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**MINUTES OF THE REGULAR
PINOLE PLANNING COMMISSION**

February 26, 2018

A. CALL TO ORDER: 7:08 P.M.

B. PLEDGE OF ALLEGIANCE AND ROLL CALL:

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

Commissioners Absent: None

Staff Present: Winston Rhodes, Planning Manager

C. CITIZENS TO BE HEARD:

There were no citizens to be heard.

D. CONSENT CALENDAR:

1. Planning Commission Meeting Minutes from January 22, 2018

MOTION to approve the Planning Commission Meeting Minutes from January 22, 2018, as shown.

MOTION: Brooks

SECONDED: Hartley

APPROVED: 7-0

E. PUBLIC HEARINGS:

1. **DR 16-37: Menendez Single Family Residence and Accessory Dwelling Unit**

Request: Consideration of a design review request and administrative use permit to develop a two-story approximately 2,806 square foot residence with an approximately 485 square foot detached garage and a two-story approximately 981 square foot accessory dwelling unit with an accompanying 465 square foot attached garage.

Applicant: Carlos Menendez
521 Monterey Boulevard

San Francisco, CA 94127

Location: 2500 Galbreth Road, APN 430-412-007

Project Staff: Winston Rhodes, Planning Manager

Planning Manager Winston Rhodes presented the staff report dated February 26, 2018, and recommended the Planning Commission adopt Resolution 18-02, Design Review (DR) 16-37 and Administrative Use Permit (AUP) 17-19, conditionally approving development of a new single-family residence and an Accessory Dwelling Unit (ADU), subject to the conditions contained in Exhibit A.

Responding to the Commission, Mr. Rhodes confirmed the site plan had shown a boat parked on a portion of the driveway; City requirements allowed a boat or Recreational Vehicle (RV) to be parked on the side yard on a paved surface and behind a fence, although the Planning Commission may determine through a combination of fencing or landscaping, both of which had not been finalized, to screen the boat. There was no City requirement the boat must be located in an enclosed structure. He understood the property owner intended the property to be his primary residence and there had been discussion of phasing the project with the smaller of the units to be built first. In either case, the property owner would be required to live on-site due to the proposed ADU.

Mr. Rhodes clarified that no structures were allowed to be built in the scenic easement but there was the possibility of a footpath in that area with the area to be allowed for passive, not active, recreational use given its primary purpose to serve as a visual buffer and preserve the site. The generous driveway would address concerns with limited opportunities for on-street parking and the entire frontage of the property would be conditioned to provide a sidewalk with curb and gutter. The lot was situated one lot back from the intersection of Galbreth and Pinole Valley Roads.

Mr. Rhodes detailed the differences between the Arborist's Report and a map of the trees as identified on Sheet A1.0. As to the placement of the story poles, based on their location and the site plan, one tree near the ADU had been recommended for removal; some trees recommended for removal were primarily Bay Laurels, with some located in the scenic easement area and their removal was based on overall health and structure.

Mr. Rhodes clarified the details and setbacks for the detached garage for the primary dwelling unit, as shown on Sheet A1.0; acknowledged a portion of the garage encroached into the rear yard setback which could be adjusted to prevent the encroachment; the sideyard setback for the second story was 15 feet, and acknowledged concerns the grading elevation notations appeared to be incorrect but were well within the allowable height limit.

1 It was clarified that Commissioner Hartley, who resided more than 500 square feet
2 from the project site, was permitted to participate in the discussion.
3

4 In response to questions concerning the allowable size of accessory dwelling units,
5 Mr. Rhodes summarized the City Council ADU ordinance which sets a 600 square
6 foot threshold for ADUs with a maximum of 999 square feet with a administrative
7 use permit; the parking requirement for the ADU would be zero if located near a
8 transit stop; the distinction between living and non-living spaces; the ADU was
9 smaller in terms of living space and while there was no off-street parking
10 requirement, the applicant had proposed off-street parking and a two-car garage;
11 and if the Planning Commission determined the garage for the ADU portion of the
12 project was not within the spirit of the City's Zoning Ordinance due to bulk, it could
13 require only one parking space in a one-car garage. In response to questions Mr.
14 Rhodes mentioned, water flowed through the subject property during storm events
15 and into Pinole Creek and a drainage system would be installed as part of a
16 conditioned utility plan. There were setback requirements related to creeks
17 although in this case a nearby culver waterway was not a recognized creek. The
18 City did not have a limit for the overall size of the primary unit, most of the property
19 is proposed to be undeveloped and is protected by an open space easement. The
20 proposed dwellings would be clustered on the developable portion of the property
21 outside the open space easement.
22

23 PUBLIC HEARING OPENED 24

25 CHARLES BOND, Project Designer, 1207 Bridgeway, Suite B1, Sausalito,
26 speaking on behalf of the property owner Carlos Menendez, who was out of the
27 country, apologized for any errors on the calculations shown on the drawings.
28 Responding to the Commission, he clarified there would be a room above the
29 garage identified as a bedroom, the dormer would provide light into the main living
30 area of that space below, there was a stairway running up and through the home
31 into the bedroom above the garage, and a balcony would view down upon the high
32 space adjacent to the kitchen.
33

