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

5
6 **June 24, 2019**
7

8
9 **A. CALL TO ORDER:** 7:03 P.M.
10

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

13 Commissioners Present: Flashman, Kurrent, Moriarty, Murphy, Ojeda, Chair
14 Brooks
15

16 Commissioners Absent: Commissioner Wong
17

18 Staff Present: Daniel Hortert, Planning Manager
19 Justin Shiu, Contract Planner
20

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

23 RAFAEL MENIS, Pinole, spoke to the benefits of planning, and offering an example
24 of what happened when there was no planning referred to conditions in the
25 detention centers, particularly in the State of Texas where children had been
26 separated from their parents at the U.S. Border and had been detained in unclean
27 and unsanitary conditions.
28

29 **D. CONSENT CALENDAR**
30

31 **1.** Planning Commission Meeting Minutes from May 20, 2019
32

33 **MOTION** to approve the Planning Commission Meeting Minutes from May 20,
34 2019, as shown.
35

36 **MOTION: Kurrent**

SECONDED: Moriarty

APPROVED: 6-0-1

ABSENT: Wong
37
38

39 Commissioner Murphy recused himself from Agenda Item E1 since he resided
40 within 500 feet of the project site. He stepped down from the dais at this time.
41

42 **E. PUBLIC HEARINGS:**
43

44 **1.** Design Review 19-03, Conditional Use Permit 19-03, and Tree Removal
45 Permit 19-01: New Triplex

1 **Request:** Consideration of a design review conditional use permit,
2 and tree removal permit request to construct an
3 approximately 3,702 square foot triplex on an
4 approximately 4,311 square foot vacant lot in the RMU
5 zoning district and to reduce required on-site parking from
6 seven to six spaces.

7
8 **Applicant:** Kevin Gilligan

9
10 **Location:** 1479 San Pablo Avenue (APN: 402-050-023)

11
12 **Project Planner:** Justin Shiu

13
14 Contract Planner Justin Shiu presented a PowerPoint presentation of the staff
15 report dated June 24, 2019, and recommended the Planning Commission adopt
16 Resolution 19-09 with conditions approving Design Review (DR 19-03), Conditional
17 Use Permit (CUP 19-03), and Tree Removal Permit (TR 19-01), for the
18 development of a new triplex at 1479 San Pablo Avenue.

19
20 Responding to the Commission, Mr. Shiu clarified the three requests were to be
21 considered as one action as reflected in the resolution of approval shown as
22 Attachment A to the staff report. The applicant had proposed two replacement
23 trees; the new landscaping was required to be climate appropriate for Pinole; the
24 tree species was open to the applicant's selection along with input from the
25 Planning Commission; and the Pinole Municipal Code (PMC) established that an
26 in-lieu fee could be collected if planting a tree on the lot itself was not feasible,
27 which could be applied to the planting of trees elsewhere in Pinole.

28
29 In addition, the conditions of approval required more irrigation details as part of the
30 building permit approval set; the parking requirements for a single-family residence
31 were clarified; multi-family dwellings and triplexes had been defined as three
32 residential units on a single lot; and while the parking requirements for a triplex
33 were more stringent, visitor parking would be added as part of the parking
34 requirement. The dimensions for the covered parking spaces were clarified at 10 x
35 20 with the applicant just meeting that requirement. The two parking spaces at the
36 rear were located on an adjacent parcel and were not part of the application. The
37 fence shown on the west side of the property and as shown in photographs of the
38 property belonged to a neighboring property and was not part of the application.

39
40 PUBLIC HEARING OPENED

41
42 CASSANDRA DOWNS and KEVIN GILLIGAN, applicants, 1479 San Pablo
43 Avenue, Pinole, clarified the garage had been designed not to be open which would
44 allow for storage as recommended by the former Planning Manager, to ensure the
45 triplex did not appear to be an apartment complex.

