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

5
6 **November 30, 2020**
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:** 7:02 P.M.
16

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

19 Commissioners Present: Benzuly, Flashman, Moriarty, Murphy, Wong, Chair
20 Kurrent
21

22 Commissioners Absent: None
23

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

28 Planning Manager David Hanham and the Planning Commission welcomed Adam
29 Benzuly to the Planning Commission.
30

31 **C. CITIZENS TO BE HEARD**
32

33 Planning Manager Hanham reported no comments had been received via e-mail
34 to be read into the record.
35

36 **D1. CONSENT CALENDAR:** None
37

38 **D2. MEETING MINUTES:**
39

- 40 1. Planning Commission Meeting Minutes from October 26, 2020
41 2. Planning Commission Meeting Minutes from October 27, 2020
42

43 Commissioner Moriarty requested an amendment to Lines 42 through 44 of Page 10
44 of the October 26, 2020 minutes, as follows:
45

1 *Ms. Contreras acknowledged a recommendation to increase the number of*
2 *bicycle racks, and the concerns with the modern appearance of the use*
3 *adjacent to the bank building.*
4

5 Planning Manager David Hanham advised he had a received a request via e-mail
6 from resident Rafael Menis to modify comments shown on Page 2 of the October 26,
7 2020 minutes, and in response Mr. Hanham recommended the following amendment
8 to Lines 30 through 33:
9

10 *As a result and due to the timing of when those meeting dates may occur,*
11 *which could occur after the election of Commissioner Murphy to the*
12 *City Council, Commissioner Murphy had decided not to participate in the*
13 *discussion.*
14

15 Commissioner Flashman requested an amendment to Lines 42 through 45 of Page
16 5 and onto Line 1 of Page 6, as follows:
17

18 *Recognition that the proposed lots would be smaller in size, and while some*
19 *lots in the area would be comparable in size the community was concerned*
20 *with the size of the homes given that the project would be a change in the*
21 *community and there was a need for green space and parks.*
22

23 **MOTION** by a Roll Call Vote to adopt the Planning Commission Meeting Minutes
24 from October 26, 2020, as amended and October 27, 2020, as submitted.
25

26 **MOTION: Moriarty**

SECONDED: Wong

APPROVED: 5-0-1
ABSTAIN: Benzuly

27
28
29 **E. PUBLIC HEARINGS:**
30

31 **1. Design Review 20-06 New Two-Story Single-Family Residence and**
32 **Accessory Dwelling Unit on a Vacant Lot**
33

34 **Request:** Consideration of a design review request to construct an
35 approximately 3,466 square foot two-story single-family home,
36 consisting of 2,131 square feet of living area, a 460 square foot
37 two-car garage, and an 875 square foot Accessory Dwelling
38 Unit (ADU), on a 6,087 square foot vacant lot in the R-1 District.
39

40 **Applicant:** Rogelio and Maria Del Toro
41 651 40th Street
42 Richmond, CA 94805
43

44 **Location:** 472 Limerick Road (APN: 403-500-020)
45

1 **Planner:** Justin Shiu

2 Contract Planner Justin Shiu provided a PowerPoint presentation of the staff report
3 dated November 30, 2020, and recommended the Planning Commission adopt
4 Resolution 20-19 for Design Review (DR) 20-06 conditionally approving
5 development of a new single-family residence at 472 Limerick Road, subject to the
6 conditions of approval as contained in Exhibit A to the staff report.

7
8 Responding to the Commission, Mr. Hanham and Mr. Shiu clarified the following:

- 9
- 10 • Staff was unaware of the history of the empty foundation on the adjacent
11 vacant lot to the project site.
 - 12
 - 13 • The project would be reviewed by the Building Department to ensure
14 compliance with all building standards including type of firewalls. The single-
15 family residence and ADU would be under the same ownership but had the
16 project involved two separate owners it was possible the Building Official
17 would have required a special rated firewall.
 - 18

19 Commissioner Wong stated pursuant to the most recent Building Code requirements,
20 if the ADU was attached to the building a one-hour rated firewall and flooring would
21 be required, although that should not impact the design.

22
23 Mr. Hanham advised the applicant was on-line via chat and had stated there would
24 be a firewall between the two units.

25
26 **PUBLIC HEARING OPENED**

27
28 Adolfo Martinez, Architect/Designer, advised that fire rating and sound proofing
29 would be provided between the ADU and the main residence. The home would be
30 occupied by the applicants/owners and the ADU would be occupied by their son.

31
32 The following speaker submitted written comments via e-mail that were read into the
33 record, to be filed with the agenda packet for this meeting: ***Raja Kumar.***

34
35 In response to the public comment, Mr. Shiu identified the building permit process,
36 appeal period of a decision of the Planning Commission, and a conceptual permitting
37 timeline. He asked the applicant to clarify the project construction schedule.

