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

5
6 **March 22, 2021**
7

8 **DUE TO THE STATE OF CALIFORNIA'S DECLARATION OF EMERGENCY – THIS**
9 **MEETING WAS HELD PURSUANT TO AUTHORIZATION FROM GOVERNOR**
10 **NEWSOM'S EXECUTIVE ORDERS – CITY COUNCIL AND COMMISSION MEETINGS**
11 **WERE NO LONGER OPEN TO IN-PERSON ATTENDANCE. THE MEETING WAS**
12 **HELD VIA ZOOM TELECONFERENCE.**
13

14
15 **A. CALL TO ORDER:** 7:01 P.M.
16

17 **B. PLEDGE OF ALLEGIANCE AND ROLL CALL**
18

19 Commissioners Present: Banuelos*, Benzuly, Flashman, Martinez, Moriarty,
20 Wong, Chair Kurrent
21 *Arrived after Roll Call
22

23 Commissioners Absent: None
24

25 Staff Present: David Hanham, Planning Manager
26 Justin Shiu, Contract Planner
27 Alex Mog, Assistant City Attorney
28

29 The Planning Commission welcomed new Planning Commissioners Tim Banuelos
30 and Frankie Martinez who introduced themselves and looked forward to working with
31 the Planning Commission.
32

33 **C. CITIZENS TO BE HEARD:**
34

35 The following speaker submitted written comments via email that were read into
36 the record and would be filed with the agenda packet for this meeting: **Rafael**
37 **Menis.**
38

39 **D. MEETING MINUTES:**
40

41 1. Planning Commission Meeting Minutes from February 22, 2021
42

43 **MOTION** by a Roll Call vote to adopt the Planning Commission Meeting Minutes from
44 February 22, 2021, as submitted.
45

1 **MOTION: Banuelos**

2 **SECONDED: Moriarty**

3 **APPROVED: 7-0**

4 Commissioner Benzuly reported he would have to recuse himself from the
5 discussion of Item E1 since he lived within the proximity of the proposed project.
6 He muted his microphone at this time.

7 **E. PUBLIC HEARINGS:**

8
9 **1. Design Review 20-08: New Single-Family Residence and Accessory**
10 **Dwelling Unit on a Vacant Lot**

11
12 **Request:** Consideration of a design review request to construct an
13 approximately 4,233 square foot single-family home, consisting
14 of 2,579 square feet of living area for the single-family
15 residence, a 655 square foot two-car garage, and a 999 square
16 foot accessory dwelling unit, on a 7,500 square foot vacant lot
17 in the R-1 District

18
19 **Applicant:** Rico and Dena Debenedetti
20 29 Burning Tree Court
21 Napa, CA 94558

22
23 **Location:** 8 N. Rancho Court (APN: 430-240-025)

24
25 **Planner:** David Hanham

26
27 Planning Manager David Hanham clarified that contrary to the description on the
28 meeting agenda the single-family residence would be approximately 2,515 square
29 feet of living area, the garage 687 square feet, and the Accessory Dwelling Unit
30 (ADU) 977 square feet in size with two bedrooms to be designed as part of the
31 residence on the lower level.

32
33 Mr. Hanham presented the staff report dated March 22, 2021, and recommended the
34 Planning Commission adopt Resolution 21-03 approving Design Review DR-20-08
35 conditionally approving development of a new single-family residence at 8 N. Rancho
36 Court, subject to the conditions of approval contained in Exhibit A to Attachment A.

37
38 Mr. Hanham and the applicant, Rico Debenedetti, 29 Burning Tree Court, Napa,
39 clarified the following:

- 40
41
 - The property included a slope that *rises from the rear of the property to N.*
42 *Rancho Court* contrary to a statement in the Background section shown on
43 Page 3 of the staff report, which stated the property had a slope that rises
44 from N. Rancho Court to the rear of the property.

- The proposed project would have a minimum of *three* covered parking spaces.
- The ADU involved no additional parking requirements.
- Most of the homes in the neighborhood of N. Rancho Court had pitched roofs.
- Bedroom five as identified on Plan A17 was part of the ADU.
- The three-car garage included a 10-foot plate line with the solar panels to sit on the master bedroom wing which sits behind the garage on a 9-foot plate line. The solar panels would be mounted on the rear portion on a one-foot standoff which would not be visible from the street.
- The home had been designed as a four-bedroom home with an ADU or alternatively it could be used as a five-bedroom home.
- Concerns whether the site plans were adequate were noted and the City's site plan requirements were detailed.

PUBLIC HEARING OPENED

Mr. Debenedetti clarified again in response to concerns with the adequacy of the submitted site plans that he had provided all information but it was not all on the same site plan. As an example, the stairs coming down the southern side of the property were four feet in width in a five-foot setback. Had he shown the stairs, he would not have been able to show the existing contours. The site plan had identified the contours, utilities and actual structures, including decks, upper and lower floors and the like. The landscape plan had identified the hardscape and landscaping.

