

AGENDA FOR THE



CITY OF PINOLE PLANNING COMMISSION REGULAR MEETING

Monday, February 22, 2021

7:00 P.M.

Via Zoom Videoconference

DUE TO THE STATE OF CALIFORNIA'S DECLARATION OF EMERGENCY – THIS MEETING IS BEING HELD PURSUANT TO AUTHORIZATION FROM GOVERNOR NEWSOM'S EXECUTIVE ORDERS – CITY COUNCIL AND COMMISSION MEETINGS ARE NO LONGER OPEN TO IN-PERSON ATTENDANCE.

WAYS TO WATCH THE MEETING

- LIVE ON CHANNEL 26. The Community TV Channel 26 schedule is published on the City's website at www.ci.pinole.ca.us. The meeting can be viewed again as a retelecast on Channel 26.
- VIDEO-STREAMED LIVE ON THE CITY'S WEBSITE, www.ci.pinole.ca.us. and remain archived on the site for five (5) years.
- If none of these options are available to you, or you need assistance with public comment, please contact Planning Manager David Hanham at (510) 724-8912 or ghanham@ci.pinole.ca.us.

COMMENTS

Please submit public comments to Planning Staff before or during the meeting via email ghanham@ci.pinole.ca.us. Comments received before the close of the item will be read into the record and limited to 3 minutes. Please include your full name, city of residence and agenda item you are commenting on.

In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in a City meeting or you need a copy of the agenda, or the agenda packet in an appropriate alternative format, please contact the Development Services Department at (510) 724-8912. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Assistant listening devices are available at this meeting. Ask staff if you desire to use this device.

CITIZEN PARTICIPATION:

Persons wishing to speak on an item listed on the Agenda may do so when the Chair asks for comments in favor of or in opposition to the item under consideration. After all of those persons wishing to speak have done so, the hearing will be closed and the matter will be discussed amongst the Commission prior to rendering a decision.

NOTE FOR VIDEOCONFERENCE MEETINGS: Public comments may be submitted to Planning Staff before or during the meeting via email ghanham@ci.pinoles.ca.us. Comments received before the close of the item will be read into the record and limited to 3 minutes. Please include your full name, city of residence and agenda item you are commenting on.

Any person may appeal an action of the Planning Commission or of the Planning Manager by filing an appeal with the City Clerk, in writing, within ten (10) days of such action. Following a Public Hearing, the City Council may act to confirm, modify or reverse the action of the Planning Commission and the Planning Commission may act to confirm, modify, or reverse the action of the Planning Manager. The cost to appeal a decision is \$500 and a minimum \$2,500 deposit fee.

Note: If you challenge a decision of the Commission regarding a project in court, you may be limited to raising only those issues you or someone else raised at the public hearing or in writing delivered to the City of Pinole at, or prior to, the public hearing.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE AND ROLL CALL

C. CITIZENS TO BE HEARD:

The public may address the Planning Commission on items that are within its jurisdiction and not otherwise listed on the agenda. Planning Commissioners may discuss the matter brought to their attention, but by State law (Ralph M. Brown Act), action must be deferred to a future meeting. Time allowed: five (5) minutes each.

D. MEETING MINUTES:

1. Planning Commission Meeting Minutes from January 25, 2021

E. PUBLIC HEARINGS:

At the beginning of an item, the Chair will read the description of that item as stated on the Agenda. The City Staff will then give a brief presentation of the proposed project. The Commission may then ask Staff questions about the item.

For those items listed as Public Hearings, the Chair will open the public hearing and ask the applicant if they wish to make a presentation. Those persons in favor of the project

will then be given an opportunity to speak followed by those who are opposed to the project. The applicant will then be given an opportunity for rebuttal.

The Public Hearing will then be closed and the Commission may discuss the item amongst themselves and ask questions of Staff. The Commission will then vote to approve, deny, approve in a modified form, or continue the matter to a later date for a decision. The Chair will announce the Commission's decision and advise the audience of the appeal procedure.

Note: No Public Hearings will begin after 11:00 p.m. Items still remaining on the agenda after 11:00 p.m. will be held over to the next meeting.

1. Zoning Code Text Amendment Adding Chapter 17.28, Historic Preservation Overlay, to the Municipal Code and Adopting Old Town Design Guidelines – ZCA 21-01

Request: Consideration of a Zoning Ordinance Text Amendment for creating a Historic Preservation Overlay (HPO) District. The District will define areas of the City of Pinole that have historic significance. The Ordinance will create standards of development within borders as described in Exhibit A of the Old Town Design Guidelines, as well as properties that may be subsequently added to the HPO district.

Applicant: City of Pinole
2131 Pear Street
Pinole, CA 94564

Location: Old Town Pinole as defined in the Old Town Design Guidelines, and applicable citywide

Planner: Alex Mog

F. OLD BUSINESS:

None

G. NEW BUSINESS:

1. Housing Law Review

H. CITY PLANNER'S/COMMISSIONER'S REPORT:

1. Verbal Updates of Projects

I. COMMUNICATIONS:

J. NEXT MEETING:

Planning Commission Regular Meeting, March 22, 2021 at 7:00PM

K. ADJOURNMENT

POSTED: February 17, 2021

David Hanham
Planning Manager

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DRAFT
MINUTES OF THE REGULAR MEETING
PINOLE PLANNING COMMISSION

January 25, 2021

DUE TO THE STATE OF CALIFORNIA'S DECLARATION OF EMERGENCY – THIS MEETING WAS HELD PURSUANT TO AUTHORIZATION FROM GOVERNOR NEWSOM'S EXECUTIVE ORDERS – CITY COUNCIL AND COMMISSION MEETINGS WERE NO LONGER OPEN TO IN-PERSON ATTENDANCE. THE MEETING WAS HELD VIA ZOOM TELECONFERENCE.

A. CALL TO ORDER: 7:07 P.M.

B. PLEDGE OF ALLEGIANCE AND ROLL CALL

Commissioners Present: Benzuly, Flashman, Moriarty, Chair Kurrent

Commissioners Absent: Wong

Staff Present: David Hanham, Planning Manager
Alex Mog, Assistant City Attorney

C. CITIZENS TO BE HEARD

The following speaker submitted written comments via e-mail that were read into the record and would be filed with the agenda packet for this meeting: **Rafael Menis**. (See Attachment to Meeting Minutes)

D1. CONSENT CALENDAR: None

D2. MEETING MINUTES:

1. Planning Commission Meeting Minutes from December 14, 2020

The following amendments were made to the Meeting Minutes from December 14, 2020:

Lines 35 through 38 of Page 1 amended to read:

MOTION: Moriarty SECONDED: Benzuly

APPROVED: 4-0-1
ABSENT: Flashman

Lines 11 through 12 of Page 2 amended to read:

MOTION: Moriarty

SECONDED: Benzuly

APPROVED: 4-0-1
ABSENT: Flashman

MOTION by a Roll Call Vote to adopt the Planning Commission Meeting Minutes from December 14, 2020, as amended.

MOTION: Benzuly

SECONDED: Moriarty

APPROVED: 3-0-1
ABSTAIN: Flashman
ABSENT: Wong

Chairperson Kurrent reported there were only four Planning Commissioners present and two lived within the proximity of Item E2 and would have to recuse themselves. As a result, no action would be taken on the item although public comments would be accepted. Item E2 would be continued.

E. PUBLIC HEARINGS:

1. Pinole Square (Appian 80) Shopping Center – Parcel Map 651-21

Request: Consideration of a Parcel Map for the purpose of merging seven parcels into three located in the Appian 80 Shopping Center at 1201-1577 Tara Hills Drive in the CMU District. The project includes the merger of seven parcels into three parcels for the purpose of allowing the applicant to establish Lease Lines (condominiums) for the suite located on the south end of the property, the Safeway store and fuel station and for the group of buildings located on the west side of the property.

Applicant: AMS Associates, Inc.
801 Ygnacio Valley Road, Suite 220
Walnut Creek, CA 94563

Location: 1201-1577 Tara Hills (APN: 402-282-002, 06, 07, 08, 09, 10, 14, 19)

Staff: David Hanham

Planning Manager David Hanham presented the staff report dated January 25, 2021, and clarified the project would merge eight parcels into one parcel, not seven parcels, contrary to the agenda description, with the parcels having been outlined on the map previously established and owned by separate property owners.

Mr. Hanham recommended the Planning Commission adopt Resolution 21-01 approving Tentative Map MS 651-21 for the Pinole Square Shopping Center Project, subject to the conditions of approval shown in Exhibit A to the staff report.

1 Responding to the Commission, Mr. Hanham again clarified the applicant's request
2 to merge eight parcels into one parcel (Parcel One) for the purpose of allowing the
3 applicant to establish Lease Lines for commercial condominiums for the suite
4 located on the south end of the property, the Safeway store and fuel station and
5 for the group of buildings located on the west side of the property. Parcels L3 and
6 L7 as shown on the map were outside of the consolidation. The applicant is the
7 owner of the land and if the Planning Commission approved the Tentative Map,
8 once finalized, the parcels would still exist and operate in their current manner. He
9 also clarified there was an agreement between the parcels regarding parking for
10 cross access; there were no restrictions to subdivide the parcel in the future but
11 that would require future action by the Planning Commission; and the project was
12 categorically exempt from the California Environmental Quality Act (CEQA)
13 pursuant to Section 15315, Minor Land Divisions, as detailed in the staff report.
14

15 Todd Green, Vice President, Hillsboro Properties, Inc., San Mateo, confirmed there
16 was a co-ownership agreement in place with respect to the parking.
17

18 PUBLIC HEARING OPENED 19

20 The following speaker submitted written comments via e-mail that were read into
21 the record and would be filed with the agenda packet for this meeting: **Jessica**
22 **Delgado**. (See Attachment to Meeting Minutes)
23

24 In response to the public comment, Mr. Hanham clarified no residential
25 condominiums would be added to the site. The application was for a commercial
26 project with commercial condominiums in existing buildings that had been
27 approved in September 2020. Attempting to provide further clarification, he
28 explained that the original building had been approved in September 2020
29 consisting of six to seven suites with a minor anchor and additional shops. The
30 commercial condominiums would allow the developer over the course of time to
31 set Lease Lines into what a tenant was leasing and offered an example scenario
32 of how that would be achieved.
33

34 The Lease Lines allowed the developer/property owner to define what the tenant
35 wanted to use and then determine what the tenant was leasing. The project
36 application pertained only to the merger of the parcels and had nothing to do with
37 increasing or decreasing the square footage of the project. There would be no
38 impact on the size of the buildings or the parking. The project would not impact
39 public health since it only involved the merger of the parcels and would not affect
40 the uses on the property.
41

42 Further responding to concerns of potential impacts to public health, Assistant City
43 Attorney Alex Mog stated there would be no improvements as part of the
44 subdivision.
45

46 PUBLIC HEARING CLOSED

1 The Planning Commission discussed Pinole Square (Appian 80) Shopping Center
2 – Parcel Map 651-21 and there was agreement there would be no potential
3 negatives with the applicant's request; the project had previously been approved
4 with the request to merge parcels, a legal step to create one parcel; and although
5 there were concerns with what could happen if the project was not built, the project
6 was already in existence.
7

8 **MOTION** by a Roll Call Vote to adopt Resolution 21-01, a Resolution of the Planning
9 Commission of the City of Pinole, County of Contra Costa, State of California,
10 Approving a Tentative Parcel Map (MS 651-21) to Merge Eight (8) Parcels into One
11 (1), 1201-1577 Tara Hills Drive, APN: 402-282-002, 06, 07, 08, 09, 10, 14, and 19,
12 subject to Exhibit A: Conditions of Approval.
13

14 **MOTION: Benzuly SECONDED: Moriarty APPROVED: 4-0**
15 **ABSENT: Wong**
16

17 Chairperson Kurrent identified the 10-day appeal period of a decision of the
18 Planning Commission in writing to the City Clerk.
19

20 Mr. Mog reported Commissioners Flashman and Moriarty would have to recuse
21 themselves from the discussion of Item E2 due the proximity of their homes to the
22 proposed Historic Preservation Overlay District. Since Commissioner Wong was
23 absent, a process which would have allowed either Commissioner Flashman or
24 Moriarty to be brought back into the discussion to reach a quorum by randomly
25 choosing one of them to participate in this discussion was not feasible. Given the
26 lack of a quorum, the item would be continued automatically to the next meeting
27 of the Planning Commission scheduled for February 22, 2021. Public comments
28 should be accepted at this time but the public hearing could not be opened due to
29 the lack of quorum.
30

31 Mr. Mog acknowledged concerns raised by the Chair regarding the challenges in
32 reaching a quorum of the Planning Commission particularly given there were
33 currently two vacancies. He clarified there was a provision which would allow
34 Planning Commissioners to participate even if there was a conflict of interest if the
35 decision would affect the public generally, which had been defined in the law as
36 15 percent of residences in the City. In this case, while the proposed ordinance
37 would affect two Planning Commissioners, it was far below the 15 percent
38 threshold. At this time, he recommended Planning Commissioners hold their
39 comments until the next meeting but allow comments from the public.
40

41 **2. Zoning Code Text Amendment Adding Chapter 17.28, Historic**
42 **Preservation Overlay, to the Municipal Code and Adopting Old Town**
43 **Design Guidelines – ZCA 21-01**
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Request: Consideration of a Zoning Ordinance Text Amendment for creating a Historic Preservation Overlay (HPO) District. The District will define areas of the City of Pinole that have historic significance. The Ordinance will create standards of development within borders as described in Exhibit A of the Old Town Design Guidelines, as well as properties that may be subsequently added to the HPO District.

Applicant: City of Pinole
2131 Pear Street
Pinole, CA 94564

Location: Old Town Pinole as defined in the Old Town Design Guidelines, and applicable citywide

Staff: David Hanham

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

Commissioner Moriarty asked for a printout of any public comment received, and Mr. Hanham advised that all comments would be inserted into the meeting minutes. (See Attachment to Meeting Minutes)

No motion was made to continue this item. Continued by consensus; did not have quorum.

F. OLD BUSINESS: None

G. NEW BUSINESS: None

H. CITY PLANNER'S / COMMISSIONERS' REPORT

1. Verbal Updates of Projects

Mr. Hanham reported the environmental work for a proposed 29-unit apartment complex with an additional 10,000 square-foot addition to the existing commercial property at 2801 Pinole Valley Road would be commencing soon to allow the application to be presented to the Planning Commission in the next three to four months. Staff was working with potential applicants for a project at 811 San Pablo Avenue; continued to work with the project proponent for the former Doctor's Hospital site; and other project proponents for other potential developments on sites on San Pablo Avenue and the former Kmart Center. Given the size of these projects there would be community outreach.

