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

5
6 **November 18, 2024**

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

11
12 **A. CALL TO ORDER:** 7:05 p.m.
13

14 **B. PLEDGE OF ALLEGIANCE**
15

16 **C. 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 **D. ROLL CALL**
25

26 Commissioners Present: Huey, Lam-Julian, Sandoval, Uch, Vice-Chairperson
27 Martinez, Chairperson Menis
28

29 Commissioners Absent: Bender
30

31 Staff Present: David Hanham, Planning Manager
32 Justin Shiu, Senior Planner
33

34 Chairperson Menis reported he had ex parte communications having sent emails to his
35 mailing list covering the items on the meeting agenda.
36

37 **E. CITIZENS TO BE HEARD**
38

39 Anthony Vossbrink, Pinole, asked what could be done with the telephone pole obstructions
40 on the street corner of Granada Court and Shea Drive, which had been reported to the
41 City on numerous occasions. The poles had been banded together by plastic duct tape
42 and metal bands, were an eyesore and safety hazard and blocked Americans with
43 Disabilities Act (ADA) access on a marked crosswalk. He asked the City to address the
44 situation before someone was hurt. He also asked whether the City had reduced funds
45 for the self-service sand bags typically provided in the auxiliary parking lot across from the
46 Police Department given the inclement weather expected in the next week, and the status
47 of a prior request for trash bins with covers or recycling green trash bins in Pinole Valley
48 Park and dog park that had been promised years ago by former City staff.
49
50

1 Mr. Vossbrink added that staff had not provided an update on the numerous No Parking
2 signs installed along Pinole Valley Road and more signs had since been installed
3 throughout the City on Appian Way and other locations. He further asked that the lights
4 along Pinole Valley Road and the door locks to the restrooms at City facilities be adjusted
5 for the change in daylight savings.
6

7 Chairperson Menis asked whether the City had to adjust its timers for various street lights
8 and the door locks for the restrooms at City facilities for the end of daylight savings and
9 was informed by Planning Manager David Hanham he would have to check with Public
10 Works Manager Joe Bingaman.
11

12 Commissioner Huey agreed that it was extremely dark in the Pinole Valley and she would
13 appreciate staff looking into the matter of updating the timers for street lights.
14

15 Commissioner Sandoval also asked about the status of the No Parking signs.
16

17 Mr. Hanham understood as part of a new law that went into effect in 2023, no parking was
18 permitted within 20 feet of intersections. He was uncertain whether the new signs had
19 been installed in conjunction with the new law but there would be more painting of red
20 curbs pursuant to this new law. He would follow up with the Public Works Manager.
21

22 Chairperson Menis reported the City Council would discuss the new daylighting law at the
23 City Council meeting of November 19, 2024.
24

25 Commissioner Lam-Julian reported several community members had noticed the self-
26 service sand bags were not available.
27

28 Mr. Hanham understood some coordination would be required between the Contra Costa
29 County Fire Protection District (CCCFPD) and the Public Works Department and he would
30 have to follow-up on that issue as well.
31

32 Chairperson Menis suspected the No Parking signs were not related to Assembly Bill (AB)
33 413, which was about painting curbs and not signage. As to the covers for the trash bins
34 at the Pinole Valley dog park, he inquired of the timeline.
35

36 Mr. Hanham stated he would have to check with the Public Works or Community Services
37 Departments.
38

39 Chairperson Menis asked about the telephone poles at Granada Court and Shea Drive
40 and whether the current situation would continue to remain in place or be addressed. He
41 also asked whether the City had bound/taped the telephone poles together.
42

43 Mr. Hanham was uncertain the telephone poles were City poles and again he would have
44 to check with the Public Works Department.
45

46 Chairperson Menis also spoke to the sand bags and asked whether Public Works and the
47 CCCFPD could coordinate providing the sand bags by tomorrow given the upcoming
48 inclement weather, and Mr. Hanham stated he would raise the concern with the Public
49 Works Department in the morning.
50

1 **F. MEETING MINUTES**

2
3 **1. Planning Commission Meeting Minutes for October 7, 2024**

4
5 **MOTION** with a Roll Call vote to approve the Planning Commission Meeting Minutes for
6 October 7, 2024, as shown.

