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**MINUTES OF THE REGULAR MEETING OF
THE PINOLE PLANNING COMMISSION and
PLANNING COMMISSION ACTING AS THE STEERING COMMITTEE FOR THE
GENERAL PLAN UPDATE PROCESS**

April 12, 2010

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| THE PLANNING COMMISSION |
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A. CALL TO ORDER: 7:00 P.M.

B. PLEDGE OF ALLEGIANCE AND ROLL CALL:

Commissioners Present: Bender, McGoldrick, Brooks, Martinez-Rubin, Chair
Kurrent, Sekins, Toms

Staff Present: Winston Rhodes, Planning Manager
Anne Hersch, Associate Planner

C. CITIZENS TO BE HEARD

None.

D. CONSENT CALENDAR:

1. Planning Commission Meeting Minutes from February 22, 2010:

Commissioner Sekins noted that he was marked as excused from the meeting when in fact he was present.

Commissioner McGoldrick noted that additional language on page 4 line 39 related to a temporary use permit for seasonal sales should be included to provide additional context.

2. Planning Commission Meeting Minutes from March 8, 2010:

Commissioner McGoldrick noted that on page 3. Line 38 discussed maximum height of 50-100 ft. She did not recall that discussion.

Commissioner Kurrent indicated that that idea had been discussed but that the Commission did not like the recommendation.

Commissioner McGoldrick asked about non-conforming uses noted on page 5, lines

1 13 & 14.
2

3 Planning Manager Winston Rhodes clarified that this related to the issue of
4 prescribed time frame which would apply to legal non-conforming uses which have
5 a lapse in operation thereby triggering new land use rules. If the time is exceeded,
6 new permits could be required based on new rules affecting the operation or
7 expansion of a discontinued non-conforming use.
8

9 **MOTION: McGoldrick SECONDED: Toms ABSTAIN: Bender (2/22/10**
10 **minutes)**

11 **APPROVED: 6-0-1 February 22, 2010 Meeting Minutes**

12 **APPROVED: 7-0 March 8, 2010 Meeting Minutes**

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15 **E. PUBLIC HEARINGS**

16
17 **None.**
18

19
20 **THE PLANNING COMMISSION AS STEERING COMMITTEE FOR**
21 **THE GENERAL PLAN UPDATE PROCESS**
22

23
24 **F. OLD BUSINESS:**

25
26 **None.**
27

28 **G. NEW BUSINESS**

29
30 **1. Green Building Ordinance Informational Report**
31

32 Associate Planner Anne Hersch, presented the staff report dated April 12, 2010.
33

34 Commissioner Kurrent asked if it is valid to codify the recommendations of LEED
35 and Build It Green, two private non-governmental organizations, as part of the
36 Code.
37

38 Ms. Hersch explained that she found performance standards prescribed by the non-
39 governmental organizations to be contained in separate resolutions. This approach
40 allows for standards to be changed in a more expeditious fashion via a resolution
41 rather than an ordinance. A change via a resolution could take effect upon adoption.
42

43 Mr. Rhodes noted that both organizations do a lot of outreach with local
44 governmental jurisdictions and well as the private building community to help insure
45 success and reasonable performance standards.

1
2 Commissioner Sekins asked if there is a difference between a business being
3 certified green and green building standards.
4

5 Ms. Hersch explained that certified green business must comply with practices in
6 their day to day operations for the certification. She noted that it is a voluntary
7 County program. Locally, Crockett Auto Body Shop is a certified Green Business.
8 Green building requirements relate to the physical structure of the building.
9

10 Commissioner Sekins asked if additional staff expenses would be necessary in the
11 future should the City adopt a Green Building Ordinance.
12

13 Ms. Hersch noted that additional training would be necessary for current staff.
14

15 Mr. Rhodes noted that plan checking and inspection costs would be incurred by the
16 City for additional training and that applicants would be responsible for paying
17 additional deposits, depending on project complexity.
18

19 Commissioner Martinez-Rubin asked for a visual example of 500 sq. ft.
20

21 Commissioner Toms noted two master suites would be 500 sq. ft.
22

23 Commissioner Martinez-Rubin asked if the State would provide additional training
24 related to changes in the Building Code.
25

26 Ms. Hersch explained that the building inspector attends periodic trainings annually
27 to learn about changes to the code and building practices, including mechanical,
28 electrical, and ADA accessibility topics.
29

30 Commissioner Toms asked if the proposed changes to the California Building Code
31 could be substituted to satisfy green building requirements instead of an ordinance
32 unique to Pinole.
33

34 Mr. Rhodes noted that the proposed CalGreen Code from the State could in fact be
35 used to satisfy green building requirements instead of crafting a specialized
36 ordinance unique to Pinole.
37

38 Commissioner Brooks recommended following suit with the State requirements.
39

40 Commissioner McGoldrick reiterated Commissioner Brooks' sentiments and also
41 suggested deferring to the State requirements.
42

43 Commissioner Bender asked about adopting a separate resolution for point ratings.
44

45 Ms. Hersch noted that by codifying specific performance standards, it becomes

1 more difficult to amend at a later date. With a separate resolution, changes can be
2 made more rapidly, and take effect immediately.

3
4 Commissioner Kurrent asked if the City would codify the new CalGreen
5 requirements.

6
7 Ms. Hersch explained that the City is required to amend Title 15 of the Pinole
8 Municipal Code relating to Buildings and Construction to reflect the current state
9 requirements.

10
11 Commissioner Kurrent agreed with Commissioners Bender, McGoldrick, and
12 Brooks about adopting new state requirements instead of crafting a unique
13 ordinance. He also expressed concerns about standards for compliance being
14 established by private organizations, such as Build It Green and LEED. He noted
15 that State regulations encompass the input of multiple interests, not just private
16 organizations.

