PINOLE PLANNING COMMISSION
MEETING AGENDA

November 18, 2024
7:00 PM
Attend in Person: PINOLE CITY COUNCIL CHAMBERS - 2131 PEAR STREET
OR
Attend VIA ZOOM TELECONFERENCE – Details provided below

How to Submit Public Comments:

In Person:

Attend meeting at the Pinole City Council Chambers, fill out a yellow public comment card and submit it to the City Clerk.

Via Zoom:

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/86505375301

Webinar ID: 865 0537 5301

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 5 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 and press *6 to unmute. To comment with your video enabled, please let the City Clerk know you would like to turn your camera on once you are called to speak.

Written Comments:

Please submit public comments to Planning Staff before the meeting via email to dhanham@ci.pinole.ca.us. Please include your full name, city of residence and agenda item you are commenting on.

OTHER WAYS TO WATCH THE MEETING

LIVE ON CHANNEL 26. They are retelecast the following week. The Community TV Channel 26 schedule is published on the city's website at www.ci.pinole.ca.us.

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 dhanham@ci.pinole.ca.us.

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 City Clerk's Office at (510) 724-8928. Notification 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.

Note: Staff reports are available for inspection on the City Website at www.ci.pinole.ca.us. You may also contact the City Clerk via e-mail at hbell@ci.pinole.ca.us.

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.

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.

Ralph M. Brown Act. Gov. Code § 54950. In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies, which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. 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.

D. ROLL CALL

E. 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.

F. MEETING MINUTES:

1. Planning Commission Meeting Minutes for October 7, 2024

G. 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.

H. OLD BUSINESS

1. Density Bonus Augmentation Information

I. NEW BUSINESS

J. CITY PLANNER'S/COMMISSIONER'S REPORT

K. COMMUNICATIONS

L. NEXT MEETING(S)

1. Planning Commission Regular Meeting, December 9, 2024, at 7:00PM

M. ADJOURNMENT

I hereby certify under the laws of the State of California that the foregoing Agenda was posted on the bulletin board at the main entrance of Pinole City Hall, 2131 Pear Street Pinole, CA, and on the City's website, not less than 72 hours prior to the meeting date set forth on this agenda.

_____
David Hanham
Planning Manager
POSTED: _____ pm

DRAFT

MINUTES OF THE REGULAR MEETING
PINOLE PLANNING COMMISSION

October 7, 2024

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

A. CALL TO ORDER: 7:03 p.m.

B. PLEDGE OF ALLEGIANCE

C. 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.*

D. ROLL CALL

Commissioners Present:	Bender, Huey, Lam-Julian**,** Sandoval, Uch, Vice-Chairperson Martinez, Chairperson Menis
Commissioners Absent:	None
Staff Present:	David Hanham, Planning Manager Markisha Guillory, Finance Director Justin Shiu, Senior Planner

Chairperson Menis reported he had ex parté communications having sent emails to his mailing list covering the items on the meeting agenda.

E. CITIZENS TO BE HEARD

Anthony Vossbrink, Pinole, referenced the severe and extreme heat wave over the past week and a half in the region, with 100+- degree temperatures. He asked why the City of Pinole had not officially recognized the Pinole Library or Senior Center as official cooling stations or considered free-standing power generators for those who were compromised. He stated that although a call had been made to Contra Costa County Supervisor Federal Glover's office, there had been no response. Both the Pinole Library and Senior Center had limited hours of operation but should have cooling station hours from the early morning to at least 7:00 or 8:00 p.m., and be staffed by City employees or volunteers, and he expressed the willingness to volunteer his time.

Mr. Vossbrink also asked for a status report on why and who had authorized the 'No Parking' street signs that had been drilled into the sidewalks and bolted down on either side of much of Pinole Valley Road, which work had been done absent any discussion at the City Council level or input from the Traffic and Pedestrian Safety (TAPS) Committee. In addition, there remained numerous street light outages along Pinole Valley Road and signage that should be repaired or restored, and there had been complaints about the speed of traffic up and down Pinole Valley Road and San Pablo Avenue at all hours, particularly around Old Town. He asked why more citations had not been issued by the Pinole Police Department and suggested the new City Manager and City Council should step up prior to the election and make a commitment to the general public.

Planning Manager David Hanham was uncertain how the City established cooling centers, which was something the City Council or Public Works Director would have to clarify. He acknowledged the Senior Center had been used as a cooling center in the past but he was unsure how it had been established or staffed. With respect to the 'No Parking' signs on Pinole Valley Road, he would check with the Public Works Department.

Mr. Hanham advised the concerns with the speed of traffic along Pinole Valley Road and San Pablo Avenue would be forwarded to Acting Police Chief Avery and Commander Crone. In response to the concerns with street light outages, some of the street lights were the responsibility of the City of Pinole while PG&E was responsible for others. He understood the lights that were out did not belong to the City of Pinole, but he would check with the Public Works Director to obtain an update.

F. MEETING MINUTES

1. Planning Commission Meeting Minutes for September 9, 2024

MOTION with a Roll Call vote to approve the Planning Commission Meeting Minutes for September 9, 2024, as shown.

