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

5
6 **December 16, 2019**
7

8
9 **A. CALL TO ORDER:** 7:02 P.M.
10

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

13 Commissioners Present: Flashman, Kurrent, Murphy, Wong, Chair Brooks
14

15 Commissioners Absent: Moriarty, Ojeda
16

17 Staff Present: Tamara Miller, Development Services Director/City
18 Engineer; David Hanham, Planning Manager; Justin
19 Shiu, Contract Planner; Michael Laughlin, CSG
20 Consultants, Inc.; and Alex Mog, Assistant City Attorney
21

22 **C. CITIZENS TO BE HEARD:**
23

24 There were no citizens to be heard.
25

26 **D. CONSENT CALENDAR:**
27

- 28 1. Planning Commission Meeting Minutes from May 20, 2019
29 2. Planning Commission Meeting Minutes from June 24, 2019
30 3. Planning Commission Meeting Minutes from August 26, 2019
31 4. Planning Commission Meeting Minutes from September 23, 2019
32 5. 2020 Planning Commission Regular Meeting Schedule
33

34 Commissioner Kurrent noted the Planning Commission had previously approved the
35 minutes from May 20, 2019 at the June 24, 2019 meeting, with the item to be
36 removed from the Consent Calendar. He requested an amendment to Page 9, Lines
37 17 through 19 of the Planning Commission Meeting Minutes from August 26, 2019,
38 to read:
39

40 *Commissioner Kurrent briefed the Planning Commission on a community*
41 *meeting he had attended related to Making Waves and his opinion a full*
42 *Environmental Impact Report (EIR) would be required especially with respect*
43 *to traffic.*
44

45 **MOTION** to Adopt the Consent Calendar, as modified.

1
2 **MOTION: Kurrent** **SECONDED: Murphy** **APPROVED: 5-0-2**
3 **ABSENT: Moriarty, Ojeda**
4

5 **E. PUBLIC HEARINGS:**
6

7 Commissioner Flashman recused herself from the discussion of Item E1 and stepped
8 down from the dais.
9

10 **1. Design Review 19-13 and Variance 19-01 New Two-Story Single-Family**
11 **Residence on a Vacant Lot**
12

13 **Request:** Consideration of a design review request to construct an
14 approximately 2,856 square foot two-story single-family
15 home containing an accessory dwelling unit and a variance
16 request to allow for development of a 5,000 square foot
17 vacant lot, which is less than the standard 6,000 square
18 foot minimum lot size for the R-1 District.
19

20 **Applicant:** Bacilia Macias
21 732 Gilman Street
22 Berkeley, CA 94710
23

24 **Location:** 1169 Pinole Valley Road (APN: 401-193-006)
25

26 **Project Planner:** Justin Shiu
27

28 Contract Planner Justin Shiu provided a PowerPoint presentation of the staff report
29 dated December 16, 2019, and reported that staff had received a request from a
30 nearby property owner requesting the public hearing be continued since that
31 individual was unable to attend the meeting. Staff had communication with the
32 individual who was encouraged to provide written correspondence, although no
33 correspondence had been received.
34

35 Mr. Shiu recommended the Planning Commission adopt Resolution 19-14 for Design
36 Review (DR) 19-13 and Variance (VAR) 19-01, conditionally approving the
37 development of a new single-family residence at 1169 Pinole Valley Road, subject to
38 the findings and conditions of approval as contained in Attachment A to the staff
39 report.
40

41 Responding to the Commission, Mr. Shiu acknowledged the documents for the
42 project identified a three, not a four-bedroom residence. He also confirmed the
43 project would be constructed pursuant to the January 1, 2020 Building Codes. Staff
44 anticipated building permits would be submitted after the first of the year and after
45 the completion of the appeal period requiring the applicant to comply with the January

1 2020 Building Codes.

2 Mr. Shiu also corrected a typographical error in the staff report advising that the front
3 yard setback would be 20 feet to the front porch (not two (2) feet) and approximately
4 23 feet, 5 inches to the front wall of the residence. The accessory dwelling unit (ADU)
5 would be required to meet efficiency standards, and at approximately 220 square
6 feet the ADU did meet the requirement.