Mr. Debenedetti explained that the home had originally been designed as a five-bedroom residence. The ADU would be beneficial to a future homebuyer, and while it remained to be seen there was the possibility he may reside in the home himself. He acknowledged a neighbor to the south had been concerned that the rear of the home would block views and in response he had taken the northern portion of the building (a bedroom wing) and pulled it five feet back to the rear. Story poles had been installed and photographs provided to staff and to his neighbors. He understood they were comfortable with what he had proposed. He described the home design as a modern style with a flat roof.

Experienced with spec home development in the Bay Area, Mr. Debenedetti explained the design of the home had been based on the desires of typical homebuyers and the current marketplace. While the modern style was different, it fit into the current marketplace. He clarified that while the staff report had identified a tile roof, the roof would be flat with a TPO product membrane and would not be tile.

1 The following speakers submitted written comments via email that were read into
2 the record and would be filed with the agenda packet for this meeting: **Omera Naz,**
3 and **Lorena Tornai.**
4

5 Mr. Debenedetti expressed surprise with some of the comments. He disagreed with
6 Ms. Naz's comments that he had not moved the building since he had moved the
7 building precisely to suit her, had discussed this issue on three different occasions,
8 and had made a presentation to the neighbors as a whole. He understood the
9 neighbors had raised concerns with Mr. Hanham and their main opposition was to
10 the ADU. Residents needed to understand that pursuant to State law the
11 Homeowner's Association (HOA) could not prevent the building of the ADU, and in
12 fact the HOA had approved both the project design and the ADU. He suggested Ms.
13 Naz did not want a home built on the property at all.
14

15 In response to the comments from Ms. Tornai, Mr. Debenedetti stated her comments
16 regarding the size of the home did not make sense since the mass of the proposed
17 home would be smaller from the rear than any of the other adjacent properties that
18 could be viewed from the hill.
19

20 PUBLIC HEARING CLOSED

21

22 The Planning Commission discussed DR-20-08 and offered the following comments
23 and/or direction to staff:
24

- 25 • While the flat roof and modern design may not completely fit with the existing
26 homes in the neighborhood which consisted of pitched roofs, the majority of
27 the homes in the HOA were of a custom design. Suggested the home would
28 fit into the neighborhood, the slope helped a bit, and had no concerns with the
29 potential for additional runoff since no one on the back side would be impacted
30 by the home. Acknowledged the neighbors' concerns with the building design
31 and mass, but noted that homes in El Sobrante, which was on the city limits
32 of the project site, included slightly older homes which had been developed
33 differently but which could also fit into this particular area. Supported the
34 project. (Wong).
35
- 36 • Liked the flat roof design and described the City of Pinole as consisting of
37 different types of building designs over decades of time. While the home was
38 different than the homes around it, had no problem with the building design.
39 In terms of the height and bulk, it was well below the height requirements,
40 hidden from view, did not appear that tall from the rear, and with the way the
41 main levels and the rear of the property had been handled, it helped the home
42 go coast to coast on the side setbacks. Pointed out that with the stairs four
43 feet wide with five-foot setbacks, once you reached the cans it dropped to
44 around 30-inches, which appeared tight but which was not too visible since it
45 was downhill from the front. (Banuelos)

- Liked the large fascia's, clerestory on the top, but suggested the overhangs in the center could be made longer; liked the tower element in the front, but was uncertain how it would work during rainy periods given the lack of protection; liked the interior gallery clerestory windows in the middle which would provide light from the top; and liked that the solar panels would not be clearly visible and the general look of the window placement worked well. Clarified with the applicant the garage door would consist of steel and frosted glass which went well with the home design, with the upper deck railings upper portion to consist of a glass material, although the bottom portion which had pickets was a concern given the lack of consistency in the materials. Found that the neighbor's home to the south would stick out more than the subject property and recognized the applicant had pulled the home back to address the neighbors' concerns. Found the bulk of the home had been handled well with the edges detailed, liked the lighting into the home, the flexibility of an extra floor which could easily be flipped into an ADU and which had been integrated well into the home placed on the lower level. Suggested the single-car garage could be assigned to the ADU. Found the overall detailing of the building and landscaping offered nice features which went with the modern style proposed. Recognized the applicant had made an attempt to work with the neighbors to address concerns. Supported the project. (Banuelos)

Mr. Debenedetti clarified pursuant to the soils report that the Soils Engineer had directed that all runoff be directed towards the front of the property, with the gutter system designed to come to the front of the building to dissipation pads on either side of the property, with less runoff from the rear hill once the home had been built. He also clarified the HOA owned the open space behind the property.