1
2 Commissioner Flashman encouraged greater community outreach including
3 consideration of public walk-throughs of some of the project sites, such as the
4 former Doctor's Hospital property consistent with COVID-19 restrictions, and Mr.
5 Hanham described the different public outreach approaches that could be
6 considered through the public hearing process. Site visits with the Planning
7 Commission would require an agendaized meeting consistent with the requirements
8 of the Brown Act, but Planning Commissioners could visit project sites at any time
9 individually.

10
11 In response to Commissioner Moriarty, Mr. Hanham provided an update of the
12 landscape plan for the Pinole Square project and reported once the applicant had
13 filed for the building permit the landscape plan would be submitted at the same
14 time. The City had not yet established a Tree Mitigation Fund but had a Tree
15 Maintenance Fund, a yearly budget item, as part of the Public Works Department.
16 Dr. Lee's Ophthalmology Center had resubmitted the landscape plan with
17 approximately eight to nine additional trees, and staff had directed the applicant to
18 provide more native tree species. There would be no tree mitigation fees involved
19 for this project since the applicant would provide trees on-site. The building would
20 not be finalized until the landscape plan had been finalized.

21
22 Mr. Hanham clarified the Sprout's project also involved the planting of trees on-site
23 and had not required the payment of a tree mitigation fee. As to the status of the
24 planting of trees along the creek, on the other side of the fence but still on the
25 Sprout's property, which had ultimately been prohibited by the Contra Costa
26 County Flood Control District (CCCFCD), he explained that the project had
27 occurred prior to his employ with the City. He was unaware of the specifics of the
28 project and would follow-up with the City Engineer with an update to be provided
29 at the next meeting.

30
31 Commissioner Moriarty requested an agenda item to provide information regarding
32 recent state housing legislation given the challenges obtaining information from
33 the League of California Cities website, to which Messieurs Hanham and Mog
34 reported the intent to have a workshop to allow presentations on state housing
35 legislation that could impact Pinole and which could be presented during the next
36 meeting, if possible. A summary of housing legislation from 2019 could also be
37 provided to the Planning Commission prior to the next meeting.

38
39 Mr. Hanham added that staff continued to work on the Request for Proposal (RFP)
40 for Senate Bill (SB) 2 funds and was also considering other grant opportunities.
41 Also, the Association of Bay Area Governments (ABAG) along with the Contra
42 Costa Transportation Authority (CCTA) were working on a bench of consultants
43 who prepared Housing Elements to assist the City in hiring a consultant for the
44 Housing Element Update.

1 Also in response to Commissioner Moriarty, Mr. Hanham acknowledged the Old
2 Town Design Guidelines had been provided to the Planning Commission on
3 multiple occasions, and rather than continually print out the document, he would
4 make sure the information was available via a link to the City's website and would
5 verify with staff that the information had been posted on the City's website.
6

7 Commissioner Moriarty thanked staff for the written information on project updates.
8

9 **I. COMMUNICATIONS:** None
10

11 **J. NEXT MEETING**
12

13 The next meeting of the Planning Commission to be a Regular Meeting to be held
14 on Monday, February 22, 2021 at 7:00 P.M.
15

16 **K. ADJOURNMENT:** 8:26 P.M. ***In Memory of Judy Harder*** (mother of
17 *Commissioner Ann Moriarty*).
18

19 Transcribed by:
20

21
22 Sherri D. Lewis
23 Transcriber
24

ATTACHMENT TO MEETING MINUTES January 25, 2021

Public Comments Received During the January 25, 2021 Planning Commission Meeting

Item C. Citizens to be Heard

From Rafael Menis,

1. Greetings Planning commissioners, staff, and members of the public. I am writing today to inform the public that there is an active application process for planning commission vacancies. You can find more information at https://www.ci.pinole.ca.us/city_government/city_clerk/boards_and_commission. The filing period will close on February 11th. I have applied, and I encourage others to apply as well- there are multiple vacancies, and the commission would benefit from a further diversity of backgrounds and skill sets.

Item E1. Pinole Square (Appian 80) Shopping Center – Parcel Map 651-21

From Jessica Delgado,

1. As homeowners on Alberdan Circle, and watching the live stream information, are there going to be " residential condominiums" added to the site? The letter we received discussed that?
2. As the project has already been approved, is there a way we can obtain access to a preliminary site map of the approved project? A website or link, or perhaps an existing agenda from meeting past?
As residents of Alberdan Circle, one of our concerns is the location of the construction of the proposed gas station and its proximity to the residential homes.
Will there be a safety / sound wall constructed for the residential neighborhood.
I appreciate any information you may be able to share with us, as many of our neighbors have the same questions.

Item E2. Zoning Code Text Amendment Adding Chapter 17.28, Historic Preservation Overlay, to the Municipal Code and Adopting Old Town Design Guidelines – ZCA 21-01

From Rafael Menis,

1. I have two comments on this item, one technical and one broader. The technical one is that there is a typo in the proposed ordinance exhibit A. 17.28.060 B reads Own Told Preservation Design Guidelines, and it probably should read Old Town Design Guidelines to be compatible with 17.28.060 A.
The second comment is with regards to the designation process, as described in 17.28.040. Will private citizens be able to petition the planning commission, zoning administrator or council to add the HPO designation to a property or group of properties? The cultural resources definition in 17.28.020 is broad, and it seems as though much of the city could fall under at least one of its subheadings.



Memorandum

TO: PLANNING COMMISSION MEMBERS

FROM: ALEX MOG, ASSISTANT CITY ATTORNEY

SUBJECT: ZONING CODE TEXT AMENDMENT ADDING CHAPTER 17.28, HISTORIC PRESERVATION OVERLAY, TO THE MUNICIPAL CODE AND ADOPTING OLD TOWN DESIGN GUIDELINES

DATE: February 22, 2021

File: Zoning Code Amendment

Applicant:

City of Pinole 2131 Pear St. Pinole, CA 94564

REQUEST

Staff requests the Planning Commission recommend approval to the City Council of a Zoning Code text amendment (ZCA 21-01) to add Chapter 17.28, Historic Preservation Overlay, to the Municipal Code and adopt the Old Town Design Guidelines.

BACKGROUND

The City Council previously directed the Municipal Code Update Subcommittee to consider whether the City should adopt a historic preservation ordinance for Pinole. There are existing state and federal programs for historic preservation, but cities are also authorized to enact their own local historic preservation programs. The Subcommittee met three (3) times in fall of 2020 to consider different options for preserving historic structures in Pinole, and the proposed ordinance is the result of those discussions. The Subcommittee recommended the proposed ordinance be forwarded to the Planning Commission for review and recommendation to the City Council.

The City's General Plan and the Three Corridors Specific Plan currently have various goals and policies related to historic preservation, including:

- [Goal CC.1](#): Maintain Pinole's unique qualities and sense of place to preserve the established historic and small-town character of the city.

- Policy CC.1.4 The historic and urban character of Old Town Pinole shall be revitalized through the density and intensity of new construction, as well as through the use of building materials, architecture and other design elements that reflect the city's past.
- Goal CC.4: Promote a greater awareness of and sensitivity toward Pinole's historical heritage.
 - Policy CC.4.2 Establish and promote programs that identify, maintain and protect buildings, sites or other features of the landscape possessing historic or cultural significance.
 - *Action CC.4.2.1* Pursue recognition of eligible historic properties by the National Register of Historic Places and California Register of Historical Resources, and consider a variety of ways to identify and document historic buildings and properties throughout the city. *Action CC.4.2.2* Maintain an up-to-date inventory of existing historic resources, including artifacts, structures, sites, areas and natural phenomena. Map the location of historic districts and historic and natural resources. *Action CC.4.2.3* Establish a program to identify historical structures, places and events in recognition of their status. This program may include the use of signs, monuments, public art and interpretive exhibits.
 - Policy CC.4.3 The City shall take all possible precautions to ensure that no action by the City results in the loss of the irreplaceable archaeological record present in Pinole's planning jurisdiction and shall work with the County toward that end.
 - *Action CC.4.3.1* Establish review procedures for development projects that recognize the history of the area in conjunction with state and federal laws.
 - *Action CC.4.3.2* Establish a Historic Preservation Ordinance to provide for the appropriate development and maintenance of historic resources and

However, enforcing these goals and policies through the design review process can be difficult because only three structures in Pinole have been designated as historic. The Bank of Pinole (2361 San Pablo Avenue) and the Fernandez House (100 Tennent Avenue) are both listed on the National Register of Historic Places. Additionally, the Downer Home (2711 San Pablo Avenue) is identified in the General Plan as a historic structure. Except for these structures, the City's ability to apply the historic preservation goals and policies in the General Plan is currently limited.

Some communities have created local historic preservation ordinances to help preserve historic structures. These ordinances generally require structures to be designated as landmarks on a case by case basis. Structures designated as landmarks are then subject to strict regulations regarding proposed changes. While those types of ordinances are effective at preserving a designated landmark, they requires considerable work (and generally a historic survey conducted by a professional) to identify structures to be designated as historic. The proposed ordinance takes a different approach, and instead requires projects within a specified zone to go through enhanced design review.

ANALYSIS

The purpose of the proposed ordinance is to ensure enhanced design review is applied to projects that will impact historic buildings and structures. The ordinance accomplishes this goal by creating a historic preservation overlay (“HPO”) zone. An overlay is a type of supplemental zoning designation that establishes regulations additional to those contained in the underlying zoning for the property. For example, Pinole currently has a high density residential overlay that requires property within the overlay to be developed at a minimum density of 21 units/acre, even when the underlying zoning district allows less density.

A historic preservation overlay zone requires properties included in the overlay to go through additional review before certain development can occur on the property, including alterations to existing structures. The inclusion of a property within a historic preservation overlay is different than the designation of a property as a historic landmark. A property is generally designated as a historic landmark after a thorough review of its historic significance. In contrast, a property may be included in a historic preservation overlay because it is considered potentially historic, or is located in an area with other historic properties.

The proposed ordinance would implement the following program to support historic preservation efforts:

1. Properties are designated for inclusion within the HPO Zone by the City Council.
2. When a project is proposed on a property located within the HPO Zone, the Zoning Administrator must determine whether the proposed project would impact any cultural resources located on that property.
3. If the project would impact a cultural resource, the project is required to comply with special design guidelines.
4. The special design guidelines are applied through the otherwise applicable Administrative Design Review or Comprehensive Design review process.

The initial HPO Zone would apply to the area commonly known as Old Town Pinole, a map of which is included as Attachment B. The Map is somewhat difficult to read, and staff is preparing a clearer map to share with the Commission during the meeting. The draft ordinance also establishes a process to add new properties to the HPO Zone in the future, upon a recommendation by the Planning Commission and approval by the City Council. Importantly, a property does not have to be contiguous to the existing HPO Zone to be added to the HPO Zone.

The draft ordinance defines a cultural resource as any site, place, building, structure, sign, work of art, natural feature or other object with historical, archaeological, cultural, architectural, community, aesthetic or artistic heritage significance to the public for one of the following reasons:

1. It embodies distinctive characteristics of style, type, period or method of construction;
2. It contributes to the significance of a historic area;
3. It embodies elements of architectural design, detail materials or craftsmanship that represents a significant structural or architectural achievement or innovation; or
4. It is identified with persons or events significant in local, state, or national history.

The decision of the Zoning Administrator that a project would impact a cultural resource may be appealed to the Planning Commission.

Under the draft ordinance, projects that will impact a cultural resource are required to comply with special design guidelines. A project could impact a cultural resource because it directly involves changes to the resource (such as an exterior renovation) or indirectly due to the proximity of the proposed project to the resource.

The City Council adopted Old Town Design Guidelines in 1997, and a copy of those guidelines is attached as Attachment C. It is unclear whether these guidelines were ever implemented, but at the very least they have not been utilized regularly for at least the last ten years. Additionally, the design guidelines as adopted were not mandatory for buildings in Old Town, and compliance with the guidelines was simply “strongly encouraged”. The proposed ordinance will ensure the application of these special design guidelines moving forward. Any project in the HPO Zone that impacts a cultural resource will be required to comply with the design guidelines. Compliance with the guidelines will continue to be encouraged for all other projects in the HPO Zone.

California Environmental Quality Act (CEQA) compliance.

The proposed amendments are exempt from CEQA based on the rule set forth in CEQA Guidelines Section 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that the Zoning Code text amendment will have a significant effect on the environment.

CONCLUSION

STAFF RECOMMENDATION

That the Planning Commission approve Resolution 21-02 recommending that the City Council Adopting a Zoning Code Text Amendment Adding Chapter 17.28, Historic Preservation Overlay, to the Municipal Code and Adopting Old Town Design Guidelines

ATTACHMENTS

- A. Resolution Recommending that the City Council Adopt a Zoning Code Text

Amendment Adding Chapter 17.28, Historic Preservation Overlay, To the Municipal Code and Adopting Old Town Design Guidelines

- B. Map of Proposed Historic Preservation Overlay
- C. Old Town Design Guidelines

3668355.2

PLANNING COMMISSION RESOLUTION NO. 2021-02

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PINOLE
RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ADDING
CHAPTER 17.28, HISTORIC PRESERVATION OVERLAY, TO THE MUNICIPAL
CODE AND ADOPTING OLD TOWN DESIGN GUIDELINES**

WHEREAS, historic buildings and structures are those which are reminders of past eras, events and persons important in local, state or national history, or which provide significant examples of architectural styles of the past, or are unique; and

WHEREAS, historic buildings and structures are irreplaceable assets to the City and its neighborhoods, and an important element of Pinole's identity; and

WHEREAS, the General Plan includes goals of maintaining Pinole's unique qualities and sense of place to preserve the established historic and small-town character of the city, as well as promoting a greater awareness of and sensitivity toward Pinole's historical heritage; and

WHEREAS, in order to implement these goals, the General Plan calls on the City to establish review procedures for development projects that recognize the history of the area in conjunction with state and federal laws and consider adoption of a historic preservation ordinance; and

WHEREAS, the purpose of design review is to promote the orderly and harmonious growth of the city, to encourage development in keeping with the desired character of the city, and to ensure physical and functional compatibility between uses; and

WHEREAS, every development project in the City is required to go through design review; and

WHEREAS, the proposed ordinance would create a Historic Preservation Overlay Zone (the "HPO Zone") within the City; and

WHEREAS, the proposed ordinance would require properties included in the HPO Zone to go through additional historic review before development projects could occur on the property, including alterations to existing structures; and

WHEREAS, if a proposed project within the HPO Zone would impact a cultural resource, the project would be required to comply with special design guidelines; and

WHEREAS, inclusion within the Historic Preservation Overlay would not change the types of uses allowed on the property; and

WHEREAS, properties within the area commonly known as Old Town Pinole would be included within the HPO Zone; and

WHEREAS, the Planning Commission held a duly noticed public hearing to consider the proposed amendments to the Zoning Code on February 22, 2021, at which time all interested persons had the opportunity to be heard; and

WHEREAS, the Planning Commission finds that the proposed amendments to the Zoning Code are consistent with and support the Pinole General Plan by helping to preserve historic structures, enhance Pinole's unique qualities and sense of place, and promote a greater sensitivity toward Pinole's historical heritage.