MOTION: Martinez SECONDED: Huey APPROVED: 7-0

G. NEW BUSINESS

1. Measure I Presentation

Finance Director Markisha Guillory provided a PowerPoint presentation on the City of Pinole's Municipal Election and Measure I, and provided an overview of the City's fiscal challenges and annual deficit, which had been projected to grow unless a reliable source of local funding was identified; otherwise, the City would have to make severe cuts in funding for City services. She walked through the priorities the community had identified in the spring of 2024 as part of a community-wide survey as the City worked towards a long-term strategy of maintaining fiscal stability and basic services, with Measure I having been unanimously voted on by the City Council to be placed on the November 2024 ballot.

Finance Director Guillory explained that if authorized by voters, Measure I would establish a voter-approved one-half cent Pinole sales tax designed to improve the City's fiscal sustainability, with all funds generated to be spent on maintaining City services such as 911 public safety responses and maintaining local streets and roads.

Finance Director Guillory also highlighted the ballot question, local control and accountability and the other items on the November ballot including the election of City Treasurer and two at-large City Council representatives.

Responding to questions from the Planning Commission, Finance Director Guillory clarified:

- Information had been provided to the Planning Commission, staff and elected officials on what was or was not allowed related to the upcoming Municipal Election. (Chairperson Menis)

- The allocation of Measure I funds would be decided by the City Council through the budget development process. (Sandoval)

- This would be the last time the City may increase the sales tax percentage, otherwise the City would have to go through a state approval process to be able to present another similar sales tax increase in the future. (Lam-Julian)

- Acknowledged a recommendation for an Action Plan for "caking" streets in Old Town and other roads in need of repair or other needed enhancements in the community to better educate the public on the need for the approval of Measure I. (Vice-Chairperson Martinez)

- Measure I funds would be allocated as described in the measure description. Measure I funds would be general taxes and the City Council would have the power to allocate the funds in any way it wished. (Chairperson Menis)

- This presentation would also be provided at a community workshop scheduled for October 8, 2024 at the Senior Center. (Chairperson Menis)

- City staff may provide information on Measure I (such as the financial information, how much the measure may generate and the accountability to voters and the public on how the funds may be spent) but could not advocate for the measure. (Chairperson Menis)

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

Commissioner Sandoval recognized the City would not be able to increase the sales tax rate after this round due to state law other than meeting the state criteria when considering a possible increase in the future.

Vice Chairperson Martinez thanked Finance Director Guillory for her leadership, her steadfast hand and ability to work with numbers and he recognized the improvement in transparency in the numbers. He thanked Director Guillory for doing a phenomenal job for the City.

Chairperson Menis also thanked Finance Director Guillory for her leadership, working to make budgets clearer, break down information and typographical work to ensure everything was easy to read and accessible.

Chairperson Menis added that speaking as a private citizen, he approved of Measure I and he found it necessary for the City to be able to have those funds. He otherwise asked whether the City had crime rate data for the City of Pinole and how it compared to surrounding jurisdictions.

Finance Director Guillory advised that information could be provided by the Pinole Police Department.

Chairperson Menis suggested that information would be helpful to have and should be added to the Measure I presentation to make the comparison more concrete.

Finance Director Guillory thanked the Planning Commission for the feedback.

H. PUBLIC HEARINGS

1. Conditional Use Permit UP-24-01: Radiology Office at 825 San Pablo Avenue

Senior Planner Justin Shiu provided a PowerPoint presentation for a Radiology Office at 825 San Pablo Avenue (UP-24-01). He clarified there had been an error in the October 7, 2024 staff report, with respect to the Zoning Code Consistency, as shown on Page 31 which currently stated: *The Zoning Code (Title 17 of the Pinole Municipal Code) provides standards applicable to the project. Parking standards are established in Chapter 17.48 of the Zoning Code. The proposed use (medical office) and the prior use (professional office) fall under the same minimum parking requirement of one space per 250 square feet. Based on the building size, the minimum required parking is 13 spaces. The existing parking on site meets this standard* and should be corrected to read *17 spaces* and he clarified a total of 18 parking spaces would be provided on-site.

Mr. Shiu asked the Planning Commission to adopt Resolution 24-06 approving UP-24-01, a Conditional Use Permit application allowing for the establishment of the medical office at 825 San Pablo Avenue, subject to the conditions of approval as contained in Exhibit A to the staff report dated October 7, 2024.

Responding to questions from the Planning Commission Messiers Shiu and Hanham clarified:

- Based on the size of the building and the type of use a minimum of two bicycle parking spaces would be required but the applicant may provide more if desired. (Sandoval)

- Additional community engagement was not required by the applicant, particularly if the applicant met all City requirements, but if the Planning Commission determined there was an issue in the area such as concerns with parking or traffic, the property owner or contractor may be asked to provide notice to neighbors of the start of construction and that could be imposed as a condition of approval.

