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2 **1. Design Review 09-07: 1431 Nob Hill Ave. New Single-Family Home:**  
3 Consideration of one new Single Family Home at 1431 Nob Hill Ave.

4  
5 Associate Planner, Anne Hersch, presented the staff report dated May 24, 2010.

6  
7 Commissioner Sekins expressed concern about the fencing of both parcels.

8  
9 Ms. Hersch explained that the parcels would essentially be fenced as one lot  
10 even though they are legally two separate lots.

11  
12 Commissioner Sekins asked if the vacant lot is not paved then the owner could  
13 park vehicles on the vacant lot.

14  
15 Ms. Hersch stated that the code requires parking to be on an impervious surface.  
16 The area in question would be required to be paved.

17  
18 Commissioner Sekins stated he would ask the applicant clarification as to the  
19 purpose of fencing both parcels.

20  
21 Commissioner Rubin-Martinez asked what the architectural style of the home is  
22 considered to be.

23  
24 Ms. Hersch referred this question to the applicant.

25  
26 Commissioner Rubin-Martinez is concerned for the character of the  
27 neighborhood. She asked if there is a consistency to the neighborhood currently  
28 or is it a combination of different architectural styles.

29  
30 Ms. Hersch explained the neighborhood is largely composed of single-story  
31 single family homes. The city has worked with other property owners on this  
32 block to do second story additions. The neighborhood is a bit of a hodgepodge.

33  
34 Commissioner Brooks asked staff if there was any opposition from the  
35 neighboring property owners.

36  
37 Ms. Hersch said she doesn't know of any opposition however, she did receive  
38 one phone call approximately 3 weeks ago from Chris Sullivan. She returned his  
39 call and made herself available to meet with him to review the file and plans but  
40 no further contact was made by Mr. Sullivan.

41  
42 Commissioner Brooks asked how many residences were noticed.

43  
44 Ms. Hersch explained that the notice area is 1000 feet from the subject site.  
45 Approximately 200 notices were mailed out.

46

1 Commissioner Kurrent expressed concern about the Conditions of Approval on  
2 pg. 2, condition #6 the site excavation/grading activity restricting the hours of  
3 activity from 7am to 5pm Monday through Friday. His concern is that 7am seems  
4 too early for earthwork. He asked if these hours were the current city policy or if  
5 there are exceptions to these hours.  
6

7 Ms. Hersch explained that the city has general provisions in Title 15 of the  
8 Building Code which established the construction hours that begin at 7:00am.  
9

10 Commissioner Kurrent asked if the commission could modify the start time.  
11

12 Planning Manager, Mr. Rhodes, explained that the hours are made available per  
13 the City's Municipal Code. The construction hours are made available for all  
14 citywide construction. The construction hours can be expanded per the  
15 provisions of the code but not be more limited than those allowed by the  
16 Municipal Code. If the city receives complaints from the job site then the type of  
17 work such as earthwork could be restricted at certain hours of the day. Mr.  
18 Rhodes noted that the duration of the earthwork would be of a short duration  
19 based on the small size of this project.  
20

21 Commissioner Kurrent asked if the work hours could be changed from 7am to  
22 5pm to 8am to 6pm.  
23

24 Mr. Rhodes stated that he would be hesitant to limit the hours for a single family  
25 home. The code allows for longer construction hours for single family residences  
26 being constructed by the property owners allowing them to work on weekends.  
27 By limiting the construction hours for this project, it seems to be singling out this  
28 specific project for different treatment.  
29

30 Commissioner Bender noted that sheet A-O specifies a home office. It doesn't  
31 appear to be reflected in the plans. It appears that there will be a home based  
32 business at this residence. He asked for clarification on what type of business  
33 will be in this home.  
34

35 Ms. Hersch explained that the applicant has not indicated any use of a home  
36 based business.  
37

38 PUBLIC HEARING OPENED. Mr. Sergio Tostado, the property owner,  
39 explained he currently lives in Richmond and is a state licensed contractor. He  
40 wants to move his family to a better community. He expressed that he has been  
41 working with the city to meet all necessary requirements.  
42

43 Commissioner Sekins asked if there are any plans or drawings for the other  
44 parcel to be developed in the foreseeable future.  
45

46 Mr. Tostado stated that there are no plans at this time for the other parcel to be

1 developed.

