7:00 p.m.

25
26 **I. COMMUNICATIONS:** None

27
28 **J. NEXT MEETING**

29
30 The next meeting of the Planning Commission to be a Special Joint City Council and
31 Planning Commission Meeting scheduled for March 28, 2023 at 6:00 p.m.

32
33 **K. ADJOURNMENT:** 9:14 p.m.

34
35 Transcribed by:

36
37
38 Sherri D. Lewis
39 Transcriber