7
8 PUBLIC HEARING OPENED

9
10 BACILIA MACIAS, Architect, 732 Gilman Street, Berkeley, explained that the single-
11 family residence would be a family home for the property owner who had a large
12 family. The ADU would meet the middle class housing shortage and may be
13 considered as a unit for another family member. The home would include stucco on
14 the ground floor and a different color and lap siding on the first floor to break up the
15 two-story façade. The project met the lot coverage requirements and the materials
16 for the garage door would include wood and glass on the top level.

17
18 In response to the Commission, Ms. Macias confirmed the project would be
19 constructed pursuant to the January 2020 Building Codes. When informed that solar
20 panels, which would be required as part of the 2020 Building Code requirements,
21 had not been included on the plans she noted the property had a gable on the front
22 and side which offered an opportunity for solar panels on the south side with little
23 impact and which could be easily implemented.

24
25 Ms. Macias also acknowledged she had not addressed the neighbor's concern given
26 the planning code had the offset of the second story, bringing the second floor wall
27 in from where the actual setback would be which lent itself to providing a 5-foot
28 setback on the ground floor and additional distance on the second floor, offering
29 privacy to the neighbors on both sides. She understood the property owner had not
30 been approached by the neighbor with respect to the neighbor's concerns.

31
32 PUBLIC HEARING CLOSED

33
34 The Planning Commission discussed the application and offered the following
35 comments and/or direction to staff:

- 36
37
 - 38 • Clarified with staff the neighbor who had concerns with the application had not
39 provided an address and staff could not identify whether the neighbor resided
40 to the north or south of the property. The neighbor had not provided any
41 written comments to staff which could have been read into the record and
42 included in the record of the project. Staff confirmed all neighbors had been
43 notified of the project application. (Wong)
 - 44 • Recommended a condition that the project be required to adhere to the
45 January 2020 State Building Codes, although staff suggested that would be

1 assumed since the applicant would be unable to submit plans or proceed with
2 any construction prior to the beginning of the year. Although the colors and
3 landscaping were acceptable, there was a loophole in the City code which
4 allowed the property owner to change the home color absent City approvals.
5 He was pleased the property owner planned to remain in Pinole and provide
6 an ADU given the shortage of housing. (Kurrent)
7

8 **MOTION** to adopt Planning Commission Resolution 19-14, with Exhibit A: Conditions
9 of Approval, Resolution of the Planning Commission of the City of Pinole, County of
10 Contra Costa, State of California, Approving a Design Review Request (DR 19-13)
11 and Variance Request (VAR 19-01) to Construct a New Two-Story Single Family
12 Residence and Accessory Dwelling Unit on a Lot that is Smaller than the 6,000
13 Square Foot Minimum Lot Size at 1169 Pinole Valley Road, APN: 401-193-006.
14

15 **MOTION: Kurrent**

15 **SECONDED: Wong**

15 **APPROVED: 4-0-3**

16 **ABSTAIN: Flashman**

17 **ABSENT: Moriarty, Ojeda**
18

19 Chair Brooks identified the 10-day appeal process in writing to the City Clerk.
20

21 Commissioner Flashman returned to the dais at this time.
22

23 **2. Zoning Code Amendment 20-01, Amending Title 17 Regarding the**
24 **Approval Authority for Design Review of Single-Family Homes**
25

26 **Request:** An ordinance amending Title 17 of the Municipal Code
27 to transfer design review authority over single-family
28 homes from the Zoning Administrator to the Planning
29 Commission.
30

31 **Applicant:** N/A
32

33 **Location:** Citywide
34

35 **Project Planner:** Alex Mog
36

37 Assistant City Attorney Alex Mog provided a PowerPoint presentation of the staff
38 report dated December 16, 2019, and recommended the Planning Commission
39 approve Resolution 19-15 recommending the City Council adopt an ordinance
40 amending Title 17 regarding approval authority for design review of single-family
41 homes as set forth in Exhibit A.
42

43 Responding to the Commission, Mr. Mog acknowledged that the Zoning Text
44 Amendment may result in slowing the process for approving a single-family
45 residence by moving the current process from Zoning Administrator approval to the

