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

5
6 **January 27, 2025**

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

10
11
12 **A. CALL TO ORDER:** 7:08 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: Bender, Huey,* Lam-Julian, Sandoval, Uch, Chairperson
27 Menis
28 *Via Teleconference Location

29
30 Commissioners Absent: Vice-Chairperson Martinez

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

34
35 Commissioner Huey reported she was participating via teleconference and there were no
36 other individuals present in the same room.

37
38 Chairperson Menis reported he had ex parte communications having sent emails to his
39 mailing list covering the items on the meeting agenda.

40
41 **E. CITIZENS TO BE HEARD**

42
43 Anthony Vossbrink asked for an update on the street light outages throughout the City,
44 primarily along San Pablo Avenue and Pinole Valley Road, and suggested there was an
45 inadequate number of lights to meet the City's infrastructure needs. Although the City
46 Manager reported new lights would be installed, nothing had been done to date. Also,
47 bumper/reflectors were needed in the median strips along the same routes. He added the
48 spotlights at Marathon Gas Station shone onto San Pablo Avenue impacting the
49 immediate neighborhood and drivers. He noted a former staff member and his associates
50 used to drive around the City twice a year to check and maintain all street lights.

1 Mr. Vossbrink requested updates on the appointments of a new Public Works Director and
2 Police Chief, why new green recycling trash bins had not been installed at Pinole Valley
3 Park near the baseball diamond, and why the restrooms did not have plastic toilet seat
4 covers while newer parks in the City were routinely maintained and improved. He also
5 requested the Planning Commission discontinue making the Ohlone land
6 acknowledgment statement at the beginning of each meeting since the City had not done
7 anything to recognize the Ohlone, although the City Council Subcommittee on Memorials
8 comprised of Mayor Sasai and Council member Martinez-Rubin was supposed to
9 designate a location in Pinole in recognition of the Ohlone. He expressed concern Pinole
10 had not offered any recognition to the Ohlone as other communities in the Bay Area had
11 done.

12
13 Planning Manager David Hanham stated in response to the public comment, and as
14 reported during the last City Council meeting, the top candidates for Public Works Director
15 were being interviewed by the City Manager and the new Police Chief would start
16 employment the beginning of February. Staff would speak with the City's Code
17 Enforcement Officer regarding the lights at Marathon Gas Station. He also noted the light
18 situation along Pinole Valley Road and San Pablo Avenue was a Public Works
19 Department issue, but understood when the new high school had been built new lights
20 had been installed along Pinole Valley Road through Rule 28 Funds. The issue with the
21 trash bins at Pinole Valley Park were under the purview of the Public Works Department
22 and he would recommend the speaker contact that Department.

23
24 Mr. Hanham added he was unaware of the background of a commitment made by City
25 staff in the past for a biannual check of Citywide conditions in public corridors, which may
26 have involved the regular routine of a prior staff member.

27
28 **F. MEETING MINUTES**

- 29
30 1. Planning Commission Meeting Minutes for December 9, 2024

31
32 Chairperson Menis requested a revision to Lines 43 through 44 of Page 7, as follows:

33
34 *Mr. Hanham further commented that most corporate images and design features*
35 *were patented, with the actual signage to be maintained in that regard.*
36

37 **MOTION** with a Roll Call vote to approve the Planning Commission Meeting Minutes for
38 December 9, 2024, as amended.

39
40 **MOTION: Menis**

SECONDED: Sandoval

APPROVED: 5-0-2

ABSTAIN: Huey

ABSENT: Martinez

41
42
43
44 **G. PUBLIC HEARING**

- 45
46 1. **PA25-001 Municipal Code Amendments for Housing Element**
47 **Implementation (Parking, Affordable Housing, General Application**
48 **Processing)**
49

1 Senior Planner Justin Shiu provided a PowerPoint presentation on PA25-001, Municipal
2 Code Amendments for Housing Element Implementation (Parking, Affordable Housing,
3 General Application Processing). He recommended the Planning Commission adopt
4 Resolution 25-01, recommending to the City Council the adoption of proposed Municipal
5 Code Amendments as provided in Resolution 25-01, Attachment A, Exhibit A, or with
6 additional recommendations for revisions provided by the Planning Commission.
7