NOW THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Pinole that the above recitals are true and correct, and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the Planning Commission of the City of Pinole hereby recommends that the City Council:

1. Adopt an ordinance adding Chapter 17.12, Historic Preservation Overlay, to the Municipal Code as set forth in Exhibit A, attached hereto and incorporated herein by reference;
2. Designate the properties identified in the map attached hereto as Exhibit B and incorporated herein by reference for inclusion within the Historic Preservation Overlay Zone;
3. Adopt the Old Town Design Guidelines as set forth in Exhibit C, attached hereto and incorporated herein by reference;
4. Find that the proposed amendments are exempt from CEQA based on the rule set forth in CEQA Guidelines Section 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that the Zoning Code text amendment will have a significant effect on the environment.

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 22nd day of February, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

David Kurrent, Chair, 2020-2021

ATTEST:

David Hanham, Planning Manager

EXHIBIT A

Chapter 17.28 Historic Preservation Overlay (HPO) District

- 17.28.010 Purpose.**
- 17.28.020 Cultural Resources Definition**
- 17.28.030 Historic Preservation Overlay (HPO) Designation**
- 17.28.040 Designation Process**
- 17.28.050 Determination of Existence of a Cultural Resource**
- 17.28.060 Special Guidelines for Design Review**
- 17.28.070 Demolition**
- 17.28.080 Hardship Exemption**
- 17.28.080 Applicability**
- 17.28.100 Public Hearings**
- 17.28.110 Incentives**

17.28.010 Purpose.

The general purpose of the Historic Preservation Overlay (HPO) District is to promote the preservation and rehabilitation of historic buildings in Pinole. Historic buildings are those which are reminders of past eras, events and persons important in local, state or national history, or which provide significant examples of architectural styles of the past, or are unique and irreplaceable assets to the City and its neighborhoods.

17.28.020 Cultural Resources Definition

As used in this chapter, “Cultural Resource” means any site, place, building, structure, sign, work of art, natural feature or other object with historical, archaeological, cultural, architectural, community, aesthetic or artistic heritage significance to the citizens of the City, the State of California, or the nation for one of the following reasons:

- A. It embodies distinctive characteristics of style, type, period or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship, or
- B. It contributes to the significance of a historic area being a geographically definable area possessing a concentration of historic or scenic properties or thematically related grouping of properties or properties which contribute to each other and are unified aesthetically by plan or physical development, or
- C. It embodies elements of architectural design, detail materials or craftsmanship that represents a significant structural or architectural achievement or innovation; or
- D. It is identified with persons or events significant in local, state, or national history.

17.28.030 Historic Preservation Overlay (HPO) Designation

- A. There is hereby created a Historic Preservation Overlay, which shall be used to designate on the City's Zoning Map properties that are possibly worthy of preservation because of the cultural resource(s) located on the property.
- B. Permitted and conditional uses, allowable density and development standards for properties designated with the Historic Preservation overlay shall the same as is required for the underlying zone district, except as otherwise provided for in this Chapter.

17.28.040 Designation Process

- A. The Zoning Administrator, Planning Commission, or City Council may initiate proceedings to add the HPO zone designation to a property. After the process is initiated, the Zoning Administrator shall prepare information regarding the cultural resource(s) located on the property, as appropriate, and present such information to the Planning Commission for consideration.
- B. The Planning Commission may recommend to the City Council, after public hearing, the inclusion of properties within the HPO zone.
- C. The City Council shall consider the recommendation of the Planning Commission and may, after a public hearing, designate by ordinance properties to be included within the HPO Zone.
- D. A property shall only be included within the HPO zone if the approval findings required by Section 17.12.190 for Zoning Code Amendments are made.

17.28.050 Determination of Existence of a Cultural Resource

- A. For any project proposed on a property located within the HPO Zone, prior to the occurrence of any design review, the Zoning Administrator shall determine whether the project would result in changes to a cultural resource on the property.
- B. The Zoning Administrator shall notify the applicant of the determination in writing. The Zoning Administrator's decision may be appealed pursuant to Section 17.10.070.

17.28.060 Special Guidelines for Design Review

- A. Any proposed project within the HPO Zone that would result in changes to a cultural resource on the property shall comply with the Old Town Design Guidelines, as adopted and amended by the City Council from time to time.
- B. Administrative Design Review or Comprehensive Design Review shall not be approved for any project that does not comply with the Old Town Design Guidelines, if the project is subject to such guidelines.

17.28.070 Demolition

No structure on a property located within the HPO Zone shall be demolished unless the Zoning Administrator first determines in writing that either:

- A. The structure is not a Cultural Resource pursuant to Section 17.28.50; or
- B. The structure cannot be feasibly remodeled or rehabilitated in a manner which would allow a reasonable use of or return from the property to the property owner.

The Zoning Administrator's decision may be appealed pursuant to Section 17.10.070.

17.28.080 Hardship Exemption

If the applicant presents facts clearly demonstrating to the satisfaction of the reviewing authority that compliance with the Old Town Design Guidelines will work immediate and substantial hardship because of conditions peculiar to the particular structure or other feature involved, the reviewing authority may approve the application even though it does not meet the standards set forth in this Chapter. Nothing herein shall excuse compliance with any other applicable requirement of this Code.

17.28.090 Applicability

None of the provisions of this chapter shall prevent any measures of construction, alteration or demolition necessary to correct the unsafe or dangerous condition of any structure, other feature, or part thereof, where such condition has been declared unsafe or dangerous by the Building Official or the Fire Marshal, and where the proposed measures have been declared necessary, by such official to correct the condition; provided, however, that only such work as is necessary to correct the unsafe or dangerous condition may be performed pursuant to this section.

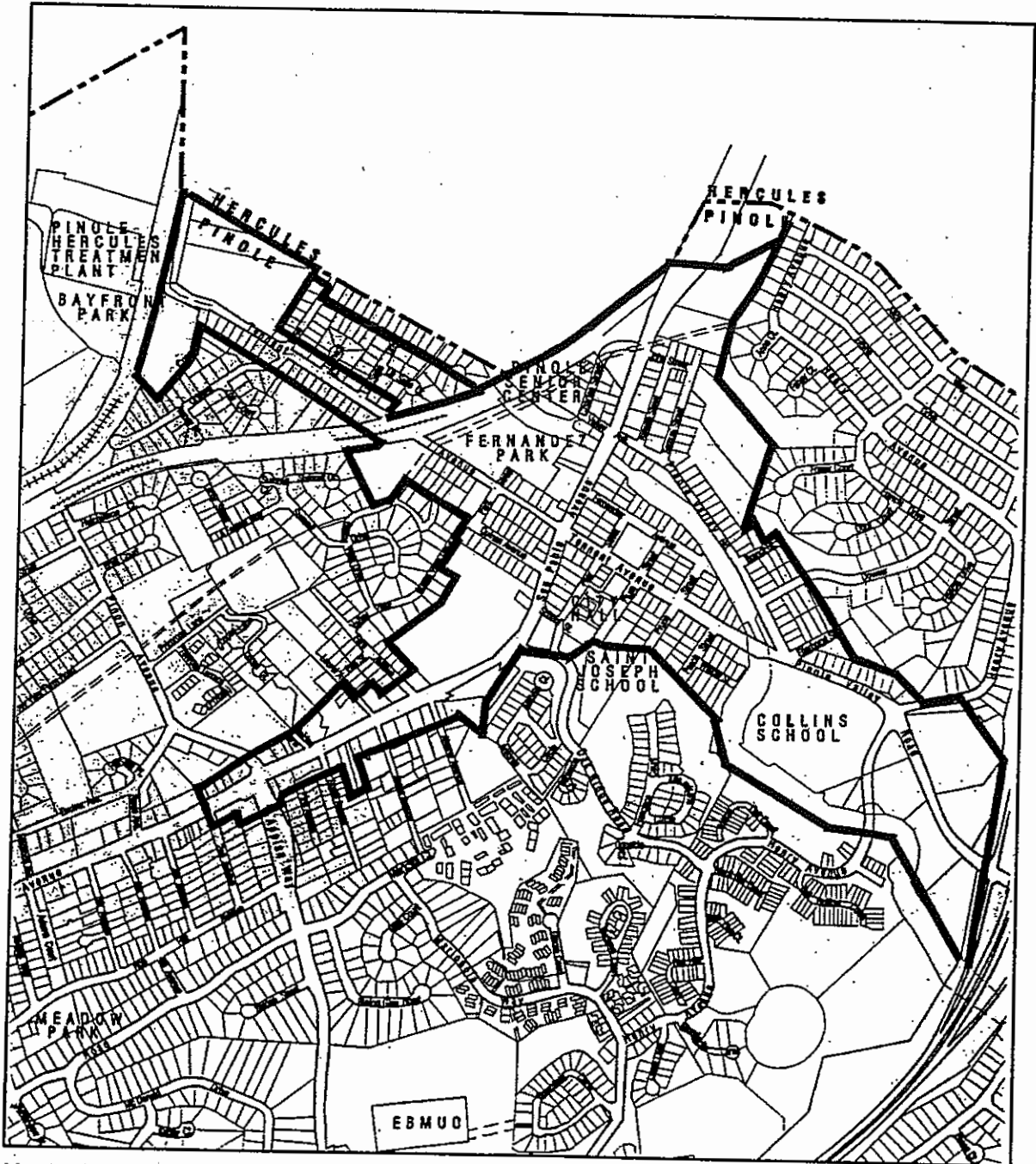
17.28.100 Public Hearings

Notice of the public hearings required by this chapter shall be given in the same manner as required by 17.10.050.

17.28.110 Incentives

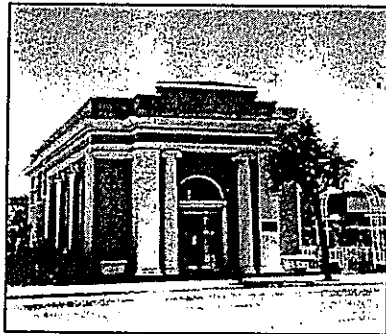
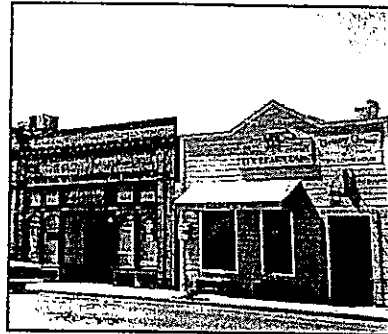
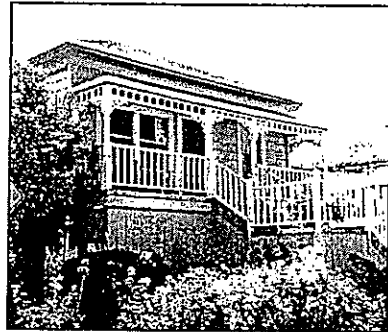
The City Council may authorize the following incentives to the owners of properties located within the HPO Zone in order to encourage and facilitate preservation of historic structures:

- A. Enact the Mills Act to provide a reduction in property taxes;
- B. Provide rehabilitation grants and low interest loans for facade improvements in the Old Alvarado commercial district; and
- C. Provide rehabilitation loans for low and moderate income homeowners.



Map 1: Old Town Design Guidelines Overlay District

Old Town Design Guidelines



Adopted
Feb. 4, 1997
via City Council
Resolution
106-97

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Section 1: Introduction

In December of 1995 the City Council appointed a fifteen member Old Town Design Guidelines Review Committee. The committee's broad charge was to draft a set of design guidelines that would help enhance the positive qualities of Pinole's commercial downtown and protect the livability of its residential neighborhoods. The committee members were chosen for their varied perspectives and the knowledge and skill they would bring to this process.

These design guidelines were drafted to assist those people engaged in the design, construction, review and approval of development projects in the City of Pinole. They are intended as a reference point from which all persons involved in the development process can gain a common understanding of the minimum design expectations in the City of Pinole. Architects, designers and developers are urged to become familiar with these design guidelines and to apply them to the design of projects from the very beginning. Architects, designers and developers are also urged to recognize that these design guidelines are minimums.

These design guidelines identify techniques and minimum standards for achieving the level of design quality the citizens of Pinole have come to expect in commercial and residential development within Old Town. They are offered as one way of achieving attractive and functional projects which compare favorably with the established community character. No claim can be made, however, that these design guidelines encompass every possible technique for achieving a high level of design quality. Architects, designers and developers are therefore, encouraged to use their own creativity and experience to improve upon the means for achieving individual objectives.

