

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14

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

September 28, 2009

**THE PLANNING COMMISSION**

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

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

17  
18  
19 Commissioners Present: Bender, Brooks, McGoldrick, Toms, Chair Kurrent

20  
21 Commissioners Excused: Sekins

22  
23 Staff Present: Winston Rhodes, Planning Manager  
24 Leslie Carbahal, Redevelopment Analyst  
25 Christina Ratcliffe, PMC Project Manager

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 August 28, 2009.

34  
35 Commissioner McGoldrick noted that page 5 lines 22-24 should be corrected to  
36 read "what authority the City has in the review process."

37  
38 Commissioner Toms noted that she recused herself and left the room prior to the  
39 Praxair informational memo being presented. She requested that the meeting  
40 minutes be modified to reflect her recusal and her departure from the room.

41  
42 **MOTION: Brooks**

**SECONDED: McGoldrick**

**ABSTAIN: Bender**

43  
44 **APPROVED: 4-0-1**

1  
2 **E: PUBLIC HEARING**

3  
4 **None.**

5  
6  
7 **THE PLANNING COMMISSION AS STEERING COMMITTEE FOR**  
8 **THE GENERAL PLAN UPDATE PROCESS**  
9

10  
11 **F. OLD BUSINESS:**

12  
13 **None.**

14  
15 **G. NEW BUSINESS:**

16  
17 1. Review of Draft Housing Element Update and Residential Land Use Densities

18  
19 Redevelopment Analyst Leslie Carbahal, presented the staff report in Power Point  
20 format dated September 28, 2009. She solicited the Steering Committee's feedback  
21 and comments.

22  
23 Commissioner Brooks asked about funding of emergency shelters and if the City is  
24 responsible for funding emergency shelters.

25  
26 Planning Manager Winston Rhodes, indicated that emergency shelters are funded  
27 in a variety of different ways including the State of California and non-profit  
28 agencies. These facilities do not have to be funded by a local jurisdiction. The City is  
29 responsible for providing zoning and policy that addresses the requirement and  
30 showing a good faith effort to plan for this land use, but not constructing a specific  
31 development.

32  
33 Commissioner Toms asked about the expiration of existing affordability covenants  
34 and if the City will receive credit for fulfilling housing needs or will the City need to  
35 replace to existing units already covenanted and provide new units.

36  
37 Mr. Rhodes explained that the City would receive credit for the existing units that  
38 area already covenanted.

39  
40 Commissioner Toms asked if there was a table identifying ownership of opportunity  
41 sites in the draft Housing Element. If one had not been prepared, she requested that  
42 staff prepare this and include it in the document.

43  
44 Mr. Rhodes noted that there was not a list at this time and that one would be  
45 prepared.

1  
2 Commissioner Toms asked if underutilized residential parcels which could  
3 accommodate housing have been assessed.

4  
5 Mr. Rhodes noted that detailed inventory of all residential properties had not been  
6 prepared at this point.

7  
8 Commissioner Toms noted that Contra Costa County received a conditional  
9 approval of their Housing Element pending a required rezone of identified housing  
10 opportunity sites, which must be completed within twelve months after the  
11 conditional approval was granted.

12  
13 At this time, Mr. Rhodes distributed additional handouts related to the draft Specific  
14 Plan and draft General Plan land use information. He asked that the Steering  
15 Committee provide direction for any potential land use changes that would help  
16 implement the Housing Element. He noted that the Housing Subcommittee  
17 recommended that the existing Low Density Residential land use classification be  
18 kept at its current density of 1-7 units per acre. The proposed Specific Plan density  
19 is 4-11 units/acre. Based on past Steering Committee direction, the Low Density  
20 Residential would be modified to one unit/acre. The existing Suburban Rural  
21 General Plan designation was being considered to be changed to 1 unit/5 acres.  
22 The Housing Subcommittee recommended that the Medium Density Residential be  
23 7.1-19.9 units per acre. The Housing Subcommittee also recommended that the  
24 High Density Residential land use category be 20-30 units per acre. The High  
25 Density Residential densities are also recommended to apply to the Residential  
26 Mixed Use and Commercial Mixed Classifications contained in the draft Specific  
27 Plan. The Very High Density Residential is suggested to be 35-50 units/acre.

