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

5
6 **March 28, 2016**
7

8
9 **A. CALL TO ORDER:** 7:05 P.M.
10

11 **B. PLEDGE OF ALLEGIANCE AND ROLL CALL:**
12

13 Commissioners Present: Bender, Brooks, Martinez-Rubin, Thompson, Wong,
14 Chair Kurrent
15

16 Commissioners Excused: Tave
17

18 Staff Present: Winston Rhodes, Planning Manager
19 Veronica Tam, Veronica Tam & Associates
20

21 **C. CITIZENS TO BE HEARD:**
22

23 JAMES TILLMAN, Pinole, thanked staff for posting meeting agendas in the local
24 newspaper although he noted the day of the week shown for the subject meeting
25 was inaccurate.
26

27 Chair Kurrent added that the meeting agenda had been posted as a special
28 meeting, although the meeting was a regular meeting of the Planning Commission.
29

30 **D. CONSENT CALENDAR:** None
31

32 **E. PUBLIC HEARINGS:**
33

34 **1. Zoning Code Text Amendment 16-02: Housing Element**
35 **Implementation**
36

37 **Request:** A Zoning Code Amendment to change text in Chapters 17.22,
38 17.20, 17.62 and 17.38 of Title 17 of the Municipal Code
39 modifying the standards for the location of emergency
40 shelters, supportive housing, transitional housing, employee
41 housing, and the provisions for density bonus units within the
42 City of Pinole consistent with State law.
43

44 **Applicant:** City of Pinole
45 2131 Pear Street

1 Pinole, CA 94564

2
3 **Location:** Citywide

4
5 **Project Staff:** Winston Rhodes, Planning Manager

6
7 Planning Manager Winston Rhodes presented the staff report dated March 28,
8 2016, and reported the Planning Commission had previously held a workshop on
9 March 14, 2016 to discuss the required text amendments for the General Plan
10 Housing Element. The Commission had also been provided copies of a
11 PowerPoint presentation by Veronica Tam, Veronica Tam & Associates, which
12 included additional information from the City Attorney provided after the
13 completion of the staff report specifically related to Emergency Shelters, Section
14 17.62.30, Development Requirements, as modified further by the City Attorney, to
15 read:

- 16 A. *Location and Separation. Emergency shelters of more than ten*
17 *(10) persons shall be situated more than three hundred (300) feet*
18 *from any other similar program and other emergency shelter.*

19
20 Mr. Rhodes identified the Median Income for Contra Costa County at \$93,500, the
21 maximum Moderate Income for a household of four at \$112,200, and the
22 maximum Low Income household at \$71,600; detailed the City's affordable
23 housing requirements; the City's emergency shelter 30-bed maximum limitation
24 based on the City's homeless count; and noted there was little funding for new
25 emergency shelters with no requests or inquiries for emergency shelters in Pinole
26 since 2010. He also identified the Association of Bay Area Governments (ABAG)
27 Regional Housing Needs Allocation (RHNA) for Pinole; the requirement that zoning
28 text amendments be consistent with State law; detailed the City's Inclusionary
29 Housing Ordinance and affordability requirements; and the eligibility for a density
30 bonus, incentives and concessions which would be part of the Affordable Housing
31 Agreement under the purview of the City Council.

32
33 VERONICA TAM, Veronica Tam & Associates, presented the PowerPoint to
34 identify the implementation requirements as part of the Housing Element, to be
35 consistent with State law; walked through the proposed text amendments for the
36 General Plan Housing Element for emergency shelters, transitional housing,
37 residential density bonuses, supportive housing and employee housing; detailed
38 the requirements of Senate Bill (SB) 2222 Housing Density Bonus; and responded
39 to questions from the Planning Commission on the presentation.

40
41 PUBLIC HEARING OPENED

42
43 JAMES TILLMAN, Pinole, spoke to transitional housing and expressed concern
44 with the potential for halfway homes, the number of transitional units that would be
45 allowed in the community, the impacts from transitional housing, and asked that

1 zoning and land uses include regulations on how to handle those issues. He also
2 expressed concern with the use of the term transitional housing as opposed to
3 halfway houses; questioned who would police or monitor residents of transitional
4 housing; asked whether there could be restrictions imposed as to where such
5 housing would be allowed in the community; sought assurance the City would be
6 protected legally; cited the impacts related to transitional housing; and sought
7 assurance West County would not become a dumping ground for those needing
8 transitional housing.

