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DRAFT

**MINUTES OF THE REGULAR MEETING
PINOLE PLANNING COMMISSION**

April 24, 2023

**THIS MEETING WAS HELD IN A HYBRID FORMAT
BOTH IN-PERSON AND ZOOM TELECONFERENCE**

A. CALL TO ORDER: 7:00 p.m.

B1. PLEDGE OF ALLEGIANCE

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

B3. ROLL CALL

Commissioners Present: Banuelos, Benzuly, Kurrent, Menis, Vice Chairperson
Martinez, Chairperson Moriarty

Commissioners Absent: None

Staff Present: David Hanham, Planning Manager
Alex Mog, Assistant City Attorney
Justin Shiu, Contract Planner

C. CITIZENS TO BE HEARD

Justin Shiu, Contract Planner reported there were no comments from the public.

D. MEETING MINUTES

1. Planning Commission Meeting Minutes from March 27, 2023.

Commissioner Menis reported on ex parte communications having sent out notices of the meeting agenda to those on his email list. He also had brief discussions related to agenda Item G1 with the Vice Chair a few months ago.

Commissioner Menis requested the following modifications to the March 27, 2023 Planning Commission meeting minutes:

Page 6, the bullet point as shown in Lines 30 through 32 amended to read:

Page 12, questioned the statement the City had excellent production of Very Low, Low and Moderate units, in that while Low and Moderate units had been built, the data did not support the production of Very Low income units.

And Page 10, the bullet point shown in Lines 8 through 15, amended to read:

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

MOTION with a Roll Call vote to approve the Planning Commission Meeting Minutes from March 27, 2023, subject to the amendments requested by Commissioner Menis.

MOTION: Benzuly

SECONDED: Banuelos

APPROVED: 5-0-1

ABSTAIN: Martinez

E. PUBLIC HEARINGS

1. Conditional Use Permit CUP 23-02 Parking Reduction at 612 Tennent Avenue and 600 Tennent Avenue/2279 Park Street

Request: Consideration of a Conditional Use Permit request to reduce the number of on-site parking spaces for 612 Tennent Avenue and 600 Tennent Avenue/2279 Park Street in accordance with Section 17.48.060 (B) of the Pinole Municipal Code

Applicant: Leonard Williams and Shane Pasco

Location: 600 Tennent Avenue/2279 Park Street (APN: 402-142-010) and 612 Tennent Avenue (APN: 401-142-011)

Planner: David Hanham

Planning Manager Hanham provided a PowerPoint presentation of the staff report and recommended that the Planning Commission adopt Resolution 23-03 Conditional Use Permit (CUP) 23-02 conditionally approving the reduction of off-street parking requirements for 600 Tennent Avenue/2279 Park Street and 612 Tennent Avenue, subject to Exhibit A: Conditions of Approval.

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

- The former Blackie's Restaurant had been zoned Residential and the Residential Mixed Use allowed for 51 percent Residential and 49 percent Commercial but the Three Corridors Specific Plan allowed parcels with that Mixed Use zoning designation to be 100 percent Residential. Even now, switching the use from Residential to Commercial would be allowed under the Zoning Ordinance.
- The properties had been marketed by the City Council for sale. The first time around there had been no interest but there had been interest in the free market and the City Council had chosen a proposal that was the most appropriate based on a number of factors. Most of the uses proposed had been Residential with no interest in Commercial uses or a discussion of tearing down the buildings and building brand new buildings.
- The applicant was applying for a building permit to activate the use and in this case, once activated, the Conditional Use Permit (CUP) would apply, would be permanent and would run with the land indefinitely.
- A Travel Demand Management Plan (TDMP) would be required for the site whereby prior to the issuance of occupancy, the applicant would be required to prepare a TDMP that would reduce the parking demand on-site to be reviewed and approved by the Planning Manager. A TDMP for this property was on a much smaller scale than projects such as Vista Woods or Pinole Vista, as examples, but it involved the same concept with the property owner to consider travel opportunities for the tenants who would not require a vehicle.
- The property at 612 Tennent Avenue would have two covered vehicles in the garage and either tandem two vehicles on the outside or a tandem parking space behind the two vehicles in the garage. The Planning Commission was only being asked to approve the reduction of parking and not the design.
- The former Blackie's parcel had never been deed restricted to keep the Commercial component.
- For 2279 Park Street, staff acknowledged concern the garage was being used for storage and not parking, and acknowledged a request from the Planning Commission to work with the property owners to ensure the garage was being used for its intended purpose to be able to maintain the parking capacity in the area with a request that be stipulated in the TDMP, although there were issues with how to make rental properties and homeowners use their garages for parking. Since the TDMP was not the right vehicle to address that issue, staff would have to research that issue further.
- While the Building Department had reviewed the plans, staff acknowledged concern a parked vehicle could block the doorway at 600 Tennent Avenue with a recommendation to eliminate that parking space.