1 Planning Commission. He understood the City typically received less than ten
2 applications for single-family residences a year given there were few empty lots
3 and/or tear downs of existing homes. He emphasized the need for the Planning
4 Commission to be aware of the trend in State law prohibiting cities from being allowed
5 to consider subjective design review. He noted that the City had received a grant
6 from the State, which required recordation of a document with the County and
7 payment of an applicable fee, with the monies from the fee used for cities and
8 counties for planning purposes. Pinole was using those funds to update the Pinole
9 Municipal Code (PMC) to change the subjective to objective standards. Other cities
10 were making the same changes in recognition of the State trend moving away from
11 the ability of cities to consider subjective review.
12

13 Mr. Mog clarified that the appeals process or appeal fees would not be changed as
14 part of the amendment to Title 17 and the PMC was typically updated a couple times
15 a year, often in response to changes in State law. He suggested the costs for
16 additional staff time spent on projects if the Zoning Text Amendment were approved
17 could be addressed through a potential increase in application fees.
18

19 PUBLIC HEARING OPENED 20

21 RAFAEL MENIS, Pinole, opposed the proposed revision to the PMC since it would
22 lead to an increase in review time burdening members of the public submitting
23 applications for single-family homes and there could be potential conflicts of interest.
24 The revision would exempt single-family homes from comprehensive design review
25 and may require more administrative review than currently existed, creating more
26 administrative burdens on applicants. While single-family home applications were
27 currently not frequent, he suggested in the case of a significant event, such as a
28 wildfire, significant impacts could result from the requirement for Planning
29 Commission review. He asked the Planning Commission to oppose the proposed
30 amendment.
31

32 PUBLIC HEARING CLOSED 33

34 The Planning Commission discussed the application and offered the following
35 comments and/or direction to staff:
36

- 37 • Liked the idea of the City using funds from an available grant to update the
38 PMC to change the subjective to objective standards, although the proposed
39 changes from Zoning Administrator to Planning Commission review may
40 result in delays and therefore opposed the approval of the Zoning Text
41 Amendment, and recommended the Planning Commission forward a
42 recommendation to the City Council not to change the process; suggested the
43 formation of a special design subcommittee to work with staff on
44 recommendations to change the PMC with the subjective items which could
45 be discussed by the Planning Commission with a recommendation forwarded

1 to the City Council.. (Wong)

- 2
- 3 • Suggested the Zoning Text Amendment was an important change that
- 4 needed to occur but if the change was unsuccessful clarified with Mr. Mog the
- 5 process to change it back to the current process would involve the same
- 6 process as the subject public hearing. (Murphy)
- 7
- 8 • Suggested an administrative analysis would be sufficient for the majority of
- 9 the units being constructed in the City; noted the current process was
- 10 expedient and efficient while the proposed change would slow the process;
- 11 and recommended the Planning Commission forward a recommendation to
- 12 the City Council that the resolution was not supported. (Kurrent)
- 13
- 14 • Suggested the benefit of the proposed process would allow the Planning
- 15 Commission to review the subjective items, maintain the character of Pinole
- 16 to ensure that new single-family units reflected that character and increase
- 17 public participation, but recognized it may undercut and delay the
- 18 development of single-family homes. Given the current housing crisis, was
- 19 opposed to delays in building more single-family homes particularly on vacant
- 20 lots. Clarified with Mr. Mog if a single family home met the legal requirements
- 21 it could not be denied. (Flashman).
- 22
- 23 • Recognized the State trends but could foresee the City may have to go back
- 24 to the Design Review Board (DRB) process prior to Planning Commission
- 25 approval adding more time to process an application. The City had
- 26 comprehensive design guidelines which were thoroughly checked by staff and
- 27 the Zoning Administrator and suggested there would be no benefit to making
- 28 a change to the current process. Suggested the formation of a special
- 29 subcommittee, as proposed, would add steps to the current process. While
- 30 the Planning Commission Development Review Subcommittee could be
- 31 eliminated, it was meant to streamline the process, and without that
- 32 streamlining an individual application could require multiple Planning
- 33 Commission meetings. (Brooks).
- 34