1 The applicants advised that a letter had been provided to the Planning Commission
2 to detail the history of the property's ownership and the fact the vacant lot was only
3 accessed by the applicants. The applicants confirmed the easement would allow
4 for access to the new units, with two parking spaces required at the rear on the
5 adjacent property, and with a carport pursuant to the code.
6

7 Mr. Gilligan clarified the balconies would not be cantilevered; the driveway on the
8 easement had a concrete wall on the downhill side but some of the ground would
9 be removed to reduce the elevation for access; and all of the fences would be
10 replaced even the fence located between the neighbor. He also clarified that the
11 triplex would be occupied by family and friends; the properties would only be sold in
12 the future if linked; the units would be rented for around \$1,800 per month; and an
13 irrigation plan showing the use of a drip system had been submitted to staff.
14

15 RAFAEL MENIS, Pinole, supported the infill development which would fill a gap
16 between properties along San Pablo Avenue consistent with the existing density of
17 development, and which matched property located to the east with the exception of
18 the color scheme. The easement would address any issues in the future with
19 respect to the future sale of the property, parking, and construction.
20

21 PUBLIC HEARING CLOSED

22

23 The Planning Commission discussed Design Review 19-03, Conditional Use Permit
24 19-03, and Tree Removal Permit 19-01, and offered the following comments and/or
25 direction to staff:
26

- 27 • Clarified with the Chair that the maintenance of the plant material would be
28 the responsibility of the property owner. (Flashman)
29
- 30 • Complimented the applicant's design. (Ojeda)
31
- 32 • Liked the fact there would be no access from San Pablo Avenue which
33 offered more security for the occupants. (Brooks)
34
- 35 • Suggested Condition 7 be modified with the applicant to consider native tree
36 species such as a Flowering Dogwood or Western Redbud as options. Also
37 recommended that Condition 8 be modified to include language that any
38 plant material that died shall be replaced within six months consistent with
39 language imposed on other projects, which she hoped would be considered
40 as a standard condition moving forward. (Moriarty)
41
- 42 • Recognized the challenges of infill development and found the project to be
43 a great addition to the City. Suggested Condition 8 be modified to include
44 the following language: *Dead trees and large landscaping shall be replaced*
45 *within 30 days.* (Kurrent)

1 Mr. Shiu clarified that the location of the new tree planting was up to the applicant
2 unless the Planning Commission had a recommendation. He also clarified that the
3 in-lieu fees for replacement trees must be spent on trees, with the location to be
4 determined.

5
6 **MOTION** to adopt Planning Commission Resolution 19-09, with Exhibit A:
7 Conditions of Approval, Resolution of the Planning Commission of the City of
8 Pinole, County of Contra Costa, State of California, Approving a Design Review
9 Request (DR 19-03), Conditional Use Permit (CUP 19-03), and Tree Removal
10 Permit (TR 19-01) to Construct an Approximately 3,702 Square Foot Triplex on an
11 Approximately 4,311 Square Foot Vacant Lot in the RMU Zoning District and to
12 Reduce Required On-Site Parking from Seven Spaces to Six Spaces at 1479 San
13 Pablo Avenue, APN: 402-050-023, subject to the following:

- 14
15 • Condition 8 to be modified to include the following language: *Dead trees*
16 *and large landscaping shall be replaced within 30 days.*
- 17
18 • The applicant to submit to the City proposed tree species for review and
19 approval.

20
21 **MOTION: Ojeda**

SECONDED: Kurrent

APPROVED: 5-0-2

ABSENT: Wong

ABSTAIN: Murphy

22
23
24
25 Chair Brooks identified the 10-day appeal process of a decision of the Planning
26 Commission in writing to the City Clerk.

27
28 Commissioner Murphy returned to the dais at this time.

29
30 Although not agendized, at this time the Planning Commission discussed in-lieu
31 fees in general. In the case of the prior application, in-lieu fees were intended to
32 pay for replacement trees for trees that had been removed, to be planted elsewhere
33 in the City if the replacement trees were unable to be planted on the property. Staff
34 clarified that in-lieu fees were tracked as part of the building permit process.

35
36 By consensus, the Planning Commission requested that the distribution of in-lieu
37 fees in the City be discussed as a future agenda item, with staff asked to report
38 back to the Planning Commission.

39
40 **F. OLD BUSINESS:** None

41
42 **G. NEW BUSINESS:**

43
44 1. Discussion of Pinole Creek Signage
45

1 Planning Manager Daniel Hortert reported that signage for Pinole Creek had
2 been considered in 2009 but the Contra Costa County Flood Control District had
3 opposed signage and any items within the creek right-of-way, which could
4 become a liability. Staff was considering alternative means of implementing the
5 sign program with a meeting scheduled to further discuss the matter. He also
6 provided an update on DaVita Dialysis as related to the Gateway Shopping
7 Center and related creekside improvements to ensure that all requirements were
8 met.