9
10 Mr. Rhodes clarified that the focus of the text amendment and State law for
11 transitional housing was to regulate the physical units themselves based on
12 objective criteria as opposed to occupant characteristics. The State had worked
13 to disperse transitional housing to avoid concentrations in one county or one
14 portion of a county. There were also State requirements for licensing which
15 allowed for code enforcement, if necessary.

16
17 Ms. Tam added the proposed text amendments were related to the physical
18 structure which the City had authority to regulate under its Zoning Code, and which
19 would not eliminate the requirements to comply with county, state and federal
20 regulations pertaining to a specific use.

21
22 **PUBLIC HEARING CLOSED**

23
24 The Planning Commission discussed the Zoning Text Amendments and offered
25 the following comments and/or direction to staff:

- 26
27 • Concern expressed with the density bonus incentives and concessions with
28 a desire for a clean definition of the potential “give and take.”
29 Staff clarified the purpose of the density bonus incentives and the
30 concession examples provided.
- 31
32 • Recognized that the text amendments were required to comply with State
33 law, with developments to be reviewed on a case-by-case basis.
- 34
35 • Shared the concerns about transitional housing but recognized it was a
36 broader issue than just the impacts from certain occupants.
- 37
38 • When asked, staff clarified the examples for emergency shelters; the zones
39 which currently allowed emergency shelters; and identified the required City
40 Office / industrial Mixed Use (OIMU) zone which allowed emergency
41 shelters with some operational criteria and development standards pursuant
42 to State law.

43
44 **MOTION** to adopt Resolution 16-03, a Resolution of the City of Pinole Planning
45 Commission Recommending that the City Council Approve a Zoning Code

1 Amendment Modifying Chapters 17.22, 17.20, 17.62, and 17.38 of Title 17 of the
2 Municipal Code to Modify Provisions for Emergency Shelters, Transitional
3 Housing, Supportive Housing, Employee Housing and Density Bonus Consistent
4 with State Law (ZCA 16-02); subject to the modifications on the text provided
5 at the dais and to Page 2 of the resolution to reflect the date of adoption as
6 *March 28, 2016*, not January 28, 2016.

7
8 **MOTION: Bender**

SECONDED: Brooks

APPROVED: 6-0-1

ABSENT: Tave

9
10
11 Chair Kurrent identified the 10-day appeal process in writing to the City Clerk
12 subject to the applicable appeal fee.

13
14 **F. OLD BUSINESS:** None

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16 **G. NEW BUSINESS:** None

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18 **H. CITY PLANNER'S / COMMISSIONERS' REPORT:**

19
20 Mr. Rhodes reported on the receipt of a remodel application for the Wendy's and
21 Wingstop located at Fitzgerald Drive and Appian Way, to be presented to the
22 Planning Commission Development Review Subcommittee prior to Planning
23 Commission review.

24
25 Mr. Rhodes took this opportunity to formally recognize John Bender for his
26 service on the Planning Commission and expressed his appreciation for his
27 commitment to the community and his expertise as an architect.

28
29 The Planning Commission thanked John Bender for his service and architectural
30 expertise on the Planning Commission.

31
32 Commissioner Bender cited a document which had been prepared long ago by a
33 former planner for the Old Town area, which he suggested should have been
34 referenced and recognized in the General Plan Update as related to the
35 integration of designs of buildings in the Old Town fabric.

36
37 Mr. Rhodes also updated the Planning Commission on an appeal of the CVS
38 project, and mentioned that the appeal had been withdrawn. A Planning
39 Commission Subcommittee would be reviewing the color for the faux clock tower
40 option. Staff was waiting for photo simulations from the applicant to finalize the
41 design detail. He also clarified that the document referenced by Commissioner
42 Bender was the Old Town Design Guidelines, which had been found late in the
43 General Plan Update process, but which had been retained and incorporated by
44 reference in the Three Corridors Specific Plan; a document the City could rely
45 upon when reviewing buildings in the Old Town area. He added there would be

1 a need to review the Old Town Design Guidelines in the future to ensure
2 consistency with the Specific Plan.

3
4 Commissioner Bender also spoke to the Pinole Creek Trail at Fernandez Park,
5 which had a gate in the path preventing one from driving into the park. He had
6 provided photographs of several vehicles parked on the creek trail blocking the
7 pedestrian paths and asked City staff to look into the situation.

8
9 **I. COMMUNICATIONS:** None

10
11 **J. NEXT MEETING:**

12
13 The next meeting of the Planning Commission will be held on Monday, April 25,
14 2016 at 7:00 P.M.

15
16 **K. ADJOURNMENT:** 8:33 P.M

17
18 Transcribed by:

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20
21 Anita L. Tucci-Smith
22 Transcriber
23
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