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**MINUTES**

**PINOLE PLANNING COMMISSION**

**Regular Meeting - December 11, 2006**

**A. CALL TO ORDER: 7:30 P.M.**

**B. PLEDGE OF ALLEGIANCE AND ROLL CALL:**

Commissioners Present: Banuelos, Brooks, Long, McFarland, Sekins, Toms,  
Chair Chapin

Commissioner Absent: None

Staff Present: City Planner, Elizabeth Dunn

**C. CITIZENS TO BE HEARD:**

There were no citizens to be heard.

**D. CONSENT CALENDAR:**

1. November 13, 2006 Planning Commission Meeting Minutes

2. **Design Review 06-10:** Consideration of a sign program, including a pole sign and two monument signs at the Del Monte Shopping Center, and building façade and site improvements at 600-630 San Pablo Avenue, APN 402-200-012, 403-040-005 and 006. The applicant is Sanjiv Bhandari of BKBC Architects, Inc., 1371 Oakland Boulevard, Suite 101, Walnut Creek, CA 94596. The property owner is Dinesh Sawhney of Sawhney Properties, LP, 418 Jefferson Street, Oakland, CA 94607.

Commissioner Sekins advised that he would abstain from the approval of the minutes of the November 13, 2006 meeting due to absence.

**MOTION** to approve the November 13, 2006 Planning Commission meeting minutes, as submitted.

**MOTION: Brooks SECONDED: Banuelos**

**APPROVED: 6-0-1**

**ABSTAIN: Sekins**

**MOTION** to adopt Consent Calendar Item D 2, as shown.

**MOTION: Brooks SECONDED: Banuelos**

**APPROVED: 7-0**

1  
2 **E. OLD BUSINESS:**

3  
4 1. List of Projects Staff is Working On:

5  
6 a. Design Review Guidelines

7  
8 City Planner Elizabeth Dunn reported that a contract with Pacific Municipal  
9 Consultants (PMC) had recently been brought to the City Council for consideration.  
10 She anticipated that the Design Review Guidelines would be brought to the  
11 Planning Commission in February 2007.

12  
13 b. Medical Marijuana

14  
15 Ms. Dunn advised that nothing had changed with the issues surrounding medical  
16 marijuana beyond the information previously reported to the Planning Commission.

17 **F. PUBLIC HEARINGS: None**

18  
19 **G. NEW BUSINESS/WORKSHOPS:**

20  
21 1. DISCUSSION ON AND PROVIDE DIRECTION TO STAFF ON HOW TO ADDRESS OR  
22 RESOLVE COLOR CHANGES TO NON-SINGLE FAMILY RESIDENTIAL STRUCTURES  
23 WITHOUT PRIOR APPROVAL FROM THE PLANNING COMMISSION

24  
25 Ms. Dunn presented the staff memorandum dated December 11, 2006. She  
26 reported that four letters had been included in the staff report identifying the four  
27 properties that should have gone through the design review process. Photographs  
28 illustrating each of the properties had been provided. She explained that staff was  
29 bringing the matter to the Planning Commission for two reasons; to discuss how to  
30 handle the matter in the future should this continue to be an issue, and to make a  
31 determination or decision to approve the color of each or any of the four properties.  
32 Based on the decision, the property owner could retain the color of the building or  
33 would have to proceed through the design review process.

34  
35 Ms. Dunn added that staff would coordinate with the City Attorney's office other  
36 potential options based on the outcome of the Planning Commission's decision.

37  
38 Commissioner Long commented that she had viewed property on Sarah Drive  
39 which had been painted purple. She was of the opinion that certain colors should be  
40 prohibited. She noted that some time ago, Long John Silver Restaurant had  
41 painted its building on its own. In that case, the City had required the business to  
42 change the building colors back to the original colors. The business had been  
43 informed at that time that if any changes to the building were desired, City review  
44 and approval would be required.