8 PUBLIC HEARING OPENED 9

10 Responding to questions from the Planning Commission, Messieurs Hanham and Shiu
11 clarified the following:
12

- 13 • Program 12 of the Housing Element had described a number of options the City may
14 consider to reduce parking constraints, with several options listed. The removal of
15 guest or covered parking was one of the options. Staff chose those two options to
16 reduce parking constraints. This change had not been tied to the City's Prohousing
17 designation, but it would help to implement housing by reducing some of the parking
18 constraints. (Sandoval)
19
- 20 • Pages 31 and 32 of 56 of the agenda packet, Chapter 17.10 General Application
21 Processing Procedure, Section 17.10.060 Approving Authority, Table 17.10.060-1,
22 Approving Authority for Land Use Entitlements, staff amended the type of permit
23 or decision for Temporary Use Permit (1) and Administrative Design Review to (F)
24 Final Decision-Making Body, since the Zoning Administrator was not required for
25 these types of permits and the Community Development Director may provide final
26 approval, as described in the more detailed review procedures for the respective
27 permit types in Chapter 17.12 Entitlements. This change had been made to avoid
28 confusion. Oftentimes, the Zoning Administrator implied there was a public
29 hearing involved and those options do not require that on their own. Program 12
30 of the Housing Element also referenced the Zoning Administrator as the approval
31 authority, but the document had already been adopted and certified and staff
32 recommended no change to the Housing Element. (Sandoval)
33
- 34 • Page 42 of 56 of the agenda packet, Chapter 17.48 Parking and Loading
35 Requirements, clarified the recommendation to remove guest or covered parking
36 constraints, as reflected in Table 17.48.050-1. Clarified Americans with Disabilities
37 Act (ADA) parking spaces were counted together with other parking spaces.
38 Reference to a Certified Access Specialist in the Parking and Loading Requirements,
39 was something not done by the City but the applicant/developer would evaluate a
40 proposal to ensure the project met accessibility standards. (Lam-Julian)
41
- 42 • Page 42 of 56 of the agenda packet, Chapter 17.48, Parking and Loading
43 Requirements, whether Tina's Place and Pear Street Bistro as examples, may be
44 required to have delivery times during off-peak hours was not something mandated
45 by the Pinole Municipal Code (PMC) code, but applied with new development when
46 standards were set. The recommendation could be discussed with those businesses
47 along San Pablo and Tennant Avenues. (Lam-Julian)
48
49
50

- Page 42 of 56 of the agenda packet, Chapter 17.48, Parking and Loading Requirements, proposed amendments related to design and space and not location of the parking spaces. (Uch)
- Page 44 of 56 of the agenda packet, Chapter 17.48, Parking and Loading Requirements, Table 17.48.050-1, Parking Requirements by Land Use, Senior Units (Age 55 and Over), which read: *1 space per dwelling unit. The minimum parking requirement may be waived if affordable housing units are provided consistent with Chapter 17.32, and the proposed development has either paratransit service or unobstructed access within one-half mile, to fixed bus route service that operates at least eight times a day*, applied to senior housing only and was a special designation in State Density Bonus Law but there could be reductions in other standards. The regulation applied to “fixed bus route service,” and staff acknowledged a recommendation to amend the language to read: “transit service.” (Uch)
- Page 44 of 56 of the agenda packet, Chapter 17.48, Parking and Loading Requirements, Table 17.48.050-1, Parking Requirements by Land Use, acknowledged concern whether the reference to “eight-times a day” in this section would be sufficiently stringent of a requirement given the senior housing population with other areas of the PMC using the language “*within at least 30 or 45 minutes during peak commute times.*” Staff would look into whether this modification to the language could be considered since the language proposed had been drawn from State Density Bonus Law, and if the language was more restrictive there could be a constraint. If there was a language change from “fixed bus route service” to “transit service,” acknowledged a request that “transit” be defined. Also, acknowledged that if relying on transit, it be at least as reliable as a fixed bus route service, otherwise just changing the language to transit may be too vague. (Chairperson Menis)
- Chapter 17.32, Affordable Housing Requirements, Page 37 of 56 of the agenda packet, Table 17.32.020-1, Price Limits for Affordable Housing Units, clarified the language revisions as shown in the table to be more in line with what had been described in the table itself. Previously, the text had been too vague. The 40/60 split was on 15 percent affordable units and not the development as a whole. (Chairperson Menis)
- Page 36 of 56 of the agenda packet, Section 17.32.020, General Requirements for Affordable Housing, A. General Requirement, this section had been amended and included the following statement: *For projects proposing rental units, a minimum of 40 percent of the 15 percent of total units (i.e., at least 6% of total units excluding density bonus units) must be affordable to households at or below the very low-income level. The remaining affordable rental units must be affordable to households at or below the low-income level. For projects proposing ownership units, 100 percent of the affordable units must be affordable to households at or below the moderate income level.* Additional language could be included to clarify this statement. Acknowledged a recommendation for additional language stating: *The remaining affordable rental units of that 15 percent...* for the second clause and a similar statement should be considered for ownership units. (Chairperson Menis)