Most of the construction would occur in the interior of the building other than some curb cuts and repair to the driveway and some resurfacing of the exterior of the building. (Lam-Julian)

- As shown on the plans, a restroom located behind the reception area would include a sink but the architect should provide clarification. (Uch)

- Staff was unaware whether the business was a certified Green Business, which should be clarified by the applicant. Staff was also unaware whether the Community Development Department shared information on the California Green Network Business Certification process to applicants, but if the Planning Commission wanted to share such information with staff that could be shared with future applicants. (Huey)

- The building had been formerly occupied by an architectural firm. The center of the building included a large square area that was flat against the wall and with a small indentation. Acknowledged concerns with the proposed use for a medical office and a request for a condition that area be covered to the sidewalk given there would be individuals waiting for WestCAT, car sharing services or family members, with a request for a waiting area with benches in that area. Also acknowledged a request for additional conditions for a new exterior paint job, tree trimming, new landscaping and at the front area of the building the first two parking stalls in front of the door be designated as loading area parking spaces only. (Vice-Chairperson Martinez)

- Acknowledged a request to impose a condition of approval for a shared parking agreement between SAHA and the applicant, although staff clarified the project was already close to the parking minimums and was actually one space over the required number of parking spaces. Staff also clarified the curb cuts would provide an additional parking space on the street. Staff was uncertain whether a shared parking agreement with SAHA could be conditioned for the project but the applicant could be encouraged to consider such an option between the private property owners. (Vice-Chairperson Martinez)

- Exhibit A: Planning Commission Resolution 24-06 Conditions of Approval, Condition 4, Site Maintenance, acknowledged requiring a proper replacement plan for material/equipment related to the use as that material/equipment reached its end of life could be considered as a condition of approval, but staff recommended the property owner provide clarification. (Chairperson Menis)

- Condition 10, Construction Activity, this was a standard condition and would apply to the proposed use since the applicant had proposed some work on the sidewalk, which may include some grading and possible grading at the driveway entry. (Chairperson Menis)

- Acknowledged a segment of Pinole Shores I located across the street from the subject site had some constraints due to lead contamination but staff was unaware of similar constraints for the subject site. (Chairperson Menis)

PUBLIC HEARING OPENED

Joel Choe, Property Owner, 825 San Pablo Avenue, Pinole, explained that the Radiology Office would be an out-patient diagnostic facility center that would provide MRIs, CT scans, X-rays and ultrasounds, with the only radiation from the X-ray and CT Scan units. All equipment would be governed by the California Department of Health, which conducted routine biannual audits and inspections of the machines. The manufacturer of the equipment would provide maintenance every month, particularly for the CT Scan and MRI units. He explained that he currently operated a similar facility in the Hilltop Center in the City of Richmond.

PUBLIC HEARING CLOSED

Commissioner Lam-Jullian asked of the estimated timeline for construction, and Mr. Choe commented the time period for construction would depend on the time to obtain permits and identify the right construction team to take on the project. He had projects that had lasted anywhere from six months to a year depending on the efficiency of the contractor.

Hayoung Lee, Project Architect, Innovative Space, Architecture Planning Site Development, 627 Hanover Street, Livermore, explained the power capacity into the building must be increased and depending on the process with PG&E may also impact the construction timeline.

Vice-Chairperson Martinez asked whether the applicant would consider a covering at the front of the building as he had requested. Having used the Richmond Hilltop location, he oftentimes had to wait outside for a ride share service and that area was uncovered given the logistics of the building. Because of that experience, he suggested the applicant could do better with the Pinole location, which was the reason he requested the modifications he had outlined. He hoped the property owner and architect would be willing to consider the request.

Mr. Choe stated they would try to provide the most convenient access to and from the building for patients who used ride share services or taxis.

Chairperson Menis asked whether the waiting area had sufficient seating for those waiting for an appointment but also adequate seating to allow people to wait after an appointment was complete.

Mr. Choe described the planned design as a step-by-step process. He planned to have two MRI units at a future date but currently he had a lease with the existing Richmond facility he hoped to renegotiate at the time the lease was due to expire to keep that location. If not, he would close that facility and move the MRI unit at that location into the Pinole location. Depending on the length of construction, he planned to have one MRI and one X-ray unit at the Pinole location.

Mr. Choe explained that there would be little foot traffic other than for the X-ray unit, and based on activity at the Richmond facility, there could be one to two patients within a 30-minute period. That facility had open walk-in hours from 10:00 a.m. to 4:00 pm., with all other modalities on an appointment-only basis.

Mr. Choe explained that MRIs took anywhere from 30 to 40 minutes to complete and ride-sharing typically was timed with the front desk staff to pick-up patients at the time the appointment was complete. Patients getting an X-ray usually drove themselves, came in for the appointment and then left. It was difficult to determine how much waiting time would be required for someone to wait in the waiting room since typically that did not happen.

Vice Chairperson Martinez noted the configuration of the Richmond facility was larger than the Pinole facility, and again given his personal experience having to wait to be picked-up from the Richmond facility, he found the seats in the waiting area typically were occupied and he had to wait in the atrium for an appointment. In that area, the seating was tight and sometimes there were longer wait times. He again requested a covered seating area with benches for the Pinole facility.