45 Commissioner Long emphasized that process was not new and that businesses

1 should be aware of the City's regulations.  
2

3 Chair Chapin suggested it would set a bad precedent if property owners of non-  
4 single family residential structures were allowed to paint their properties without  
5 enforcement of the City's regulations. He supported the staff recommendations.  
6

7 Commissioner Banuelos questioned whether or not the City had set guidelines to  
8 guide a property owner as to the use of appropriate colors.  
9

10 Ms. Dunn was unaware of any specific list of building colors that were actually  
11 prohibited.  
12

13 Commissioner Banuelos suggested that issue be considered during the review and  
14 consideration of the City's Design Review Guidelines as part of the General Plan  
15 Update.  
16

17 Chair Chapin suggested the guidelines could specify approved colors where any  
18 other colors not listed as approved would require design review.  
19

20 Commissioner Banuelos commented that there could be situations where a property  
21 was no longer owned by the original property owner and the structure might no  
22 longer be painted its originally approved color. He could see where such a situation  
23 could be difficult for a new property owner to follow. He sought a choice in the form  
24 of set guidelines.  
25

26 Commissioner Sekins pointed out the current process as outlined in the City's  
27 Zoning Ordinance, which stipulated that any change in color for a non-single family  
28 residential structure would require design review. He suggested that any property  
29 owner who had not followed the requirements of the Zoning Ordinance was in  
30 violation.  
31

32 Ms. Dunn explained that of the four properties identified, she understood that  
33 representatives from the bowling alley were not present. She had spoken with the  
34 property manager for Kragen Auto Parts, which discussion would be continued with  
35 the property manager who had been made aware that the building had been  
36 incorrectly painted. She acknowledged that the City had been able to successfully  
37 direct the car wash facility in that same center, which had also been painted with a  
38 non-approved color scheme, to be painted back to its original color.  
39

40 DEBORAH HARE, owner of La Villa Realty, 644 Quinan Street, Pinole, clarified with  
41 staff that the complaint with the color of her building had come from the City Planner  
42 and not from any other complainant. She also clarified that she had received a  
43 letter from the City Planner notifying her that her building had been painted without  
44 City permission.  
45

Ms. Hare explained that when she had purchased the property in September 2004,

1 she had not been informed that she needed permission to paint the building. She  
2 commented that she had decided to open her own business in Pinole and had  
3 dreamed of purchasing a home on Quinan Street. Having found her dream home  
4 after living on Canyon Drive, she had lived in the residence on Quinan Street while  
5 the property was being repaired and the business being readied for opening. She  
6 had paid \$650,000 for her property in an as is condition. Given that the property  
7 had some damage that required repair, the work had been done little by little.

8  
9 Ms. Hare stated that the building had been painted by previous owners and she had  
10 no documentation that permission had been granted to paint the building in the past.  
11 As such, she had been surprised to receive the letter from the City informing her  
12 that she had painted her property without City permission.

13  
14 Ms. Hare noted that the value of her property had increased significantly due to the  
15 upgrades. She added that her neighbors had welcomed her to the area.

16  
17 Ms. Hare went on to explain that she had conducted a study of "American Painted  
18 Ladies," regarding the painting of Victorian Homes, to learn what should be done to  
19 the property to increase its value as a business and residence. The red color the  
20 building had been painted had been identified in the American Painted Ladies book  
21 and had been taken from an original calendar in that material. Prior to painting the  
22 building, she had also sought input from her neighbors on her color choice. She  
23 had also researched the building color at Home Depot.

24  
25 Ms. Hare commented that she had considered other colors although she had not  
26 found them to be appropriate. She cited the relocation of the Faria House which  
27 had been relocated behind her building, and which was a green color. She  
28 questioned whether or not that building color had been permitted by the City.

29  
30 Ms. Hare stated that the individual she had retained to paint the building had  
31 experience with other buildings in the City. She noted that after she had received  
32 the letter from the City regarding the color of the building, she had spoken with her  
33 neighbors and had walked the area. She has also written letters to those neighbors  
34 to inquire whether or not they had a problem with the building color. Neighbors had  
35 indicated that there was no problem with the building color. She explained that  
36 Sunbeam Real Estate had informed her that it also had no problems with the  
37 building color.

