



Memorandum

TO: PINOLE PLANNING COMMISSION

FROM: ANNE HERSCH, AICP, ASSOCIATE PLANNER

SUBJECT: ZONING ORDINANCE AMENDMENT 09-02 MODIFICATIONS TO THE DESIGN REVIEW ORDINANCE

DATE: MAY 11, 2009

REQUEST

The Planning Commission adopt a resolution forwarding a recommendation to the City Council approving modifications to the Design Review Ordinance.

BACKGROUND

On February 17, 2009, a property owner in Pinole addressed the City Council during public comment about the City's Design Review Ordinance. The owner indicated that the application fees associated with a Design Review application would be nearly equal to the cost of contemplated repairs. He indicated that a commercial re-roof and other minor exterior changes to his property should be approved administratively to more easily allow for routine maintenance and repairs.

As a result of this testimony, the City Council directed staff to move forward with modifications to the Design Review Ordinance. Their direction includes granting staff authority to administratively review and approve minor changes and modifications that now require Design Review approval by the Planning Commission.

ANALYSIS

The Planning Commission discussed potential Design Review procedural changes to the Zoning Ordinance at its April 27, 2009 hearing. The Planning Commission directed staff to change the Ordinance and agreed that staff shall have the authority to review the following Design Review requests:

17.35.40 DESIGN REVIEW PROCEDURE.

1. Reviewing Authority- Planning Manager. The Planning Manager or his/her designee shall have the reviewing authority to administratively review and approve the following Design Review requests:

- Minor modifications to commercial exteriors including but not limited to awnings, trellis details, and window changes
- Repainting of commercial structures involving new color schemes for a single building complex of 10,000 sq. ft. or less

- Commercial re-roofing
- Mechanical roof screens
- Business sign replacement where the use does not change and the proposed signage is installed in the same location as the existing signage
- New parking lot configuration plans of ten (10) or fewer parking spaces
- Landscape plans showing minor changes including but not limited to plant/tree replacement on commercial properties, replacement of new vegetation to match previously approved plans, inclusion of decorative garn features (i.e. trellis, benches, etc). and new landscaping for a single family residential home
- Single-family residential additions and accessory structures
- Ramps or other improvements to accommodate individuals with disabilities

2. Reviewing Authority- Planning Commission. The Planning Commission shall have the authority to review and approve the following Design Review requests:

- New Single-Family Homes
- New Commercial Structures
- New Mixed-Use Projects
- New landscape plans for commercial properties including new landscaping for a multi-family complex, new landscaping for an existing commercial building, and new landscaping for a new commercial construction
- Major modifications/additions to commercial structures/exterior including additions to existing building, alterations of architectural features, and other changes that substantially alter the appearance of the building
- Repainting of commercial structures 10,000 sq. ft. or larger in area or involving a development site with two or more buildings.
- Parking lot plans involving eleven (11) or more parking spaces

Under the proposed changes, staff would review the above listed applications administratively and make a determination. If the applicant is dissatisfied with staff's determination, they may appeal the decision within the following ten (10) day period to the Planning Commission for further review. Staff will also provide a monthly report summary to the Commission indicating application requests that have been approved.

A draft copy of the amended chapter is included as an attachment to the report (See Attachment 2). The review procedures are clearly defined and indicate who has authority to approve specific design review requests. These changes are expected to clarify existing design review authority as well as provide a streamlined process for property owners seeking minor design changes in an effort to upgrade property conditions.

The proposed Zoning Ordinance changes are consistent with the following elements of Section 3 "Land Use & Economic Development Element" of the General Plan:

LU3.3 Design Review of Commercial and Industrial Projects. Require design review of commercial and industrial projects to ensure compatibility with adjacent or nearby land uses, including intensity, access, internal circulation, visual characteristics, noise, odors, fire hazards, vibrations, smoke, discharge of wastes and nighttime lighting.

LU3.4 Design Review of Residential Projects. Require design review of residential projects to ensure compatibility with adjacent or nearby land uses, including architectural style, scale, mass, bulk, color, materials, lot coverage and setbacks. Design review should ensure new residential projects are protected from the impacts of undesirable traffic, noise, or other intrusions when proposed near existing commercial or industrial uses.