- Had the home been built with a traditional roof it would have been much taller and the decision to bring it down to one story with a flat roof helped to address view impacts in the neighborhood. Liked the inclusion of solar and green building materials and the ADU given the need for housing. Supported the concept and moving the project forward. (Martinez)
- Found the design to be beautiful, liked the modern aesthetic, and while it looked different from the rest of the neighborhood recognized there would be different homes coming in at different times. Recognized State law regarding ADUs, appreciated an ADU had been included as an option, but hoped it would be used that way. Looked forward to the development of the home. (Flashman)
- Appreciated the soils report required the drainage to run through to the front of the property but rather than stamped concrete in the front encouraged the applicant to consider the use of permeable pavement or block to bring the drainage down into the soil and out of the street. (Moriarty)

1 Mr. DeBenedetti explained that he could consider the use of sated concrete with a
2 Mexican pebble which was washed off, and while pavers could also be considered
3 they had been planned for the entry patio and he did not want to overwhelm and use
4 too much of the same material.
5

- 6 • Found the general design of the home to be great, liked the inclusion of a
7 bocce court, and clarified with the applicant the access to the ADU would be
8 off the three-car garage where a doorway entered and opened into a vestibule
9 leading down the stairs to the in-law unit. The door to the vestibule also
10 entered into the kitchen. It was possible to lock the door from the kitchen to
11 the vestibule so the tenant of the downstairs ADU could park in the driveway
12 or garage and enter the doorway from the vestibule into the unit. Access for
13 a guest to the ADU was also described as was the second fire exit. Liked the
14 fenestration proposed and appreciated the applicant had worked with the
15 neighbors to mitigate concerns. (Moriarty)
16
- 17 • Suggested permeable pavers may not be the best solution for the front which
18 may undermine the foundation. (Banuelos)
19
- 20 • Suggested the applicant had done his homework, spoken to his neighbors,
21 proposed a great design, and the ADU would be a nice place to live with a
22 nice deck with views of the hills. (Kurrent)
23

24 **MOTION** by a Roll Call Vote to adopt Resolution 21-03, A Resolution of the
25 Planning Commission, of the City of Pinole, County of Contra Costa, State of
26 California, Approving a Design Review Request (DR-20-08) to Construct a New
27 Single-Family Residence at 8 N. Rancho Court, APN: 430-240-025, subject to
28 Exhibit A, Conditions of Approval.
29

30 **MOTION: Banuelos**

SECONDED: Wong

APPROVED: 6-0-1
ABSTAIN: Benzuly

31
32
33 Chair Kurrent identified the 10-day appeal process of a decision of the Planning
34 Commission in writing to the City Clerk.
35

36 Commissioner Benzuly rejoined the Planning Commission via Zoom.
37

38 Commissioner Flashman recused herself from the discussion of item E2, since she
39 lived within the proximity of the project site. She muted her microphone at this
40 time.
41

42 **2. Design Review 21-03: Relocation of a Residence onto a Vacant Lot**

43
44 **Request:** Consideration of a design review request to relocate an existing
45 residential building onto a 10,000 square foot vacant lot in the

1 R-1 District. The building consists of approximately 2,596
2 square feet of living space, which would be split between a main
3 residence upper level and an accessory dwelling unit lower
4 level. A new 400 square foot carport is proposed on site.
5

6 **Applicant:** Tom White
7 2024 Parker Street
8 Berkeley, CA 94704
9

10 **Location:** 2525 Brandt Court (APN: 401-192-016)
11

12 **Planner:** Justin Shiu
13

14 Contract Planner Justin Shiu presented the staff report dated March 22, 2021, and
15 recommended the Planning Commission adopt Resolution 21-04 for Design Review
16 DR-21-03 conditionally approving the relocation and establishment of a single-family
17 residence at 2525 Brandt Court, subject to the conditions of approval contained in
18 Exhibit A to Attachment A.
19

20 Responding to the Commission, Messieurs Shiu and Hanham and Assistant City
21 Attorney Alex Mog clarified the following:
22

- 23 • The home had been listed on the National Register of Historic Places as part
24 of a district and if moved would no longer contribute to the district.
25
- 26 • Pinole Old Town Design Guidelines applied to the project and could be
27 codified and included as a condition of approval.
28
- 29 • The project met the minimum parking requirements via a proposed carport
30 pursuant to the Pinole Municipal Code (PMC) and a garage had not been
31 required. The applicant could clarify the covered parking choice.
32
- 33 • A Lot Line Adjustment (LLA) had merged the existing lot lines with no change
34 to the curve as part of the project. Staff was unaware whether the applicant
35 could be required to make the court round since the lots had not been set up
36 in that fashion. The City required the installation of curbs, gutters and
37 sidewalks for all new development projects. As part of this Design Review,
38 the City may require a LLA to allow curbs, gutters and sidewalks to be installed
39 and in this case, curbs and gutters had been required but only to match the
40 existing street. Staff would have to review the PMC to determine whether a
41 curved sidewalk would be required.
42

43 Mr. Mog advised after a review of the PMC there was no basis for the City to require
44 the property owner to dedicate more land for a street, only to dedicate property to
45 finish the sidewalk.