2  
3 Commissioner Sekins asked Mr. Tostado if the current plan was to develop one  
4 parcel and leave the other parcel vacant at this time.

5  
6 Mr. Tostado stated that he was thinking of installing a pool on the vacant lot but  
7 he does not know if he will have the funds to do so.

8  
9 Mr. Gerald Grzechowiak, representing five (5) residences that live above the  
10 proposed development site, indicated that approximately three (3) years ago  
11 when the proposed development came forward the homes were about the same  
12 height which the neighbors hashed over.

13  
14 He expressed concern about the size of the home in comparison to the homes in  
15 the neighborhood. The average home in the area is 1,200 – 1,400 square feet  
16 while the proposed home is nearly 2,500 square feet in area. He emphasized  
17 that neighboring home values could be adversely affected if their existing Bay  
18 views are compromised. He stated that he has lived in the neighborhood for 34  
19 years and remembers the original home on the lot, which was single-story.

20  
21 Commissioner Rubin-Martinez asked about Mr. Grzechowiak's involvement with  
22 this proposed development 3 years ago. She acknowledged the feelings he has  
23 for the project but asked if there is any substantial indication that the neighboring  
24 home values would change in one directions or another due to this project.

25  
26 Mr. Grzechowiak stated that this home will be substantially larger than the home  
27 that was on the lot originally. He stated that the home will block views enjoyed  
28 by Marlesta Rd. residents. The views were the biggest complaints from  
29 neighboring residence 3 years ago.

30  
31 Commissioner Rubin-Martinez asked for clarification on how the home values  
32 would change one way or the other due to this project.

33  
34 Mr. Grzechowiak expressed that the home owners above the proposed  
35 development have a fairly nice view of the Bay and of Mt. Tamalpais. He stated  
36 that the current property owners purchased their homes for the views and that a  
37 home 28 feet in height will affect his property value.

38  
39 Commissioner Sekins stated that he didn't believe story poles were installed 3  
40 years ago when the proposed development came forward for approval at that  
41 time. Now that story poles are up he asked Mr. Grzechowiak if he can see the  
42 whole roof line of the new construction or just where the peak is from the  
43 property.

44  
45 Mr. Grzechowiak stated that he believes he can see the entire roof peak line of  
46 the proposed new construction.

1  
2 Commissioner Sekins asked Mr. Grzechowiak if he can see the story poles from  
3 his property now that they are up.

4  
5 Mr. Grzechowiak stated that he could see them.

6  
7 Commissioner Sekins asked if Mr. Grzechowiak could see the entire roof line  
8 from his property. He also asked Mr. Grzechowiak if he knew approximately how  
9 far the new home would be from his back fence.

10  
11 Mr. Grzechowiak stated that yes he could see the entire roof line from his  
12 property. He also stated that he believed the home to be approximately 25 feet  
13 to the fence line.

14  
15 Commissioner Sekins stated to Mr. Grzechowiak that his home would be  
16 approximately 75 feet from the new home proposed.

17  
18 Mr. Grzechowiak noted that at the last hearing 3 years ago the lot was to be  
19 modified. The grading of the home was changed due to the lot being at a slope.  
20 Mr. Grzechowiak indicated that he has photos from the last hearing. Those  
21 changes were satisfactory to the neighbors at the time. He felt the modified lot &  
22 home at the time conformed to the neighborhood better.

23  
24 Commissioner Brooks asked if Mr. Grzechowiak could see over the vegetation in  
25 his backyard. Commissioner Brooks noted that he was referring to the bushes  
26 which he believed to be taller than Mr. Grzechowiak's house. Commissioner  
27 Brooks mentioned that he believed the new house would be below the bushes.