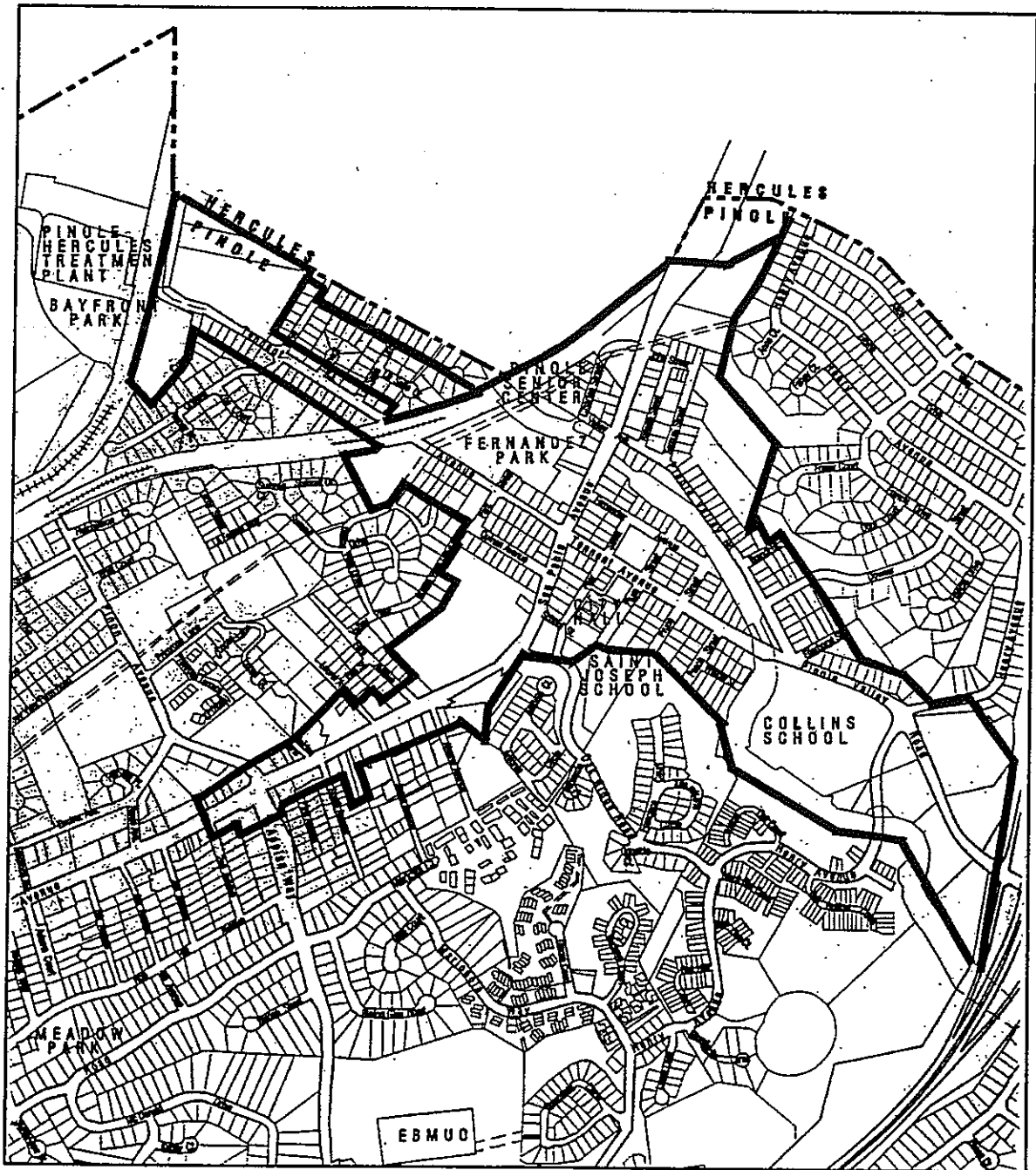
1.1 The Boundaries

The area affected by these design guidelines is called the Old Town Design Guidelines Overlay District. The area's boundaries extend north from Interstate 80 along Pinole Valley Road and Tennent Avenue to San Pablo Bay and west from the Hercules/Pinole border along San Pablo Avenue to Second Avenue. Refer to Map 1.

The Old Town Design Guidelines Overlay District contains Pinole's greatest concentration of historic commercial and residential buildings, especially along San Pablo Avenue which forms the spine of this area. These buildings serve as a link to Pinole's cultural heritage and establish a model for design ideas. In some cases certain downtown buildings are connected with notable people and events. Others help establish a street scene that conveys a sense of place and time. They also provide a richness of character, texture and human scale that is one of Pinole's greatest assets. The Old Town Design Guidelines Overlay District was proposed in recognition that development within this area should be managed in a way that protects Pinole's heritage and enhances its economic viability.

1.2 Goals

These design guidelines establish a special commitment to maintaining and enhancing the visual character of the area located within the boundaries of the Old Town Design Guidelines Overlay District. As discussed above, these design guidelines are intended to put in place an explanation of the expected design standards when commercial and/or residential development is planned within the boundaries of the Old Town Design Guidelines Overlay District. The general goals of these design guidelines are to:



Map 1: Old Town Design Guidelines Overlay District

- Preserve the integrity of the historic architectural features of individual commercial and residential buildings located within the Old Town Design Guidelines Overlay District.
- Minimize alterations and new construction that weaken the historic integrity of individual commercial and residential buildings and of the Old Town Design Guidelines Overlay District.
- Encourage new commercial and residential development that respects and enhances the visual characteristics of the Old Town Design Guidelines Overlay District.
- Instill a sense of “pride of place” built upon Pinole’s unique history and character.
- Create an attractive environment which is active throughout the day and evening.
- Maintain a consistently high level of design quality.

These design guidelines address issues of compatibility, project function and aesthetics. They also help to ensure that any new commercial development will preserve and improve the positive character of existing neighborhoods and that any negative impacts on nearby residences are minimized or avoided. Finally, these design guidelines will encourage the provision of efficient vehicular movement and pedestrian circulation.

1.3 Organization

Design guidelines for new commercial and residential construction and for the renovation of existing commercial and residential buildings comprise the bulk of this document. A special section which discusses a regionally serving commercial area, located within the Old Town Design Guidelines Overlay District boundaries, is also included. This special section is quite different

from the commercial section which deals primarily with the commercial buildings located along San Pablo Avenue.

Special sensitivity to scale and use are required when developing along Pinole Creek. Several concepts to be used are described within the commercial, residential and regional sections. The Old Town Design Guidelines also include regulations for sign design. Sensitive design of signage will improve the visual quality and functioning of the downtown area.

Section 2: The Setting

The City of Pinole is located in West Contra Costa County, adjacent to the San Pablo Bay. Interstate 80, which traverses the City, connects the San Francisco/Oakland metropolitan area with Sacramento and points east. Pinole is linked to Central Contra Costa County and the cities of Martinez, Concord and Pleasant Hill by State Route 4, which begins just north of the City and connects with Interstate 680.

Surrounding communities include the unincorporated areas of Montara Bay, Rancho Road and El Sobrante, and the cities of Richmond and Hercules. The planning jurisdictions in the West County Planning Area, as defined in the Contra Costa County General Plan, are comprised of the cities of Pinole, El Cerrito, Richmond, Hercules, San Pablo and Contra Costa County.

2.1 History of Pinole

Native American settlement of the West Contra Costa shoreline began at least 5,000 years ago. The Pinole region was home to the Huchium Indians, whose territory extended from Berkeley to somewhere between Rodeo and Crockett. The recorded history of Pinole dates back to the early 1700s when a Spanish commandant, Don Pedro Fages, led an exploration through Contra Costa County. With a small band of soldiers and a Native American guide, Don Pedro Fages left Monterey and traveled northward until he reached the area known today as Pinole.

In 1823 Don Ignacio Martinez, commandant of the Presidio of San Francisco, received a land grant from the Mexican government. This land grant comprised over 17,000 acres and was known as "El Pinole."

During the 1850s Bernardo Fernandez started a trading facility on the shores of San Pablo Bay and eventually built the historic Fernandez Mansion which still stands

today at the end of Tennent Avenue. From these early beginnings a small but thriving community grew into the city we now know as Pinole.

One of the earliest Anglo-American settlers in Contra Costa County was Dr. Samuel J. Tennent who married Rafaela Martinez, the daughter of Ignacio Martinez. In 1851 the Tennents built their home one half mile from the Tennent Avenue Creek bridge on Valley Road. Dr. Tennent and his wife Rafaela owned much of the vacant land in Pinole.

The advance of the Southern Pacific Railroad allowed the California Powder Works Company to move to what became Hercules, Pinole's neighbor to the north. The company built both the plant and its houses and became the largest producer of dynamite in the world by the turn of the century. The town of Pinole became a service center for the plant and the success of the plant directly impacted the development of Pinole.

Edward M. Downer came to Pinole in 1889 and went to work as a dispatcher and station agent for the Southern Pacific train depot, located at the end of Tennent Avenue. He became one of the most influential and prominent business figures in Pinole and its surrounding areas including Rodeo, Crockett, Port Costa, Richmond, El Cerrito and Albany. His great success was due to a chain of banking houses which he established in these cities and to his civic efforts and successes. A house built by the Downer family stands today along San Pablo Avenue, at the east end of Old Town.

The Old Town area of Pinole is unique. Despite rapid growth since the 1950s, Old Town has retained a great deal of its historic and architectural character. A large number of historic residences, primarily Queen Anne and Italianate cottages, remain in good condition. Many of the old commercial buildings are still in use today.

2.2 Commercial Design Themes

The historic commercial buildings include two story masonry structures, false front type wood frame structures and stucco or plaster structures. Many of these structures were built in the early twentieth century with the shift of the commercial area away from the wharf to San Pablo Avenue, which was the major artery north from the East Bay. The buildings are located on San Pablo between Tennent Avenue and Valley Avenue. The best example of this early period is the Bank of Pinole Building located on San Pablo Avenue.

In addition to the historic commercial buildings, discussed above, there are a number of more modern buildings that were built between 1960-1990. These buildings are either masonry, wood sided or stucco structures. Many of these buildings do not add to the historic quality and character exemplified by many of the older commercial buildings.

2.3 Residential Design Themes

The main historical residential design themes present in Pinole can be categorized as follows:

- Queen Anne Cottages (1880 - 1905)
- Hip Roof Cottages (1870 - 1910)
- Bungalows (1915 - 1930)

All of these homes were built for individuals who worked in Pinole or at the Hercules Powder Plant, the main industry from 1879 to the 1970s. Due to the stability of this main industry, Pinole's residential neighborhoods were not exposed to major changes created by land development or speculation. These homes are simple in character and gain their importance by their neighborhood groupings.

Remaining examples of the Queen Anne Cottage style of architecture in Pinole illustrate a unique evolution of the style from a rural farmhouse with earlier Italianate

Cottage features (tall narrow windows and hip roof) to the more common Queen Anne Cottages of the 1890s. The uniqueness of this collection is that they were all built at the same time and still illustrate the past and future of American housing fashions at that time.

The Hip Roof Cottages are less identified with a specific time period. The subtle stylistic details are the only features that establish the age of the buildings. The earliest examples are of the Italianate era, they have tall narrow windows and a small flat area at the roof peak. The major distinguishing feature is the porch design and detail features which vary according to what was available for decoration at the local lumber yard when they were built.

The Bungalow or Craftsman Bungalow was the predominant housing style between 1915 and 1930. In Pinole these houses are dispersed throughout Old Town as infill. Good unaltered examples of this housing style are located along Pinole Valley Road.

Section 3: Process

The design guidelines which follow are to be used as an advisory tool. All projects must be submitted to the Design Review Board for review and approval. Compliance with these guidelines is strongly encouraged. The design guidelines are intended to further a dialogue between architects, designers, developers and community representatives about the appropriateness of specific design proposals.

The design guidelines indicate the design elements that should be present in an architecturally compatible Old Town building and focus attention on those design and land use elements that encourage a comfortable pedestrian environment. The design guidelines cannot be used as a checklist, but require interpretation based on the building site and the existing architecture.

The Design Review Board will meet to review project proposals against the adopted design guidelines. A written record of the review and recommendation will be forwarded to the Planning Commission. For projects requiring staff review, a written record will be kept on file in the Community Development Department. Built into the proposed process is an annual evaluation, by the Planning Commission, to gauge the effectiveness of the process and the adequacy of the guidelines.

3.1 Language

Guidelines which employ the word '**should**' are intended to be applied as stated. Guidelines using the word '**encouraged**' are desirable but not mandatory. Guidelines using the word '**discouraged**' should be strictly adhered to. Guidelines using the word '**must**' are based on an existing regulation that must be followed.

Section 4: **Commercial Guidelines** **New Construction**

Commercial development, within the boundaries of the Old Town Design Guidelines Overlay District, should be especially sensitive to issues of compatibility. Indeed, the economic success of Old Town businesses is in many ways dependent on maintaining the architectural character and quality that sets the downtown apart from other shopping areas in Pinole. For this reason, architectural design guidelines for new buildings are proposed in this section.

4.1 The Setting

The existing buildings and landscape of Old Town are the frame of reference for new development. To the extent that the scale and texture of new buildings blends with what is already there, the city is continuously woven together. Conversely, the blatant disregard of the existing pattern disrupts the essential character of the city.

A. Surrounding Area Character

- ❖ **All new structures and uses should be compatible with the character of the existing neighborhood.**
- 1. New development **should** complement the architectural styles, building forms and landscape patterns of neighboring development.
- 2. New development **should** incorporate representative characteristics of the surrounding area, when the area exhibits a positive and distinctive architectural style and/or established functional pattern.

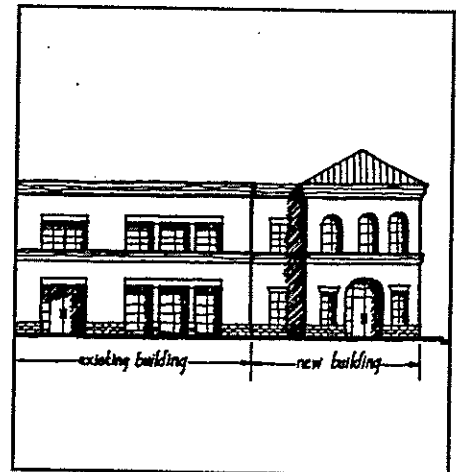


Figure 1: Similar materials, proportions and scale employed on a new building adjacent to an historic one.

3. New development **should** respect existing structures, in the immediate area, through the use of similar materials and proportions and the avoidance of overwhelming scale and visual obstruction, Refer to Figure 1.

B. Site Character

❖ Site amenities should be preserved and should become part of a new project.

1. Natural amenities such as views, mature trees, creeks and similar features, unique to a site, **should** be preserved and incorporated into development proposals.
2. Structures which are historic, or are otherwise distinctive, **should** be preserved and incorporated into development proposals.
3. Buildings should not back onto natural amenities. High activity areas, such as restaurant dining areas or major pedestrian routes, **should** be oriented to create a connection between the amenity and the project. Refer to Figure 2.

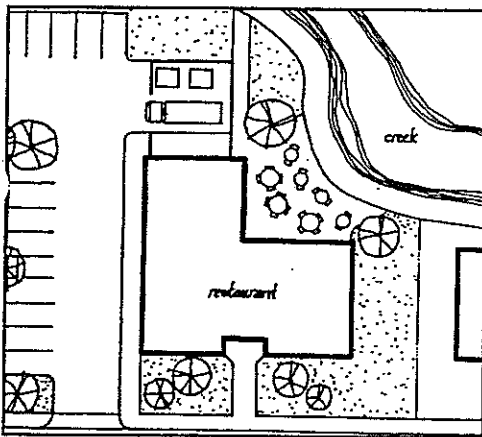


Figure 2: Site plan incorporating a natural amenity.

C. Interfaces

❖ Structures and activities should be located and designed to avoid creating nuisances and hazards for adjoining properties.