- An existing two-unit building where Blackie's had been located was not subject to design review due to the total square footage. The existing Blackie's structure would include changes to some windows and doors, the construction of a new fire wall between the units, and beefing up some of the area along the frontage. The square footage of the units was around 800 square feet in size.
- There was no way to consider this project as a Senate Bill (SB) 9 project since four units were too many without a lot split and egress and other components were required that may not be possible for a property this size.
- Only one Accessory Dwelling Unit (ADU) or Junior ADU could be allowed and the two one-bedroom units were unable to be classified as ADU units. 600 Tennent Avenue and 2279 Park Street had the restaurant and the home with a unit upstairs over the garage (two units, one over the garage and one in the home). One ADU would be allowed and an ADU up to 50 percent in the non-habitable space would be allowed in garages and laundry rooms, as examples, but may not be possible for this site. Staff could evaluate the situation although the applicant had determined what was desired for a myriad of reasons.
- This type of scenario for parking was not a unique phenomenon.
- Staff was unaware of any time/parking constraints related to the City's overnight parking lots nor was staff aware of any posted signage with parking restrictions other than a 72-hour limit for street parking. As long as a vehicle was not parked for more than three days (72-hours) on the street that was not an issue but would be something to be raised as part of the TDMP given the need for the applicant to be aware of the need to meet other requirements. The use of public transit was hoped to reduce the parking demand. For the most part, vehicles would be moving in and out in a 24-hour period.
- As part of the requirement for a TDMP, the Planning Commission could incorporate a requirement for tenants to be instructed not to park in specific parking lots at specific times. Condition 4, as shown in Exhibit A, Conditions of Approval required the TDMP to be reviewed and approved by the Planning Manager. The Planning Commission was asked to identify a list of conditions that should be included in the TDMP. Condition 4 could be so modified.
- Since the units were residential, bicycle parking was not required since residents were able to park their bicycles inside the individual units and there was no augmentation to the building that would expand the footprint, which would have triggered a requirement for additional bicycle parking.
- If the application was approved, existing signage at 600 Park Street with posted regulations for one-hour parking would have to be removed so that people would not be cited.

1 Leonard Williams, 599 Kenmore Avenue, Oakland, identified himself as the Property Owner
2 and suggested the parking would not be a problem and tenants would enjoy the property.
3 Buying, fixing up and renting out properties was his passion, and he would do what he could
4 and put his heart into all projects. He emphasized that housing was needed in the Bay Area,
5 commented on the homeless population and stated his family took this project personally.
6 He would make the parking work and would continue to work with City staff to do whatever
7 needed to be done, such as consideration of angled parking stalls. He looked forward to
8 partnering with the City of Pinole on future projects.
9

10 Mr. Williams clarified, when asked by the Chair, that he was in contract to purchase the
11 property at 612 Tennent Avenue where four rather than six parking spaces had been
12 proposed. When asked about his experience with tenant parking needs, he referenced a
13 project located in the City of Richmond that involved tenant live-work spaces and where the
14 men of the household had vehicles since they had to work and the women carpooled. Next
15 to the same property, he owned a three-bedroom residence with an ADU and those tenants
16 did the same thing. In that case, there had been no impacts on parking in the neighborhood
17 and he visited that area almost daily. He further confirmed, when asked, that he was the
18 Building Inspector/Supervisor for the City of Richmond and he was cognizant of the issues
19 being discussed. He planned to invite Commissioners to the project site after its completion
20 and suggested they would be pleased.
21