28  
29 Mr. Grzechowiak stated yes he could see over the trees but that the bushes were  
30 approximately 30' tall & hadn't been cut in years. He indicated that the bushes  
31 were not that tall due to the slope of the lot.

32  
33 Commissioner Brooks stated that the pictures answered the questions regarding  
34 the height.

35  
36 Commissioner Kurrent didn't understand the statement by Mr. Grzechowiak that  
37 the prior approval for the lot was 28'. He stated that the current project height at  
38 the rear of the house is 27' 6". As he looked at the original approved plans he  
39 indicated that the height was the same, 27' 6".

40  
41 Mr. Grzechowiak stated that he believed the original approval of the house to be  
42 somewhere around 24' in height.

43  
44 Commissioner Kurrent asked Ms. Hersch if she recalled the details of the height.

45  
46 Ms. Hersch stated she would need to consult the original file. She stated that

1 there was grading proposed, however she is uncertain if that height was  
2 proposed to be reduced by 6'.  
3

#### 4 PUBLIC HEARING CLOSED 5

6 Commissioner Bender began his comments with page A-1. The parcel to be  
7 developed shows the east/west direction 50' but when scaled out it is 51'. It  
8 appears to be a graphic error. That 1' discrepancy appears to be a minor  
9 deviation. On sheet A-2 one of the first things that stood out is a series of  
10 columns that show up both in elevations as well as the plans that support  
11 overhead posts at the entry & back porch. They are shown as big square  
12 columns but are specified as stucco finish columns on page A-3. The detail  
13 implies round columns and carries through with the rear columns. They are  
14 shown as the empty squares but again they are shown correctly on page A-3 for  
15 the rear elevations. When reviewing page A-4 it appears to be a round column  
16 showing up.  
17

18 There are further variations in window sizes. In the first floor plan of the dining  
19 area the window is called out as a 5' x 4' window. Yet when it is scaled it actually  
20 matches the 4' x 4' window which is shown in the bedroom immediately above on  
21 the second floor. It is another discrepancy.  
22

23 The garage window, which is shown on the first floor plan shows the elevations  
24 on page A-4 identified a 3' x 2' window. Yet the plans also call this window out  
25 as a 2' x 2' window. Rather than go into more variations on the window detail  
26 Commissioner Bender just pointed out more significant variations. View the first  
27 floor plan, the east side of the plan, which corresponds with the left elevation of  
28 sheet A-4. The plan shows a door in the garage and a door into the kitchen from  
29 the exterior. When viewing the left elevation on sheet A-4 only one door is  
30 shown. Then a window is shown but when looking at the plan there doesn't  
31 seem to be a window on that left elevation.  
32

33 The right elevation of page A-4 towards the middle of the second floor there is a  
34 very dark line that corresponds with what appears to be the master bedroom  
35 extending out beyond the lower floor by about 11" according to the dimensions.  
36 The way the elevations were drawn & the plans were drawn it's inconclusive  
37 exactly what is going on there. He also noted several discrepancies in the roof  
38 height.  
39

40 Commissioner Bender noted that the rounded windows are troublesome from an  
41 artistic view point. The odd proportions of the windows did not complement all  
42 the various roof lines that are attempting to break up the mass of the house. The  
43 pediment above the bay windows is completely blank. It will be stucco without  
44 any relief unlike the pediments above on the second floor.  
45

46 The proposed iron front fence shows a 4' 6" fence but when it is scaled out it

1 would measure 8' 6". Commissioner Bender noted that there appeared to be  
2 uncertainty about what the correct height dimension is for the proposed fence.  
3 Commissioner mentioned that the proposed fence makes an unwelcoming  
4 statement to the neighbors and it is just too much fence as proposed.  
5