Mr. Choe stated he would have to defer to his architect to determine whether it would be possible to design something.

Mr. Lee highlighted the dimensions of the building and commented that the awning could be extended at the entrance, but the walkway was not wide enough given the original building design. Providing a covered seating area would be better on the left side of the building near the trash enclosure and a small landscaping area. The middle area of the building would be a challenge and the only available area was the left side where an awning could be provided. The parking layout did not provide options for open space.

Vice-Chairperson Martinez discussed with Mr. Lee the possible addition of an awning at the front with seats added in that area even if only one or two seats on each side to allow additional seating at the exterior of the building.

Mr. Lee expressed the willingness to work with the City Planner to ensure the area did not stand out too much as part of the design.

Chairperson Menis referenced Sheet AS2.1, the Proposed Floor Plan, and clarified with Messiers Lee and Choe the walls around the various medical equipment met all state standards for shielding of the equipment per the manufacturers' specifications. With respect to Sheet AS2.0, Demolition Floor Plans, he clarified which wall would be removed to accommodate the MRI equipment and that there would be no structural implications by removing that wall. He also clarified there would be one MRI suite occupied with the other space to be shielded for preparation at a later date, and in the interim would be used as necessary storage if required. For Sheet AS 3.1, Building Elevations, an entire door on the west elevation would be removed that had been part of the previous office use since it would be part of an X-ray room and the door would not be used.

Chairperson Menis asked whether a refresh of the exterior design would fall under the scope of the project.

Mr. Choe advised there was graffiti on the back side of the building necessitating the repainting of the entire exterior of the building.

Vice-Chairperson Martinez suggested a new color refresh but deferred the color scheme to the property owner and project architect as to the color preference. He requested the addition of trash cans outside of the building.

Chairperson Menis clarified with Mr. Choe an exterior trash can could be placed at the entry point of the building. He referenced the possibility of installing a new awning and seating in the front area between segments D and E of the plans, and asked whether that could be imposed as a condition of approval.

Mr. Shiu advised that could be added as a condition of approval with the plans to be reviewed again prior to finalization of the Building Permit, and that design component could also be brought to the Planning Commission Ad-Hoc Subcommittee for review and consideration.

Vice-Chairperson Martinez asked that be added as a condition of approval for the reasons previously stated and that element of the design be presented to the Planning Commission Ad-Hoc Subcommittee for review.

Mr. Shiu suggested the Planning Commission may impose a condition for the plans to be brought back to the Planning Commission Ad-Hoc Subcommittee for inclusion of an awning and seating as discussed prior to submittal of the Building Permit application.

The Planning Commission continued to discuss the recommendation for an additional condition related to an awning and additional seating at the front of the building and also discussed the dimensions of the front of the building, which may allow for one to two seats to be added as an additional condition as part of the approval of the resolution.

Mr. Hanham suggested an additional Condition 14 could be added to read:

> *The applicant shall provide a drawing of the awning and outdoor seating to be reviewed by the Planning Commission Ad-Hoc Subcommittee prior to issuance of Building Permit.*

Commissioner Lam-Julian asked for an additional condition of approval to require public notice given the area on Meadow Avenue and East Meadow Avenue was residential, was very congested and community members had raised concerns with her about the congestion in the area.

Mr. Choe referenced the large apartment complex being built on the other side of Meadow Avenue and reported contractors had been parking their vehicles in his parking lot even though they had been asked not to do so. He suggested residents were well aware of the noise from construction in the area.

Mr. Hanham clarified the City's public hearing notice requirement for the project required all residents within 300-feet of the project site to be notified of the public hearing, which requirement had been met. Staff could work with the applicant to post information about when construction may begin on the site but he asked whether Commissioner Lam-Julian was requesting a re-notification to all residents.

Commissioner Lam-Julian requested that residents be re-notified of the project and reported that residents had informed her they had not received notice of the project.

Mr. Hanham clarified if the project was approved by the Planning Commission at this meeting, no additional public notice would be required and residents would not be able to discuss the project further other than via an appeal of the Planning Commission's decision. Residents could be notified when construction was due to start and possibly how long construction may take.

Commissioner Lam-Julian reiterated community members had reached out to her stating they were unaware of the project. She suggested in good faith the public notice for this item should be re-noticed and residents informed when construction would occur so the public would be aware.

Mr. Hanham reiterated if the project were approved at this time residents would not have an opportunity to comment further on the project itself.

Commissioner Lam-Julian clarified, when asked by the Chair, she was not asking that the item be continued.

Commissioner Bender found the idea of an awning on the north facing entry a good idea, but suggested intervention should be an awning, something that was architecturally permanent and not a canvas, with the overall opening of the framing retained as-is, which would provide a simple awning suspended off the building with a beam and without posts, something discreet and simple. An awning would be appropriate, particularly given the winds from the northwest and he was pleased the building would be repainted. He recognized the building had been vacant for awhile and finding a new purpose was an improvement.

