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**MINUTES OF THE REGULAR  
PINOLE PLANNING COMMISSION**

**November 26, 2018**

**A. CALL TO ORDER: 7:01 P.M.**

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

Commissioners Present: Brooks, Hartley, Kurrent, Martinez-Rubin, Tave,  
Thompson, Chair Wong

Commissioners Absent: None

Staff Present: Winston Rhodes, Planning Manager  
Justin Shiu, Contract Planner

**C. CITIZENS TO BE HEARD**

There were no citizens to be heard.

**D. CONSENT CALENDAR**

1. Planning Commission Meeting Minutes from October 22, 2018

2. 2019 Planning Commission Regular Meeting Schedule

Commissioner Brooks reported that he had watched the October 22, 2018 Planning Commission meeting on television and would participate on the vote of the meeting minutes.

**MOTION** to approve the Consent Calendar, as shown.

**MOTION: Kurrent**

**SECONDED: Hartley**

**APPROVED:7-0**

**E. PUBLIC HEARINGS:**

1. **Design Review 18-14 and Variance 18-01: New One-Story Single-Family Residence**

**Request:** Consideration of a design review request to construct an approximately 2,200 square foot one-story single-family residence and a variance request to allow for development of an approximately 5,300 square foot lot, which is smaller than

1 the standard 6,000 square foot minimum lot size for the R-1  
2 Zoning District.

3  
4 **Applicant:** Ponchito Valeros  
5 5457 Field Brook Court.  
6 Antioch, CA 94531  
7

8 **Location:** Vacant lot on south side of Ellerhorst Street (APN 401-194-  
9 010)

10  
11 **Project Staff:** Justin Shiu  
12

13 Planning Manager Winston Rhodes introduced Contract Planner Justin Shiu who  
14 presented the staff report dated November 26, 2018. He recommended the  
15 Planning Commission adopt Resolution 18-07 subject to conditions approving  
16 Design Review 18-14 and Variance 18-01 for the development of a new single-  
17 family residence on a vacant lot located on the south side of Ellerhorst Street.  
18

19 Responding to the Commission, Mr. Shiu stated a sample color and materials  
20 board had not been provided by the applicant; staff had mailed public notifications  
21 of the public hearing 10 days prior to the public hearing and the meeting notice had  
22 been posted at City Hall; and the variance was required given that the size of the lot  
23 was less than the required 6,000 square foot minimum lot size for the R-1 Zoning  
24 District.  
25

26 Mr. Rhodes added that in addition to the public notice mailings to property owners  
27 within 300 square feet of the project site and the posting at City Hall, a public notice  
28 appeared in the newspaper ten days prior to this hearing.  
29

30 Mr. Shiu clarified the 14-foot projection of the building into the required rear yard  
31 setback had been measured from the corner of the building closest to the rear  
32 property line based on the triangular lot. The Zoning Code allowed for portions of  
33 the building within the rear setback area to project into the setback area if another  
34 portion of the property had open space available. He also identified a portion of the  
35 master bathroom which would project within the 20-foot setback area in the rear but  
36 clarified that a portion of the property could be made available for open space use  
37 which had allowed the projection into the setback area.  
38

39 Mr. Rhodes further clarified that the Pinole Municipal Code (PMC) stated that an  
40 area which projected into the required rear yard (in this case) could be offset not by  
41 surplus territory in the rear yard but by area that could be developed in the building  
42 envelope but is not included in the design.  
43

44 Mr. Shiu also reported that the trees that had been identified on the plan and as  
45 shown on the site were located on the neighboring property but a condition of  
46 approval had been added to ensure protection of those trees during construction.