17
18 Commissioner Sekins agreed with Commissioner Kurrent's comments.

19
20 Commissioner Martinez-Rubin expressed skepticism about the State doing a
21 thorough job of preparing the draft Code. In her experience with public health
22 issues, she found that the state may craft legislation with positive intentions, but it's
23 applicability throughout the state may be more limited and lead to unanticipated
24 problems.

25
26 Commissioner Toms agreed that the City should follow the requirements of the
27 State and noted that it might not be the best use of staff time to craft a unique
28 ordinance.

29
30 Commissioner Kurrent deferred to staff for any additional insight on green building
31 regulations.

32
33 Commissioner Toms noted that affordable housing projects benefit from additional
34 grants funds when energy efficiency is incorporated into the project. She indicated
35 that this is a good example of incentives that are available for integrating green
36 building practices and techniques into new projects.

37
38 Commissioner Brooks explained that the California Building Standards Commission
39 does defer to some of the private organizations such as LEED or Build It Green and
40 that the organizations, while private, are valued by public agencies for setting policy.

41
42 Commissioner Kurrent expressed support for a policy which could create permit fee
43 reductions for projects which incorporate green standards.

44
45 Ms. Hersch noted that the City had previously adopted a resolution which sets a

1 \$300 limit for solar panel building permits to encourage these building improvement
2 projects.

3
4 Commissioner Kurrent likes the idea of incorporating additional green standards
5 such as insulation and window replacement that could be subject to a fee reduction.
6

7 Mr. Rhodes noted that not all parties follow the current rules and code requirements.
8 The adoption of the Code may create an additional enforcement issues as more
9 contractors become aware of new State green building requirements.

10
11 Commissioner Bender indicated that requirements contained in the draft CalGreen
12 Code are also contained in the current building code. He noted that with a green
13 ordinance, additional fees would be incurred for LEED certification, as an example,
14 as architects must complete the paperwork. This would also increase the permit fee
15 as additional plan check services are necessary. He thought that a policy of this sort
16 in Pinole would not be well received. He also expressed reservations about non-
17 governmental organizations changing standards. He supported the proposed
18 CalGreen Code.
19

20 Commissioner McGoldrick indicated that the information included in the CalGreen
21 Code is comprehensive and technical, and would be hard to make any subsequent
22 changes or recommendations.
23

24 Commissioner Bender noted that many of his commercial clients are requesting
25 green compliance for financial purposes and saving money on operations costs.
26

27 *The Commission moved by consensus to support the CalGreen Code instead of*
28 *preparing a unique Green Building Ordinance for Pinole.*
29

30 **H. CITY PLANNER'S/COMMISSIONER'S REPORT:**
31

32 Commissioner Kurrent asked if AB 1234 training has been scheduled.
33

34 Mr. Rhodes noted that the City Clerk is in the midst of organizing training for the
35 Commission and Council.
36

37 Commissioner Kurrent asked about Commission appointments and
38 reorganization.
39

40 Ms. Hersch noted that reappointments have been made of existing
41 Commissioners.
42

43 Mr. Rhodes mentioned that selection of a new Planning Commission Chairperson
44 and Vice Chairperson will be scheduled for the next regular Planning
45 Commission meeting.

1
2 Mr. Rhodes informed the Commission that hard copies of the draft Zoning Code
3 Update ordinance for those who had not previously received them and an article
4 about El Cerrito's parking requirements was provided to the Commission on the
5 dais.

6
7 Mr. Rhodes shared a comment letter received from the Contra Costa
8 Transportation Authority in response to the Draft Growth Management Element.

9
10 Mr. Rhodes provided a letter from D & K Development about proposed land use
11 changes for the Duncan Canyon area.

12
13 Mr. Rhodes asked the Commission if they felt comfortable changing the meeting
14 start time from 7:00 pm to 6:30 pm for the April 26, 2010 meeting.

15
16 The Commission had no problems with the time change.

17
18 Mr. Rhodes informed the Commission that a revised draft Housing Element had
19 been sent to the State Housing and Community Development Department (HCD)
20 for further review. He had had e-mail correspondence with staff at the state
21 Department of Housing and Community Development. A Housing Element
22 workshop will be scheduled for the Steering Committee in May once we receive
23 further feedback from HCD on proposed edits.

24
25 Commissioner Kurrent expressed concern about the letter from D & K
26 Developers. He did not see an issue based on the parcel map exhibit as some of
27 the land is located in the County and is proposed to be designated Suburban
28 Residential.

29
30 Mr. Rhodes noted that the developer had previously applied for a rezone to allow
31 Low-Density Residential development. The land use changes as proposed, allow
32 for less development potential than what the developer would like.

33
34 Commissioner Toms informed the Commission that Saturday April 17, 2010 is
35 Pinole Community Day and there is a fun run and pancake breakfast as part of
36 the occasion.

37
38 Commissioner Martinez-Rubin asked about the D & K Developers letter and
39 noted the phrase "mutual benefit". She asked if anything more specific had been
40 proposed.

41
42 Mr. Rhodes noted that there are no definitive proposals related to that statement
43 at this time.

44
45 Commissioner Sekins noted that signs for public hearing are being left out and

1 should be collected.

2

3 Commissioner Sekins also inquired about parking conditions of approval at the
4 Pinole Valley Shopping Center.

5

6 Ms. Hersch explained that she has reviewed the project Conditions of Approval
7 and had not found specific language or conditions which required additional
8 review at a later date.

9

10 **I. ADJOURNMENT: 8:15 P.M.**

11

12 Transcribed by: Associate Planner Anne Hersch