Commissioner Huey commented she had done research and found the business was, in fact, not certified as a California Green Business Network. She asked that information on the California Green Business Network be provided to the applicant for educational purposes. She understood the applicant was following the book, but again noted the medical equipment would use a significant amount of energy that further perpetuated Greenhouse Gas Emissions (GHGs). There were California Green Business Network programs that were free of cost to small and medium sized businesses, with financial incentives also offered that the applicant may consider.

Mr. Shiu advised that staff could forward the information.

Vice-Chairperson Martinez asked that the Planning Commission Ad-Hoc Subcommittee review additional exterior seating, the addition of a trash receptacle on the exterior, revised exterior painting and a refresh of tree pruning and improved landscaping, with flowers.

Mr. Shiu advised there was a condition of approval related to the maintenance of landscaping but not a requirement for additional landscaping.

Mr. Hanham identified Condition 4, Site Maintenance, part of which *required the property owner to ensure trees and landscaping area on site are maintained in good condition and dead vegetation to be replaced promptly.*

Mr. Shiu commented that adding new landscaping could be a new condition or could be incorporated into the recommendations for the Planning Commission Ad-Hoc Subcommittee to review.

Vice-Chairperson Martinez clarified he would be okay installing some mulch as an improvement to the landscaping. He pointed out the SAHA development and Gables Motel, also located in the area, had made an effort to improve the appearance of the area and anything that could be done to tidy up the subject property would be appreciated.

MOTION with a Roll Call vote to adopt Resolution 24-06 with Exhibit A: Conditions of Approval, a Resolution of the Planning Commission of the City of Pinole, County of Contra Costa, State of California, Approving Conditional Use Permit UP-24-01 to Establish a Medical Office at 825 San Pablo Avenue, and subject to:

- Add a new Condition 14, which would require an awning and seating be applied to the front alcove area along with exterior trash receptables, and the areas of raw dirt be improved either by the addition of mulch and plants with all changes in this matter to be brought back to the Planning Commission Ad-Hoc Subcommittee for review before final approval of the Building Permit.

- Add a new Condition 15, which would require public notice prior to the start of construction to those properties on the same mailing radius of 300-feet as the standard public hearing notification process, with the public notice to clarify this was not a notice for the approval of the project.

MOTION: Menis SECONDED: Martinez APPROVED: 7-0

I. OLD BUSINESS: None

J. CITY PLANNER'S/COMMISSIONER'S REPORT

Mr. Hanham provided the following updates:

- He had attended the American Planning Association (APA) Conference and briefed the Planning Commission on the discussions.

- A final map had been recorded for Pinole Shores II.

- Staff was working on the mylars for the Appian Plaza Map and finalization of the Covenants, Conditions and Restrictions (CC&Rs) and Homeowners Association (HOA) documents.

- The Planning Commission would consider a Conditional Use Permit (CUP) request for Tina's Place at its October 28, 2024 regular meeting.

- Staff was working on the Housing Element Implementation text amendments with

the next set of amendments to be presented to the Planning Commission at a meeting in November, and with the first set of amendments previously reviewed and approved by the Planning Commission to be presented to the City Council for approval in November.

- Staff continued to work on the parklet design policies and guidelines.

- Vista Woods was close to completion with Wings A and B issued temporary occupancy and staff was in the process of inspections for Wings C and D.

- SAHA was due to have final inspection soon.

- Staff was working with the property owner of the project at 2801 Pinole Valley Road who was getting closer to the submittal of documents.

- Pinole Shores II plans should be submitted by the end of the year.

- Staff was working on the City's Development Impact Fees and finalizing the Safety and Environmental Justice Elements, with the consultant having been provided comments from the Planning Commission Ad-Hoc Subcommittee.

Commissioner Bender reported he had recently viewed the unfinished trail from the caretakers' home to an area where there had been a washout and was surprised about what was being dumped in the area, including two small mounds of recent asphalt. The area had also been used for dumping broken-up asphalt.

Mr. Hanham advised he would check with the Public Works Director.

Chairperson Menis reported this issue had been raised with the City Council on more than one occasion. He too had viewed the area and advised the Public Works Director had reported the intent was to pave the area with the asphalt.

Commissioner Lam-Julian asked about the status of Safeway, to which Mr. Hanham reported staff had been meeting with the property owner who was working on due diligence and he hoped to have something shortly. He understood the new City Manager also planned to meet with the property owner.

In response to the Chair, Mr. Hanham confirmed the Safeway project would not include a new gas station as part of the plans due to the City's moratorium on new gas station development.

Chairperson Menis understood staff was working on the City's Development Impact Fees but he understood the fees had been reviewed and revised in 2022. He asked staff to provide clarification if a full fee nexus study was also being done.

Mr. Hanham explained the Development Impact Fees needed to be reviewed given the agreement with the Contra Costa County Fire Protection District (CCCFPD), which had taken over the City's fire services and he understood all City facilities needed to be part of the study.

Most of the nexus study was complete, it was just a matter of moving it forward to the City

Council for approval prior to the end of the year.

Chairperson Menis asked about the status of the Adobe Road Trail, an issue that had been raised by a member of the public during the September 9, 2024 Planning Commission meeting, and Mr. Hanham acknowledged he had not asked the Public Works Director about the status of the trail.