34 Mr. Bond confirmed that Mr. Menendez had a large family, the lot had adequate
35 parking for numerous vehicles, but he acknowledged concerns with the narrowness
36 of Galbreth Road. He also confirmed the property owner owned a boat which was
37 currently in the water; the property owner's daughter planned to move into the ADU;
38 the property would be recorded with restrictions related to the use of the ADU; a
39 second curb cut for the driveway adjacent to the attached garage had not been
40 considered although if imposed as a condition of approval it would be met; and the
41 existing curb cut was not the final curb cut location and the final width and location
42 would be clarified in the frontage improvement plans to be submitted. He also
43 clarified the proposal for off-white building colors although he noted that other
44 colors could be considered, and the sidewalk would be constructed consistent with
45 the conditions of approval.
46

1 PUBLIC HEARING CLOSED

2
3 The Planning Commission discussed DR 16-37 and AUP 17-19 and offered the
4 following comments and/or recommendations:

- 5
- 6 • The applicant was encouraged to reconsider the color scheme for the
7 project and consider the use of brighter rather than darker colors.
 - 8
 - 9 • Discussion of the City's Tree Ordinance with concern the property owner
10 was being required to remove and replace trees in the scenic easement
11 which could be logistically difficult.
 - 12
 - 13 • Concerns expressed the ADU Ordinance had not considered the overall
14 footprint including garages and concern there could be a loophole in the
15 ordinance where a 2,000 square foot garage could be proposed, as an
16 example, with staff noting the overall scale of the structure would be
17 reviewed to limit the size of the garage.
 - 18
 - 19 • Condition 7 of Exhibit A was modified to read: *No structures shall be built*
20 *within the recorded scenic easement for the property. The scenic easement*
21 *area shall not be used as a storage area.*
 - 22
 - 23 • Condition 20 of Exhibit A was modified to read: *FENCING PLAN - The*
24 *applicant shall provide a fencing plan showing the location, height, and*
25 *material of all proposed fencing for the site. Any area for storage of*
26 *Recreational Vehicles (RVs), boats or similar vehicles shall include*
27 *provisions for screening from a public roadway consistent with the Pinole*
28 *Municipal Code (PMC).*
 - 29

30 **MOTION** to adopt Planning Commission Resolution 18-02 with Exhibit A;
31 Conditions of Approval, Resolution of the Planning Commission of the City of
32 Pinole, County of Contra Costa, State of California, Approving a Design Review
33 Request and Administrative Use Permit to Construct a New Two-Story
34 Approximately 2,806 Square Foot Single Family Residence with a New Two-
35 Story Approximately 981 Square Foot Accessory Dwelling Unit at 2500 Galbreth
36 Road (APN 430-412-007); subject to modification of Conditions 7 and 20, as
37 discussed.

38
39 **MOTION: Kurrent**

SECONDED: Brooks

APPROVED: 7-0

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

42
43 **G. NEW BUSINESS:** None

44
45 **H. CITY PLANNER'S / COMMISSIONERS' REPORT:**

1
2 Mr. Rhodes provided an update on the Pinole Square Shopping Center project at
3 Appian 80, with an incompleteness letter sent to the property owner and with a
4 joint City Council/Planning Commission meeting to be scheduled to provide
5 informal feedback on the project; status of the Verizon and T-Mobile cell-on-
6 wheels (COW) sites and clock tower for the CVS project with the applicant
7 required through Republic Services to meet mandatory diversion goals for
8 recycling and reuse of materials as part of demolition; plan check for the
9 previously approved Eye Surgery Center on Pinole Valley Road with the project
10 expected to be under construction later in the year; plan check on the approved
11 dialysis center shell with staff working with the developer on the issuance of
12 building permits and with the project also planned to be under construction later
13 in the year; and creek improvements in conjunction with the Sprouts project and
14 Gateway West.

15
16 Commissioner Kurrent reported he would not be able to attend the next Planning
17 Commission meeting on March 26.

18
19 Mr. Rhodes also provided an update on the East Bay Regional Park District
20 (EBRPD) Trail Extension with an informational update to be made to the City
21 Council on March 20; the trail would be completed by summer and project
22 information had been posted on the EBRPD website. In addition, staff was also
23 close to issuing building permits for the relocation of O'Reilly's from Appian 80 to
24 the Del Monte Shopping Center; building permits had been issued for the exterior
25 changes to the façade for Planet Fitness and tenant improvement changes were
26 in plan check; and the City had received an application to remodel the Valero
27 Gas Station to be rebranded as a 7-Eleven to be reviewed by the Planning
28 Commission Development Review Subcommittee prior to consideration by the
29 full Planning Commission.

30
31 **I. COMMUNICATIONS:** None

32
33 **J. NEXT MEETING:**

34
35 The next meeting of the Planning Commission will be a Regular Meeting to be
36 held on Monday, March 26, 2018 at 7:00 P.M.

37
38 **K. ADJOURNMENT:** 8:56 P.M

39
40 Transcribed by:

41
42 Anita L. Tucci-Smith
43 Transcriber