22 PUBLIC COMMENTS OPENED

23
24 Mr. Shiu reported there were no comments from the public.
25

26 PUBLIC COMMENTS CLOSED

27
28 Commissioner Menis suggested this project would fit within the transit-oriented development
29 core, was near mass transit options and would be in one of the more walkable parts of the
30 City. The project also conformed well to Land Use Policy 10, with most of the exterior shells
31 of the building including parts of the façade to be maintained ensuring the preservation of
32 historical character and providing high density housing and inclusionary housing which tied
33 into Goal HE 2. In terms of General Plan consistency, he found the project had done a great
34 job fitting into the General and Specific Plans. He sought assurance the TDMP would include
35 ways to mitigate the potential impact on periods of higher use during the weekends.
36

37 Commissioner Banuelos commented that when he had first looked at the plans he preferred
38 to eliminate the parking space in front of 600 Tennent Avenue because of the parking around
39 the immediate area. He asked whether there was room at 612 Tennent Avenue for a single
40 back-out and if possible, perhaps six parking spaces could be provided.
41

42 Mr. Hanham explained that staff had considered parking for both spaces, but there were
43 some challenges including location of utility poles. Other configurations had also been
44 considered but would have taken away areas that had drive-throughs and even more parking
45 spaces would have been lost. Once decent vehicle sizes were measured, it became tight
46 fast even with all compact spaces, with inadequate space to get in and out.
47

48 Commissioner Banuelos pointed out some weekends would pose a conflict for the parking
49 given specific events, and Mr. Hanham acknowledged there would be times where the
50 parking could be tight but not year around 24/7 in that there would be ebbs and flows.

1 Commissioner Banuelos suggested whatever was done the existing overlay with the church
2 was not to be violated in the process of approving this item, and the motion may have to
3 include language to stipulate that the current access agreements with the church were to be
4 maintained.

5
6 Commissioner Kurrent suggested it was premature to approve the project. He found the
7 parking situation to be troubling and should be finalized before the number of parking spaces
8 that would be required was identified. He supported an even lower parking requirement since
9 when forcing a project to accommodate parking driveways it would eliminate on-street
10 parking. He suggested an argument could be made for zero parking and require all tenants
11 to park on the street through a permit requirement to allow the tenants to exceed the 72-hour
12 on-street parking limit. He was not prepared to vote on the project until there was a definitive
13 parking strategy.

14
15 Commissioner Kurrent referenced 612 Tennant Avenue and suggested that tandem parking
16 would not work. There had to be a balance of off-street parking while not taking away on-
17 street parking. He liked the project but stated the parking situation needed to be resolved.

18
19 Mr. Hanham stated since on-street parking would be reduced, he understood the Planning
20 Commission could waive the reduction all the way down to zero for off-street parking.

21
22 Commissioner Kurrent was uncertain the Commission was ready to make such a bold
23 decision given the suggestion of having no parking requirements, which should be discussed
24 seriously. He suggested they were trying to satisfy the zoning requirements for parking but
25 making on-street parking worse and reducing the amount of on-street parking available for
26 the general public.

27
28 Chairperson Moriarty clarified with staff there was an existing driveway cut out in front of 612
29 Tennent Avenue, which would not be affected but which staff noted was narrow and thin.

30
31 Mr. Hanham again walked through the proposed parking configuration and explained that
32 due to the length of the driveway, there was room for two vehicles to back up and move
33 around but not enough room for four vehicles in the drive and two vehicles in the garage.

34
35 Commissioner Kurrent agreed with Commissioner Banuelos' suggestion to eliminate the
36 parking space in front of 600 Tennant Avenue.

37
38 Chairperson Moriarty summarized the recommendation for the property at 600 Tennant
39 Avenue to reduce the required parking by one parking space, with the parking space in the
40 front of the unit no longer required.

41
42 Commissioner Kurrent remained concerned for the property at 612 Tennent Avenue and the
43 request for four vehicles to be allowed on-site whether two in the garage or two tandem
44 parking spaces, although after further discussion he accepted that scenario.

45
46 Mr. Hanham clarified that for 612 Tennent Avenue, the intent was to have four on-site parking
47 spaces, two covered, two uncovered and remove one uncovered parking space, and for 600
48 Tennent Avenue the intent was to waive the requirement for all four parking spaces.