- The outside entrance to the ADU would be through three large glass doors closer to the front of the property.
- Pursuant to Sheet A1.0, the reference to *daylight at curb* referred to a pipe that came out in the gutter as opposed to directly to a storm drain.

PUBLIC HEARING OPENED

Tom White, the applicant, 2024 Parker Street, Berkeley, reported the Hercules Historical Society had originally approached him to move the building off the corporation yard since he and his partner had experience moving historical landmarks. He highlighted his approximate 30 years of experience of restoring historic homes in the cities of San Francisco and Berkeley.

Mr. White commented that the people of Pinole had long demonstrated an interest in preserving significant historic buildings which contributed to the distinctive character of the Old Town District. The subject building had been registered as Building No. 54 in the National Register of Historic Places. The goal was to rescue, restore, and help the rebirth of the building on Brandt Court and save it from demolition. He planned to reside in the property and reiterated his experience relocating historic buildings with nationally known historic house movers. The weight and route for the relocation of the subject building had been discussed with Comcast and City staff.

In response to the Commission, Mr. White hoped to move the building prior to the end of the summer. He detailed what had drawn him to the project having been invited to present a proposal to the City of Hercules, which had placed the home in the public record as needing to be moved or it would be demolished, and the support from the Hercules City Council to move the building. He was familiar with such structures which were built out of old growth Douglas fir and redwood, with the building having been inspected as to how it could be moved. The property had also been located on a slope at its original location in the City of Hercules near the California Powder Works Offices with a downstairs entrance and with parking at the rear. The Brandt Court location in Pinole had no need for a historical appearing garage, which was why a carport had been proposed but it could be considered if required by the Planning Commission.

Mr. White added that the subject site had been chosen since there were two lots that could be merged consistent with the City's Design Guidelines and located about a mile from the original site. The intent was to keep as much of the exterior as possible. Photovoltaics had also been proposed with the project to be as green as possible with all electric and potential battery backup. As much of the detail inside and out would be retained but the ground floor would be all new with the ground floor trim to mirror the original trim above as much as possible. The blue color for the home had been chosen based on personal preference and tours of Victorian homes. The blue color symbolized a new life and would stand out.

1 Mr. White commented that while the design of the carport could be re-examined, he
2 preferred not to take up green space for the use of vehicles given the intent for a
3 walkable experience to Kaiser, Sprouts and the downtown. He pointed out that
4 vehicles were currently parking on Brandt Court. As to whether a plaque could be
5 installed to describe the historic nature of the property, he stated whatever was
6 consistent with the Old Town Design Guidelines could be considered.
7

8 The following speakers submitted written comments via email that were read into
9 the record and would be filed with the agenda packet for this meeting: **Stephen**
10 **Lawton; Darrell Jay Tucker; Robert Reber, Community Development**
11 **Director, City of Hercules; Anil Aryal; Michael Baum and Lori Miller; Dimari**
12 **and Fiona Epps; Sheila Jackson; Alex and Nita Jason; Danielle and Norman**
13 **Linsy; and Rafael Menis.**
14

15 Messieurs Hanham, Shiu and Mog provided clarification in response to some of the
16 public comments received specifically related to the status of the City's proposed
17 Historic Preservation Overlay District (HPO). Any home moved onto any property in
18 the HPO District would be evaluated based on the Old Town Design Guidelines,
19 although staff pointed out the City Council had not yet adopted the HPO District and
20 there was no application on file for this particular proposal.
21

22 Chair Kurrent also responded to questions related to the ADU and emphasized the
23 City had no discretion about ADUs given State requirements; the parking
24 requirements were also clarified with the project meeting the minimum required
25 parking; concerns with the turning radius of the street were not part of the project
26 since the applicant was only required to provide curbs and sidewalks on existing
27 property lines; the condition of the pavement was a citywide issue; the existence of
28 a telephone pole which blocked a neighbor's access to the driveway had no nexus
29 to the subject project and was an existing issue; and there was acknowledgment of
30 legitimate concerns with the drainage related to the project.
31

32 Mr. Mog confirmed the City had no authority to restrict or prevent ADUs; the existing
33 utility pole was not owned or maintained by the City and was regulated by the
34 California Public Utilities Commission (PUC) and the City had no authority to require
35 its removal or relocation; no wires crossed the subject property with no nexus
36 requiring the utility pole to be placed underground; and the situation with the
37 telephone pole in front of the neighbor's garage was an unusual situation and it was
38 possible the garage had been built with the telephone pole installed in front of it after
39 the fact.
40

41 Mr. White added in response to public comments almost all of the trees would be
42 preserved on the property; the footprint took up 20 percent of the total land area of
43 10,000 square feet; and the drainage would be addressed as part of the civil
44 engineering for the project by a Pinole-based surveyor and engineer familiar with the
45 land. He suggested a historic and restored home reflecting the Old Town Design
46 Guidelines would increase neighbors' property values.