Commissioner Lam-Julian reported the sudden appearance of the 'No Parking' signs had been discussed at a previous meeting with the understanding those signs may have been related to the Pinole Valley High School homecoming event.

Mr. Hanham clarified the 'No Parking' signs were not related to Pinole Valley High School but portable 'No Parking' signs had been used when Green Day had been recognized by the City. He would have to reach out to the Public Works Director to get an update.

Chairperson Menis asked about the status of the City's grant application with Contra Costa County for sea level assessments and vulnerability assessments, and Mr. Hanham reported staff continued to work with the county, which was putting together the criteria needed for grant eligibility.

PUBLIC COMMENTS OPENED

Anthony Vossbrink, Pinole, referenced the Adobe Road Trail and commented the trail had been cut in half by a major breach several years ago when the then-Fire Chief had been informed by the county and state the breach must be repaired. A member of the Public Works Department at the site had recently been asked about the status but only stated they were moving around dirt. He questioned the dumping in the area of the trail and behind the caretaker's home that was blocking the trail and was a potential health and safety hazard. He asked whether the CCCFPD needed to be contacted to clear the trail. He suggested the City had violated the Pinole Municipal Code (PMC) having littered the trail and he urged that the trail be cleared to ensure it was walkable for the public and for the City to avoid potential litigation.

As to the caretaker's home, Mr. Vossbrink commented on rumors that something was happening with the property and he asked whether a multi-use permit had been issued and why the general public was not being informed of the status of the property.

Mr. Vossbrink also asked about the status of the extension of the Bay Front Trail near the Hercules-Pinole Wastewater Treatment Plant. Further, he commented on the recent build out in the City of Hercules for American Tire Company and asked whether the business had considered locating in the City of Pinole since Pinole had property that could have accommodated that business. Lastly, he congratulated the City on the receipt of a $650,000 state grant that would be used towards housing projects and asked when the funds would be used and what projects would be funded.

PUBLIC COMMENTS CLOSED

Mr. Hanham reported the Community Services and Public Works Departments were working on projects related to the caretaker's home but he was unaware of the specifics of the plans. As to the trail that had been washed out, Mr. Hanham reported there had been some

discussion about the trail, concrete had been stockpiled in the area since the trail had been a dirt trail for years and it needed to be repaved. He would have to check with the Public Works Director on the project details and status.

Mr. Hanham added the City of Pinole had not been approached by American Tire Company. He also confirmed the City had received a $650,000 state grant for affordable housing, but there remained a number of policies that must be put into place before the funds could be allocated for affordable housing projects. No funds had been designated at this time and more information would be provided at a future date.

In response to the concerns with items blocking the trail and possible exposure to the City, Mr. Hanham understood the CCCFPD was involved in some aspect of that work but he would have to get more information on the particulars of the project from the Public Works Director. In response to the concerns with the Bay Front Trail extension, he again would have to check with the Public Works Director on the status of the project. He noted the trail was not a City trail but one that involved another agency.

K. COMMUNICATIONS

Chairperson Menis reported the City's website was still not updating properly, the City's calendar was still not showing community events and only City meetings and the hyperlinks in Pinole Pulse remained an issue and he asked staff to look into the matter.

Mr. Hanham reported he had spoken with the Assistant to the City Manager and when Departments entered their events on their pages there was to be a link to the front page. There was a problem with the link that staff was working to resolve.

Chairperson Menis noted some of the links in Pinole Pulse were also outdated. He announced the following community events: Community Forum at the Senior Center on October 8, 2024 from 5:00 to 7:00 p.m.; Blood Drive at Fire Station 74 on October 13, 2024 from 10:00 a.m.to 2:00 p.m.; and the Low-Income Senior Food Distribution on October 8, 2024 from 10:00 to 11:00 a.m.

L. NEXT MEETING(S)

The next meeting of the Planning Commission to be a Regular Planning Commission Meeting scheduled for October 28, 2024 at 7:00 p.m.

M. ADJOURNMENT: 9:30 p.m.

Transcribed by:	Reviewed and Edited by:
Sherri D. Lewis Transcriber	City Staff

PLANNING COMMISSION REPORT

H.1.

DATE: NOVEMBER 18, 2024

TO: PLANNING COMMISSION MEMBERS

FROM: JUSTIN SHIU, CONSULTANT PLANNER

SUBJECT: DENSITY BONUS AUGMENTATION INFORMATION

RECOMMENDATION

Receive information and provide feedback to Staff.

BACKGROUND

At the September 9, 2024 Planning Commission hearing, the Planning Commission considered proposed amendments to the Pinole Municipal Code and Three Corridors Specific (Item G1. PA24-01 Municipal Code and Specific Plan Amendment for Housing Element Implementation and Regulatory Consistency). The proposed amendments would facilitate implementation of various Housing Element programs, which identified required changes to the documents to ensure regulatory consistency and further the goals and policies of the Housing Element. Amendments included changes that required strict adherence to standards for consistency with current State and federal regulations, as well as changes that provide more room for discretion and further consideration.