1 Commissioner Kurrent understood Commissioner Banuelos' concern with the parking space
2 blocking the egress door at 600 Tennent Avenue but suggested if the egress door was
3 repositioned the parking space could be preserved.
4

5 Commissioner Banuelos cautioned that the driveway was too narrow to move back and forth
6 and square footage would be required to be removed from the unit, which he opposed since
7 it would impact the unit. He again suggested that the parking space in front of 600 Tennent
8 Avenue be eliminated.
9

10 Chairperson Moriarty stated the intent was to eliminate all of the parking requirements for
11 600 Tennent Avenue.
12

13 Commissioner Menis asked whether the driveway at 600 Tennent Avenue could be
14 restructured to allow sufficient egress space for the door, but Commissioner Banuelos
15 reiterated the challenges that would result in the redesign of the unit, although the egress
16 door could be placed on the street side or at the corner and if able to be opened "in" that
17 could be an option.
18

19 On the discussion of how to ensure no conflict between parked vehicles and the egress door
20 and whether the developer should reconfigure the unit to that effect, Mr. Mog suggested if
21 the Commission wanted to maintain the parking space it could be maintained as is, and if
22 that did not work with the Building Code, a redesign of the project may have to return to the
23 Planning Commission for approval.
24

25 Other potential scenarios were discussed as well such as removing one parking space from
26 612 Tennent Avenue, which would potentially allow three spaces for parallel parking and
27 maneuverability at that location, and with the removal of that one space being able to
28 maintain the parking for 600 Tennent Avenue. Commissioners Banuelos, Benzuly and Menis
29 supported that scenario.
30

31 Commissioner Benzuly recommended the TDMP include a list of activities/events for the use
32 of the City's overnight parking lots on weekends including the Farmers' Market and events
33 at the Pinole Community Playhouse and baseball games as examples and limiting the types
34 of vehicles that could be parked in the driveway to just passenger vehicles to ensure
35 campers, recreational vehicles and large work trucks were not parking in the area.
36

37 Mr. Mog explained that the PMC already prohibited some of that activity on private property.
38

39 Vice Chairperson Martinez commented on the doorways on the tenant side of 600 Tennent
40 Avenue that entered onto the street and asked whether the street must be red-striped in front
41 of those areas, to which Mr. Hanham explained that red-striping was not required since
42 someone could park right in front and on the corner in a residential area.
43

44 As to what should be included in the TDMP, Mr. Hanham suggested as tenants moved in
45 they be provided a copy of the TDMP and a packet of transit passes and be informed of the
46 areas where parking was prohibited and at what times, and that parking in the church parking
47 lot was prohibited on Sundays. He again confirmed that the existing signage that had posted
48 one-hour parking limits would have to be removed.
49

1 Mr. Mog advised pursuant to the PMC that the City Engineer had the authority to remove
2 street signage and that issue could be passed onto the City Engineer to evaluate whether
3 that signage would still be needed.
4

5 Chairperson Moriarty suggested the TDMP include a list of the parking lots in the areas and
6 identification of any restricted hours; no storage in the covered garage for 2279 Park Street
7 and possibly for 612 Tennent Avenue, with no storage closets to be built to be added to the
8 list of items staff would have on record.
9

10 Commissioner Menis suggested if there was a three-vehicle requirement for 612 Tennent
11 Avenue, there was no need to be as strict with the storage since there would be space on
12 the driveway for three vehicles.
13

14 Chairperson Moriarty agreed and suggested no storage be permitted in the covered garages
15 for 2279 Park Street. He recommended that the list of items in the TDMP also include the
16 maintenance of current access agreements for the immediate parking lots in the area and
17 the other information staff had identified to be provided to the landlord.
18

19 Commissioner Menis referenced the BCRE Mixed-Commercial Residential Project that
20 included a specific TDMP with a nearby church on the use of its parking lot. He asked
21 whether something more concrete could be negotiated.
22

23 Mr. Hanham suggested for a project of this size (five small square footage units) that was not
24 necessary. The request for the TDMP to include the access agreements for the immediate
25 parking lots would be a more informal sort of document.
26

27 **MOTION** to adopt Resolution 23-03 with Exhibit A: Conditions of Approval, a Resolution of
28 the Planning Commission of the City of Pinole, County of Contra Costa, State of California,
29 Approving a Conditional Use Permit (CUP 23-02) for Reduction in Off-Street Parking Located
30 at 600 Tennent Avenue, 2279 Park Street, and 612 Tennent Avenue (APN: 401-142-010 and
31 11), subject to the following:
32