7
8 **MOTION: Menis**

SECONDED: Martinez

APPROVED: 6-0-1

ABSENT: Bender

9
10 **G. PUBLIC HEARINGS: None**

11
12 **H. OLD BUSINESS**

13
14 **1. Density Bonus Augmentation Information**

15
16 Senior Planner Justin Shiu presented a PowerPoint presentation on the Density Bonus
17 Augmentation, which had also been detailed in the November 18, 2024 staff report. The
18 Planning Commission was asked to receive the report and provide feedback to staff.

19
20 Responding to comments from the Planning Commission, Mr. Shiu clarified the following:

- 21
- 22 • Commercial development partnerships allowed for opportunities for infill
23 development and allowed for mixed-use development but would not specify the
24 type or design of development. Those projects would be reviewed to ensure
25 compliance with density bonus law. (Uch)
 - 26
27 • The density bonus law for the City of Richmond was again clarified as detailed in
28 the staff report as: *Senior Housing with Income Restriction or Housing for Persons*
29 *with Disabilities. 40 percent density bonus if 5 percent of total base units are set*
30 *aside for extremely low income and 20 percent for low income; more than 4*
31 *bedrooms per unit. 35 percent density bonus if 5 percent of total base units are set*
32 *aside for extremely low income, 10 percent for very low income, and 15 percent*
33 *for low income, and Density Bonus for Extremely Low Income. 30 percent density*
34 *bonus if 5 percent of total based units are set aside for extremely low income, with*
35 *a 1 percent density bonus increase for each 1 percent above 5 percent (with a cap*
36 *of a 40 percent density bonus).* (Uch)
 - 37
38 • If the Planning Commission decided to pursue a blanket type of additional density
39 bonus for senior housing, Pinole may be one of the first cities in the area to do that.
40 A sliding scale for senior housing on top of that had not been tested with a
41 developer as yet but if the Planning Commission wanted to recommend something
42 in the future additional analysis may be possible. (Sandoval)
 - 43
44 • Staff had not looked into the shift within the disability community in the State of
45 California. The State's General Plan was up for final review in March 2025, with
46 transitional housing for this population to be a focus but reasonable
47 accommodations within development had been reviewed to ensure accessibility
48 needs were met in housing. Additional materials could be evaluated as well.
49 Clarified building code standards would also be updated in 2025. (Lam-Julian)

- The Town of Moraga's Housing Element included no specific regulations for units beyond State Law but its Housing Element contained a program to adopt a local density program that supplemented State Density Bonus and included higher densities for senior housing and student housing. (Chairperson Menis)
- The City of San Pablo included no specific regulations for units beyond State law, but its Housing Element included a program to adopt a local density bonus program that offered additional density over the maximum base as an incentive for projects that consolidated small, adjacent lots and/or developed 2- and 3-bedroom units. As to how that interacted with Senate Bill (SB) 9, that bill focused more on single-family residential types of properties and was only available for Single-Family Residential Zoning. (Chairperson Menis)
- Clarified the differences between the definitions of intensity versus density with no specific maximum density limit. (Chairperson Menis).
- Per the staff report: *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); and the additional density bonus is provided based on the additional units beyond the standard caps that are set aside for very low income and moderate income households.* Also clarified Tables 1 and 2, as shown on Pages 20 and 22 of the staff report. (Chairperson Menis)

PUBLIC COMMENTS OPENED

There were no comments from the public.

PUBLIC COMMENTS CLOSED

Commissioner Sandoval was interested in increasing the percentage for senior housing, which would be a nice idea and lean into Pinole as a bedroom community that could house more people. He was curious what his fellow Commissioners' opinions were on what the percentage should be and he was not opposed to a much higher percentage than the 10 percent. He also wanted to see other options for change since there appeared to be other ways to increase the density bonus for other types of projects, including commercial and student development, but was uncertain what was best for Pinole.

Commissioner Sandoval was also interested in a sliding scale of much higher density bonuses for Low, and Very Low incomes, similar to how it had been done in the City of Richmond.

Commissioner Lam-Julian was also interested in exploring a higher percentage in addition to the partnership and workforce housing opportunities specifically helping teachers to live where they worked.