- Page 36 of 56 of the agenda packet, Section 17.32.020, General Requirements for Affordable Housing, B. Residential Parcel Maps and Subdivisions, clarified there may be a case where a Senate Bill (SB) 9 project may have to provide affordable units, and this clause was to provide clarification. The prior text that had been stricken in the redline version of Chapter 17.32, Affordable Housing Requirements, contemplated residential subdivisions only having one primary unit per subdivided lot, whereas SB 9 allowed up to two primary units per subdivided lot. As an example, a residential subdivision under SB 9 was entitled up to two primary units on each lot, and by doing an SB 9 project would permit the development of up to four primary units, but the thought was that was not the intent of the original language that contemplated the subdivision of four or more properties, to require an affordability component. (Chairperson Menis)
- Page 44 of 56 of the agenda packet, Table 17.48.050-1, Parking Requirements by Land Use, again staff had eliminated the requirement for guest parking in general and it was not included for single-family housing. Clarified the clause shown on Page 43 of 56 of the agenda packet, Section 17.48.050 Number of Parking Spaces Required, 5., which read: *Where private streets are proposed for residential development, resident and guest parking shall be provided as determined by the approving authority in conjunction with the required planning entitlement(s).* (Ord. 2010-02 § 1 (part), 2010), could be eliminated. (Chairperson Menis)
- Noted there was no general way to analyze the potential for impacts from the removal of the guest parking requirement on Level of Service (LOS) and Vehicle Miles Traveled (VMT), to be analyzed on a project-by-project basis. Most recent developments did not have guest parking and had used density bonus exemptions and waivers to reduce parking. In most cases, guest parking had been included as part of the parking requirements. (Chairperson Menis)
- Administrative use permits required a public hearing with the Community Development Director or his/her designee who would serve as the Zoning Administrator, with the meetings involving similar public noticing requirements as Planning Commission public hearings. (Chairperson Menis)
- Pages 31 and 32 of 56 of the agenda packet, Table 17.10.060-1, Approving Authority for Land Use Entitlements, which reference "F" which symbolized the Final Decision-Making Body, could be stricken for Temporary Use Permit (1). (Chairperson Menis)

PUBLIC HEARING OPENED

There were no comments from the public.

PUBLIC HEARING CLOSED

The Commission thanked staff for the great presentation.

1 Commissioner Bender identified a typographical error on Page 48 of 56 of the agenda packet,
2 Section 17.48.100 Parking and Driveway Design and Development Requirements B.3.
3 There were references in this section to Sections 17.48.090 B.1 and B.2, and he noted there
4 were no such sections in the document, although subsections B.1 and B.2 were shown under
5 Section 17.48.100. He was otherwise troubled by the reduction of the guest parking
6 requirement but could not imagine a developer not wanting to go through the density bonus
7 route and start that process.

