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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**

June 8, 2009

THE PLANNING COMMISSION

15 **A. CALL TO ORDER:** 7:00 P.M.

16
17 **B. PLEDGE OF ALLEGIANCE AND ROLL CALL:**

18
19 Commissioners Present: Banuelos, Bender, Brooks, McGoldrick, Sekins, Toms,
20 Chair Kurrent

21
22 Commissioner Absent: None

23
24 Staff Present: Planning Manager, Winston Rhodes
25 Associate Planner, Anne Hersch
26

27 **C. CITIZENS TO BE HEARD:**

28
29 There were no citizens to be heard.

30
31 **D. CONSENT CALENDAR:**

32
33 1. Planning Commission Meeting Minutes of April 27, 2009,

34
35 2. Planning Commission Meeting Minutes of May 11, 2009. **[Removed]**

36
37 3. **Extension DR 08-06 – Heritage Park Single-Family Homes:** Consider
38 one-year extension of previously approved Design Review entitlements for
39 three new single-family homes at 2100 San Pablo Avenue. Applicant: Pinole
40 Redevelopment Agency, 2131 Pear Street, Pinole, CA 94564. Location:
41 2100 San Pablo Avenue, APN 401-120-029.

42
43 **MOTION** to adopt Consent Calendar Items 1 and 3, as shown.
44

1 IVETTE RICCO, Pinole, expressed concern with the aesthetics of the building and
2 with the wrought iron gates and how they would fit in with the concept of Old Town.
3 REBUTTAL:
4

5 TOMMY WOO referred to the color of the gate and suggested that red might be
6 better than black. Given the depth of the entrance, the gates were intended to offer
7 a sense of a lobby and be consistent with Spanish architecture. He recommended
8 sliding gates and stated that the gates would be closed only when the business was
9 closed. As to other issues, he stated that the removal of the cement island would
10 allow two-way access, the walkway to the left of the creek would allow room for
11 pedestrians to move around the creek, and the trash enclosure and the water
12 heater enclosure could be designed to look like brick.
13

14 PUBLIC HEARING CLOSED
15

16 **MOTION to approve Resolution 09-05, Design Review with Exhibit A:**
17 **Conditions of Approval; Resolution 09-06 CUP Alcohol Sales with Exhibit A:**
18 **Conditions of Approval; and Project Plans date stamped received May 26,**
19 **2009, subject to the following changes:**
20

- 21 • Modified Condition 23 to include specific language for the removal of the
22 bollards and islands prior to occupancy;
- 23 • Created a subcommittee comprised of Commissioners Banuelos and Brooks
24 to consider paint scheme alternatives, the design of the proposed gates, and
25 the screening of the roof equipment and the brick veneer pattern to be used
26 to provide that screening to ensure that the pattern matched the existing
27 building pattern; all to return to the subcommittee for approval prior to
28 occupancy;
- 29 • The trash enclosure and water heater enclosure to be brick veneer to match
30 the building;
- 31 • That light fixtures and landscaping plan conditions already included were
32 satisfactory; and
- 33 • Staff to be empowered to review the ADA parking location and design.
34

35 **MOTION: Toms**

36 **SECONDED: McGoldrick**

37 **APPROVED: 6-1**
38 **NOES: Bender**

39 **THE PLANNING COMMISSION AS STEERING COMMITTEE FOR**
40 **THE GENERAL PLAN UPDATE PROCESS**
41

42
43 **F. OLD BUSINESS: None**

44
45 **G. NEW BUSINESS:**

1
2 **1. Review of General Plan Housing Element Requirements**
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4 Mr. Rhodes presented the staff report dated June 8, 2009, described the role of the
5 Housing Element, and explained that the Housing Element must be updated
6 approximately every five years and was subject to detailed statutory requirements
7 and mandatory review by the State Department of Housing and Community
8 Development (HCD). The City's last Housing Element had been adopted in 2003.
9 An approved Housing Element was required by July 1, 2009.

10
11 Mr. Rhodes identified the information that must be included in the Housing Element,
12 including the Association of Bay Area Governments (ABAG) Regional Housing
13 Needs Allocation (RHNA), providing the total number of housing needed by
14 affordability level to cover the area from 2007 to 2014. He advised that the City was
15 required to plan for the future development of RHNA and plan for adequate land to
16 accommodate that development but was not required to ensure that the additional
17 housing was actually developed. He referred to the permit and processing
18 procedures and identified the other factors that had to be considered. He
19 emphasized that compliance was critical given that being out of compliance could
20 endanger future Measure J funding. It was also a prerequisite for leveraging
21 Redevelopment, State or other funds to build affordable units to meet local
22 workforce housing needs.