1 Commissioner Uch wanted to build more housing, particularly in the Bay Area where many
2 people struggled with housing, whether single-family or multi-family units and there should
3 be more options in the country for housing. He also suggested there could be many
4 opportunities to consider incentivizing infill development, particularly in Pinole. As an
5 example, the City's shopping centers where most of the space was taken up by parking
6 lots and where more housing could be considered and the people living there could serve
7 as a new tax base for the City. He suggested the Commission look into density bonuses
8 for infill development, if possible.
9

10 Commissioner Huey thanked staff for the great recap and the information on what other
11 jurisdictions were doing. While not opposed to raising the density bonus, she asked
12 whether there was a cap on the density bonus and would like more information on the Bay
13 Area regionwide if there was a cap for other jurisdictions and whether there were any
14 unintended consequences that were not foreseen at this time.
15

16 Mr. Hanham commented the other component of the density bonus was units per acre
17 and in the denser cities of the Bay Area when adding the density bonuses it increased the
18 number of units. The density bonus was key to adding more units in terms of adding
19 affordability and they may have to consider increasing the density per acre. As an
20 example, the Vista Woods project had a base of 50 units per acre, was the largest in the
21 City of Pinole and allowed the developer to have 180 units with an 80 percent density
22 bonus making the project 100 percent affordable. The City's Commercial Mixed Use
23 (CMU) and Residential Mixed Use (RMU) Zoning Districts were at the maximum of 35
24 units per acre. Or, if the units per acre was okay, using the density bonus would always
25 increase the units and be on top of the City's 15 percent inclusionary requirements.
26

27 Mr. Hanham added that for the Regional Commercial Zoning Districts where residential
28 was not allowed, there was no unit per acre number, which must also be considered.
29

30 Mr. Shiu also noted that the density bonus would vary project by project and would depend
31 on the site, the area they were working with and what a developer wanted to achieve.
32 Density bonuses were a tool to incentivize affordability, where possible.
33

34 Mr. Hanham also cited the Appian Village project that had used the minimum in terms of
35 density at the lower end at 20 units per acre, with 20 percent density and a 15 percent
36 affordability factor, and since it was located in a CMU District, an additional 10 percent for
37 community benefit had been provided and there were other options in the General Plan to
38 build more units. A sliding scale also worked well and they could almost stack everything
39 on top of each other depending on the different affordability factors in a project.
40

41 Another example was the Pinole Vista project that was 90 percent market rate, and
42 depending on the number of market rate units in the project there could still be a density
43 bonus if 25 percent of the project was affordable.
44

45 Vice-Chairperson Martinez thanked the Commission for the great questions and staff for
46 the additional details on the CMU District. He referenced the senior housing project on
47 San Pablo Avenue with 170+ units, and suggested with different types of housing they
48 could create an ecosystem allowing it to flourish within the City and ensure they met all of
49 the different needs within the community. He understood there were sites in the City that
50 had been identified for potential projects and he found the density bonus tool a good idea.

1 Chairperson Menis also thanked staff for the presentation, information from other
2 jurisdictions, various options and Planning Commissioners for their comments and
3 questions. He understood no decision was being made, the information provided was
4 informational only with the Planning Commission to discuss potential options and the City
5 Council would be the body that would take action. While he agreed it would be a good
6 idea to have a broad variety of housing types available, he was curious as to what extent
7 increasing the density permitted would tend to standardize housing types, such as whether
8 it would allow the City to develop more senior housing over other types of housing.
9

10 Mr. Shiu commented on the variety of projects proposed in the City over the years and
11 stated it would depend on the type of proposal a developer proposed and what they
12 wanted to achieve, and depend on the properties that were available and what the
13 developer wanted to develop. Development of a project would also depend on available
14 grants and financing with a lot of variables involved in any development.
15

16 Chairperson Menis asked whether it would be possible to create a density bonus
17 specifically for infill development.
18

19 Mr. Shiu understood density bonuses worked inherently well with infill development since
20 infill development was concentrated development in limited or built-up space or
21 redeveloped at higher densities, but if the question was whether there could be additional
22 density bonuses to promote infill development could be further evaluated.
23

24 Chairperson Menis asked about the possibility of a sliding scale and asked whether a
25 developer tended to find the idea of a sliding scale for density bonuses useful or not.
26

27 Mr. Shiu commented it was something a developer worked within to see what was
28 available and to see whether it could be incorporated into a development or not. He
29 suggested developers were good at using a sliding scale to internally calculate what was
30 right for a project.
31