8
9 Commissioner Uch referenced Page 49 of 56 of the agenda packet, Table 17.48.120-1,
10 Required Bicycle Parking, and asked whether the table was new, to which Mr. Shiu explained
11 that the table was an existing table.

12
13 Chairperson Menis offered the following comments on the Municipal Code Amendments, as
14 follows:

- 15
16 - Page 36 of 56 of the agenda packet, Section 17.32.020, General Requirements for
17 Affordable Housing, A. General Requirement, asked that SB 9 projects be clarified, with
18 staff to craft language to reflect *except for SB 9 lot split projects*.
- 19
20 - Pages 44 and 45 of 56 of the agenda packet, Table 17.48.050-1 Parking Requirements
21 by Land Use, understood the City was not allowed generally to reduce flexibility in the
22 state requirements but suggested as a matter of public policy, fixed bus route service that
23 operated at least eight times a day did not meet the standard of readily available frequent
24 transit service as listed elsewhere in the PMC and other State law and was insufficient,
25 particularly for senior developments.
- 26
27 - Page 48 of 56 of the agenda packet, Section 17.48.110 Loading Area Requirements,
28 inquired of the number of businesses in Pinole based on business licenses that had a
29 floor area of less than 10,000 square feet. Staff noted along Fitzgerald Drive sizes
30 exceeded 10,000 square feet as did most of San Pablo Avenue. The loading
31 requirements were based off the size and multi-tenant buildings (large shopping centers)
32 were based off the entire square footage of the building. For the downtown area, as an
33 example, the buildings were less than 10,000 square feet in size, which was why loading
34 was off of an off-street area. Staff also acknowledged that delivery trucks had upsized
35 over the years since they were likely serving multiple businesses along their routes.
- 36
37 - Page 48 of 56 of the agenda packet, Section 17.48.100 Parking and Driveway Design
38 and Development Requirements, B. Driveway Location Standards (3), clarified with staff
39 there was, in fact, a typographical error, with the section to be so amended.
- 40
41 - Page 38 of 56 of the agenda packet, Section 17.32.050 Affordable Housing
42 Requirements, B. Size (2) which read: *The square footage of an affordable unit shall*
43 *be no less than ninety percent (90%) of the median square footage of the market rate*
44 *units with the same number of bedrooms, and B.3 which read: If the affordable unit is*
45 *alienable separate from the title to any other dwelling unit, the parcel on which the*
46 *affordable unit is located shall be no less than ninety percent (90%) of the median*
47 *square footage of the parcels on which market rate units with the same number of*
48 *bedrooms are located* and expressed concern with the trends in housing in some cities
49 with decreasing bedroom sizes.
50

1 The language, as shown, required the units to have the same square footage but not
2 the number of bedrooms. Based on his interpretation of the language, as long as there
3 was something that could be called a bedroom, there was no limitation on the size of
4 the bedroom. It could be a box or a closet, which would be permissible as long as the
5 unit as a whole was *ninety percent (90%) of the median square footage of the parcels*
6 *on which market rate units with the same number of bedrooms are located.*
7

8 Commissioner Bender commented his interpretation of this section was if there was a low-
9 income unit with two bedrooms, as an example, and a market rate at two bedrooms, the total
10 square footage of the low-income unit could not be less than 90 percent of the market rate
11 unit. It was not saying someone would have a substandard bedroom since developers must
12 aim the development to who they were marketing the project and the bedrooms would
13 typically be 8 x 10 or 10 x 10 in size or larger. He understood the intent of the language was
14 to prevent horrible downsizing of the low-income unit.
15

16 Mr. Hanham confirmed that was the way this section had been written and he offered
17 additional example scenarios.
18

19 Chairperson Menis was not convinced developers could be trusted to provide the same
20 quality for the affordable unit as the market units and referenced Section 17.32.050 A, which
21 read: *Affordable units shall have the same exterior appearance and quality of construction*
22 *as the market-rate units. Appliances and finishes in the affordable units shall be the same*
23 *as in the market rate units with the same number of bedrooms.* He appreciated the staff
24 comment that the standard and practice of development was usually not to reduce the
25 size of the bedrooms and subsection A would mandate that; however, he would more
26 comfortable if there was language added that explicitly stated the size of the bedroom
27 must be at least 80 percent of the size of the comparable market rate units.
28