35 Tamara Miller, Development Services Director/City Engineer, reported that with the
36 SB2 Grant process the City had prepared a package which would take an approach
37 of reviewing the City's design guidelines, streamline the design guidelines and make
38 them more succinct to process applications, which would be an interactive process
39 with the assistance of consultants. As the Planning Commission considered more
40 and more homes, it may be faced with more complex decisions. The proposed
41 Zoning Text Amendment would allow the Planning Commission to discuss the
42 process, and it may streamline the agitation component and solve some appeals
43 which had been the intent of the City Council.
44

1 Mr. Mog added that currently when an application for a single-family home was
2 received notice was mailed to neighbors who had the opportunity to review any plans
3 and submit comments, and when a decision was made, notice was again provided
4 to the neighbors. The Zoning Administrator could always forward an application to
5 the Planning Commission if a project was controversial, which had occurred in the
6 past.

7
8 Ms. Miller advised that Contra Costa County used the Zoning Administrator model
9 and the City of Hercules followed the County model. She also clarified that a single-
10 family home application in Pinole only required approval from the City of Pinole.

11
12 **MOTION** to Not Recommend Planning Commission Approval of Resolution 19-15, a
13 Resolution of the Planning Commission of the City of Pinole, Recommending that the
14 City Council Adopt an Ordinance Amending Title 17 Regarding the Approval
15 Authority for Design Review of Single-Family Homes, based on the following findings:

- 16
17
 - Projects meeting General Plan and Zoning Code requirements are entitled to
18 proceed. Mandating that all projects go to the Planning Commission will delay
19 that process, and
 - The trend of State law is to limit subjective criteria for cities to approve or
20 disapprove projects thereby making design review a diminishing necessity.

21
22
23
24 **MOTION: Kurrent**

SECONDED: Wong

APPROVED: 5-0-2

ABSENT: Moriarty, Ojeda

25
26
27 Chair Brooks identified the 10-day appeal process in writing to the City Clerk.

28
29 **F. OLD BUSINESS:** None

30
31 **G. NEW BUSINESS:**

32
33 **1. Appointment of Two Members to the City Council Beautification**
34 **Committee**

35
36 Planning Consultant Michael Laughlin advised the City Council had established
37 the need for a Beautification Committee. Three meetings would be held to be
38 scheduled at the convenience of the City Councilmembers and Planning
39 Commissioners involved, and with the committee to meet through June 2020. He
40 asked that two Planning Commissioners be appointed to the Committee.

41
42 Planning Manager David Hanham reported that although Commissioner Moriarty
43 was absent she had requested via e-mail the opportunity to serve on the
44 Beautification Committee.

1 **MOTION** to appoint Commissioners Moriarty and Murphy to the City Council
2 Beautification Committee.

3
4 **MOTION: Kurrent**

SECONDED: Wong

APPROVED: 5-0-2

ABSENT: Moriarty, Ojeda

5
6
7 **H. CITY PLANNER'S / COMMISSIONERS' REPORT**

8
9 **1. Verbal Updates of Projects**

10
11 Mr. Laughlin provided an update on the Old Town Parking and Pedestrian Safety
12 Study with a community meeting held on November 6, with Alta Consulting working
13 behind the scenes to develop a plan and with a report to be presented to the Planning
14 Commission in early 2020. Pending projects included Pinole Shores Business Park
15 Phase Two for two new office buildings with Planning Commission public hearings
16 anticipated in June 2020; AMC Bowling to submit a permit for interior improvements
17 to the existing facility, changes to exterior colors, signage, and parking to be
18 considered by the Planning Commission in January/February 2020; and several
19 items were under review including property located at 2337 San Pablo Avenue for
20 an outdoor event food area. Making Waves Academy had withdrawn its application
21 due to funding and Pinole Square/Appian 80 redevelopment of the Safeway
22 Shopping Center was to be considered by the Planning Commission in spring 2020.

23
24 Mr. Shiu added that Target had proposed some minor cosmetic updates including a
25 change in the color scheme, wall signage, and re-facing of the pylon sign.