38  
39 Ms. Hare pointed out that the building had been painted eight months ago. She  
40 questioned why the City Planner was now informing her that the building color had  
41 not been approved. She added that the building did not have any insulation which  
42 had been a challenge with the required repairs and which had required the  
43 installation of siding to match the area as much as possible.

44  
45 With a decrease in current real estate values and with the knowledge that many

1 businesses in Pinole were having financial difficulties, Ms. Hare stated that she did  
2 not want to see a reduction in her property value.

3  
4 Ms. Hare emphasized her experience in real estate and her efforts to operate a  
5 business in the City. She presented information on the building colors for Victorian  
6 Homes that she had researched and used for the Commission to review. She  
7 otherwise cited a building on Tennant Avenue near the church which had used  
8 similar colors as those used for Victorian homes.

9  
10 Ms. Hare added that she farmed all over West County and had prepared a business  
11 calendar for 2006 and 2007, including Christmas cards, which had featured the  
12 home and the current paint color, copies of which she presented to the  
13 Commission. She also presented photographs of the Faria House which had been  
14 painted green.

15  
16 Ms. Hare asked that the Commission consider informing buyers and sellers of the  
17 City's requirements for painting a building, although she expressed concern that  
18 such a requirement might result in the loss of buyers.

19  
20 MIKE GUERRA, owner of the property on Laurel Avenue, Pinole, stated that he was  
21 not aware that the City had requirements related to the exterior color of his building.  
22 He commented that he had to change the roof, windows, sliding doors, floors and  
23 wall heater of the building and had invested a lot of money in the building. Noting  
24 that the building could be painted back to its original color, he stated he would abide  
25 by whatever the Planning Commission decided.

26  
27 Commissioner McFarland appreciated the background and research that had been  
28 done on Victorian Homes and while did not really object to the building color for that  
29 particular property, he agreed with the staff discussion that the property owner had  
30 the responsibility to file an application with the City to change the building color. He  
31 suggested that the color of the Victorian Home would likely be supported in design  
32 review based on the background material.

33  
34 Commissioner McFarland did not agree that an exception should be made in this  
35 case since it was not the City's responsibility to notify new owners of the non-single  
36 family structure requirement to follow City code. It was the property owner's  
37 responsibility to inquire of the City codes in the jurisdiction where property was  
38 being purchased. In this instance, he suggested that the City ordinance should be  
39 enforced.

40  
41 Commissioner Toms agreed with the need to follow the City process. She clarified  
42 that the comment that staff had informed the owners of the properties that staff did  
43 not like the building colors was inaccurate in that the letters from staff had indicated  
44 the need to go through the City process.

45 Commissioner Toms emphasized that a number of buildings had been reviewed

1 through design review and an application had recently been reviewed by the Design  
2 Review Board (DRB) on a proposal to change building colors for a local shopping  
3 center. She added that commercial painters in the area should be aware of the  
4 City's process and the need to inform customers of the need to go through design  
5 review first before proceeding to paint a structure.  
6

7 Commissioner Toms also agreed it was likely the DRB would not have an issue with  
8 the paint color for the Victorian Home. It was just that the request needed to go  
9 through the design review process.  
10

11 Commissioner Sekins agreed with the comments made. He otherwise suggested  
12 that some responsibility should be placed on the City given that oftentimes  
13 properties were owned by absentee owners who did not reside in the area. He  
14 suggested that property owners could be better advised of the City's requirements  
15 in partnership with the Chamber of Commerce, as well as through a City quarterly  
16 newsletter mailed to businesses and residents. Those requirements should also be  
17 outlined in the General Plan, possibly through Old Town Pinole paint scheme  
18 guidelines.  
19