1. Noise, traffic, odor generating activities and hazardous activities **should** be located adjacent to similar activities on adjacent properties, whenever possible.

The location of these activities next to residential or other sensitive uses **should** be avoided.

2. Loading areas, access and circulation driveways, trash areas, storage areas and rooftop equipment **should** be located as far as possible from residential or other sensitive uses. These uses **should** never be located next to residential properties without fully mitigating their negative effects.
3. Residential and non-residential uses, except when located in the same structure, **should** be segregated in order to maintain a livable residential environment through the use of masonry walls, landscaping, berms, building orientation and activity limitations.
4. When residential and non-residential uses can mutually profit from a connection rather than a separation, applicable connective elements such as walkways, common landscaped areas, building orientation and unfenced property lines **should** be used and are strongly **encouraged**. Refer to Figure 3.

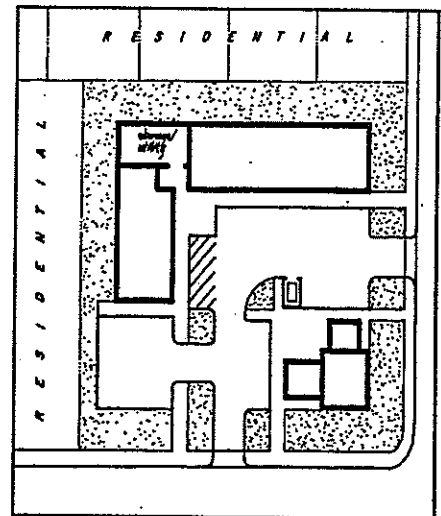


Figure 3: Loading and trash collection located away from residential properties; utilities and storage incorporated into building.

4.2 Structures

The design and placement of a new building **should** respond to the general characteristics of its surrounding area, to the architectural standards of the larger community and to the opportunities and limitations of its site.

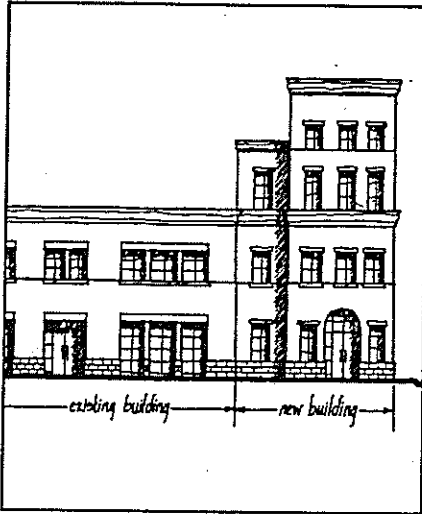


Figure 4: A gradual height transition.

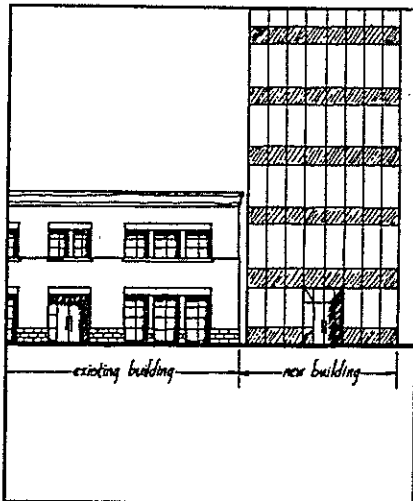


Figure 5: Abrupt height transitions or changes in mass should be avoided.

A. Height and Mass

❖ Height transitions between existing and new buildings should be gradual. Refer to Figure 4. The height and mass of new projects should not create abrupt changes from those of existing buildings. Refer to Figure 5.

1. Minimum building height **should** not be less than seventy five percent of the highest adjacent building.
2. Maximum building height **should** be two stories and thirty five feet.
3. A maximum building height of three stories and forty feet may be remitted if the third story volume is enclosed by a pitched roof, if the third story is setback a minimum of ten feet from all street-fronting elevations or if the third story serves as a transition between adjacent structures of similar height. Note: A variance may need to be obtained to allow a building to be more than two stories or thirty five feet in height.

B. Building Orientation

❖ Buildings should be oriented parallel to streets and, with some exceptions, should be placed as close to the street as established setbacks permit. Refer to Figure 6

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1. Buildings **should** be generally placed at their front setback lines in order to define and enliven the streets. The front wall of a building may be set back a maximum of five feet from the front property line if seventy five percent of the front wall of the building is parallel to the property line. Exceptions may occur when features of an architecturally significant building are obscured by a building placed directly on its front property line.
2. Side setbacks are **discouraged**. If a building is setback from a side property line the minimum setback from the adjoining structure should be six feet, to allow for pedestrian access.
3. Corner buildings **should** have a strong tie to the setback lines of each street. The primary mass of a building should not be placed at an angle to the corner. This does not preclude angled or sculpted building corners. Corner entrances may be cut back up to six feet to create a diagonal at the ground level and/or upper levels.
4. Blank walls or loading areas, **should** not face public streets. Blank walls without windows and doors are only permitted on the interior side of a building, when such walls are blocked from view from a public place. Blank walls visible from a public place may be allowed if the wall is treated architecturally or with a wall graphic. Refer to Figure 7.

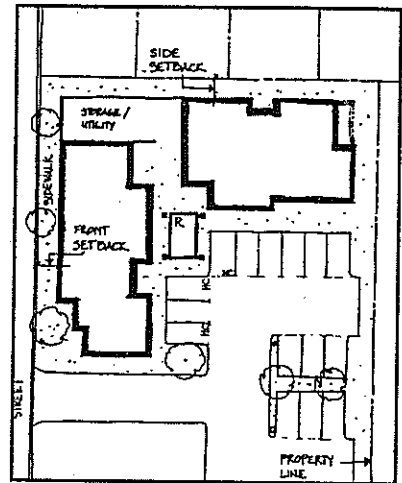


Figure 6: Building edges placed at minimum front setback line.

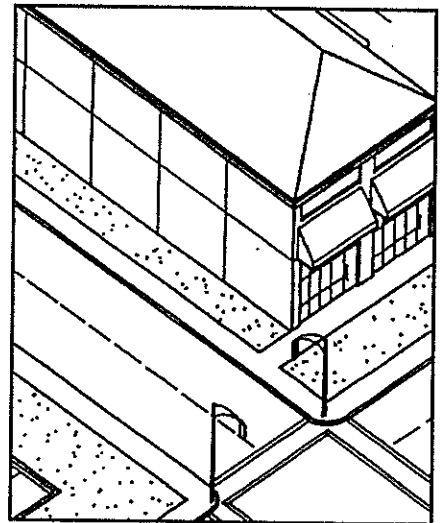


Figure 7: Blank building walls should not face public streets

C. Building Form and Scale

- ❖ The elements of a building should relate logically to each other, as well as to surrounding buildings, to enhance the given or potential characteristics of a particular building and area.

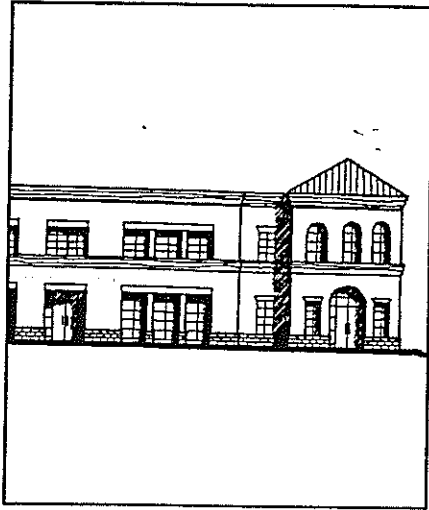


Figure 8: Base, mid-section and top treatment for low-rise building.

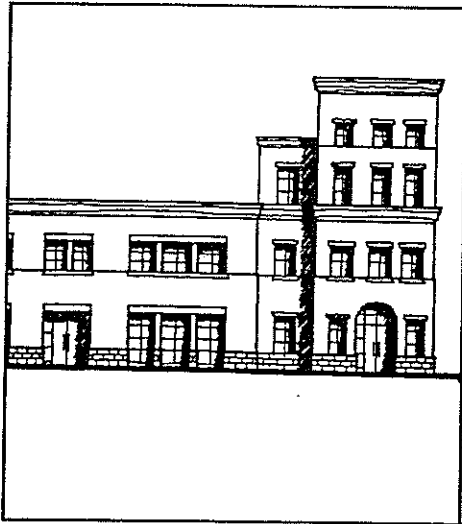


Figure 9: Base, mid-section and top treatment for taller structure.

1. New buildings **should** reflect the characteristic rhythm of surrounding building facades.
2. New buildings **should** contain three parts: a base, a mid-section and a top. On low-rise buildings, the different parts may be expressed through detailing at the building base and eave or cornice line. Refer to Figure 8. On taller buildings, different treatment of the first, middle and top stories **should** be used to define the three parts. Refer to Figure 9.
3. When new buildings are built immediately adjacent to or between existing buildings the design of the new building **should** respond to the existing buildings, through the use of architecture that provides transitional treatment between old and new. Such treatments may include matching cornice lines, a continuing colonnade and using similar materials and/or similar building proportions.
4. The scale of a new building **should** be compatible with, but not necessarily the same as, adjacent buildings. Special care, however, should be taken to achieve compatibility next to small scale buildings; techniques **should** include limiting size, building articulation and shadow patterns.

D. Complexity/Unity

- ❖ **A building should be stylistically consistent. Architectural style, materials, colors and form should all work together to express a single theme.**

1. Each building **should** be stylistically consistent.
2. The exterior building design, including roof style, color, materials, architectural form and detailing, **should** be consistent on all elevations of a building.
3. Monotony of building design **should** be avoided; on the other hand to busy of a design **should** also be avoided. Variation in wall plane, roofline, detailing, materials and siting may be used to prevent a monotonous appearance in buildings. Roof and wall plane variations, including building projections, bay windows and balconies, are **encouraged** to reduce scale and bulk.
4. Accessory structures **should** be architecturally consistent with the primary structures on a site.

E. Roofs

- ❖ **Roofs should be an integral part of the building design and overall form of the structure. Roofs should respond to the general design and nature of other roofs along the street. Refer to Figure 10.**

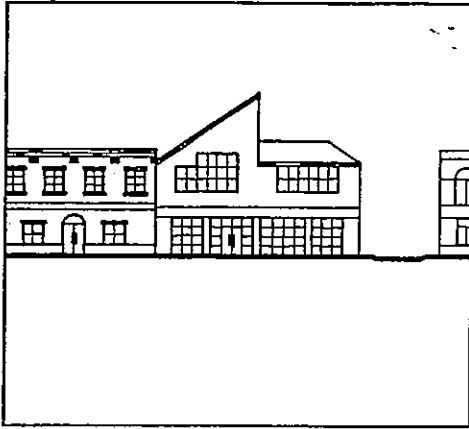


Figure 10: Roof types incompatible with adjacent roof types should be avoided.

1. The rooflines of buildings on adjacent properties **should** be considered when designing a new building so that clashes in style and materials are avoided.
2. Special attention **should** be given to the finish of parapets when buildings have flat roofs. Parapets **should** be finished with cornices, other horizontal decoration and/or clean edges with no visible flashing, depending on the architectural style of the building
3. Roof forms and materials **should** be stylistically consistent with the overall design theme of the building.
4. Roofs and rooflines **should** provide visual interest and should complement the overall facade composition.
5. Decorative roof elements **should** continue all the way around the building. Roof elements may be combined with wall or other roof elements which will work together on all sides of the building.

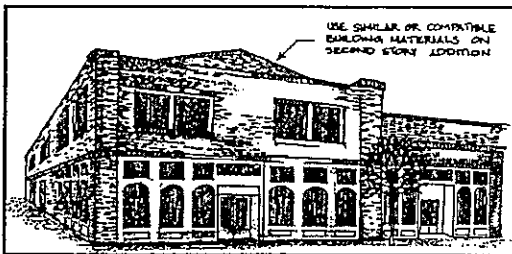


Figure 11: Use of building materials which are similar to those used on existing buildings.

F. Materials and Colors

- ❖ The choice and use of building materials and colors **should** be balanced and should enhance the substance and character of the building. Refer to Figure 11.

1. Building materials that are similar in texture to those established in the District **should** be used.
2. Materials and colors **should** be varied to provide architectural interest. The number of materials and colors **should** not exceed what is required for contrast

and accent of architectural features and **should** be generally limited.

3. The exterior materials and architectural details of a building **should** relate to each other in ways that are traditional and/or logical. For example, heavy materials **should** appear to support lighter ones.
4. Appropriate building materials include:
 - Stone and Stone Veneers
 - Stucco and Plaster
 - Brick
 - Horizontal Wood Siding
 - Split-Face Concrete
 - BlockWood Shingles
 - Ceramic Tile
5. Inappropriate building materials include:
 - Vertical Wood Siding
 - Aluminum
 - Reflective Glass/Sheathing Glass
 - Simulated Finishes
 - Plywood Siding
6. Trim colors should contrast with building colors.
7. The color palette chosen **should** be compatible with the colors of adjacent structures.
8. Large areas of intense white color **should** be avoided.
9. Bright colors **should** be used sparingly. Fluorescent paints and garish colors are **discouraged**.

10. The number of colors appearing on a structure's exterior **should** be minimized. Small structures **should** use no more than three colors.

4.3 Facade Composition

The basic commercial facade **should** consist of three parts: the storefront, with an entrance and display windows; the upper facade, with regularly spaced windows; and the cornice, which caps the building.

A. Building Entrances/Facades

❖ Building entrances **should** be clearly defined and accessible.

1. Building entrances **should** be prominent and easy to identify.
2. Second floor entrances **should** be placed at the rear or side of the building. Second floor entrances **should** be easily identifiable and distinguishable from first floor entrances.
3. Buildings designed to include prominent corner entrances are **encouraged**.
4. Side and rear building facades **should** have a level of trim and finish compatible with the front facade, especially if they are visible from streets, adjacent parking areas, public spaces, pedestrian spaces or residential buildings.

B. Storefronts

❖ Buildings with inappropriately designed storefronts can clash with each other, visually damaging the overall character of the entire District. Proper design of the storefront is a high priority concern. Refer to Figures 12 and 13.

1. Storefronts **should** have their own base, roofline and pattern of door openings.
2. A panel of tile or other special material is **encouraged** below display windows.
3. The storefront **should** be composed almost entirely of glass, creating visual openness, balanced by more wall and less glass on the upper facade.
4. Recessed entries are **encouraged** as another traditional element of the storefront.
5. Doors **should** be substantial and well-detailed. They should be compatible with the building materials and with the design and character of the windows.
6. Visual elements **should** be provided at the second floor to differentiate the storefront from upper levels of the building.