The Planning Commission recommended approval of the proposed amendments, with modifications discussed at the meeting, to the City Council. The Commission also desired to receive more information about density bonuses beyond baseline allowances under State Density Bonus Law, as a proposed Zoning Code amendment included an additional ten percent density bonus on top of baseline allowances under State Density Bonus Law (Government Code Section 65915 et seq.) for projects containing senior housing. The Planning Commission directed Staff to bring additional information to the Planning Commission at a future meeting.

REVIEW AND ANALYSIS

Zoning Code Amendment

The proposed zoning code amendments for Housing Element Implementation and Regulatory Consistency included a revision to Chapter 17.38 of the Pinole Municipal Code, incorporating State Density Bonus Law by reference and establishing local density bonus enhancements to provide additional incentives to develop housing. The following was proposed as a local density bonus enhancement:

> 17.38.030(B)(1). Senior Housing Project. Senior housing projects may request density bonus of at least ten (10) percent above the density bonus provided under State Density Bonus Provisions. For example, a senior housing project that is eligible for a thirty percent

(30%) density bonus under State Density Bonus Provisions would be eligible for a forty percent (40%) density bonus with application of the Local Density Bonus Enhancement.

The proposed ten percent additional density above the density bonus provided under State Density Bonus Provisions is a part of Housing Element Program 10 (Senior Housing Incentives): Investigate Density Bonus Beyond State Law. During discussion with the California Department of Housing and Community Development (HCD) for Prohousing Designation, ten percent above State requirements was identified by the State as an acceptable minimum to establish a quantitative target for this Housing Element program.

The following sections provide an overview of State Density bonus standards to provide a frame of reference for standard density bonus allowances that would work in conjunction with a ten percent additional bonus.

State Density Bonus Law

State Density Bonus Law (Government Code 65915 et seq) provides benefits for housing developments providing units that serve persons of certain demographics (e.g., seniors or low-income students) or income levels (e.g., very low-, low-, and moderate-income levels). These benefits may include incentives, concessions, modification or waiver of local standards, and the allowance of more units than would otherwise be allowed under the otherwise maximum allowable density established by local land use and zoning designations (i.e., a density bonus). Where projects meet the criteria for a density bonus under State Law, local jurisdictions must grant the density bonus. Developers would may select the density bonus to apply. Specific requirements under State Density Bonus Law are outlined below:

- **Senior Housing**

State Density Bonus Law allows for a 20 percent increase in the amount of senior housing units without affordability requirements. A senior citizen housing development is defined in Civil Code Sections 51.3 and 51.12, or as a mobile home park that limits residency based on age requirements for housing for older persons under Sections 798.76 or 799.5. “Development” includes a shared housing building development.

- **Income Level**

Under California’s Government Code Section 65915(f), density bonuses are available to developers based on the proportion of base units set aside at specific income levels, helping to increase housing supply for various affordability levels. Table 1 shows the eligible standard density bonus by setting aside a percentage of base units at or below a particular income level.

For example, a project proposing 20 base units that sets aside 2 low income units (10% of base units for low income) is eligible for 4 density bonus units (20% of base units). Or a project proposing 20 base units that sets aside 1 very low income unit and 1 low income units (10% of base units for lower income (low and very-low), OR 5% of units for very low income) is eligible for 4 density bonus units (20% of base units).

These income levels are based on State Income Limits, which are published annually by the California Department of Housing and Community Development (HCD) and Contra Costa

County. State Income Limits establish thresholds across affordability categories, determined by area median income (AMI), household size, and county.

For density bonus purposes, affordability categories are defined as follows:
- Very Low Income: Households earning 50% or less of the area median income, adjusted for household size.
- Low Income: Households earning up to 80% of the area median income, adjusted for household size.
- Moderate Income: Households earning approximately 120% of the area median income, adjusted for household size.

Table 1: Density Bonuses for Units Set Aside Based on Income Level

Percent of Units at Very Low Income	Percentage Density Bonus	Percent of Units at Low-Income	Percentage Density Bonus	Percent of Units at Moderate-Income	Percentage Density Bonus
5	20	10	20	10	5
6	22.5	11	21.5	11	6
7	25	12	23	12	7
8	27.5	13	24.5	13	8
9	30	14	26	14	9
10	32.5	15	27.5	15	10
11	35	16	29	16	11
12	38.75	17	30.5	17	12
13	42.5	18	32	18	13
14	46.25	19	33.5	19	14
15	50	20	35	20	15
		21	38.75	21	16
		22	42.5	22	17
		23	46.25	23	18
		24	50	24	19
				25	20
				26	21
				27	22
				28	23
				29	24

				30	25
				31	26
				32	27
				33	28
				34	29
				35	30
				36	31
				37	32
				38	33
				39	34
				40	35
				41	38.75
				42	42.5
				43	46.25
				44	50

- **100% Affordable Developments**

Development must be affordable to lower income households, except 20 percent may be affordable to moderate income households. Density bonus shall be 80 percent of the number of units for lower income households. A jurisdiction cannot impose any maximum controls on density if a development is located within one-half mile of a major transit stop or in a very low vehicle travel area (where existing residential development generates vehicle miles traveled per capita that is below 85 percent of either regional or city levels).