1  
2 Mr. Rhodes confirmed that two trees shown on the site and landscape plans were  
3 located off-site and there were no plans to plant any additional trees along the  
4 shared property line. The two trees had been shown on the plans given that they  
5 were of a size that warranted protection. Condition 9 of Exhibit A to Planning  
6 Commission Resolution 18-07 required additional measures on the building  
7 construction plans to ensure the protected trees were not inadvertently removed or  
8 damaged during the construction process.  
9

10 Mr. Shiu clarified that the neighbor's access to their property would be via a second  
11 driveway closer to the home between where the trees and the face of the building  
12 was currently located. While describing the proposed project elevations, he  
13 identified the front of the property facing the public right-of-way (ROW) on Ellerhorst  
14 Street. Due to the triangular nature of the lot, the rear of the property had been  
15 determined by an imaginary line most directly parallel to the front property line and  
16 at least 10 feet in length.  
17

18 Mr. Shiu advised that the parking requirements for a new single-family home  
19 required one covered parking space and one additional parking space, either  
20 covered or uncovered. The applicant proposed two parking spaces, and due to the  
21 design of the triangular lot, the parking spaces would be off-set garages that would  
22 not be directly parallel to Ellerhorst Street which would de-emphasize the amount of  
23 garage space facing the public ROW. The garages would be angled towards  
24 Ellerhorst Street with the living room area and entry closer to the public ROW.  
25

#### 26 PUBLIC HEARING OPENED 27

28 PONCHITO VALEROS, 5457 Field Brook Court, Antioch, reported that he had  
29 designed the site intended for use by his family. In response to a question from the  
30 Commission, he identified a gate on the left hand side of the home where the  
31 garbage cans for the residence would be located.  
32

33 Mr. Valeros also clarified the location of the windows and sliders adjacent to the  
34 neighboring property and was confident there would be no privacy issues since a  
35 six-foot high fence would be constructed.  
36

37 Mr. Rhodes confirmed a fencing plan would be required pursuant to the conditions  
38 of approval, and while that detail had not been identified on the plans it would have  
39 to be submitted to the City prior to the issuance of a building permit. He clarified  
40 the payment for the fence would be between the property owners and not under the  
41 authority of the City. There was also no requirement for a sideyard fence. In this  
42 case, the proposed sliding glass door on the subject property would not face the  
43 neighboring property, although if there was no fence it would be visible from the  
44 existing home towards an adjacent lot where a triplex was located.  
45

#### 46 PUBLIC HEARING CLOSED

1  
2 The Planning Commission discussed Design Review 18-14 and Variance 18-01  
3 and offered the following comments, recommendations, and/or direction to staff:  
4

- 5 • Recognized the challenges of the lot to accommodate a home design; found  
6 that the design met all of the setback requirements; no neighbors had been  
7 present to object to the application; and the design solution was found to be  
8 acceptable on a difficult piece of property. (Kurrent)  
9
- 10 • Thanked staff for the analysis which had shown the proposed reduced lot  
11 size was not unusual for the subject neighborhood. (Hartley)  
12
- 13 • Clarified with staff that a sample color and materials board had, in fact, been  
14 submitted by the applicant along with descriptive information provided in the  
15 elevations for a composition shingle roof to match the rest of the  
16 neighborhood and colors to complement the architecture with earth tones  
17 and a contrast between the base and the trim color, all to be reviewed during  
18 the plan check process. (Thompson)  
19
- 20 • Complimented the color tone that had been proposed and suggested the  
21 applicant had balanced the design with the stone veneer height, window  
22 sizes and the selection of lighting. (Wong)  
23

24 **MOTION** to adopt Planning Commission Resolution 18-07, with Exhibit A:  
25 Conditions of Approval, Resolution of the Planning Commission of the City of  
26 Pinole, County of Contra Costa, State of California, Approving a Design Review  
27 Request (DR 18-14) and Variance Request (VAR 18-01) to Construct a New One-  
28 Story Single-Family Residence on a Lot That is Smaller than the 6,000 Square Foot  
29 Minimum Lot Size at Lot 15 on Ellerhorst Street, APN 401-194-010.  
30