29 Mr. Shiu suggested such language could be crafted and noted the language, as shown in
30 Section 17.32.050, came from the City's updated Density Bonus Ordinance and staff
31 would have to ensure consistency if some minimum references were established.
32

33 Chairperson Menis continued his comments, as follows:
34

- 35 - Page 37 of 56 of the agenda packet, Section 17.32.040, Incentives for On-Site Housing,
36 asked whether that was impacted by Section 17.32.020, General Requirements for
37 Affordable Housing, and the requirements of SB 9, with SB 9 lot splits exempt from the
38 future development of affordable units and since exemption of park fee waivers for
39 additional units had been included in Section 17.32.040 Incentives for On-Site Housing,
40 (4) which read: *Park Fee Waivers for Additional Affordable Units. Additional deed-*
41 *restricted affordable units beyond the minimum fifteen (15) percent inclusionary unit*
42 *requirement, as described under Section 17.32.020, are eligible for waiver of park*
43 *impact fees.*
44

45 Mr. Shiu advised staff could further specify that Section 17.32.020 be sectioned, with the lot
46 split itself exempt, and if there were four primary units the affordable housing incentives would
47 apply.
48

1 Mr. Hanham noted that SB 9 was just the splitting of the lots and not the units, and that the
2 lot splits did not provide all of the incentives. Only when there were more units on the two
3 properties would the concessions and waivers come into play.
4

5 Chairperson Menis continued his comments:
6

- 7 - Page 39 of 56 of the agenda packet, Section 17.32.070 Affordable Housing Plan
8 Processing, C. Required Plan Elements, (9), which read: *Except when prohibited by*
9 *state or federal law, the plan shall require that preference shall be given to households*
10 *that live or work in Pinole when selling or leasing affordable units within a development,*
11 *and he clarified with staff the intent of this section.*
12
- 13 - Page 38 of 56 of the agenda packet, Section 17.32.050, Affordable Housing
14 Development Requirements, E. Affordable Housing Agreement, recognized pursuant to
15 the language proposed that the agreement would be reviewed and approved by the City
16 Manager and was considered an administrative task, but expressed concern that
17 currently an Affordable Housing Agreement was reviewed and approved by the City
18 Council and available to the public to review. If the agreement went only to the City
19 Manager the public would not be able to provide feedback. Staff noted the agreement
20 was typically already flushed out as part of the project approval process and examples
21 were offered. Staff clarified the City Council, not the City Manager, may change the
22 duration of the period of the agreement.
23
- 24 - Page 46 of 56 of the agenda packet, Section 17.48.060, Reductions in Parking
25 Requirements, clarified with staff the reduction in parking requirements may be further
26 reduced by concessions and waivers based on State Density Bonus Law. From an
27 administrative perspective, staff had dropped the number to be consistent with State law
28 for affordable housing projects, but a developer may through waivers and concessions
29 reduce the parking requirement further. Recognized an appeal of a decision of the
30 Zoning Administrator would go through the Planning Commission, appeal of a decision
31 of the Planning Commission would go through the City Council and Comprehensive
32 Design Review would still go to the Planning Commission for review and approval.
33
- 34 - Page 47 of 56 of the agenda packet, Section 17.48.070 Special Parking Standards for
35 Old Town, D. Parking Capacity Assessment, D.1, Assessment Frequency, clarified with
36 staff pursuant to this section: *The city will evaluate and monitor parking supply and*
37 *demand on a regular basis. A parking capacity assessment shall be conducted the*
38 *sooner of every two (2) years or after every fifth new use, that would require ten (10)*
39 *or more parking spaces as outlined in Table 17.48.050-1 (Parking Requirements by*
40 *Land Use).* Staff clarified the last time a parking assessment of Old Town had been
41 done was in 2020. Staff was uncertain whether the assessment could be done at the
42 staff level and whether the time period could be changed to every five years, which
43 would have to be researched further
44