6 There was a concern about storage of commercial landscape supplies on the  
7 proposed vacant lot since the applicant is a landscape contractor. There are no  
8 gates across that parcel but it's easy to see that plants along the driveway could  
9 disappear and the lot being used for business related activities. This is a deep  
10 concern. Conditions could be attached that might preclude that use.  
11

12 Commissioner Kurrent questioned whether there was a proposed decorative  
13 pond on the plans expressed concern about whether that the fence is high  
14 enough to keep out children. It was pointed out that the proposed landscape  
15 plan calls for a Japanese maple tree not a pond.  
16

17 Commissioner Kurrent reiterated concern about the construction hours. He  
18 would like the construction hours to begin at 8am instead of 7am. He would like  
19 to explore ways to change the hours & to extend the hours of construction.  
20

21 Commissioner Kurrent stated that he feels that the views need to be mitigated  
22 either by grading the property down or to smooth out the roof lines. Try to reduce  
23 the height by 4'.  
24

25 Commissioner Brooks stated he hopes that the project is consistent with the final  
26 outcome of the workshop that was conducted in the last go around. Staff needs  
27 to double check the height of the structure. He stated that the design needs to  
28 have a little more consistency with the neighboring homes.  
29

30 Commissioner Brooks is curious as to the need of the front fence and security  
31 gate. He stated that none of the other homes seem to need a fence right at the  
32 back of the sidewalk. He thought the proposed fence should be reconsidered.  
33 He also expressed concerns with the use of the vacant lot next door.  
34

35 Commissioner Martinez-Rubin stated that the text of the plans contains quite a  
36 few typo errors and misspellings.  
37

38 Commissioner Sekins stated that the commission is not there to design the home  
39 or develop a project but to make it a better one. He suggested that perhaps a  
40 subcommittee be formed to review projects such as this. The staff and applicant  
41 did a good job using the design guidelines by trying to make this project work.  
42 He suggested to be neighborly he would like to see no fence on the vacant lot.  
43 Also, no fence on the front of this lot either.  
44

45 Commissioner Sekins also stated that he feels that the commission can change  
46 the construction hours from 7am-5pm to 8am -6pm to be neighborly. He thought

1 the drawings need additional work and mentioned his desire for another review to  
2 resolve the issues mentioned. He also had a concern with a pool being built on  
3 the vacant lot.

4  
5 Commissioner McGoldrick expressed concern about the fence across the front of  
6 the two lots, creating a massive fortress. The general consensus was that the  
7 commission is not against the house but wanted to have it reviewed again to help  
8 the applicant develop a home that will be just a little bit better designed and more  
9 compatible with the other homes in the neighborhood.

10  
11 Mr. Rhodes asked in terms of forming a subcommittee, whether the commission  
12 chose to do that after approving the project or continuing the project and  
13 requested that a subcommittee formed at this point in the process have explicit  
14 direction as to what the charge of that subcommittee would be in addressing the  
15 design issues mentioned.

16  
17 Commissioner McGoldrick stated that at this point are we looking at continuing  
18 this item.

19  
20 Commissioner Kurrent made a motion to continue the item & directed staff &  
21 Commissioner Bender to work with the applicant to address the concerns &  
22 issues of the project. The item was continued to July 12, 2010 meeting.

23  
24 Motion: Kurrent      Seconded: McGoldrick      Approved 6-0 to continue item to  
25 7/12/10

26  
27 **2. Gateway East Site Plan Modifications (CUP 10-04, VAR 10-01) – Continued**  
28 **to June 14, 2010**

29  
30 Item has been continued to June 14, 2010.

31  
32 **F. OLD BUSINESS:**

33  
34 **1. Housing Element Update Workshop**

35  
36 Redevelopment Analyst Leslie Carbahal presented the staff report dated May 24,  
37 2010. The Housing Subcommittee met several times and the State comments on  
38 the draft housing element were provided. She stated that any feedback &  
39 comments are encouraged.

