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**MINUTES OF THE REGULAR
PINOLE PLANNING COMMISSION**

May 21, 2018

A. CALL TO ORDER: 7:03 P.M.

B. PLEDGE OF ALLEGIANCE AND ROLL CALL:

Commissioners Present: Brooks, Hartley, Kurrent, Martinez-Rubin, Tave,*
Thompson, Chair Wong
*Arrived at 7:32 P.M.

Commissioners Absent: None

Staff Present: Winston Rhodes, Planning Manager
Alex Mog, Assistant City Attorney

C. CITIZENS TO BE HEARD:

There were no citizens to be heard.

D. CONSENT CALENDAR:

1. Planning Commission Meeting Minutes from April 23, 2018

MOTION to approve the Planning Commission Meeting Minutes from April 23, 2018, as shown.

MOTION: Kurrent

SECONDED: Hartley

**APPROVED: 6-0-1
ABSENT: Tave**

E. PUBLIC HEARINGS:

1. **Three Corridors Specific Plan Amendment 18-01:**

Request: Consideration of a Three Corridors Specific Plan Text Amendment modifying the San Pablo Avenue Commercial Mixed Use land use district purpose and characteristics (Table 6.1) and the permitted land uses for San Pablo Avenue (Table 6.2) to allow for residential uses to exceed 49 percent of the building square footage within the San Pablo Avenue Corridor Mixed Use Sub-Area.

1 **Applicant:** City of Pinole
2 2131 Pear Street
3 Pinole, CA 94564
4

5 **Location:** Three Corridors Specific Plan, Mixed Use Sub-Area
6 Commercial Mixed Use Zoning District
7

8 **Project Staff:** Winston Rhodes, Planning Manager
9 Alex Mog, Assistant City Attorney
10

11 Planning Manager Winston Rhodes presented the staff report dated May 21, 2018,
12 and recommended the Planning Commission approve Resolution 18-03,
13 recommending that the City Council amend Table 6.1 and 6.2 of the Three
14 Corridors Specific Plan to provide more flexibility for residential development that
15 includes affordable housing and specific community benefits within the Commercial
16 Mixed Use (CMU) Zoning District, within the Mixed-Use Sub-Area (MUSA) General
17 Plan land use designation.
18

19 Responding to the Commission, Mr. Rhodes explained that the amendment would
20 allow a project with residential development on the upper or ground floor on San
21 Pablo Avenue with a preference for the residential above and the retail or office
22 below if both were proposed on-site. The impetus for the item was the need for
23 more housing. No outside agency pressured the City to pursue the text
24 amendment. The square footage of development could be 100 percent residential
25 subject to provision of affordable housing and substantial community benefits. The
26 Specific Plan Amendment (SPA) was focused on CMU property owners within a
27 portion of the San Pablo Avenue Corridor, and those property owners within 300
28 feet of CMU property had been notified of the hearing
29

30 The list of incentives and other benefits the City may grant in return for special
31 benefits provided by the development project, as outlined in the staff report, was
32 not an all -inclusive list in that there would be discretion on the part of the Planning
33 Commission and future decision makers.
34

35 Mr. Rhodes explained how the Pinole Zoning Code and the Three Corridors
36 Specific Plan related to one another; noted that Emergency Shelters and
37 Temporary Homes were far afield from the public notice of the item, with the City
38 required by State law to identify one zone in the community that allowed
39 Emergency Shelters by right; transitional housing was allowed through the
40 Conditional Use Permit (CUP) process; and any housing unit whether affordable or
41 market rate would be required to pay Development Impact Fees. The City did not
42 anticipate a significant number of future housing units given the limited land
43 available for housing. The Three Corridors Specific Plan Area was near transit and
44 any new development would have to consider parking, access, infrastructure, and
45 preliminary utility and landscape plans to ensure the maintenance of certain
46 standards and level of quality.

1
2 Mr. Rhodes offered examples of Mixed Use close to Residential development in
3 Pinole; approximately 60 total parcels in the Sub-Area had the CMU zoning; almost
4 50 percent were developed Commercial parcels; and at such time as a new
5 Housing Element and a housing allocation was considered a more fine-tuned
6 analysis would be done on potential housing sites.
7

8 Mr. Rhodes provided an overview of the affordable housing incentives as detailed
9 in the staff report; clarified the Three Corridors Specific Plan included design
10 specificity; any project with five or more units required an Affordable Housing
11 Agreement which would involve design review by the Planning Commission with a
12 recommendation to the City Council; described the Regional Housing Needs
13 Allocation (RHNA) where Pinole was required to plan and identify sites for 297
14 housing units in the Housing Element pursuant to the requirements of the State
15 Department of Housing and Community Development (HCD) and the Association
16 of Bay Area Governments (ABAG); and some sites had been identified along San
17 Pablo Avenue within the Sub-Area of the Three Corridors Specific Plan for Very
18 High Density Residential housing.
19