38
39 Mr. Martinez stated that once Planning Commission approval was received they
40 would commence with the design which could take about four weeks and would
41 concurrently work on Title 24 requirements. Given the project review requirements
42 and processes it was likely construction would not commence until February or
43 March 2021.

44
45 **PUBLIC HEARING CLOSED**

1 The Planning Commission discussed DR 20-06 and offered the following comments
2 and/or direction to staff:
3

- 4 • Recognized the lot had been vacant for some time and was pleased it would
5 be developed; based on the rendering provided the home appeared to be
6 massive but was found to be comparable with the surrounding neighborhood
7 which consisted of two-story homes ranging in size from 2,000 to 2,500
8 square feet; and found the concerns with firewalls had been resolved. Cited
9 Sheet A110.1, which had shown iron guard and hand rails to consist of vertical
10 iron bars and encouraged that design element to be incorporated into the
11 design for the guard rail system. (Wong)
12
- 13 • Appreciated the design aesthetic that was different from other residences.
14 (Murphy)
15
- 16 • Recognized the size of the home was large but acknowledged the limitations
17 placed on the Planning Commission due to State legislation regarding
18 approval of ADUs; liked the design which had mitigated the exterior staircase
19 through the use of Italian Cypress to provide privacy; commended the
20 applicant for the use of permeable paving and mulch landscaping; and
21 clarified with the applicant the details on Sheet A101.1 of the plans and the
22 areas that would be mulch, hardscape, and permeable pavers, with the
23 driveway to consist of pavers. (Moriarty)
24
- 25 • Appreciated the use of permeable pavers and also recognized the limitations
26 placed on the Planning Commission due to State legislation related to
27 approval of ADUs; appreciated the vacant lot would be developed; found the
28 design to be lovely, and while the home would be large in size it covered the
29 ADU component in a lovely way; and the project had offered a nice way to
30 create denser housing without the feel of denser housing. (Flashman)
31
- 32 • Appreciated the use of a vacant site and agreed the design was aesthetically
33 pleasing; cited Sheet A110.2, and clarified with the applicant the trees shown
34 in the rendering would mostly be mature at the time of construction and had
35 been intended to cover the ADU entrance, and there was also a large tree
36 located at the rear of the property. (Benzuly)
37
- 38 • Initially concerned with the size of the home but recognized homes on
39 Limerick Road were all two stories, and the new home not all that different
40 abutted a church parking lot. Remained concerned about the adjacent walls
41 between the ADU and the single-family residence and suggested that a new
42 Condition 29 be formalized to address concerns with the firewall. (Kurrent)
43

44 Assistant City Attorney Alex Mog stated the City was unable to impose conditions on
45 the ADU to require a fire wall greater than what the Building Code required.

Also, responding to the comments from the public that construction not be allowed to occur during the school year given the neighbor had a child at home distance learning, Mr. Mog noted the City did not restrict when construction may begin. Once the applicant had permit approval, building permits must be pulled before a specific period of time and design review approval would expire after one year if building permits were not pulled during that time. The City could not delay building permits.

Mr. Hanham commented that if the application was approved by the Planning Commission and given all of the City building requirements and other variables, he could foresee that even with an aggressive time schedule construction may not occur until early spring 2021.

The Planning Commission recognized the neighbor's concerns and the challenges due to the pandemic. The Commission encouraged the applicant to engage with the neighbor and the neighborhood to acknowledge the stresses that families were currently under at this time with the applicant to provide a realistic time frame when construction may occur.

MOTION by a Roll Call Vote to adopt Resolution 20-19, a Resolution of the Planning Commission of the City of Pinole, County of Contra Costa, State of California, Approving a Design Review Request (DR 20-06) to Construct a New Two-Story Single-Family Residence at 472 Limerick Road, APN: 403-500-020, subject to Exhibit A: Planning Commission Resolution 20-19, Conditions of Approval.

MOTION: Wong

SECONDED: Benzuly

APPROVED: 6-0

Chair Kurrent identified the 10-day appeal period of a decision of the Planning Commission in writing to the City Clerk.

F. OLD BUSINESS: None

G. NEW BUSINESS:

1. Discussion of Planning Commission Outreach Approaches

Mr. Hanham presented the memorandum dated November 30, 2020, and recommended a discussion of approaches to consider what would allow more public access to the Planning Commission.

Commissioner Flashman suggested the Planning Commission consider other meeting sites, when physical meetings were allowed to occur, to make it easier for neighbors to attend meetings and to increase the Commission's presence in the community. Much like the purpose of the Beautification Committee, she suggested a co-sponsored committee on engagement between the Planning Commission and the City Council.