28  
29 Mr. Rhodes asked the Steering Committee to addresses the following issues related  
30 to the Draft Housing Element:

- 31
- 32 ■ Comments of Draft Housing Element and clearance to send to HCD for  
33 mandatory review
  - 34 ■ Feedback on the residential densities contemplated for the General Plan land  
35 use categories and the Corridor Specific Plan
- 36

37 Commissioner Kurrent indicated that the proposed document is not set in stone and  
38 that it can be modified per Steering Committee consensus.

39  
40 Commissioner Bender noted that on HE-45 the Uniform Building Code is listed.  
41 California has its own building Code that is based on the International Building  
42 Code.

43  
44 Commissioner Bender also asked why is 2101 San Pablo Ave. not listed as an  
45 opportunity site.

1  
2 Ms. Carbahal noted that that site was reviewed and it was noted that the dwelling  
3 unit potential was not that significant, and thus excluded.

4  
5 Commissioner Bender noted a typo on page HE 89 “garn” should read as “garden.”  
6

7 Commissioner McGoldrick noted typos and said that she would let staff know after  
8 the meeting.  
9

10 HE 75- How many survey respondents are there? Is it 51 based on the quantity  
11 shown on the illustrations.  
12

13 Ms. Carbahal indicated that not all respondents answered all of the questions  
14 contained in the survey.  
15

16 Commissioner Brooks is satisfied with the document and thanked staff for preparing  
17 it.  
18

19 Commissioner Tomes noted that on page HE-45 inclusionary housing could be  
20 satisfied through an in-lieu fee to be used to create inclusionary housing.  
21

22 Mr. Rhodes noted that the Redevelopment Agency does not have an in-lieu housing  
23 fee.  
24

25 Christina Ratcliffe, PMC, noted that when the long-range Planning projects  
26 commenced when she met with Redevelopment staff and discussed the possibility  
27 of in-lieu fees. At the time, staff noted that the policy had not been in place due to  
28 the limited opportunities to create new housing in the City of Pinole.  
29

30 Commissioner Toms noted that the fee would be worth exploring as the staff time  
31 involved to market and process applications for inclusionary housing is extensive  
32 and expensive for City. She noted that the project at Alvarez Court, low-income  
33 housing for HIV/AIDS patients, was a success that involved Redevelopment money,  
34 creating new low income units that the City receives credit for in RHNA numbers,  
35 and is managed privately.  
36

37 The Commission consented that in-lieu housing fees should be explored so that it  
38 might be included as an implementation tool for use at a later date.  
39

#### 40 **Residential Densities Discussion**

41  
42 Commissioner Toms, the highest density contemplated shows as 30 units/acre.  
43 Perhaps 50 units/acre could be considered as there is a senior living facility in  
44 Rodeo which meets that density and is successful.  
45

1 Mr. Rhodes noted that there are areas specified in Specific Plan that show “Very  
2 High Density Residential.” “High Density Residential” is strictly for areas outside the  
3 Specific Plan area and “Very High Density Residential” (35-50 units/acre) is for the  
4 Specific Plan.

5  
6 Commissioner Toms noted that the bottom range is 35 units/acre and that group  
7 living/assisted living should not be excluded as a potential land use.

8  
9 Commissioner Brooks noted that the property adjacent to 1508 San Pablo Ave. may  
10 be contemplated for group living/assisted living facility and reiterated Commissioner  
11 Toms’ concern about not excluding that land use in the Commercial Mixed Use land  
12 use category.

13  
14 Commissioner Brooks noted that the lots on Galbreth Rd. & Pinole Valley Rd. are  
15 not shown as vacant.

16  
17 Mr. Rhodes explained that entitlements have been approved for those lots and that  
18 building permit issuance is pending for new construction on the lot.

19  
20 Commissioner McGoldrick asked for confirmation that the proposed density was  
21 changing for the Commercial Mixed Use category from 20-30 units/acre to 10-30  
22 units/acre to accommodate group living/assisted living care facilities.