- 33 • Revise the tenth whereas clause as shown on Page 1 of Attachment A, Planning
34 Commission Resolution 23-03, to read:

35
36 WHEREAS, 612 Tennent Avenue is requesting to waive seven off-street
37 parking spaces; and
38

39 **MOTION: Kurrent**

SECONDED: Moriarty

APPROVED: 6-0

40
41 Chairperson Moriarty identified the 10-day appeal process in writing to the City Clerk.
42

43 Chairperson Moriarty was informed that there was a member of the public wishing to speak
44 via Zoom, although at her discretion as the Chair she stated the public hearing had been
45 closed and a vote taken on the item and public comment would not be accepted at this
46 time.
47

48 **F. OLD BUSINESS:** None

49
50 **G. NEW BUSINESS:**

1. Selection of Chair, Vice Chair, and the Ad-Hoc Planning Commission Sub-Committee for 2023-2024

Chairperson Moriarty asked whether it would be more appropriate for the item to be considered by the new Planning Commission to be seated at the May 8, 2023 Planning Commission meeting, and Mr. Mog acknowledged that was possible or a new Chair could be selected at this time.

Chairperson Moriarty understood a member of the Planning Commission had expressed an interest in serving as Chair; Commissioner Kurrent agreed the new Planning Commission should take action and Commissioner Menis agreed the newly-constituted Planning Commission should take action with the current Vice Chair to run the meeting until a selection had been made.

Mr. Hanham explained that new Commissioners had yet to be sworn into office, which was why the item had been agendaized at this time but were expected to be sworn-in prior to the next Planning Commission meeting on May 8, 2023.

Chairperson Moriarty welcomed new Planning Commissioners John Bender, Christy Lam-Julian, Gabriel Sandoval and reappointed Vice Chairperson Martinez.

H. CITY PLANNER'S / COMMISSIONERS' REPORT

Mr. Hanham reported that staff continued to work on the Parklet Regulations and objective development design standards, with the standards to be presented to the Planning Commission at a future meeting. The Pinole Shores II project would be presented to the Planning Commission at its May 8 meeting and staff was processing ADU and CUP applications.

Mr. Hanham expressed his appreciation to Chairperson Moriarty and Commissioner Kurrent for their service to the City of Pinole and their tenure on the Planning Commission.

Commissioner Kurrent explained that he had served as a member of the Grand Jury for Contra Costa County for 33 years, the Local Agency Formation Commission (LAFCO) for nine years as a public member, tutored with high and middle school students, participated on the Transportation Advisory Committee (TAC) for 18 years, reviewed books for the state for 15 years, served as a member of the Planning Commission for 16 years and served on many ad hoc committees. He thanked City staff, the City Council and the public for allowing him the opportunity to serve and he looked forward to younger generations becoming involved in the future of the City of Pinole.

Commissioner Banuelos expressed his appreciation to Chairperson Moriarty and Commissioner Kurrent for volunteering their services to the City of Pinole and recognized their tenure of service.

Commissioner Menis expressed his appreciation to both the Chair and Commissioner Kurrent for mentoring him, in particular Commissioner Kurrent for encouraging him prior to his appointment to the Planning Commission, recognizing his public service to the community at-large and as a citizen overall. He hoped to live up to expectations.

1 Chairperson Moriarty also expressed her appreciation to Commissioner Kurrent for his
2 service to the City and Commissioner Kurrent conversely thanked Chairperson Moriarty for
3 her service.

4
5 PUBLIC COMMENTS OPENED

6
7 Although a member of the public attempted to call in there were technical difficulties and the
8 speaker was encouraged to submit comments via email and/or to contact City staff.

9
10 PUBLIC COMMENTS CLOSED

11
12 I. **COMMUNICATIONS:** None

13
14 J. **NEXT MEETING**

15
16 The next meeting of the Planning Commission to be a Regular Planning Commission
17 Meeting scheduled for May 8, 2023 at 7:00 p.m.

18
19 K. **ADJOURNMENT:** At 9:12 p.m. *In Honor of Dave Kurrent for his work as a volunteer public*
20 *servant for more than 30 years and for his work as a dedicated Planning Commissioner*
21 *for 16 years.*

22
23
24 Transcribed by:

25
26
27 Sherri D. Lewis
28 Transcriber