45 Mr. Shiu spoke to the concerns with the senior unit parking waiver section of Chapter 17.48,
46 Parking and Loading Requirements, Table 17.48.050-1, Parking Requirements by Land Use,
47 and the language for a fixed bus route service operating eight times a day.
48

1 Mr. Shiu suggested that phrase could be eliminated and if people wanted to use that waiver
2 they could use State law instead. The additional language was not required but had been
3 included to highlight the fact that the waiver existed in State law.
4

5 Whether State law may change making that condition match with other segments of State
6 law with respect to 30 to 45-minute headway requirements, and in response to the Chair,
7 Commissioner Sandoval stated he could not comment about upcoming legislation but was
8 not opposed to making the statement vague, such as reasonable frequency of transit with an
9 emphasis on public service transit operators rather than fixed bus routes.
10

11 Chairperson Menis suggested the consideration of language to read: *Public transit service*
12 *that meets state requirement for frequency headways*, as an example, or similar language
13 elsewhere in the PMC. If it was just a general rule, he would not be pushing as hard, but
14 since it was related to senior units in particular, he was concerned.
15

16 Mr. Shiu suggested Chapter 17.48, Parking and Loading Requirements, Table 17.48.050-1,
17 Parking Requirements by Land Use, Senior Units, Required Parking Spaces, could be
18 amended to read: *1 space per dwelling unit. The minimum parking requirement may be*
19 *waived for affordable units provided consistency with Chapter 17.32 and that meets state*
20 *requirements for transit service serving affordable units.*
21

22 Chairperson Menis agreed that could work and would take into account future changes in
23 State law.
24

25 Commissioner Sandoval understood that would impact the City's bus service providers if
26 an area did not have frequent bus service.
27

28 Mr. Shiu noted this was an incentive, a waiver that could be requested, and should be
29 okay.
30

31 Chairperson Menis stated WestCAT was not under the jurisdiction of the Planning
32 Commission.
33

34 Mr. Shiu summarized the changes proposed by the Planning Commission, as follows:
35

- 36 • Page 32 of 56 of the agenda packet, Table 17.10.060-1, Approving Authority for
37 Land Use Entitlements, strike footnote 1 next to Temporary Use Permits;
38
- 39 • Page 36 of 56, Section 17.32.020 General Requirements for Affordable Housing,
40 A., revise the bold underline text which read: *The remaining affordable rental units*
41 *must be affordable to households at or below the low-income level. For projects*
42 *proposing ownership units, 100 percent of the affordable units must be affordable*
43 *to households at or below the moderate-income level, to read: The remaining*
44 *affordable rental units of the 15 percent must be affordable to households at or*
45 *below the low-income level. For projects proposing ownership units, 100 percent*
46 *of the 15 percent of affordable units must be affordable to households at or below*
47 *the moderate income level.*
48
- 49 • Page 36 of 56, Section 17.32.020 General Requirements for Affordable Housing,
50 B., Residential Parcel Maps and Subdivisions, revise the first sentence to read:

For all residential subdivisions except for SB 9 lot split projects under Chapter 17.71 (SB 9 Urban Lot Split and Unit Development) where the lots to be approved would permit the eventual development of four (4) or more dwelling units, the applicant shall either agree to future development of affordable units under an affordable housing plan, or shall propose an alternative method of compliance to meet the affordable housing requirements, pursuant to the requirements as established in Section 17.32.060 (Alternative Methods of Compliance). Staff noted the exception to this exception would be if the developer provided four primary units as part of the project.