1 Mr. White noted the condition of the pavement was not something he could address
2 but he looked forward to working with the Planning Department during the plan review
3 stage of the project.
4

5 PUBLIC HEARING CLOSED 6

7 The Planning Commission discussed DR-21-03 and offered the following comments
8 and/or direction to staff:
9

- 10 • Found that many of the neighbors' concerns were not within the authority of
11 the Planning Commission to enforce; recognized the desire for the cul-de-sac
12 to be completed but suggested the requirement for a complete cul-de-sac
13 would likely impact the adjacent neighbor; suggested the drainage issues
14 could be resolved; preferred an enclosed parking garage rather than a carport
15 given the adjacent homes had separate enclosed garages and the applicant
16 had indicated the willingness to consider an enclosed garage; liked the home
17 and the necessary upgrades and found it would be a wonderful addition to
18 Pinole; and found many of the design elements had been addressed within
19 the context and size of the home which was compatible with the surrounding
20 area. Supported the approval of the project. (Wong)
21
- 22 • Recommended Condition 14 of Exhibit A be modified to include the following
23 additional statement reading: *Special attention shall be paid to mitigating*
24 *drainage into neighboring properties.* (Kurrent)
25

26 By consensus, the Planning Commission accepted the modification to Condition 14
27 as proposed by the Chair.
28

29 The Planning Commission discussed the question of whether a carport or an
30 enclosed garage should be required at length and Commissioner Benzuly suggested
31 whatever was chosen should be in line with the aesthetic of the structure.
32

33 Commissioner Banuelos suggested it could be either way but garages were typically
34 filled with stored items with vehicles intended for the garage parked on the street. If
35 there was a carport, someone would be more likely to park in the area and contextual
36 changes to the carport would go a long way to improve its appearance.
37

38 Chair Kurrent noted a carport would not require walls and would not require extra
39 space for entering and exiting a vehicle.
40

41 Commissioner Wong suggested the carport design was similar to homes in the
42 Kensington area of older homes and sloped situations and possibly a change to the
43 roof design matching the home may mitigate the concerns with the design of the
44 carport.
45

1 Commissioner Moriarty recognized the applicant had a real feel for historical houses
2 and should be able to find a design more in keeping with the project.

3
4 Commissioner Martinez was familiar with the neighborhood and acknowledged there
5 were more cars on the street, but Brandt Court was a cul-de-sac and a tight lot to
6 maneuver around. Given the neighbors' concerns, it would be nice to find a way to
7 ensure that vehicles parked on the property used the driveway as much as possible.

8
9 Mr. Hanham commented that with the parking spot in the carport and the driveway
10 the applicant had the ability to park four vehicles. There was parking already in front
11 of the property and there was room for additional parking on the street for anyone
12 including other properties on the street.

13
14 Chair Kurrent suggested the advantage of a carport was that more people would park
15 there but he was uncertain how to make it more attractive, and Mr. Hanham
16 suggested a condition could be added or there could be requirements that the carport
17 include some additional design enhancements not to exactly match the home but
18 draw the eye to the home with more architectural features.

19
20 By consensus, the Planning Commission recommended that the covered parking
21 structure (carport) be redesigned.

22
23 Mr. Hanham suggested an additional sentence could be added to Condition 3 to
24 read: *The applicant shall submit additional drawings for the covered parking*
25 *structure to be approved by staff.* Or the plans could be reviewed by the Planning
26 Commission Development Review Subcommittee, which committee could be called
27 to meet at any time.

28
29 Mr. Mog suggested that the additional sentence to be added to Condition 3 be revised
30 to read: *The applicant shall submit revised architectural plans for the covered parking*
31 *structure to be approved by the Development Services Department in consultation*
32 *with the Planning Commission Development Review Subcommittee.*

33
34 In response to Commissioner Moriarty's recommendation for an additional condition
35 that the project comply with the Old Town Design Guidelines, Mr. Mog advised that
36 the Old Town Design Guidelines would be applied at the point of design review. If
37 the design was approved at this time, there was no point to apply them later;
38 however, any modifications to Condition 3 would require review by the Planning
39 Manager and would be subject to the Old Town Design Guidelines.