STAFF RECOMMENDATION

Adopt attached Resolution 09-07 recommending that the City Council approve Zoning Ordinance Amendment 09-02 relating to new review procedures in Chapter 17.35 "Design Review and Sign Permits" of the Pinole Municipal Code.

ATTACHMENTS

1. Resolution 09-07 with Draft Revised Copy of Chapter 17.35 "Design Review & Sign Permits"

**RESOLUTION 09-07
DESIGN REVIEW ORDINANCE CHANGES**

A RESOLUTION OF THE CITY OF PINOLE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL AMEND SECTIONS 17.35.030 AND 17.35.040(A) AND (E) OF CHAPTER 17.35 “DESIGN REVIEW & SIGN PERMITS” TO GRANT ADMINISTRATIVE REVIEW AUTHORITY TO STAFF FOR SPECIFIC DESIGN REVIEW REQUESTS

WHEREAS, public comments have been provided by property owners in Pinole to the City Council and Planning Commission expressing onerous Design Review requirements in the City’s Ordinance; and

WHEREAS, staff was directed by City Council at its February 17, 2009 meeting to make changes to the Design Review Ordinance to streamline the review process for property owners making routine design changes; and

WHEREAS, the Planning Commission directed staff at its April 27, 2009 hearing to make specific changes to Sections 17.35.030 and 17.35.040(A) and (E) of Chapter 17.35 “Design Review & Sign Permits”; and

WHEREAS, staff created new review procedure language that specifically identifies reviewing authority and related design review requests; and

NOW THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Pinole hereby recommends that the City Council adopt an ordinance amending Sections 17.35.030 and 17.35.040(A) and (E) of Chapter 17.35 “Design Review & Sign Permits” contained in the Pinole Municipal Code and finds as follows:

17.35.030 APPLICATION AND FEE.

Each application for a design review or sign permit shall be accompanied by drawings, plans and such written matter as may be necessary to show the front, side and rear elevations and the colors and materials to be used, and to show any other information that may be required by the planning *manager and/or planning* commission ~~and/or design review board~~ in order that it may adequately evaluate the proposed structure. Fees shall be as established by resolution adopted by the City Council. (Ord. 545 § 2 (part), 1991).

17.35.040 DESIGN REVIEW PROCEDURE.

A. 1. Reviewing Authority- Planning Manager. The Planning Manager or his/her designee shall have the reviewing authority to administratively review and approve the following Design Review requests:

- A. Minor modifications to commercial exteriors including but not limited to awnings, trellis details, and window changes*
- B. Repainting of commercial structures involving new color schemes for a single building complex of 10,000 sq. ft. or less*

- C. *Commercial re-roofing*
- D. *Mechanical roof screens*
- E. *Business sign replacement where the use does not change and the proposed signage is installed in the same location as the existing signage*
- F. *New parking lot configuration plans of ten (10) or fewer parking spaces*
- G. *Landscape plans showing minor changes including but not limited too plant/tree replacement on commercial properties, replacement of new vegetation to match previously approved plans, inclusion of decorative garn features (i.e. trellis, benches, etc). and new landscaping for a single family residential home*
- H. *Single-family residential additions and accessory structures*
- I. *Ramps or other improvements to accommodate individuals with disabilities*

2. Reviewing Authority- Planning Commission. *The Planning Commission shall have the authority to review and approve the following Design Review requests:*

- A. *New Single-Family Homes*
- B. *New Commercial Structures*
- C. *New Mixed-Use Projects*
- D. *New landscape plans for commercial properties including new landscaping for a multi-family complex, new landscaping for an existing commercial building, and new landscaping for a new commercial construction*
- E. *Major modifications/additions to commercial structures/exteriors including additions to existing building, alterations of architectural features, and other changes that substantially alter the appearance of the building*
- F. *Repainting of commercial structures 10,000 sq. ft. or involving a development site with two or more buildings*
- G. *Parking lot plans involving eleven (11) or more parking spaces*

E. A design or sign permit shall become effective ten (10) days following the *Planning Manager* or Planning Commission's final action on an application, unless an appeal has been made to the Planning Commission or City Council as provided in Section [17.40.030C](#). (Ord. 2007-08 § 1, 2007; Ord. 545 § 2(part), 1991).

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 11th day of May 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Dave Kurrent, Chair, 2009-2010

ATTEST:

Winston Rhodes, AICP, Planning Manager