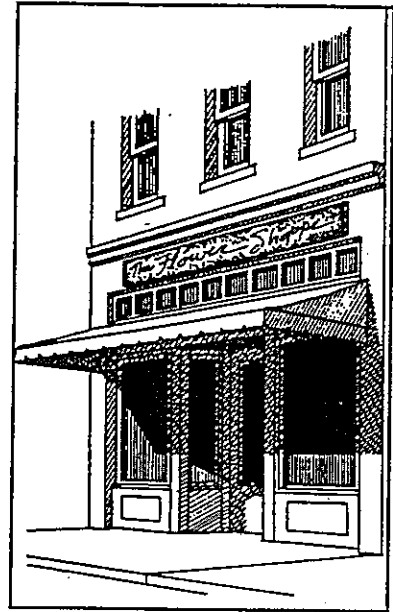


Figure 12: Well designed store front.

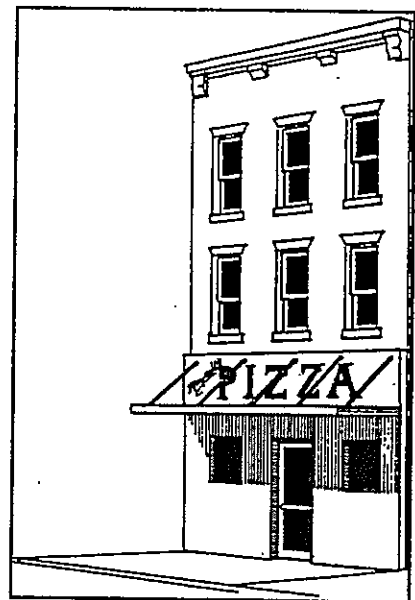


Figure 13: Poorly designed store front.

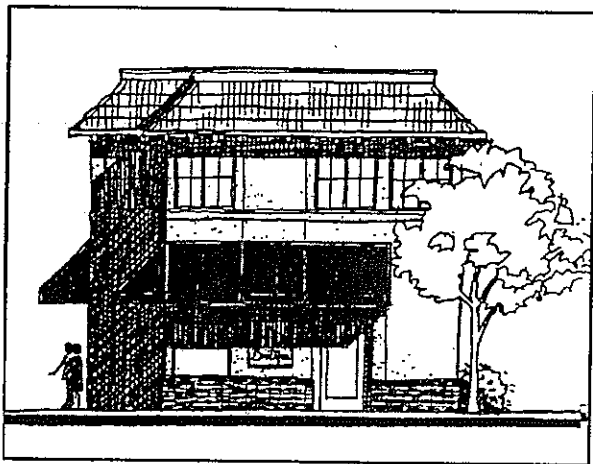


Figure 14: Awnings to reinforce store front openings are encouraged.

C. Awnings

❖ The use of awnings is an important design element of the traditional storefront. They can be used to add complexity and shade storefront glass. Awnings should be mounted over a metal structure that is framed.

1. Awnings obscuring the architectural features of buildings are **discouraged**. Awnings should reinforce the design of the storefront. Refer to Figure 14.
2. Awnings **should** be in scale with the building.
3. Awnings **should** be placed a minimum of seven and one half feet above the sidewalk and project no more than seven feet from the building wall.
4. Awnings **should** be located above windows and doors, but below the storefront cornice or sign.

D. Windows

❖ Window frames, transoms and first-floor display windows should align horizontally along the street creating a strong visual tie between buildings.

1. The horizontal alignment of the first floor transom and display windows **should** be maintained. Refer to Fig. 15.
2. The pattern created by upper-story windows should be maintained.



Figure 15: Horizontally aligned windows.

3. The clear distinction between the first floor and upper floors **should** be maintained. The first floor should have large areas of glass and upper floors should emphasize solid walls.
4. Clear glazing is strongly **encouraged**. Reflective glazing is strongly **discouraged**. If tinted glazing is used, the tint **should** be kept as light as possible.
5. Muntins or mullions are **encouraged** whenever their use would be architecturally compatible with the overall design of the building.
"Snap-in" muntins or mullions are **discouraged**.

E. Lighting

- ❖ **Lighting should be used to create a sense of security and safety for on-site areas.**
1. Lighting **should** be adequate but not overly bright. All building entrances **should** be well lighted.
 2. All lighting fixtures **must** be shielded to confine the light within the site boundaries.
 3. The design of light fixtures and their structural supports **should** be architecturally compatible with the main structures on the street. Light fixtures **should** be integrated in the architectural design of the building.
 4. All light fixtures **should** be designed and for pedestrian activities.

4.4 Landscaping

Planted areas are used to frame and soften buildings, to define site functions, to enhance the quality of the environment and to screen undesirable views.

A. General

❖ **Landscaping should work with the surrounding buildings to make a positive contribution to the aesthetics and function of the specific site and the area.**

1. All areas not covered by structures, service yards, walkways, driveways or parking spaces **should** be landscaped.
2. Landscaping **should** generally consist of live plants. Gravel, colored rock, tan-bark and similar materials are acceptable as mulch but not as ground cover. Plazas and other areas subject to pedestrian traffic may be paved with decorative materials, such as brick or cobblestone, in conjunction with live plants.
3. Landscaping **should** be used to define specific areas, define the edges of various land uses, provide a transition between neighboring properties and provide screening for loading and equipment areas.
4. Unity of design **should** be achieved by repetition of certain plant varieties and other materials and by coordination with adjacent landscaping, where appropriate.
5. Existing mature trees, creeks and riparian corridors **should** be preserved and incorporated into landscape plans.

6. Landscaping incorporated into a building design is **encouraged**. Trellises, arbors and cascading terrace landscaping should be considered.
7. The use of native and drought resistant plants, shrubs and trees is **encouraged**.

4.5 Parking and Circulation

A properly functioning parking lot is a benefit to property owners, their tenants and their customers. A parking lot needs to allow customers and deliveries to reach the site, circulate through the parking lot and exit the site easily and safely. Clear and easy to understand circulation should be designed into the project to allow motorists and pedestrians to move through the site without confusion.

A. General

- ❖ **Parking lots should be designed for convenient parking and safe circulation.**
 1. Parking lots **should** be accessed from commercially developed streets.
 2. Surface parking lots **should** be located to the rear or side of buildings. Refer to Figure 16.
 3. Screen walls must not be located where they block the sight lines of drivers entering, leaving or driving through a site.
 4. Shared parking between adjacent businesses and/or developments is highly **encouraged**, whenever practical.

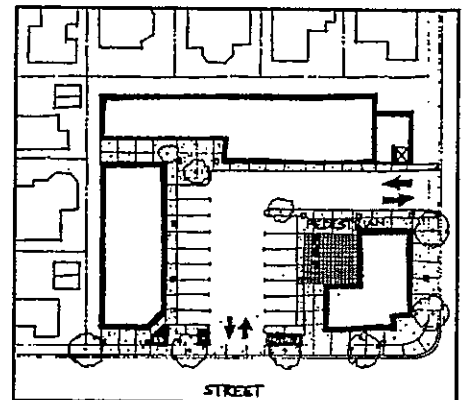


Figure 16: Rear parking lot accessed from a commercially developed street.

5. Parking areas **should** be landscaped, receiving interior as well as perimeter treatment, and designed in a manner which links the parking area to the street sidewalk system.
6. All parking areas **should** be well lighted.

B. Parking Structures

❖ Parking structures should be designed to minimize negative impacts on adjoining properties and on the streetscape.

1. Parking structures **should** be no taller than the principal building(s) they serve and **should** be complementary in form and materials.
2. Vehicles **should** be screened so as not to be visible above the principal building(s).
3. Every attempt **should** be made to screen parking structures from view from adjoining properties.
4. Parking structures **should** be architecturally consistent with the project and/or surrounding area. Plain or blank wall surfaces **should** be avoided. Ramped floors should not be visible from the street.
5. Setbacks for parking structures **should** match the setbacks for other on-site buildings.
6. Light fixtures within parking structures **should** be designed so the light source is not visible from off-site locations.

7. Lighting on the top deck of a parking structure **should** be architecturally integrated with the building and should not be mounted on tall poles.
8. Parking structure walls, adjacent to residential properties, **should** not have any openings through which sound may be transmitted.

C. Pedestrians and Bicyclists

❖ Safe and convenient facilities and means of access **should** be provided for pedestrians and bicyclists.

1. Pedestrian pathways **should** be provided through parking areas. Refer to Figure 17.
2. Bike racks **should** be provided at all commercial centers and at other retail and office sites large enough to attract and accommodate bicyclists.
3. Provisions for access by disabled persons **should** be incorporated into the overall pedestrian circulation system. The overall project design **must** be in compliance with The American Disability Act and Uniform Building Code.
4. Direct pedestrian access **should** be provided from main thoroughfares and/or side streets to the building entrance.

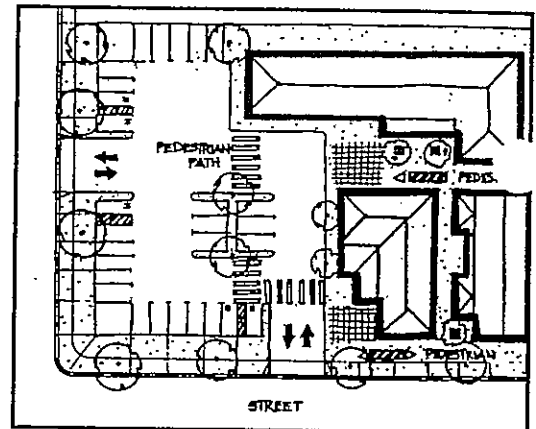


Figure 17: Dedicated pedestrian pathway through a parking lot.

5. Service access from side streets **should** be preserved and enhanced, wherever possible. Trash and loading areas **should** be centralized and screened from thoroughfares, side streets and properties to the rear.
6. Pedestrian corridors between buildings are **encouraged** where through block access is appropriate.
7. Signage indicating pedestrian routes **should** be provided.

Section 5: Commercial Guidelines Regional Development

This section addresses those design issues related directly to regional commercial development, located along Pinole Valley Road between Henry Avenue and Interstate 80. Regional commercial development has its own set of characteristics which have been acknowledged and treated separately in this section. These guidelines are intended to improve the overall design quality of and emphasize the distinguishing characteristics of regional commercial uses, that may locate within this portion of the Old Town Design Guidelines Overlay District. The commercial design guidelines set forth in Section 4 also apply to all regional commercial development. This section is intended to review issues, specific to regional commercial development, not discussed in Section 4.

5.1 Regional Development

The major design problem facing regional commercial development is the interface between a commercial center's service activities and adjacent residences. The following section provides several techniques for mitigating the negative effects imposed by regional commercial development on adjacent residential uses.

A. Building Setbacks

❖ Refer to Figure 18.

	Non-Residential Interface	Residential Interface
Street	25'	25
Interior	5'	1½' : 1'

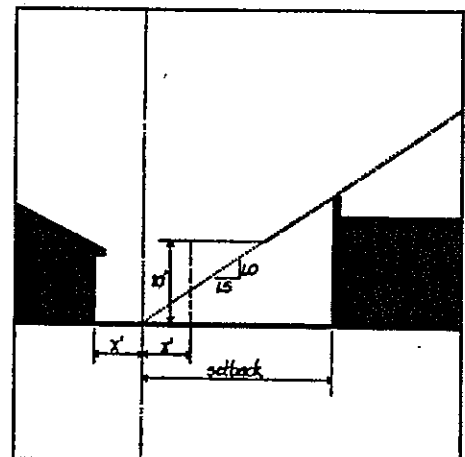


Figure 18: One and one half feet of setback from residential for each foot of building height.

B. Site Orientation

1. All buildings on the same site **should** have a strong spatial and functional relationship to each other.
2. Multiple buildings in a single project **should** be varied in size and mass.
3. Portions of primary buildings and free standing buildings should be located at the street setback lines.
4. Parking **should** be provided within convenient walking distance to all commercial tenants.

C. Building Design

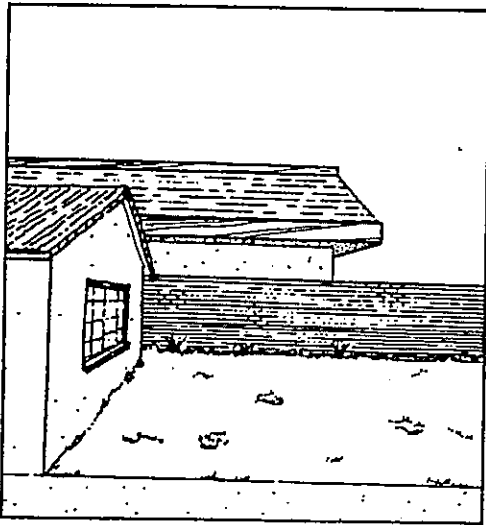


Figure 19: Commercial use compatible with adjacent residential use.

1. Building elements, such as large blank building walls or loading areas, which disrupt the continuity of shops and businesses **should** be avoided.
2. Where long buildings are unavoidable, their linearity **should** be mitigated by changes in the building height, wall plane and spatial volumes and by varied use of window areas, arcades, materials and roof elements.
3. Portions of buildings adjacent to and visible from residential properties **should** always be architecturally compatible with surrounding residential uses. Refer to Figure 19.

Section 6: **Residential Design Guidelines** **New Construction**

As discussed in Section 2, Pinole's historic residential design themes include: Queen Anne Cottages, Hip Roof Cottages and Bungalows. Although many of these buildings have retained some of their original character, others have been poorly remodeled or completely altered in appearance. The goal of this section is not to replicate Pinole's historic styles but to encourage new construction that acknowledges the architectural style of existing structures.

6.1 The Setting

The existing buildings and landscape of the city are the frame of reference for new development. To the extent that the scale and texture of new buildings blends with what is already there, the city is continuously woven together. Conversely, the blatant disregard of the existing pattern disrupts the essential character of the city.

A. Surrounding Area Character

- ❖ **All new structures and uses should be compatible with the character of the existing neighborhood.**

1. New development **should** complement the architectural styles, building forms and landscape patterns of neighboring development.



Figure 20: New development should incorporate representative characteristics of existing structures.

2. New development **should** incorporate representative characteristics of the surrounding area, when the area exhibits a positive and distinctive architectural style and/or established functional pattern. Refer to Figure 20.
3. New development **should** respect existing structures, in the immediate area, through the use of similar materials and proportions and the avoidance of overwhelming scale and visual obstruction.