32 Mr. Hanham noted that density bonuses had been available and part of State law for
33 decades, but had not been used by developers until the last 10 to 12 years given the cost
34 of housing and increased fees, and developers needed more unit yields to make a project
35 work, with density bonus programs allowing maximum flexibility to pencil out the maximum
36 number of units. It was found that developers liked having the variables and different
37 options and it also allowed cities a chance to work with developers to get the lot yields.
38 He suggested the sliding scales were good and would help the City work with developers
39 with all of its income categories to allow them to get the units they needed.
40

41 Chairperson Menis asked whether a density bonus could be considered for workforce
42 housing. As an example, building on school district property or whether that would lead
43 into a conflict with another jurisdiction.
44

45 Mr. Hanham advised if the school district provided housing on its property, it had
46 jurisdiction on that property. If the developer wanted to pursue a density bonus on school
47 district property since the school district was an entity of the state, sliding scales on the
48 property would be allowed. He was unaware of anything that allowed the City to override
49 anything on school district property. Any development on school district property would
50 go through the State Architect's process and not the City's process.

1 Chairperson Menis commented if it was found that 10 percent additional for senior housing
2 was or was not working, how difficult would it be to change in the future.

3
4 Mr. Shiu explained it would require a Zoning Ordinance amendment and could be
5 something the Planning Commission could request staff look into, with a recommendation
6 from the Planning Commission to the City Council for final approval, and could be revisited
7 at any time.

8
9 Commissioner Sandoval supported revisiting the City's density requirements to promote
10 more dense housing in specific areas and have the opportunity to increase that as a way
11 to promote the construction of housing on top of the potential increase in density bonuses
12 for other groups besides seniors including transitional, workforce, veterans and disabled
13 housing. He also supported considering a sliding scale that would offer more options and
14 provide for flexibility for developers and also consider what kinds of places in Pinole could
15 be transformed, citing the Safeway lot where a lot of redevelopment could occur and where
16 additional housing and economic growth would benefit the City.

17
18 Mr. Hanham suggested staff could take some of the project areas and corridors and build
19 hypothetical projects to show examples and an idea of the percentages involved and with
20 the density bonuses already there, but would allow staff to provide an example of how
21 potential development with all of the options may appear.

22
23 Commissioner Sandoval asked whether such information could be shown to prospective
24 developers.

25
26 Mr. Hanham commented that staff would operate within the specific codes but could
27 consider different areas, add a project, offer an idea of what could be done in terms of unit
28 yields to allow the Planning Commission to see what the different percentages and
29 stacking on top may look like in comparable locations in Pinole. He suggested that could
30 be easily done.

31
32 Commissioner Sandoval agreed it would be helpful to visually see what could be done.

33
34 Mr. Hanham suggested staff could return with another informational item at a future
35 meeting. He also confirmed in response to the Chair that the Planning Commission may
36 request future agenda items with a request for additional information.

37
38 Chairperson Menis suggested a motion be made for the item.

39
40 Commissioner Sandoval offered a motion to direct staff to provide additional information on
41 unit yields and potential density bonuses in sizeable lots throughout the City of Pinole.

42
43 Mr. Hanham advised that staff could chose different lots sizes in the City of Pinole.

44
45 **MOTION** with a Roll Call vote to direct staff to provide additional information on unit yields
46 and potential density bonuses in sizeable lots throughout the City of Pinole.

47
48 **MOTION: Sandoval**

SECONDED: Martinez

APPROVED: 6-0-1

ABSENT: Bender

1 Mr. Hanham advised the information could be brought back at the December Planning
2 Commission meeting or the first meeting in January 2025.

3
4 **I. NEW BUSINESS:** None

5
6 **J. CITY PLANNER'S/COMMISSIONER'S REPORT**

7
8 Mr. Hanham advised he had provided a staff report in writing that had been provided to the
9 Planning Commission prior to the meeting. The staff report was not a part of the agenda
10 packet, had outlined the status of major projects and could be posted on the City website.
11 When asked by the Chair, he clarified a request for a Public Convenience and Necessity
12 (PCN) Finding for Sprouts Farmers Market at 1300 Pinole Valley Road was on the City
13 Council agenda for November 19, and if approved it would come back to the Planning
14 Commission at its December 9, 2024 meeting; a Conditional Use Permit (CUP) for a
15 radiology office at 825 San Pablo Avenue required the applicant to submit a drawing for an
16 awning and the permit could not be activated until that was done; and staff was working with
17 the applicant to have the former Kmart building demolished and planned to meet with the
18 applicant prior to the holidays. He confirmed the property had been fenced.