- Page 38 of 56 of the agenda packet, Section 17.32.050 Affordable Housing Development Requirements, B.2, add specificity to reflect that the square footage of the bedroom shall be at least 90 percent the size of the market rate bedrooms.
- Page 43 and 44 of 56 of the agenda packet, Section 17.48.050 Number of Parking Spaces Required, A.5, revised to read: *Where private streets are proposed for residential development, parking shall be provided as determined by the approving authority in conjunction with the required planning entitlement(s). (Ord. 2010-02 § 1 (part), 2010)*
- Page 44 and 45 of 56 of the agenda packet, Table 17.48.050-1, Parking Requirements by Land Use, revise the parking requirements for Senior Units to read: *1 space per dwelling unit. The minimum parking requirement may be waived if affordable housing units are provided consistent with Chapter 17.32 and the parking for affordable units meets state requirements for transit service serving the affordable units.* (Language to be further defined by staff prior to presentation to the City Council); and
- Page 48 of 56 of the agenda packet, Section 17.48.100 Parking and Driveway Design and Development Requirements, B.3, correct the typos to reference instead Section 17.48.100 B.1 and B.2, which referenced the standards directly above this section.

MOTION with a Roll Call vote to adopt Resolution 25-01, recommending to City Council the adoption of proposed Municipal Code Amendments as provided in Resolution 25-01, Attachment A, Exhibit A, subject to the revisions suggested by the Planning Commission, as identified by staff.

MOTION: Menis

SECONDED: Uch

APPROVED: 6-0
ABSENT: Martinez

Chairperson Menis identified the 10-day appeal period of a decision of the Planning Commission in writing to the City Clerk.

H. OLD BUSINESS: None

I. NEW BUSINESS: None

1 **J. CITY PLANNER’S/COMMISSIONER’S REPORT**

2
3 1. Staff Updates

4
5 Mr. Hanham provided the following updates:

- 6
7 ○ Staff was getting close to finalizing Vista Woods and SAHA and providing full
8 Certificates of Occupancy.
9
10 ○ Staff was making headway with the Objective Development Design Standards and
11 the Parklet Outdoor Dining Regulations, anticipated to be presented to the Planning
12 Commission in the next few months.
13
14 ○ Staff continued to work with the developers of Appian 80.
15
16 ○ The developer hoped to submit building plans for Pinole Shores II soon.
17
18 ○ Staff was finalizing the Final Map for Appian Village and had finalized the Affordable
19 Housing Agreement for the project.
20
21 ○ Staff was working with both developers for the BCRE and Pinole Vista projects to get
22 the projects started. Staff was working with the developer for the Pinole Vista project
23 to get the former Kmart building demolished and BCRE was working on grading
24 plans.
25
26 ○ Staff hoped to present the Safety and Environmental Justice Elements of the General
27 Plan to the Planning Commission in the next month. The Safety Element would be
28 presented to the Contra Costa County Fire Protection District (CCCFPD) for review
29 and feedback. Any changes to the document would be made prior to a presentation
30 to the Planning Commission and City Council.
31
32 ○ Staff completed the annex portion of the Local Hazard Mitigation Plan (LHMP) with
33 the document approved by the County, to be presented for review and approval by
34 the City Council.
35

36 Chairperson Menis asked for more details on the LHMP.

37
38 Mr. Hanham described the LHMP as a plan put together through the Countywide Office of
39 Emergency Services (OES), with participating cities having an annex, which identified major
40 natural disaster mitigations and programs to help alleviate some of the impacts. The County
41 adopted a LHMP in 2014 but the City of Pinole was not part of that program at that time. The
42 City of Hercules adopted its own LHMP and the City of Pinole had relied on its Safety
43 Element. In 2019-2020, the County reopened and amended the LHMP, and at that time the
44 City of Pinole expressed interest in participating. In the event of a natural disaster, the LHMP
45 would allow the City to access funds from the state and federal level for disaster relief.
46

47 **PUBLIC COMMENTS OPENED**

48
49 Anthony Vossbrink asked the status of the Tara Hills Safeway build out; sale of the Faria
50 House and other vacant available properties that were either for sale or should be for sale;

1 Pinole Valley Shopping Center ingress/egress issues and corrections being made to the
2 cement sidewalk at multiple businesses; and asked whether there was a lawsuit and whether
3 the City was liable, particularly related to the grade and width of wheelchair access to the
4 parking lot curb. He further asked whether the City had approved the corrections being made
5 and asked about the status of the use of the former Animal Services building, which was
6 occupied and whether the occupant had received approval from the City to operate.
7