20 Alex Mog, Assistant City Attorney, further clarified that if the City had identified sites
21 planned for housing that would not require the owner of the property to build
22 housing. The property owner still had the right to build whatever was allowed in the
23 zoning and the City did not have the ability to prevent it if the Housing Element had
24 shown housing for that site. If for some reason the City did not meet the required
25 RHNA numbers, the City had 180 days to show the State other alternative sites
26 where housing could be accommodated.
27

28 Mr. Rhodes further clarified that certain residential projects such as single-family
29 residences, Accessory Dwelling Units (ADUs), and additions did not typically
30 require Planning Commission approval. New multifamily development would
31 require Planning Commission review and approval. He acknowledged that the
32 public desired more as opposed to less public input when considering new
33 development on a heavily traveled corridor in the community.
34

35 PUBLIC HEARING OPENED

36
37 There were no comments from the public.
38

39 PUBLIC HEARING CLOSED

40
41 The Planning Commission discussed the proposed amendments to the Three
42 Corridors Specific Plan and offered the following comments and/or direction to staff:
43

- 44 • Identified a typographical error in Action H.4.2 of the Housing Element as
45 shown on Page 7 of the May 21, 2018 staff report, which should be

corrected to read *Appian Way*. (Thompson)

- Recommended the text amendment shown on Page 5 of Exhibit A, Planning Commission Resolution No. 18-01, Excerpt, Table 6.1, Land Use Districts, for CMU, Commercial Mixed Use, be modified to be better understood. (Hartley)
- Requested that Figure 6.2, which had shown a minimum of 51 percent Commercial Use under the Specific Plan Land Use definition for CMU be stricken, although staff suggested that an asterisk and footnote be added to read: *See Table 6.1*. Recognized the document had used the term “may” throughout rather than “shall” offering the opportunity to review the overall intent of a development. (Kurrent)
- Expressed concern the amendment to the Three Corridors Specific Plan may have a ripple effect over time as properties were redeveloped, and questioned what alternatives had been considered. (Hartley)

Mr. Rhodes explained that community benefits and affordable housing would be subject to discretionary review by the City Council and the Planning Commission for 100 percent affordable housing and for project involving four or more dwelling units. Projects that would not require Planning Commission review would still require findings of consistency with the General Plan, Specific Plan, and Zoning Code.

MOTION to adopt Resolution 18-03, with Exhibit A: Specific Plan Amendment, a Resolution of the City of Pinole Planning Commission Recommending that the City Council Approve a Three Corridors Specific Plan Amendment Modifying the San Pablo Avenue Mixed Use Sub-Area Commercial Mixed Use Zone (SPA 18-01), subject to a revision to:

- Figure 6.2 of Exhibit A, Planning Commission Resolution No. 18-01, Excerpt, Table 6.1, Land Use Districts, which had shown a minimum of 51 percent Commercial Use under the Specific Plan Land Use definition for CMU, to include a double asterisk and footnote to read: *See Table 6.1*.

MOTION: Kurrent
0

SECONDED: Martinez-Rubin

APPROVED: 7-

F. OLD BUSINESS: None

G. NEW BUSINESS: None

H. CITY PLANNER’S / COMMISSIONERS’ REPORT:

Mr. Rhodes reported the East Bay Regional Park District (EBRPD) had scheduled

1 a Ribbon Cutting Ceremony for the new Bay Trail opening on Saturday, June 30,
2 2018 at 12:00 Noon in the vicinity of the Bayfront Park area, with a shuttle service
3 anticipated due to limited parking.
4

5 Commissioner Kurrent reported on the progress of various City projects.
6

7 Mr. Rhodes also reported the grading permit for the DaVita dialysis clinic project
8 had been issued for the building shell with staff working with the applicant on the
9 tenant improvements; the Dr. Lee project was in the process of building and fire
10 construction plan check and would be under construction soon; staff was seeing
11 more residential projects including additions and modernization of housing stock;
12 received project plans for a building permit application for the Happy Ramen
13 project; and received construction plans for the two single family homes on Nob Hill
14 Avenue that had been changed from two stories to one story. In addition,
15 renovation of a home with an accessory dwelling unit (ADU) on Buena Vista Drive
16 was complete, the home was for sale, and would be featured on an episode of
17 Property Brothers.
18

19 **I. COMMUNICATIONS:** None
20

21 **J. NEXT MEETING:**
22

23 The next meeting of the Planning Commission will be a Regular Meeting to be
24 held on Monday, June 25, 2018 at 7:00 P.M.
25

26 **K. ADJOURNMENT:** 8:45 P.M
27

28 Transcribed by:
29

30
31 Anita L. Tucci-Smith
32 Transcriber
33