B. Site Character

- ❖ **Site amenities should be preserved and should become part of a new project.**
1. Natural amenities such as views, mature trees, creeks and similar features, unique to a site, **should** be preserved and incorporated into development proposals.
 2. Structures which are historic, or are otherwise distinctive, **should** be preserved and incorporated into development proposals.

6.2 Structures

The design and placement of a new building **should** respond to the general characteristics of its surrounding area, to the architectural standards of the larger community and to the opportunities and limitations of its site.

A. Height and Mass

- ❖ **The height and mass of a new residence should be compatible with the height and mass of the existing residences in the neighborhood and should respect the streetscape as a whole.**

1. Minimum building height should not be less than ten feet. New residential construction should be compatible with adjacent structures in story height.
2. Maximum building height should be two stories or thirty five feet.
3. A maximum building height of three stories may be permitted, in single-family or multi-family buildings, if the third story volume is enclosed by a pitched roof. Refer to Figure 21. Double-pitched roofs of any kind and mansard or gambrel roofs are acceptable. Single-pitched "shed" roofs are not appropriate and will not qualify for an exception. Note: A variance may need to be obtained to allow a building to be more than two stories.

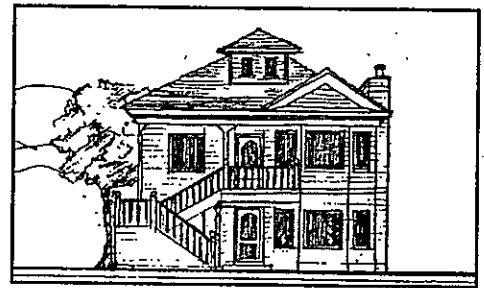


Figure 21: Maximum building height of three stories may be permitted if compatible with existing residences.

B. Building Orientation

- ❖ **The siting of a new residence should be compatible with the siting of the residences along the street on which the new residence fronts.**

Front Setbacks

1. All buildings **must** be setback a minimum of twenty feet from their front property line.
2. A curbside planting strip four feet wide and a minimum of a four foot wide sidewalk **should** be provided as part of all new development. A public easement **should** be established along the area between the existing street right-of-way and the back edge of the sidewalk.
3. Open porches and stairs may extend a maximum of five feet into the front setback area.
4. Architectural elements that add interest may encroach up to five feet into the front setback area.
5. A variance may need to be obtained to allow a building to encroach into the front setback area.
6. The required depth of the setback abutting a street may be reduced to the average depth of such yard on the adjoining lots if the adjoining lots are developed with residential buildings or if the reduction does not conflict with an already recorded plan line. Refer to Figure 22. Note: A variance may need to be obtained to reduce the depth of the setback abutting a street.

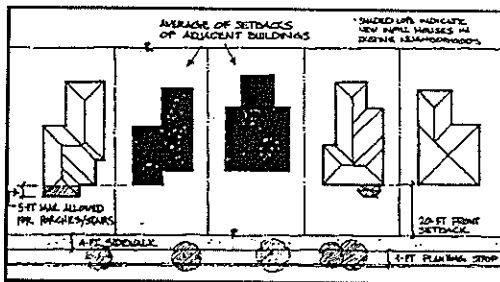


Figure 22: Infill lot front setback should be average of adjacent buildings.

Side Setbacks

7. Buildings **must** be setback a minimum of five feet from the property line on both sides. On the street side of a corner lot, side yards **must** not be less than twenty percent of the lot width. Side yards on streets **must** not be less than ten feet and need not exceed twenty feet.

Rear Setbacks

8. Principal buildings or main structures **must** be setback a minimum of ten feet or twenty percent of the lot depth and need not exceed twenty feet. Refer to Figure 23.
9. Accessory buildings, including garages, but excluding second units, may have a setback of zero feet, provided that the setback from the rear of the principal building is a minimum of eight feet and has a seventy five foot front setback. Freestanding garages **should** be unobtrusive, preferably located at the rear of properties to minimize visual impact.
10. Second units **must** not be less than eight feet from the principal building or main structure and setback not less than five feet.

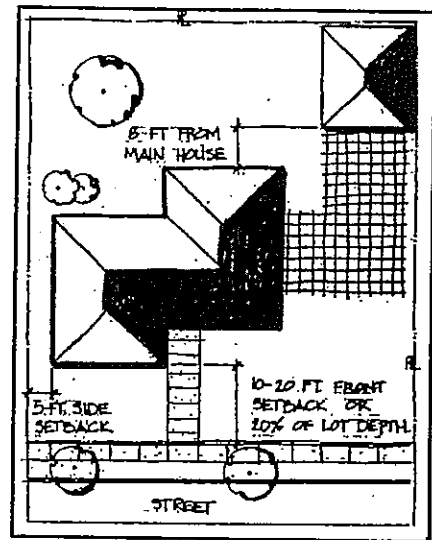


Figure 23: Building setback minimums.

C. Building Design

- ❖ New residential construction **should** be compatible with the predominant architectural styles in the neighborhood.

1. Architectural elements that add interest, such as courtyards, porches, balconies, trellises, bay windows and planter boxes are **encouraged**.
2. Entrances to buildings **should** be visible from the street. The entryway should be well defined and lead from the sidewalk to an entry door.
3. Each developed parcel **should** provide at least one side or rear yard space of at least five hundred square feet. The yard **should** be based on a rectangular configuration, with no dimension less than eighteen feet in length.
4. Long uninterrupted flat-faced exterior walls should be avoided on all structures. All exterior walls should have architectural relief to help create an interesting design. The use of different textures, relief and design accents on building walls can help improve architectural design.
5. All stairs **should be** boxed and framed by attractive stepped solid walls or balustrade railings. Open porches **should** have attractive solid or open railings and a roof that complements the pitch and materials of the building's main roof. Supporting structures for these elements should be enclosed by solid walls or skirting.
6. The roof form **should** complement building mass. Pitched roofs, dormer windows, chimneys and other traditional residential forms are **encouraged** to add variety and make roofs attractive.

D. Accessory Building Design

- ❖ **Accessory buildings should be compatible with the main residential structure. They should be secondary in importance to the primary structure.**

1. Accessory buildings, including garages and carports, **should** have architectural treatments derived from the main building: surface materials, trim, fenestration, roof, materials and color. Refer to Figure 24.
2. Single-car garage doors are encouraged, with windows, surface panels, trim and other forms of architectural detailing to reduce their impact and scale.

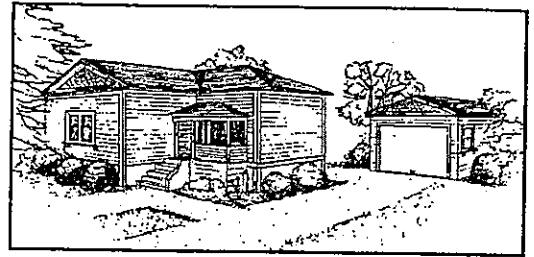


Figure 24: Compatibly designed accessory building/garage.

E. Materials and Colors

- ❖ **The building materials and colors should be similar to those already in use.**

1. Appropriate building materials include:
 - Stucco
 - Brick
 - Horizontal Wood Siding
 - Wood Shingles
2. Inappropriate building materials include:
 - Vertical Wood Siding
 - Aluminum Siding
 - Vinyl Siding
 - Plywood Siding
 - Simulated Masonry Finishes

3. The color palette chosen **should** be compatible with the colors of adjacent structures.
4. Fluorescent paints and garish colors are **discouraged**.
5. A single body of color with a brighter and/or lighter accent color is usually the choice for most houses. A good rule of thumb when one desires to use a bright color is "one light, one bright," the bright color being used sparingly as the accent.

F. Windows

❖ Windows should reflect the window patterns of the District.

1. All windows within a building, large or small, **should** be similar in operating type, proportions and trim. Other unifying elements should be used, such as common sills. Refer to Figure 25.
2. Built-up sills and trim **should** be used to create surface relief and texture.
3. Glass **should** be inset from the exterior surface to add relief to the wall surface, this is especially important for stucco buildings.
4. Special windows such as bays and dormers **should** be used to add interest and a domestic expression to the facade.

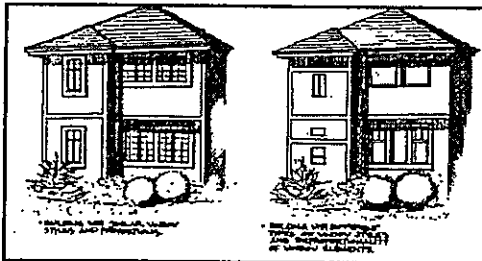


Figure 25: Building window style, consistent and inconsistent.

G. Lighting

- ❖ **Lighting should be used to create a sense of security and safety for on-site areas.**

1. Ornamental lighting for porches and walks is **encouraged** to add attractiveness, safety and security.

6.3 Landscaping

Planted areas are used to frame and soften structures, to define site functions, to enhance the quality of the environment and to screen undesirable views.

A. General

- ❖ **Landscaping should work with the surrounding buildings to make a positive contribution to the aesthetics and function of the specific site and the area.**

1. Existing mature trees, creeks and riparian corridors should be preserved and incorporated into landscape plans.
2. Items such as trellises, arbors and special landscape materials that add character to yard spaces and accent the entry sequence are **encouraged**. Items such as low hedges, fences or entry gates are **encouraged** to define the edge between the public street and private property. Refer to Figure 26.
3. The use of native and drought resistant plants, shrubs and trees is encouraged.

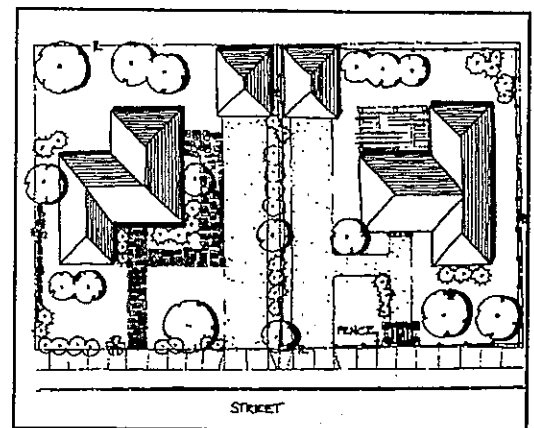


Figure 26: Use of trellises and arbors are encouraged as entry accents.

6.4 Vehicular Access

A. Driveways

- ❖ The placement and design of a driveway should respect adjacent structures and properties.

1. All ramps **should** have a maximum grade of sixteen percent.
2. Setbacks from adjacent properties **should** be a minimum of five feet.
3. Setbacks from adjacent buildings **should** be a minimum of three feet.

B. Parking

- ❖ Garages should be part of the overall residential design.

1. Single-family residences **should** have enclosed garages.
2. Multi-family residences **should** have covered parking.
3. Parking spaces for second dwelling units may be uncovered.
4. Freestanding garages **should** be located to the rear of principal buildings. Individual garage doors **should** be provided. A maximum of three garage doors may be lined up consecutively; a space of five feet **should** be provided between each group of three doors. Refer to Figure 27.

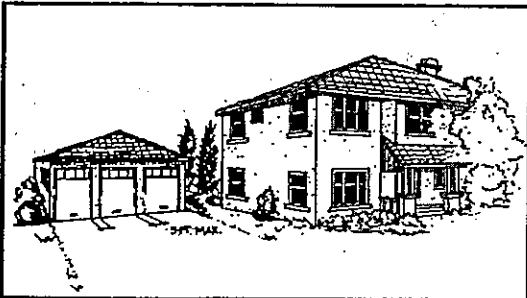


Figure 27: Detached garage located near rear of property using individual garage doors.

Section 7: Rehabilitation

The design guidelines enumerated hereinafter are based on the Secretary of the United States Department of the Interior's "Standards for Rehabilitation". The Secretary's "Standards" are a set of ten general criterion developed to provide a practical guide for historic rehabilitation projects.

Care should be taken to preserve those historic buildings that make Pinole unique. The guidelines discussed in the previous sections, coupled with these ten principles, should be used by architects, designers and developers to ensure that Pinole's unique character is maintained. All projects, new construction and rehabilitation, are subject to the guidelines set forth in this document and will be considered by the Design Review Board.

7.1 Guidelines

1. Every reasonable effort **should** be made to provide compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
2. Destruction of the distinguishing original qualities or character of a building, structure, or site and its environment is **discouraged**. The removal or alteration of any historic material or distinctive architectural features **should** be avoided when possible.
3. All buildings, structures, and sites **should** be recognized as products of their own time. Alterations that have no historical basis or which seek to create an earlier appearance are **discouraged**.

4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance **should** be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site **should** be treated with sensitivity.
6. Deteriorated architectural features **should** be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material **should** match the material being replaced in composition design, color, texture and other visual qualities. Repair or replacement of missing architectural features **should** be based on accurate duplications of features substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures **should** be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials are **discouraged**.
8. Every reasonable effort **should** be made to protect and preserve archeological resources affected by or adjacent to any project.
9. Contemporary design for alterations and additions to existing properties **should not** be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment. Refer to Figure 28.

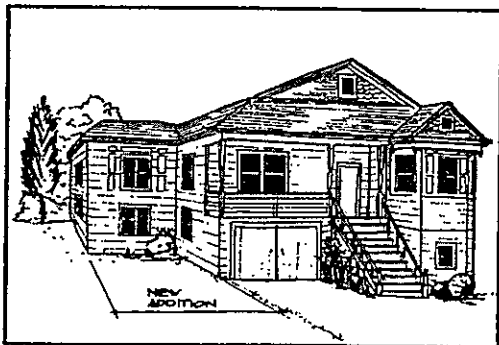


Figure 28: Contemporary addition designed to be compatible with historical structure.

10. Whenever possible, new additions or alterations to structure **should** be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

Section 8: Sign Guidelines

The functions of a sign are to identify the location of a business, to promote the merchandise or service within the business and to attract customers to the business.

Large and flashy signs disrupt the visual character of Old Town and obscure architectural features. Small signs can serve the needs of businesses, while contributing to both the image of individual building and to the overall character of the Design Guidelines Overlay District.

8.1 Design

The following guidelines are meant as a supplement to the City of Pinole's Sign Regulations (Pinole Municipal Code Chapter 17.28). The objective of these sign guidelines is not uniformity, but elimination of elements that result in a cluttered and unattractive setting. The guidelines provide basic parameters for creative signs that may be as unique as the business they represent.