8 Mr. Vossbrink also referenced Rule 28 Funds and asked for more details as it related to the
9 number of telephone poles up and down Pinole Valley Road. He reported in one area
10 ingress/egress had been obstructed with two poles banded together with wires and tape.
11 Former Council member Pete Murray had mentioned during a City Council meeting, the City
12 had an agreement with AT&T or Pacific Bell to bury electric pole lines and remove poles to
13 prevent issues with ADA access and address the unattractive appearance on Pinole Valley
14 Road. Many of those issues had been raised on more than one occasion at City Council
15 meetings. In addition, he described the duties of a former Public Works Department staff
16 member who had conducted regular checks on Citywide conditions, which he understood
17 had been halted due to the pandemic but which he suggested should be revisited and
18 reinstated by the Public Works Department. Further, there were Caltrans issues that should
19 be handled directly by the City rather than by private citizens.
20

21 PUBLIC COMMENTS CLOSED

22

23 Mr. Hanham responded to the public comment and explained all of the City's properties that
24 had been listed for sale were City-owned and handled by a consulting firm the City had used
25 in the past. He had no update on the status of the Faria House and was uncertain whether
26 the property was on the market for sale. The consultant was working with the Community
27 Development Director on that matter.
28

29 As to the Pinole Valley Shopping Center, Mr. Hanham explained that anything inside the
30 development was under the purview of the landlord and the City had no liability. If the
31 property owner encroached into the public right-of-way (ROW), an encroachment permit
32 would be required by the City and he would have to check with the Public Works Department
33 whether or not that was the case.
34

35 As to the status of the former Animal Shelter, Mr. Hanham was unaware the County had
36 opened the building officially, although Mr. Shiu understood tenant improvements had been
37 made to the building and a final inspection would be required before any business could
38 open.
39

40 Mr. Hanham also clarified Rule 28 Funds were used for underground work and in discussions
41 with the Public Works Department he understood they were working with AT&T to get some
42 utilities underground. He understood most of the lines were AT&T poles and not necessarily
43 street lights. When this issue had been raised with the City Council, the matter had been
44 referred to the Public Works Department which was continuing to address the issue and he
45 would have to check with the Department to learn the status of the project. He was also
46 uncertain when any poles would be removed, to be determined between AT&T and the City.
47

48
49 Mr. Hanham reiterated staff hoped to hold a meeting soon with the property owner of Appian
50 80 to learn the status of any plans. He understood the existing fence had blocked off

1 additional truck parking and staff was following up with any code enforcement issues on the
2 property.

3
4 **K. COMMUNICATIONS**

5
6 Chairperson Menis reported there would be a Senior Center Food Distribution on January
7 28, 2025 from 10:00 to 11:00 a.m., with sign-ups available on the City website; the Active
8 Transportation Plan (ATP) was still available for comment through January 31, 2025; the
9 City had a survey on what events people wanted to have over the summer, which was
10 open through January 31, 2025; and there was a broader survey on vegan food options,
11 all of which were available on the City website or through Pinole Pulse.

12
13 Commissioner Uch reported the Contra Costa Transportation Authority (CCTA) recently
14 put out a survey on how to better improve transit in the County and he recommended the
15 Planning Commission and the public participate in that process.

16
17 Commissioner Lam-Julian reported the CCTA survey included an opportunity to enter to
18 win a \$500 gift card, which was a nice incentive. She otherwise reported the start of Lunar
19 New Year would be January 29, 2025, with the event the most celebrated holiday in the
20 Asian Diaspora and that 2025 was the Year of the Snake, which represents resilience.
21 She wished everyone a Happy Lunar New Year.

22
23 **PUBLIC COMMENTS OPENED**

24
25 There were no comments from the public.

26
27 **PUBLIC COMMENTS CLOSED**

28
29 **L. NEXT MEETING(S)**

30
31 The next meeting of the Planning Commission to be a Regular Planning Commission
32 meeting scheduled for February 10, 2025 at 7:00 p.m.

33
34 **M. ADJOURNMENT: 9:35 p.m.**

35
36 Transcribed by:

37
38 Sherri D. Lewis

39 Transcriber