1 Commissioner Flashman also recommended participation from high school
2 students interested in architecture and planning and the creation of a plan for
3 community engagement. She suggested this process was a start and referenced
4 the number of communities that had engaged in best practices of community and
5 civic engagement and planning, and noted that a great deal of information in that
6 regard was available on-line.
7

8 Commissioner Moriarty emphasized the need to get people involved in the
9 process. As the General Plan was revisited it would be a significant opportunity to
10 reach out to the community on engagement. She agreed a review of the best
11 practices Commissioner Flashman had referenced would be a good starting point.
12

13 Mr. Hanham advised the General Plan would be revisited in the next year or two
14 and would include extensive community input.
15

16 Commissioner Wong liked the idea of running concurrent Zoom meetings
17 whenever the Planning Commission resumed meeting in the Council Chambers
18 which would allow greater public participation and the ability for the public to
19 continue to comment on-line. He recognized greater public participation would
20 occur at such time as the General Plan was revisited and he too encouraged
21 engagement with younger generations and suggested potential opportunities for
22 Commissioners to meet outside of Zoom meetings and the Council Chambers to
23 better engage with the public with the knowledge that compliance with the Brown
24 Act would be required.
25

26 Commissioner Benzuly suggested the use of social media platforms such as
27 Twitter, Facebook, and Instagram to advertise public meetings and get the
28 message out to the public. He agreed reaching out to high school students and
29 others interested in architecture and engineering should be encouraged.
30

31 Chair Kurrent liked the idea of outreach to high school students and encouraged
32 the insertion of local government into the student curriculum. He referenced the
33 number of publicly active local groups in Pinole that provided outreach and should
34 be included in any outreach effort. He agreed there should be an increase in the
35 City's social media presence and he encouraged the City to consider a City
36 account on the NextDoor website. He also recommended the use of story board
37 signage in the community to advertise upcoming City Council and Planning
38 Commission hearings to be posted at specific project sites.
39

40 Commissioner Murphy agreed with the importance of the planning process and
41 improved community engagement. He referenced some projects that had shared
42 interests in the community where public input was needed, and he liked the
43 updates staff had provided on the General Plan and Specific Plans that had
44 allowed public input. He encouraged future topics of discussion to engage the
45 Commission and the community beyond specific applications and he agreed with
46 the recommendation to use social media platforms.

1 Commissioner Murphy recommended the livestream of public meetings on social
2 media such as Facebook, and he too liked the work of the Beautification
3 Committee and hoped that work could be emulated by the Planning Commission.
4

5 Mr. Hanham explained that the Development Review Subcommittee, which was a
6 standing committee of the Planning Commission, had typically been used to review
7 design review applications but could be used for other purposes and be tasked to
8 discuss all options.
9

10 The following speaker submitted written comments via e-mail that were read into the
11 record, to be filed with the agenda packet for this meeting: **Rafael Menis**.
12

13 Mr. Hanham responded to the public comment and reported that the City's website
14 would be enhanced in the next year for the Planning Division to ensure that
15 planning was inclusive, all in one area, and easier to navigate. He expressed the
16 willingness to take all of the comments discussed and bring them back to the
17 Planning Commission to consider the use of the Development Review
18 Subcommittee to start work on these items and see what could be achieved. He
19 would also work with staff on the Commission's schedule for 2021.
20

21 By consensus, the Planning Commission directed staff to follow the staff
22 recommendation with Commissioner Flashman to provide staff the information she
23 had referenced regarding communities that had engaged in best practices of
24 community and civic engagement and planning.
25

26 **2. Old Town Design Guidelines**

27

28 Mr. Hanham explained that the Old Town Design Guidelines had been provided
29 for Planning Commission informational purposes due to the fact there had been
30 recent discussions in the community regarding historic preservation, and the
31 Pinole Municipal Code (PMC) Update Subcommittee had conducted research on
32 historic preservation. The PMC Update Subcommittee had decided it was time to
33 create a Historic Preservation Ordinance. Staff asked the Commission to review
34 the Old Town Design Guidelines given that a Historic Preservation Ordinance
35 would be presented to the Commission in January 2021, and ultimately be
36 approved by the City Council.
37

38 Mr. Mog clarified the PMC Update Subcommittee had decided the approach for
39 historic preservation was to create a Historic Preservation Overlay District which
40 would apply to Old Town Pinole with other properties able to be added to the
41 Overlay District. Any property located in the Overlay District would be required to
42 comply with this extra level of design review and the Old Town Design Guidelines.
43 While the Old Town Design Guidelines had been adopted in 1997, they had not
44 been applied in the last ten years with any consistency. Adoption of a Historic
45 Preservation Overlay District would be a way to restart the application and enforce
46 the Old Town Design Guidelines to ensure the preservation of historic structures.