23
24 Mr. Rhodes explained that little funding had been dedicated to the preparation of the
25 Housing Element as part of the General Plan Update process in 2006 and additional
26 in house staff resources would be required to complete the process. A work plan
27 would be submitted to start the Housing Element Update process and plan for the
28 housing needs of all income categories, including extremely low and very low
29 income households. He referred to misconceptions and opposition to affordable
30 housing and explained that under State law, the City had little discretion to deny
31 affordable housing projects. He responded to questions related to ABAG's
32 determination of RHNA numbers and the method the City would use to meet those
33 numbers.

34
35 While the City would not be able to meet the July 1, 2009 deadline, Mr. Rhodes
36 expressed his hope that the draft Housing Element could be submitted to the
37 Commission for action by the end of the year and be submitted to the State and
38 approved by the City Council by May 2010. To expedite the process, he suggested
39 there might need to be more frequent meetings of the Steering Committee. He
40 emphasized the work to be accomplished with limited staff given that the General
41 Plan Update, Zoning Ordinance Update, Specific Plan and Housing Element were
42 all moving forward concurrently.

43
44 **H. CITY PLANNER'S/COMMISSIONER'S REPORT:**
45

1 Using the King Valley Chinese Restaurant as an example, the Commission
2 emphasized the need to update the City's standard design review requirements and
3 the design review completeness checklist.
4

5 When asked for a follow-up on Commission requests related to the McGee
6 property, the storyboard sign for Longs Drugs, and the Waffle Shop, Mr. Rhodes
7 reported with respect to the McGee property that there was an outstanding
8 condition on the driveway and the Public Works Department (PWD) had repeatedly
9 requested the completion of that work. The City had yet to hear from the contractor
10 whether or not that work had been done. His position for this and other situations
11 was that certificates of occupancy would not be issued without completion of
12 outstanding issues necessary to satisfy conditions of approval.
13

14 Chair Kurrent requested that part of each meeting be designated for responses to
15 questions.
16

17 For the Waffle Shop, Mr. Rhodes advised that improvements initiated by the
18 applicant had resulted in a determination that the City did not have the legal
19 authority to require the applicant to paint the entire building after the fact. On the
20 striping, only ADA requirements were required. He was aware of no tools within the
21 City's Municipal Code to require repainting the one unpainted side of the building,
22 replace the bollard and force a striping plan for an existing parking lot that had not
23 been changed.
24

25 Commissioner Brooks understood that City approval was required to paint
26 commercial buildings and there was no certainty that the parking lot configuration
27 had not been changed. He was in search of fairness for everyone in the City.
28

29 Mr. Rhodes emphasized the loss of staff and the limited resources available to
30 address such things as the repainting of the Waffle Shop. When pressed, he stated
31 that the City could notify the applicant to require the Waffle House to paint the other
32 side to match the rest of the building and to repair the bollard which had been part of
33 design review that had been approved a number of years ago.
34

35 Commissioner Toms referred to the faux tree monopole on San Pablo Avenue and
36 questioned whether or not that application was in compliance with its conditions of
37 approval. She also referred to the General Plan and suggested that the
38 Commission could assist in the review by divvying up the various elements to
39 facilitate the process. Commissioner Banuelos concurred.
40

41 Mr. Rhodes pointed out that when information was given to one Planning
42 Commissioner it should be given to all. Once submitted to the full Planning
43 Commission, the document would cease to be an administrative draft and would be
44 a public document.
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Commissioner Sekins asked staff to attach agendas to Commission e-mails. He also asked staff to advise Commissioners of the resolution of issues, such as for the Waffle House, to allow the Commission to be better informed.

In response to Commissioner Sekins' suggestion for a special Planning Commission meeting to address design issues, Mr. Rhodes suggested that two members of the Commission could serve that function or a peer review architect could be utilized to provide design review outside of a formal Planning Commission meeting, to be included as an agenda item for discussion at the next meeting.

Chair Kurrent asked for more timely communications and to be advised of mail waiting at City Hall for pickup.

- I. **COMMUNICATIONS**: None
- J. **NEXT MEETING**: Regular Meeting, July 13, 2009
- K. **ADJOURNMENT**: 10:01 P.M.

Transcribed by:

Anita L. Tucci-Smith
Transcriber