26
27 Projects under building permit plan check/review included a tri-plex located at 1479
28 San Pablo Avenue; the CVS project was nearing completion; Happy Ramen
29 Restaurant was moving forward; 7-Eleven/Union 76 Gas Station was in plan check;
30 and a final inspection had been conducted for the DaVita Dialysis Clinic, although the
31 applicant must still go through the State process for certification. In addition, a
32 number of inquiries had been made about the Tobacco Ordinance. No vaping
33 products were allowed to be sold in Pinole and there were restrictions on the types
34 of packaging for cigars and other items that could not be sold individually.

35
36 As to status of the gas station across from the veterinary office, Ms. Miller advised
37 the property had been sold and the new property owner was not pursuing the
38 modifications.

39
40 **2. Verbal Updates of SB2 Grant Application and Project**

41
42 Mr. Laughlin reported that planning staff had submitted an application to the State for
43 a \$160,000 non-competitive grant, with the funds to be used to further housing
44 production. Staff had identified a need for the City to further the objective design
45 standards, work with the existing Three Corridors Specific Plan which was ten years

1 old, and find ways to improve the environmental review process since the General
2 Plan was also ten years old. The funds would be used to hire a consultant to review
3 ways to streamline, make objective design standards, and improve the environmental
4 review process to streamline housing projects.

5 Commissioner Kurrent suggested staff bring forth to the consultant the concerns the
6 Planning Commission had expressed to develop some type of objective criteria for
7 single-family homes.
8

9 As whether the City had any plans to consider updates to the General Plan and Three
10 Corridors Specific Plan, Mr. Laughlin stated that given the extraordinary costs for
11 updating the documents, staff recommended fine tuning the design standards and
12 ask an environmental consultant to offer suggestions on how to use the existing
13 Three Corridors Specific Plan and environmental reports.
14

15 **3. New Housing Law Summary**

16
17 The Planning Commission had been provided a bullet point list of the 2019 New Laws
18 Overview with some changes required to the PMC as a result of some of the new
19 State legislation which was highlighted at this time.
20

21 **4. Planning Commission Workshop at Sonoma State, February 1, 2020**

22
23 The Planning Commission was also provided information on the upcoming Planning
24 Commission Workshop at Sonoma State scheduled for February 1, 2020. There
25 was money in the budget for Commissioners to attend the seminar and interested
26 Commissioners were encouraged to contact staff.
27

28 Commissioner Kurrent reported the League of California Cities had scheduled a
29 Planning Commissioners Academy in the City of Sacramento on March 4 through 6,
30 2020.
31

32 Commissioner Murphy thanked staff for all of the updates. He asked for a future
33 agenda item to include a discussion of the impacts of natural gas on the City and the
34 environment, particularly as new single-family homes were built.
35

36 Ms. Miller also provided an update on a bulldozer that had been behind Pinole Shores
37 Business Park II to place surplus fill from the Pinole-Hercules Wastewater Treatment
38 Plant, which work had been completed. The Wastewater Treatment Plant was also
39 near completion.
40

41 Mr. Hanham stated staff would review the request for a future discussion on the use
42 of natural gas.
43

44 Commissioner Flashman asked why there had been a gap in Planning Commission
45 meetings. She suggested that Planning Commission meetings should not be

1 cancelled and that the time should be used more effectively to discuss important
2 topics such as the General Plan or updates on various topics and issues.
3
4
5

6 Mr. Hanham advised that meetings were typically canceled in the event there were
7 no items for the Planning Commission to consider for action. Items of interest could
8 be discussed during future meetings upon direction from the Planning Commission.
9

10 Mr. Hanham encouraged Commissioners to contact him via e-mail with any topics
11 Commissioners would like to discuss in the future.
12

13 Commissioner Kurrent identified a typographical error on the meeting agenda. The
14 next meeting of the Planning Commission would be held on *January 27, 2020*.
15

16 **I. COMMUNICATIONS:** None
17

18 **J. NEXT MEETING**
19

20 The next meeting of the Planning Commission to be a Regular Meeting to be held
21 on Monday, January 27, 2020 at 7:00 P.M.
22

23 **K. ADJOURNMENT:** 9:20 P.M.
24

25 Transcribed by:
26
27

28 Sherri D. Lewis
29 Transcriber
30