19
20 Commissioner Lam-Julian encouraged residents to provide their feedback and thoughts on
21 Pinole Community Television (PCTV) at Pinole Speaks online via the City website.

22
23 Chairperson Menis reported the Parks and Recreation Department subsection of the City
24 website included updated information to the City's calendar, although the Food Drive
25 remained to be added to the City calendar and he asked if it was because the service was
26 conducted by a third-party agency or another reason.

27
28 Mr. Hanham advised he would have to check with the Community Services Director.

29
30 Chairperson Menis suggested it would be a significant benefit to the community to have that
31 information directly available on the City's calendar. He added the Draft Active
32 Transportation Plan (ATP) was available for public comment until December 6, 2024, was
33 available for review on the City website and the City Council meeting of November 19 would
34 include a discussion of the creation of a City Council Ad-Hoc Subcommittee to serve on a
35 Downtown Pedestrian Improvements Subcommittee. The meeting would start at 5:00 p.m.
36 at City Hall and no Closed Sessions had been scheduled.

37
38 **K. COMMUNICATIONS**

39
40 Commissioner Lam-Julian reported the November 19, 2024 City Council meeting would
41 include a discussion of speed limits at various areas of the City, which would offer a good
42 opportunity for the public to raise concerns with the potential lowering of speed limits.

43
44 Chairperson Menis also reported the City Council meeting of November 19, 2024 would
45 include a discussion of Development Impact Fees and there were a number of Consent
46 Calendar items that may be of interest to the community.

47
48 PUBLIC COMMENTS OPENED

1 Anthony Vossbrink, Pinole, asked whether the City Planner had already provided the City
2 Planner's Report and was informed the report had been provided. He asked the status of
3 the sale of the Faria House and other related City-owned properties that had been
4 evaluated for possible sale, and the caretaker's home on Adobe Road with Public Works
5 employees having recently spent time repairing lights at the property. He recommended
6 signage be posted at the property to inform the public of the status of the property. He
7 also asked the status of the Adobe Park Trail behind the caretaker's home and updates
8 on the recruitment efforts for a new Public Works Director and Police Chief. He also asked
9 what happened with the salaries for the vacant positions and how they had been
10 incorporated into the City's budget.

11
12 **PUBLIC COMMENTS CLOSED**

13
14 Responding to the public comment, Mr. Hanham clarified he had been informed that
15 materials that had been dropped off at the Adobe Trail were to be used to repair the trail
16 but he had no information on the timeline. There had been work on the caretaker's home
17 but he was unaware of any plans for the sale of the property, and a company was working
18 with the City of Pinole on the sale of the Faria House.

19
20 As to the recruitment efforts for Public Works Director and Police Chief, Mr. Hanham
21 understood the Public Works Director/City Engineer position was out for recruitment and
22 the recruitment of Police Chief was being handled by the City Manager. As to the impacts
23 to the budget, the funds for these positions would remain in the General Fund until the
24 positions had been filled. He acknowledged there could be some cost savings until the
25 positions had ultimately been filled. Presently, the City had an Interim Police Chief and
26 he understood interviews were ongoing for the new Police Chief.

27
28 Chairperson Menis noted the City accounted for vacant positions in the City's budgeting
29 process.

30
31 Commissioner Lam-Julian asked the status of a parcel across the street from the U.S.
32 Post Office and asked whether it was City or privately owned.

33
34 Mr. Hanham advised the City owned the vacant lot between St. Joseph and the U.S. Post
35 Office, which was zoned for Commercial Mixed-Use. The City still owned the Faria House
36 and the community corner.

37
38 **L. NEXT MEETING(S)**

39
40 The next meeting of the Planning Commission to be a Regular Planning Commission
41 meeting scheduled for December 9, 2024 at 7:00 p.m.

42
43 **M. ADJOURNMENT: 8:51 p.m.**

44
45 Transcribed by:

46
47 Sherri D. Lewis
48 Transcriber