40
41 Commissioners Benzuly, Moriarty and Chair Kurrent supported the language
42 proposed by Mr. Mog but Commissioner Banuelos did not find the additional
43 modification to be necessary.

44
45 Mr. Mog reiterated his recommendation that Condition 3 be further modified with the
46 last sentence modified to read:

1 *Any modifications must be consistent with the Old Town Design Guidelines and*
2 *reviewed by the Planning Manager who shall determine whether the modification*
3 *requires additional approval of the Planning Commission.*
4

5 Commissioner Moriarty commended the applicant for preserving the trees on the
6 property. She was pleased conditions had been proposed to address the
7 landscaping, including the trees. She urged the applicant to work with the neighbors
8 as much as possible.
9

10 Chair Kurrent asked whether or not the entrance to the ADU being a sliding door
11 should be modified to be a more secure door but there were no additional comments
12 or recommendations for modification from Planning Commissioners on this design
13 element.
14

15 **MOTION** by a Roll Call Vote to adopt Resolution 21-04, A Resolution of the
16 Planning Commission, of the City of Pinole, County of Contra Costa, State of
17 California, Approving a Design Review Request (DR-21-03) For Relocation of a
18 Residence onto a Vacant Lot at 2525 Brandt Court, APN: 401-192-016, subject to
19 Exhibit A, Conditions of Approval, and subject to the following modifications:
20

- 21 • Condition 14 to include an additional statement to read:
22 *Special attention shall be paid to mitigating drainage into neighboring*
23 *properties.*
24
- 25 • Condition 3 to include an additional statement to read:
26 *The applicant shall submit revised architectural plans for the covered parking*
27 *structure to be approved by the Development Services Department in*
28 *consultation with the Planning Commission Development Review*
29 *Subcommittee.*
30
- 31 • The last sentence of Condition 3 modified to read:
32 *Any modifications must be consistent with the Old Town Design Guidelines*
33 *and reviewed by the Planning Manager who shall determine whether the*
34 *modification requires additional approval of the Planning Commission.*
35

36 **MOTION: Wong**

SECONDED: Banuelos

APPROVED: 6-0-1
ABSTAIN: Flashman

37
38
39 Chair Kurrent identified the 10-day appeal process of a decision of the Planning
40 Commission in writing to the City Clerk.
41

42 Commissioner Flashman rejoined the meeting via Zoom.
43

44 **F. OLD BUSINESS: None**
45

1 **G. NEW BUSINESS:**

2
3 **1. Approval of Modified Landscape and Tree Mitigation Plan for East Bay**
4 **Ophthalmology Center (1289 Pinole Valley Road)**
5

6 Mr. Hanham presented the staff report dated March 22, 2021, and recommended
7 the Planning Commission adopt Resolution 21-05 approving the Modified
8 Landscape and Tree Mitigation Plan for 1289 Pinole Valley Road, as shown in
9 Attachment D, Proposed Landscape Plan dated March 14, 2021, and with Exhibit
10 A: Conditions of Approval.
11

12 Responding to the Commission, Mr. Hanham clarified his understanding as part of
13 the May 20, 2019 Planning Commission Development Review Subcommittee
14 review, the consideration of planting vines had not been part of any of the
15 approvals given to the applicant at that time. He noted he had not been a member
16 of City staff at that time. During the May 20, 2019 meeting, the ultimate removal
17 of four Live Oak trees on the property had likely not been an issue at that time
18 since the location of the trees and placement of other infrastructure was unknown.
19 Based on the completeness of original Condition 63, it had not addressed the
20 removal of the Live Oak trees (which had been allowed by the City via an approved
21 Tree Removal Permit approved in September 2020).
22

23 On the discussion, Mr. Mog confirmed the Planning Commission may decide the
24 appropriate location to place the replacement trees on the property.
25

26 Dr. Scott Lee, East Bay Ophthalmology Center, 1289 Pinole Valley Road, Pinole,
27 reported he had worked closely with the Planning Manager in terms of addressing
28 the Planning Commission's concerns, and his arborist was present to address any
29 concerns. He had been equally appalled with the eyesore of the Pinole Valley
30 Road elevation and had discussed with his arborist the best tree species to plant
31 on that elevation to block the views of the white façade of the building as much as
32 possible. The conclusion was to provide Italian Cypress, which had been planted
33 as densely as possible to ensure the structure blended in with the back, with any
34 structure that could be an eyesore to also be painted white in color to be screened
35 from view. He hoped the Planning Commission was pleased with the modified
36 landscape plans.
37

38 **PUBLIC COMMENTS OPENED**
39

40 The following speakers submitted written comments via email that were read into
41 the record and would be filed with the agenda packet for this meeting: ***Jim and***
42 ***the Neighbors; Friends; Concerned Citizens of Pinole.***
43