A. Design

- ❖ **Every structure and commercial complex should be designed or rehabilitated with a precise concept for adequate signing. Provision for sign placement, sign scale and sign readability should be considered in developing the signing concept. All signage should be highly compatible with the building and site design relative to color, materials and placement.**

1. Signs **should** be designed, built and installed by a licensed sign contractor.
2. Keep signs subordinate. They **should** not overwhelm the facade of the building. Refer to Figure 29.
3. Signs **should** fit within the existing features of the facade and **should** not cover architectural elements such as windows, transoms or cornices.
4. Signs **should** be simple and have a direct message. Cluttered signage is difficult to read and may confuse the passersby. Refer to Figure 30.
5. Sign colors, shapes, materials and size should reinforce the overall composition of the facade.
6. Careful consideration **should** be given to minimizing and simplifying every sign's supporting structure.
7. Large signs designed to attract the attention of motorists on the freeway are not permitted, except for shopping center signs or such other similar regional complexes.
8. Signs within a shopping center or other complex **must** be designed as part of the entire project.
9. Consider using simple straight forward shapes that get the message across clearly. Signs as symbols are **encouraged** because they are easily read and enhance the pedestrian quality of the downtown.

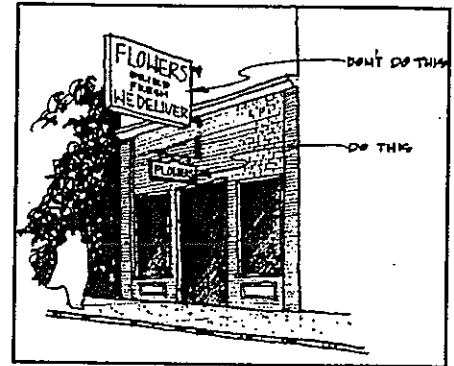


Figure 29: Example of appropriate and inappropriate sign size and sign placement.

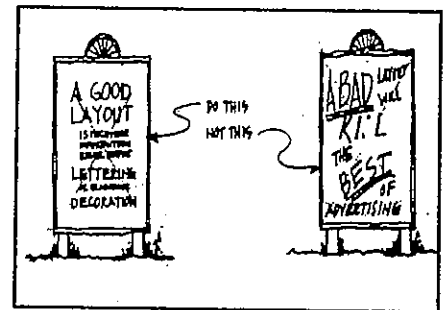


Figure 30: Example of cluttered signage and clear signage.

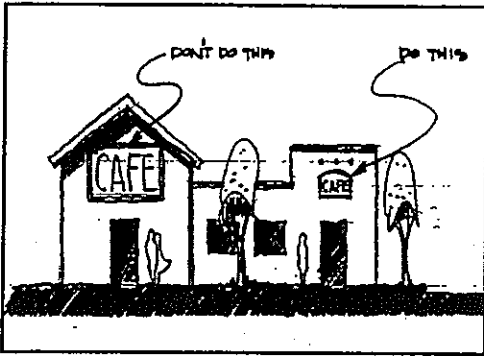


Figure 31: Example of appropriate and inappropriate sign placement.

B. Sign Placement/Position

- ❖ Signs on storefronts should be located above display windows or awnings. Large signs near the top of building facades are discouraged. Refer to Figure 31.

1. Signs **should** be positioned so as not to obscure any architectural details. When several businesses share a building align all signs or use a directory.
2. Signs **must** not extend above the height of the immediately adjacent roof line or parapet.
3. Signs **must** not be mounted on or attached to the roof.
4. No part of a sign attached to or mounted on a building **should** project out more than thirty-six inches from the surface of the building to which it is attached.
5. Signs **must** not extend above the eave line. In case of a mansard roof, the sign may be incorporated in the roof if such sign is an integral part of the design of the building.
6. In multiple story structures, signs **should** be mounted somewhere above the display window or awning and below the second floor window sills.
7. Signs **must** not be located in a manner which may obstruct or interfere with the view of a traffic signal or other traffic regulatory signs.

C. Materials and Color

- ❖ **Sign materials should be durable and easy to maintain. In general, building colors should be coordinated with sign colors.**

1. Appropriate sign materials include:
 - Routed, Carved, Sandblasted, Painted or Engraved Wood
 - Custom Cut and Applied Wood Letter
 - Precast Epoxy Letters
 - Metal
 - Slate or Marble
 - Vinyl
2. Sign colors **should** be coordinated with the colors of the building.

D. Sign Clarity

- ❖ **Text should be kept to a minimum. The objective is to eliminate elements that result in a cluttered and unattractive setting.**

1. Letter styles of signs **should** be simple and easy to read.
2. The number of letter styles **should** be limited. Use of one or two letter styles is **encouraged**.
3. Letter forms **should** occupy no more than a maximum of seventy five percent of the total sign area.

E. Permitted Signs

1. Permitted signs include:

- Projecting Signs
- Flat Mounted or Painted Wall Signs
- Blade Signs Suspended from Canopies or Awnings
- Signs on Awnings or Canopies
- Monument Signs
- Pole Signs - A pole sign shall only be permitted when otherwise permissible freestanding monument sign would not be sufficiently visible due to obstruction or where there is no space in which to place the sign between the sidewalk and the building.
- Window signs with Painted or Vinyl Letters

F. Prohibited Signs

1. Prohibited signs include:

- Flashing Signs
- Signs with banners, flyers, pennants, pinwheels or two or more light bulbs in a wire string
- Portable Signs
- Board Signs
- Mobile Signs
- Moving Signs
- Non-accessory signs
- Reader Boards

G. Sign Lighting

❖ **Sign illumination should be designed so as to avoid glare and light intrusion onto other signs or premises. Brightly illuminated signs are discouraged.**

1. Illumination external to the sign surface with lighting directed at the sign is encouraged. External lighting makes possible the illumination of architectural features. The bottom edge of light fixtures mounted on a building must be at least seven and one half feet above the sidewalk or finished grade.
2. Other types of sign lighting that may be acceptable include:
 - External incandescent sources
 - Small light sources placed inside of opaque projecting letters
 - Internally illuminated signs
3. Exposed neon **should** be carefully and sparingly used in signs.

H. Public Art

❖ **Public artwork can lend identity, a sense of place and pride in a community. Artwork in outdoor public places, unlike gallery art, must be conceived as part of an overall architectural and landscape architectural design for a particular setting.**

1. Wall murals incorporating historic advertising art are **encouraged** to be painted on blank walls in Old Town.

Glossary

The terms listed below have been defined to assist the reader in more fully understanding the Old Town Design Guidelines.

Alteration: Any addition or modification of any portion of the exterior of a building or designated feature that changes the architectural style, arrangement, texture or material of the building or feature or significantly changes the color, if such change, addition or modification is visible from a public street, sidewalk, alley or park

Balustrade: A railing consisting of a series of small columns connected at the top by a coping; a row of balusters.

Berm: A bank of earth, as the piled-up earth along a canal or against a masonry wall.

Building Alignment: A line usually parallel to a property line beyond which a structure may not extend. This generally does not apply to uncovered entrance platforms, porches, terraces, or steps.

Cornice: Any moulded projection which crowns or finishes the part to which it is fixed.

Dormer: A vertically set window on a sloping roof; the roofed structure housing such a window.

Gable Roof: A roof having a gable at one or both ends; a ridged roof that slopes up from only two walls. A gable is the triangular portion of the end a building from eaves to the ridge.

Hipped Roof: A roof with four pitched sides; a roof which rises by inclined planes from all four sides of a building.

Massing: Refers to the building shape; the combination of the different elements of the resulting bulk and shape of the building.

Mullions: A vertical or horizontal primary member dividing a window into 'lites', each of which may be further sub-divided into panes.

Muntins: The secondary member or stile in the framing of a paneled door, screen, as distinct from horizontal member or members called rails.

Parapets: a low protective wall on a bridge, gallery, balcony or above the cornice of a building.

Pitch: The angle, or degree, of slope of a roof.

Roofline: The contour or shape of a roof.

Scale: Refers to building size; the size of a structure relative to the size of the surrounding structures.

Setback: The minimum distance between a property line and a building, or portion thereof, as required by ordinance or code.

Transom: A horizontal member dividing a window.

Window Panes: A flat sheet of glass, cut to size for glazing a window or door

Item G1



Housing Law Review

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A Professional Law Corporation



February 22, 2021

Overview

- In recent years, the Legislature has adopted numerous laws aimed at addressing the housing crisis
- Some of the laws limit local control for qualifying projects
 - Often for projects with an affordable component, but not always
- These laws are being used more and more by developers



Affordable Housing 101

Affordable Housing 101

- Housing that is required to be rented/sold at affordable prices to households with incomes of no greater than certain levels
- Key Measurement is Area Median Income (AMI)
 - Moderate Income = Less than 120% AMI
 - Low Income = Less than 80% AMI
 - Very Low Income = Less than 50% AMI
 - Extremely Low = Less than 30% AMI

Affordable Housing 101

- In Contra County for a family of four the median income is \$119,200
- For rental unit, the tenant's housing cost (rent + utilities) cannot exceed a set value:
 - Low-income units housing costs may not exceed 30% of 50% of AMI divided by 12.
- For ownership units, there is a cap on resale price to ensure continued affordability
- Deed restrictions lay out specific requirements

Regional Housing Needs Assessment (RHNA)

- Every jurisdiction must provide its “fair share” of the State’s housing goals
 - HCD → ABAG → Pinole
- Housing Element contains inventory of sites with "realistic and demonstrated" potential of development to meet Housing Needs
 - Size & Density of sites determines what income category is can accommodate
- 6th Cycle ('23-'31) underway, Pinole will have final allocation soon

RHNA Progress Report

- Current RNHA Progress as of April 2020

	RHNA	Permitted Units
Very Low Income	80	0
Low Income	48	0
Moderate	43	1
Above Moderate	126	13
Total	297	14

- 6th Cycle draft allocation for Pinole is 500 Units

SB 35

SB 35

- **Allows** for streamlined ministerial approvals of multifamily residential projects that satisfy certain requirements
- Applies in cities that have issued fewer building permits than their share of the regional housing needs for affordable units, by income category
 - SB 35 applies in Pinole and almost every city in California.
- What is the regional housing needs assessment (RHNA)?

SB 35 – Affordability

- Projects larger than 10 units must satisfy one of the following:
 - At least 10% of the units must be affordable to households making below 80% of AMI.
 - At least 20% of the units must be affordable to households making below 120% of AMI, with an average income for the units at or below 100% AMI.
- In cities that have met above-moderate income RHNA goal, 50% of the units must be affordable to households making below 80% of AMI.

SB 35 – Requirements

- Project site must have zoning or general plan land use designation that allows residential
 - If mixed use, at least 2/3 of square footage must be residential
- Not in a sensitive area
- Project must comply with all **objective** zoning and design standards

Objective Standards

- Objective standards involve no personal or subjective judgment by a public official and are uniformly verifiable
 - Height limits
 - Density
 - Setback requirements
- Subjective standards involve personal or subjective verifiable
 - Conforms with neighborhood character
 - Uses similar materials to surrounding buildings

SB 35 – Requirements

- 60 days from project submittal to determine if the project conflicts with any “objective planning standards” (90 days if project is more than 150 units).
 - Deemed compliant if response not timely given
- Final approval must be within 90 days (180 days for large project)
- Ministerial Approval so CEQA does not apply

Density Bonus Law

Density Bonus Law

- Developers who build a certain percentage of affordable units in a project are entitled to a specific density bonus
 - For example: If density for a parcel is 20 units/acre and developer received a 10% density bonus, project could have a density of 22 units/acre
- The greater the percentage of affordable units, the larger the density bonus
- Inclusionary units count toward bonus

Density Bonus Law

Affordable Unit Percentage	Very-Low Income Density Bonus	Low Income Density Bonus	Moderate Income Density Bonus
5%	20%	-	-
8%	27.5%	-	-
10%	32.5%	20%	5%
13%	35%	24.5%	8%
15%	35%	27.5%	10%
20%	35%	35%	15%
25%	35%	35%	20%
30%	35%	35%	25%
35%	35%	35%	30%
40%	35%	35%	35%

Density Bonus Law

- In addition to the density bonus, qualifying projects are also entitled to up to 3 incentives
 - An incentive is a reduction in site development standards or a modification of zoning code/design requirement
 - Examples include decreased parking, increased height, elimination of required amenities or architectural standard
- City is required to grant the incentive unless it finds that the proposed incentive does not result in identifiable and actual cost reductions
 - City can require developer submit financial information

Density Bonus Law

- Density Bonus projects are also entitled to **waive** any development standard that would physically prevent the project from being built at the permitted density and with the granted incentives
- Density Bonus projects are also subject to maximum parking requirements, which can be further decreased through the use of an incentive
 - One bedroom or smaller -> 1 space
 - 2-3 Bedrooms -> 1.5 spaces

Density Bonus for 100% Affordable Housing Projects

- **Housing projects that contain 100% affordable units for low and very low income households**
 1. 80% density bonus
 2. Four incentives or concessions
- **If the project located within a half mile of a major transit stop**
 1. All restrictions on density are eliminated
 2. Height increase of up to three stories or 33 feet is allowed
- **Special needs housing projects or supportive housing development**
 1. All local parking requirements eliminated

Housing Accountability Act

Background: Housing Accountability Act

- Existing law that has been on the books for a number of years
- Law's importance has grown in recent years
- Developers and “YIMBY” groups increasingly use HAA as tool to challenge housing project denials

Housing Accountability Act

- Jurisdiction cannot disapprove of housing project or approval at a lower density if it complies with applicable, objective standards in place at the time the application is **deemed complete**
- Jurisdiction must identify inconsistencies in writing within 30/60 days depending on number of units

Housing Accountability Act

- City can only deny project or approve it with lower density if preponderance of the evidence in record demonstrates
 - project would have a specific, adverse impact upon the public health or safety
 - No feasible method to satisfactorily mitigate or avoid the adverse impact
- Very difficult standard to meet
- Violations subject to \$10,000 fine per unit

SB 330 – Housing Crisis Act of 2019

Modifies Housing Accountability Act

- Jurisdiction cannot disapprove of housing project/approval at a lower density if it complies with applicable, objective standards in place upon complete **preliminary application**
- Preliminary application requires less than a full, complete application
 - Must contain information required by jurisdiction's checklist, which can only require certain, limited information

SB 330 – Housing Crisis Act of 2019

Modifies Housing Accountability Act

- Locks in standards earlier in development process
 - Fees can be adjusted in accordance with existing CPI escalator
- Applicant must submit complete application within 180 days
 - Construction must start within 2.5 years
- Changes to the project allowed, including increasing the number of units or square footage by up to 20%
 - Project must still comply with standards in place at time preliminary application submitted

Questions?