9
10 Commissioner Moriarty highlighted the history of the Gateway Shopping Center
11 project, and advised she would be walking the creek next week with the
12 Development Services Director to view existing signage and areas where other
13 signs could be located.

14 H. **CITY PLANNER'S / COMMISSIONERS' REPORT**

15
16 Mr. Hortert reported that the next meeting of the Planning Commission had been
17 rescheduled for July 29, 2019, with a presentation of the Capital Improvement
18 Program (CIP). He asked that the Planning Commission Development Review
19 Subcommittee schedule a meeting prior to that time to review a single-family home
20 design in North Rancho, with the date and time to be determined. He added the
21 environmental work for the Hazel Drive Subdivision was moving forward, and
22 permits for 1409 and 1431 Nob Hill Avenue and an Accessory Dwelling Unit (ADU)
23 permit for Pfeiffer Lane had been issued. Pinole Square/Appian 80 was also
24 moving forward.

25
26 Commissioner Kurrent recommended the formation of a separate subcommittee to
27 discuss the Pinole Square/Appian 80 project given its size, and the Chair
28 recommended another workshop to discuss the project given the new makeup of
29 the Planning Commission.

30
31 Mr. Hortert reported a community meeting had been scheduled for July 18 to
32 discuss the Pinole Square/Appian 80 project with details to be provided to the
33 Commission as to meeting time and location. Commissioners were welcome to
34 attend the meeting although he would have to advertise a quorum if all
35 Commissioners were in attendance.

36
37 The Planning Commission discussed the need for new Planning Commissioners to
38 educate themselves on planning matters, take advantage of Planning Commission
39 seminars and training opportunities, with staff to report on any upcoming Planning
40 Commission conferences.

41
42 Chair Brooks recommended a training forum directed by staff to cover the roles and
43 responsibilities of the Planning Commission, and the Planning Commission
44 discussed the possibility of reviewing and discussing each chapter of the General
45 Plan as a regular agenda item.

1
2
3 Mr. Hortert advised that he had reached out to an individual who may be able to
4 provide workshop/training for new Commissioners. He would also piece together
5 available information that could prove helpful to the new Commissioners, and would
6 obtain information from the American Planning Association that could be
7 disseminated to the Commission.

8
9 Commissioner Kurrent requested that he be notified when the Commission packets
10 were distributed. He also inquired of the status of the Measure J Growth
11 Management Checklist, with Mr. Hortert reporting on his understanding a
12 presentation would be made on Wednesday, June 26, 2019.

13
14 RAFAEL MENIS, Pinole, suggested it was appropriate for the Planning
15 Commission to discuss the General Plan in an open session allowing for public
16 input, and to have the General Plan discussed explicitly during Planning
17 Commission meetings.

18
19 Commissioner Murphy reported the month of June was Pride Month and that the
20 City of Pinole had flown the Pride Flag for the first time. He looked forward to more
21 conversations on inclusivity and diversity.

22
23 Commissioner Ojeda stated the new CVS building cell tower did not match the
24 color of the building and asked for a status report from staff.

25
26 Mr. Hortert reported he had been informed the only thing to be removed was an
27 existing rope that was hanging down from the tower. The Cellular on Wheels
28 (COWS) was waiting for AT&T to complete fiber optic work. Having previously
29 reviewed the approved documents, there appeared to be no requirement that the
30 color match the building. He advised that he would again review the available
31 information to clarify the approvals for the project and would provide that
32 information to the Planning Commission.

33
34 Commissioner Kurrent suggested staff speak with Councilmember Tave who could
35 provide insight on the final approval of the cell tower.

36
37 **I. COMMUNICATIONS:** None

38
39 **J. NEXT MEETING**

40
41 The next meeting of the Planning Commission will be a Regular Meeting to be
42 held on Monday, July 29, 2019 at 7:00 P.M.

43
44 **K. ADJOURNMENT:** 9:09 P.M

45
46 Transcribed by:

1
2 Anita L. Tucci-Smith
3 Transcriber