23  
24 Mr. Rhodes confirmed this and explained that the lower densities can accommodate  
25 special facilities while the “Very High Density” category allows greater unit density  
26 and more than offsets the lower range Commercial Mixed Use land use category.

27  
28 Commissioner Kurrent noted that a new land use category may have to be  
29 prepared to offset the density range change for Commercial Mixed Use.

30  
31 Commissioner Toms asked if there were a set of findings that could be made to find  
32 consistency with the General Plan to allow for reduced densities on specific  
33 projects. As an example, if there were a six unit special needs housing project,  
34 findings established in the Land Use Element could be made to allow for this use in  
35 a Commercial Mixed Use zone.

36  
37 Commissioner Kurrent suggested that group homes would be more neatly  
38 categorized with emergency housing as it provides beds rather than rooms. He  
39 suggested that it be permitted by right and would allow for consistency with the  
40 emergency housing definition.

41  
42 Commissioner Toms stated that she agreed with Commissioner Kurrent’s  
43 suggestion.

44  
45 Commissioner Bender asked why there was a proposed decrease of 20-30

1 units/acre from 20.1-35.0 in the proposed Specific Plan for the density range in the  
2 “High Density” category.

3  
4 Mr. Rhodes stated that the change was intended to create greater consistency for  
5 development density as outlined in the draft General Plan.

6  
7 Commissioner Toms suggested that the range be modified to 20-35 units/acre to  
8 create greater flexibility.

9  
10 Mr. Rhodes suggested that a land use category be created to address existing  
11 multi-family complexes outside of the Specific Plan Area. He summarized the  
12 Steering Committee’s direction:

- 13
- 14 • RMU 10.1-35 units or 20-30 units with provisions to allow for special needs
- 15 housing below the minimum density
- 16 • Existing High Density Residential developments outside the Specific Plan
- 17 Corridor will be evaluated and staff will prepare a table of multi-family
- 18 complexes with existing development density and continue the land use
- 19 density discussion to the October 13, 2009 Planning Commission meeting.
- 20 • Consistent terminology between the Housing Element, the Specific Plan and
- 21 the General Plan

22  
23 **H. CITY PLANNER’S / COMMISSIONER’S REPORT:**

24  
25 Mr. Rhodes distributed a draft comment letter for the environmental document  
26 prepared for the proposed Point Molate Casino project in Richmond. He indicated  
27 that City Council recently suggested draft letters be reviewed by the Planning  
28 Commission prior to being sent for input and clarification. Direction from the  
29 Commission was requested on the best method to solicit this input when comment  
30 period deadlines apply. The Planning Commission indicated that they would like to  
31 be included as a reviewing body when comment letters are sent. They prefer to see  
32 letters via e-mail and provide comments electronically within a requested time  
33 period.

34  
35 Commissioner Toms expressed concern about the I-580 Point Molate exit access  
36 and potential congestion due to a lack of a frontage road. She also mentioned that  
37 much of the EIS/EIR has assumed ferry service from Hercules, which is not  
38 currently in place.

39  
40 **Subcommittee meeting schedule:**

- 41
- 42 • Growth Management Element: Kurrent and another member will need to be
- 43 selected at a later date, preferably 10/13/09 Commission hearing
- 44 • Sustainability Element: will e-mail when a revised draft is received and
- 45 schedule a meeting time

- Community Services & Facilities Toms & McGoldrick 10/23 is the best meeting date for this subcommittee meeting

Commissioner Toms recused herself from the next discussion item relating to the Praxair Draft EIR comment letter and left the Council Chamber.

Mr. Rhodes indicated that the City of Pinole has not yet received a Conditional Use Permit application for the proposed Praxair Hydrogen Pipeline and that Contra Costa County is the lead agency currently reviewing the proposed project. He affirmed to the Commission that a use permit is required by the Pinole Municipal Code and that the Commission would review a future application at a later date if the County was to approve the pipeline project.

**I. COMMUNICATIONS:**

None.

**J. NEXT MEETING:** Planning Commission Regular Meeting October 13, 2009

**K. ADJOURNMENT:** 9:30 P.M.

Transcribed by: Anne Hersch, Associate Planner