- **State Density Bonus Additional Units**

Housing development not restricting more than 50 percent of the total units to moderate-income, lower-income, or very low-income households are eligible for an additional density bonus if the development provides additional units affordable to very low or moderate-income households under Government Code Section 65915(v).

Development must have reached the cap for density bonus-based percentage of affordable units (i.e., it provides 15 percent of the total units to very low-income households, 24 percent of the total units to lower-income households, or 44 percent of the total units in for-sale developments to moderate-income households).

The additional density bonus is provided based on the additional units beyond the standard cap that are set aside for very low income and moderate income households. Table 2 shows the eligible additional density bonus by setting aside additional units at very low and

moderate income levels.

Table 2: Additional Density Bonuses beyond Standard Caps on Income-based Density Bonuses

Percent of Units at Very Low Income	Percentage Density Bonus	Percent of Units at Moderate-Income	Percentage Density Bonus
5	20	5	20
6	23.75	6	22.5
7	27.5	7	25
8	31.25	8	27.5
9	35	9	30
10	38.75	10	32.5
		11	35
		12	38.75
		13	42.5
		14	46.25
		15	50

- **Other Provisions in State Density Bonus**

State Law provides other tools that may potentially work with housing projects for seniors.
- For land donations: 15 to 35 percent density bonus for 10 to 30 percent of units affordable to very low income households. Bonuses may be in addition to standard State Density Bonus allowances, up to a total maximum of 35 percent.
- For conversion of apartments to condominiums: A 25 density bonus for projects that convert apartments to a condominium project if at least 33 percent of the total units of the proposed condominium project is affordable to low or moderate income households, or 15 percent of the total units of the proposed condominium project if affordable to lower income households.
- For commercial developer partnerships with affordable housing developers: Up to a 20 percent development intensity increase to commercial developers partnering with affordable housing developers to construct affordable housing on a commercial site or offsite in proximity to public amenities including schools and employment centers and within one-half mile of a major transit stop. At least 30 percent of the total units must be affordable to low-income households or at least 15 percent to very low-income households.

Local Approaches to Density Bonuses Beyond State Requirements

The Planning Commission has expressed interest in understanding the standards, if any, that nearby jurisdictions have implemented to offer density bonuses beyond what is mandated by State Law. To address this, density bonus regulations from several jurisdictions were reviewed to identify specific provisions allowing additional units beyond what is addressed by State Law.

Table 3 provides a general overview of information found for nearby jurisdictions.

From a review of existing ordinances, there is not currently a similar approach to the proposed Pinole zoning ordinance update consisting of a clear addition to State Density Bonus provisions (i.e., the proposal for an additional ten percent above the standard allowance under State Law). However, some jurisdictions have Housing Element programs and actions that may result in additional density bonuses in the future.

Table 3: Local Density Bonus Units Beyond State Law

City	Current Bonus Beyond State Bonuses/Alternative Standards	Potential Programs for Additional Units
Richmond	Senior Housing with Income Restriction or Housing for Persons with Disabilities. 40 percent density bonus if 5 percent of total base units are set aside for extremely low income and 20 percent for low income. More than 4 bedrooms per unit. 35 percent density bonus if 5 percent of total base units are set aside for extremely low income, 10 percent for very low income, and 15 percent for low income. Density Bonus for Extremely Low Income. 30 percent density bonus if 5 percent of total based units are set aside for extremely low income, with a 1 percent density bonus increase for each 1 percent above 5 percent (with a cap of a 40 percent density bonus).	
Concord	Affordable housing incentive program (CMC 18.185.060) provides incentives above and beyond those offered by the standard density bonus program. It is an alternative program from the density bonus program (CMC 18.185.050). It has higher eligibility requirements but provides alternative density and development standards.	Housing Element program to clarify State Density Bonus can be used in conjunction with specified overlay district and affordable housing incentive program, which may result in additional density.
Hercules	No specific regulations for units beyond State Law.	
San Pablo	No specific regulations for units beyond State Law.	Housing Element program to adopt a local density bonus program that offers additional density over the maximum base as an incentive for projects that consolidate small,

		adjacent lots and/or develop 2- and 3-bedroom units.
El Cerrito	No specific regulations for units beyond State Law.	
Martinez	No specific regulations for units beyond State Law.	
Pleasant Hill	No specific regulations for units beyond State Law.	Housing Element implementation program for additional density bonus to encourage 100% affordable housing projects in certain areas.
Walnut Creek	No specific regulations for units beyond State Law.	
Lafayette	No specific regulations for units beyond State Law.	Housing Element implementation plan action to evaluate and adjust the city's inclusionary and density bonus programs to allow a smaller unit contribution (<15%), larger density bonuses, and/or increased city support in exchange for affordable units that address the needs of underrepresented residents with disproportionate housing needs.
Orinda	No specific regulations for units beyond State Law.	
Moraga	No specific regulations for units beyond State Law.	Housing Element contains a program to adopt a local density program that supplements State Density Bonus and includes higher densities for senior housing and student housing.