44 **PUBLIC COMMENTS CLOSED**
45
46

1 Chair Kurrent disliked the fact that the tree species proposed as alternates were
2 deciduous for most of the year. He preferred that a green screen be considered
3 or that something be painted to resolve the issue.
4

5 Dr. Lee reported there were plans to repaint over everything to ensure it matched
6 uniformly and was not an eyesore. Painting the conduit structure with the same
7 white color should help. He commented that everything he had done as part of the
8 process, which had started in 2015, had been to engage the Planning Commission.
9 He emphasized he had done his best to please the Planning Commission and the
10 neighbors and his patients had campaigned to have the building approved. He
11 realized the importance of this matter and the Planning Commission's vital role
12 regarding the City's appearance. He pointed out he had hired an arborist at the
13 City's request to ensure that the trees selected were what the Planning
14 Commission wished to have. The tree species identified in the staff report had
15 been selected because they were colorful, native to the region, and were what the
16 Planning Commission wanted to see. He had done everything according to the
17 staff specifications and what he perceived the Planning Commission wanted. He
18 hoped the Planning Commission supported the modified plans allowing him to
19 move into his building and be able to serve his patients.
20

21 Thomas Dodge, Arborist, explained that he had come to the project a few weeks
22 ago and had responded to Dr. Lee's request for trees that would add color and do
23 well in the area. He had selected tree species that could be placed closer to the
24 building in an upright form, with the western redbud to be planted closer to the
25 sidewalk in the front. He had operated on the assumption that everything that had
26 previously been approved remained the case, meaning there were five trees which
27 had not been planted and which was why he had chosen three trees along the wall
28 that could be spread out. He stated the western redbud would offer a nice form.
29 While the tree species proposed were all deciduous, there were seven evergreen
30 trees on the site and there was an option to relocate a couple of them to help
31 disguise the electrical conduit on the Pinole Valley Road elevation.
32

33 Commissioner Wong suggested the tree species were okay even though they were
34 all deciduous since there were evergreen species on the site. He agreed that the
35 electrical conduit boxes be painted white to blend in but he personally was not a
36 fan of the Italian Cypress which was very vertical and straight. If the other trees
37 blended in, out front and behind with the white paint color, it was not a bad idea.
38

39 Commissioner Moriarty understood that Dr. Lee had been caught between
40 transitions between the Planning Commission and the Planning Department. She
41 recognized the desire to make the project work. She pointed out the Planning
42 Commission had been very clear that it wanted things to be softened, and what
43 had been approved was not what had been planted. She commented that
44 madrone tree species, which had been part of the original tree species, had not
45 been included as an option and she clarified with Mr. Dodge that madrones were
46 deciduous and a wider species.

1 Mr. Dodge explained that the madrone tree species had color and nice fruit but
2 noted if some of the Italian Cypress were to remain they would be limited to where
3 the madrone tree species could be planted.
4

5 Commissioner Moriarty recommended madrones and western redbuds trees be
6 planted at the eastern corner of Henry Avenue since trees had originally been
7 intended to cover the infrastructure. There were no trees currently on Henry
8 Avenue and she would like trees planted on the corner where one entered the
9 driveway. While she wanted madrones brought into the front, she recognized that
10 some of the Italian Cypress may have to be removed. She also suggested of the
11 list of revised tree species proposed by the applicant, the California buckeye was
12 not a good option since they were dirty and leafless at the wrong time of the year.
13

14 Commissioner Moriarty wanted to see trees planted around the Pinole Valley Road
15 elevation at the corner closest to the bowling alley to mitigate that corner and
16 suggested wider branching trees should be considered. If the desire was to keep
17 using two types of trees, she expressed a preference for the madrones and a multi-
18 trunk western redbud.
19

20 Commissioner Wong liked those recommendations and suggested some of the
21 Italian Cypress on the east elevation could be removed since they were too
22 vertical. He liked the idea of a tree species that was wider and more spread out to
23 break up the mass of the building.
24

25 Mr. Dodge explained that the Italian Cypress played a role in that they were one
26 of the tree species that changed the sight line, particularly in the area of the
27 electrical conduit. He suggested the recommendation for the madrone and the
28 western redbud in the front were good but they would be limited on the number
29 that could be planted. When asked, he could not speak to the original landscape
30 plan since he had not been part of the project from its inception.
31

32 Mr. Hanham clarified that the Live Oak trees had been intended to be used to
33 screen the building on the Pinole Valley Road elevation and once removed it had
34 opened that side of the building.
35

36 Commissioner Flashman clarified with staff the Italian Cypress had not been
37 approved by the Planning Commission. She acknowledged Dr. Lee's frustration,
38 although the Planning Commission was also frustrated. Trees had been planted
39 which were not part of the approved plan and the Planning Commission was not
40 supportive of that change. She questioned how they could now negotiate
41 something that had been done without approval.
42

43 Mr. Hanham reiterated the decisions made during the May 2019 Planning
44 Commission Development Review Subcommittee review and what had led to the
45 request for a tree removal permit for the removal of four Live Oak trees, which once
46 done had opened up views of the building.