1 Commissioner Moriarty pointed out the Old Town Design Guidelines primarily
2 addressed new construction, and cited the discussion surrounding the Artisanal
3 Garden application as an example. The Old Town Design Guidelines were an
4 important part of planning and should be presented to applicants and architects to
5 ensure projects fit in with Old Town Pinole. She noted that a structure was
6 currently being remodeled at 2565 San Pablo Avenue and she had concerns with
7 the materials being used. She suggested the guidelines should be part of the
8 Planning Department's tool box.
9

10 Mr. Hanham suggested that a Historic Preservation Overlay District and the Old
11 Town Design Guidelines would be additional tools to help with enforcement. He
12 asked the Planning Commission to review the Old Town Design Guidelines and
13 provide input to staff prior to its January 2021 meeting as to whether or not some
14 of the terms used in the guidelines such as *would*, *should*, or *could*, as examples,
15 should be modified.
16

17 The following speaker submitted written comments via e-mail that were read into the
18 record, to be filed with the agenda packet for this meeting: **John Bender**.
19

20 Chair Kurrent encouraged Planning Commissioners to review the Old Town
21 Design Guidelines which would be discussed further by the Commission at its
22 January 2021 meeting.
23

24 Mr. Mog advised he would have to clarify whether or not Commissioners Flashman
25 and Moriarty had conflicts of interest since they lived within the proposed Historic
26 Preservation Overlay District but may have the ability to comment on the Old Town
27 Design Guidelines. He would provide that clarification to both Commissioners.
28

29 **3. Planning Commission Academy Takeaways**

30

31 Mr. Hanham explained that Commissioners Moriarty and Murphy had provided
32 their takeaways from the March 2020 Planning Commissioners Academy which
33 had previously been discussed but due to the pandemic had been delayed.
34

35 Commissioners Moriarty and Murphy provided an overview of the takeaways,
36 copies of which had been provided to the Planning Commission, answered
37 questions from the Commission, and clarified the goal had been to provide a
38 takeaway worksheet that could serve as a work plan including identification of who
39 would be responsible along with the expected timelines.
40

41 Chair Kurrent requested a standing agenda item to include a list of all approved
42 projects that could be provided on a future agenda rather than through an oral
43 report from staff each meeting.
44

45 When asked, Mr. Mog provided an overview and examples of ex-parté
46 communications.

H. CITY PLANNER'S / COMMISSIONERS' REPORT

1. Verbal Updates of Projects

Mr. Hanham reported staff had received an application for a 29-unit apartment complex at 2801 Pinole Valley Road, with an additional 10,000 square foot addition to a commercial building, new single-family project applications, and also had conversations with the developer of Pinole Woods. Staff continued to work with the applicant for the potential development of the former Doctor's Hospital property; the January 2021 Planning Commission meeting would include a parcel map application for Pinole Square; and staff continued to work with the applicants for the Pinole Vista project.

In response to Commissioner Moriarty, Mr. Shiu reported the applicant for Artisanal Garden/Casa Amada was working on the revision of an easement with the City. No building plans had been submitted at this time.

Mr. Hanham added staff had not received an updated landscape plan for Pinole Square. The City had reached an agreement with Dr. Lee for two trees to be planted on-site, the remainder to be addressed through the Tree Mitigation Fund, and the building would not be able to open until the approved landscaping plan had been provided.

Commissioner Moriarty sought more details on the Tree Mitigation Fund including how much was in the fund and what the funds could be used for, and Mr. Hanham understood there were currently no funds in the Tree Mitigation Fund but he would contact the Finance Department to verify that information.

Commissioner Flashman recommended in the future that discussions related to empty lots acknowledge native lands.

Commissioner Murphy thanked each Planning Commissioner for their individual expertise, the Chair for providing knowledge and leadership, and members of City staff who had provided their knowledge, assistance, and support during his tenure on the Planning Commission. He looked forward to continuing to work with the Planning Commission as a member of the City Council.

Planning Commissioners and staff also wished Commissioner Murphy well on his next endeavor as a member of the City Council, and welcomed Commissioner Benzuly to the Planning Commission.

Mr. Hanham reported that recruitment for the vacancies on the Planning Commission would be re-opened and he urged interested applicants to contact the City. He otherwise reported no items had been scheduled for the December 14, 2020 Planning Commission meeting.

1 Chair Kurrent recommended and Mr. Hanham agreed that the 2021 Planning
2 Commission meeting schedule could be agendized for the December 14, 2020
3 meeting.

4
5 **I. COMMUNICATIONS:** None

6
7 **J. NEXT MEETING**

8
9 The next meeting of the Planning Commission to be a Regular Meeting to be held
10 on Monday, December 14, 2020 at 7:00 P.M.

11
12 **K. ADJOURNMENT:** 10:05 P.M.

13
14 Transcribed by:

15
16
17 Sherri D. Lewis
18 Transcriber