31 **MOTION: Martinez-Rubin                      SECONDED: Tave                      APPROVED:7-0**  
32

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

36 **F. OLD BUSINESS:** None  
37

38 **G. NEW BUSINESS:** None  
39

40 **H. CITY PLANNER'S / COMMISSIONERS' REPORT**  
41

42 Mr. Rhodes provided an update on recent applications including two San Pablo  
43 Avenue mini-storage projects; one proposed west of Crockett Auto Body and east  
44 of Pinole Shores Business Park and the other between Sugar City and the corner  
45 San Pablo Avenue and Pinole Shores Drive. Both facilities had been proposed at

1 three stories, involved separate applications but the same operator, and would be  
2 considered during a joint workshop with the new City Council in early 2019.  
3 Another project to be discussed at the joint workshop with the City Council would  
4 be the Appian 80 Shopping Center Pinole Square, with staff scheduled to meet with  
5 the developer and Safeway later in the week.  
6

7 Mr. Rhodes also provided an update on the Doctor's Hospital site and reported that  
8 staff had met with the new owners who were interested in demolishing the building  
9 due to its age and did not plan to use the site as a medical facility. Depending on  
10 how long the site was vacant would dictate the type of treatment for fencing around  
11 the site.  
12

13 Mr. Rhodes confirmed the Appian 80 Shopping Center property had been identified  
14 as a potential site to meet Pinole's Association of Bay Area Governments (ABAG)  
15 Regional Housing Needs Allocation (RHNA) requirements. No housing had been  
16 proposed, which was a policy issue to be considered by the City Council and  
17 subsequently the Planning Commission based on direction from the City Council.  
18

19 Regarding the status of the Dr. Lee project, Mr. Rhodes expected more information  
20 by the beginning of 2019, although he noted the building permit had been ready to  
21 be issued since spring but an escalation in building costs had caused delays. In  
22 response to rumors that Lowe's may occupy the former Kmart site, there was no  
23 truth to the rumors or that Wal-Mart would be leaving Hilltop Mall searching for  
24 alternative sites. No applications had been submitted for the vacant former 'Toys  
25 'R' Us, or OSH properties. Planet Fitness was moving forward with tenant  
26 improvements and was expected to open for business within the first few months of  
27 2019.  
28

29 Commissioner Hartley complimented the new East Bay Regional Parks District  
30 (EBRPD) Trail Bridge, although he reported the bolts connecting the mesh railing  
31 were shearing off and littering the ground, and Mr. Rhodes encouraged  
32 Commissioner Hartley to send him an e-mail that could be forwarded to the  
33 EBRPD.  
34

35 Commissioner Martinez-Rubin reported the Elections Department was still counting  
36 ballots, and while it might be premature she thanked planning staff for its  
37 assistance during her tenure on the Planning Commission, and had enjoyed  
38 serving on the Planning Commission over the past nine years.  
39

40 Commissioner Tave also thanked everyone for the time he had served on the  
41 Commission and his experience with the Planning Department.  
42

43 Mr. Rhodes reported that at the end of April 2019, four Planning Commissioners'  
44 terms would expire (Kurrent, Wong, Thompson, and Martinez-Rubin) and he  
45 encouraged current Planning Commissions to reapply and share their experience  
46 and expertise to be able to continue the productive, cooperative, and respectful

1 climate that had been enjoyed over the years.

2  
3 Commissioner Kurrent congratulated newly-elected Council members Anthony  
4 Tave and Norma Martinez-Rubin.

5  
6 **I. COMMUNICATIONS:** None

7  
8 **J. NEXT MEETING**

9  
10 The next meeting of the Planning Commission will be a Regular Meeting to be  
11 held on Monday, December 10, 2018 at 7:00 P.M.

12  
13 **K. ADJOURNMENT:** 8:12 P.M

14  
15 Transcribed by:

16  
17  
18 Anita L. Tucci-Smith  
19 Transcriber  
20