1 The only tree species not approved were the Italian Cypress. As part of the
2 approval of the tree removal permit, the applicant had been required to replant the
3 trees based on a 3:1 replacement ratio, and the applicant planned to replace the
4 trees with 12 new trees. The applicant had proposed to use a number of different
5 tree species to mitigate the loss of the four Live Oaks, but the site was unable to
6 accommodate 12 trees and the applicant had mitigated for those 12 trees.
7

8 Commissioner Martinez agreed the California buckeye was a messy tree, took a
9 lot of room, and would not be appropriate for the site. Given the limited area and
10 the need not to damage the infrastructure of the building, he clarified with Mr.
11 Dodge that the madrone tree species could be accommodated. He disagreed that
12 everything that had already been planted should be removed and suggested two
13 of each of the western redbuds and madrones be considered to be spaced out
14 along the front but not be placed in a row.
15

16 Mr. Hanham wanted to bring the Planning Commission Development Review
17 Subcommittee a plan to ensure that the trees species were what the Planning
18 Commission wanted, with an identification of the size and location of each tree.
19

20 There was Planning Commission support for the staff recommendation with
21 Commissioners Moriarty and Martinez and Chair Kurrent expressing the
22 willingness to serve on the subcommittee.
23

24 Mr. Hanham suggested the Planning Commission decide on the trees species
25 desired and the subcommittee could then approve the plan which would not require
26 review by the full Planning Commission.
27

28 Commissioner Banuelos commented that he had discussions with Dr. Lee over the
29 years about the project as a member of the City Council. He had been very
30 disappointed with the way the building had turned out. He supported the
31 recommendations offered by Commissioner Moriarty.
32

33 Commissioner Moriarty asked the arborist to prepare some options in the hopes
34 that the subcommittee could meet as early as Monday, March 29, and Mr. Dodge
35 expressed the willingness to prepare something that could be forwarded to the
36 subcommittee by the end of the week.
37

38 Given the desire to move the matter forward, Commissioners Flashman, Moriarty,
39 and Martinez expressed the willingness to serve on the subcommittee and meet
40 at the site at 5:30 P.M. on Monday, March 29.
41

42 Mr. Mog recommended the Planning Commission make a motion that the Modified
43 Landscaping and Tree Mitigation Plan for East Bay Ophthalmology Center (1289
44 Pinole Valley Road), be approved by the Development Services Department in
45 consultation with an Ad Hoc Committee comprised of Commissioners Flashman,
46 Martinez and Moriarty.

1 In response to Dr. Lee's desire to move into the offices, Mr. Hanham advised he
2 had spoken with the Building Inspector and had been informed that equipment
3 could be moved into the offices with Dr. Lee to be issued a temporary occupancy
4 permit for the equipment only. After the equipment had been installed, everyone
5 must be out of the building until everything else had been completed. There were
6 other issues that were required to be finalized beyond the landscaping. He would
7 contact Dr. Lee during business hours to discuss the status of occupancy.

8
9 **MOTION** by a Roll Call Vote that the Modified Landscaping and Tree Mitigation
10 Plan for East Bay Ophthalmology Center (1289 Pinole Valley Road) be approved
11 by the Development Services Department in consultation with an Ad Hoc
12 Committee comprised of Commissioners Flashman, Martinez and Moriarty.

13
14 **MOTION: Moriarty SECONDED: Banuelos APPROVED: 7-0**

15
16 **H. CITY PLANNER'S / COMMISSIONERS' REPORT**

17
18 **1. Verbal Updates of Projects**

19
20 Mr. Hanham reported staff continued to work on three apartment complex
21 applications, with community outreach planned, and staff expected an application
22 for the Pinole Woods 50-unit project in the next few weeks. The Planning
23 Commission Development Review Subcommittee would be asked to review many
24 of these projects but the subcommittee currently only had two members with a third
25 member required to be appointed.

26
27 Mr. Mog recommended appointment of members to the Planning Commission
28 Development Review Subcommittee be agendaized for the next meeting.

29
30 Staff also expressed the willingness to provide the Planning Commission with a
31 link for the presentation of the project at 2801 Pinole Valley Road.

32
33 **I. COMMUNICATIONS: None**

34
35 **J. NEXT MEETING**

36
37 The next meeting of the Planning Commission to be a Regular Meeting to be held
38 on Monday, April 26, 2021 at 7:00 P.M.

39
40 **K. ADJOURNMENT: 11:29 P.M**

41
42 Transcribed by:

43
44 Sherri D. Lewis
45 Transcriber