40  
41 She stated that the existing Housing Element was updated in 2003. The update to  
42 this document also includes the current assessment to the housing needs in Pinole.  
43 This update addresses the city's share of regional housing needs allocation for this  
44 current planning period 2007-2014. This also addresses the changes in housing  
45 law that The City is required to make and includes adjustments in the housing  
46 element and contemplated zoning code changes in order to be in compliance with

1 the State Housing Element law.  
2

3 The Housing Element is a requirement to the General Plan. The city is mandated  
4 to update the housing element approximately every 5 years. The city must go  
5 through the review process with the State department of Housing & Community  
6 Development (HCD). HCD reviews the drafts throughout the update process.  
7 Once the City Council has adopted the housing element it goes to HCD for final  
8 certification. It was noted that certification by the State is needed to be eligible for  
9 State grants and to avoid legal vulnerability and the potential loss of land use  
10 authority by being found out of compliance with State Housing Element law.  
11

12 Commissioner Brooks asked how the city could lose land use authority if not in  
13 compliance.  
14

15 Mr. Rhodes stated that the most recent case of this in the Bay Area was within the  
16 City of Pleasanton. The City of Pleasanton has gone through a situation where the  
17 city was sued by an affordable housing builder about their growth caps. After going  
18 through court the judge stated that the City of Pleasanton needed to update their  
19 Housing Element and bring it into compliance with state law. While they were in the  
20 process of the update their ability to issue building permits was restricted. The  
21 court has the authority to take away a City's ability to process development  
22 requests until such a time as it corrects the deficiency as seen by the court.  
23

24 The commissioners discussed the compliance issues and laws in regards to the  
25 affordable housing element.  
26

27 Ms. Carbahal stated that the City is just about a year out from initiating the Housing  
28 Element Update process and hopes to complete the update process within the next  
29 6 weeks.  
30

31 Mr. Rhodes summarized the presentation also stating that this will be back to the  
32 Planning Commission for action on June 14, 2010 with formal action scheduled by  
33 the City Council on July 6, 2010. He also indicated that staff will continue to work  
34 with HCD staff to confirm that the draft Housing Element fully addresses the  
35 previous HCD comments before the document goes to Council for action. There  
36 will be an annual report to the state which is required to summarize the City's  
37 Housing Element implementation progress. He stated that implementation will be  
38 challenging due to the budget challenges the City faces.  
39

40 The Commissioners agreed that staff did a commendable job getting the project to  
41 this point. There were no other comments or concerns.  
42

43 **G. NEW BUSINESS**  
44

- 45 1. Discussion of Revised Draft Natural Resources and Open Space Element  
46

1 Mr. Rhodes discussed the various updates and revisions to the Draft Natural  
2 Resources and Open Space Element that had been previously directed by the  
3 Steering Committee. The changes are intended to make it clear that the planned  
4 open space areas are part of Pinole's Natural Resource areas and warrant  
5 protection.

6  
7 The Commissioners discussed the Open Space Element and had no further  
8 comments or concerns.

9  
10 2. Discussion of Draft General Plan Update and Draft Specific Plan Implementation  
11 Chapters

12  
13 Mr. Rhodes discussed the Draft General Plan Update as well as the Draft  
14 Specific Plan Implementation Chapters.

15  
16 The Commissioners discussed the Specific Plan implementation. Mr. Rhodes  
17 suggested that as any changes are added an addendum to the Specific Plan  
18 listing all the changes and corrections can be prepared for further consideration.

19  
20 **H. CITY PLANNER'S/COMMISSIONER'S REPORT:**

21  
22  
23 **I. COMMUNICATIONS:**

24  
25 **J. NEXT MEETING:**

26  
27 Planning Commission Meeting, Monday, June 14, 2010 at 7:00PM

28  
29 **K. ADJOURNMENT:**

30 Meeting adjourned at 9pm.

31 Transcribed by: Pam Bridant Permit Technician  
32  
33