20 Commissioner Sekins also agreed with the need for a more timely review for local  
21 businesses. He recommended a once a month review and that staff not wait  
22 several months to a year to advise property owners in the event of any violation to  
23 City code.  
24

25 Commissioner Banuelos noted that every city, county, and municipality had an  
26 ordinance or guidelines of this nature and some cities had more stringent paint  
27 requirements. He agreed with the need to enforce City ordinances. He too  
28 suggested it was likely that the DRB would approve the colors for the Victorian  
29 Home given the effort in researching the building colors.  
30

31 Commissioner Banuelos further suggested that anyone in the industry either  
32 through real estate or building development should be more responsible and more  
33 aware of City requirements. He liked the building color for the Victorian Home,  
34 although he would like to see the City maintain a level of municipal equality. He  
35 sought a protection of the process.  
36

37 Commissioner Toms inquired what action was being asked of the Planning  
38 Commission at this time.  
39

40 Ms. Dunn clarified that she and representatives from PMC Consulting had recently  
41 driven through the community during which time she had noticed the four structures  
42 under discussion. Staff was seeking direction from the Planning Commission.  
43

44 Based on the discussion, Ms. Dunn suggested it was clear that the properties must  
45 go through the design review process with the submittal of a formal application, with

1 paint samples of the current building colors. She expressed the willingness to work  
2 with the Code Enforcement Officer to address issues in the City in a more timely  
3 fashion. She agreed that information in the City's newsletter or information provided  
4 by the Chamber of Commerce would be helpful. In addition, she suggested that  
5 West County Painters, which likely received most of the business in the City, could  
6 be contacted to better advise its customers of the City's regulations. Further, an Old  
7 Town Pinole paint theme for the Design Review Guidelines could be considered.

8  
9 Commissioner Brooks suggested that the property owners be reminded not only of  
10 the City's regulations for building colors but the need for the approval of any building  
11 signage as well in the event a business wished to upgrade its signage.

12  
13 Commissioner Banuelos expressed his appreciation for the property owner's efforts  
14 to research colors for the Victorian Home. In that regard, he suggested that there  
15 should be some leeway in a regulatory manner that would accommodate that  
16 situation given that some jurisdictions were very strict when it came to approved  
17 building colors.

18  
19 Ms. Dunn suggested in this instance that the style of the Victorian Home might be  
20 appropriate for the paint color that had been chosen, but the issue was the need to  
21 follow the process.

22  
23 Commissioner Long questioned how the Victorian Home was positioned in the  
24 neighborhood as it related to the other buildings in the area, which would be  
25 something she would like to see, particularly during the design review process. She  
26 characterized Quinan Street as a unique neighborhood and one she would like to  
27 see remain unique. As the issue moved forward to design review, she would like to  
28 see signage that did not detract from the building and she would like to see the  
29 signage be part of an approved sign program taking into account the entire building  
30 and the building colors. Given the location of the building in the Redevelopment  
31 Area, she suggested that could be an area where the Redevelopment Agency might  
32 be able to provide assistance.

33  
34 Ms. Hare explained that each owner in her building had signage from their company  
35 from their original approvals, and her original sign had been brought from Better  
36 Homes on Appian Way. She acknowledged that she was now aware of the need to  
37 gain permission to place signage on the building.

38  
39 Commissioner Banuelos agreed with the need to discuss a sign program when the  
40 matter was considered by design review to ensure that the signage was compatible  
41 with the paint scheme.

42  
43 **H. CITY PLANNER'S/COMMISSIONER'S REPORT:**

44  
45 Ms. Dunn reported that the City Attorney was researching questions regarding the

1 formation of a Community Oversight Committee.  
2

3 Ms. Dunn added in response to Commissioner Toms that the Pinole Valley  
4 Shopping Center would be considered by the Planning Commission on January 22,  
5 not January 8, 2007, as shown on the 2007 Planning Commission meeting  
6 schedule. The project signage would be considered by the DRB at its next meeting  
7 this month, with the entire project to be presented to the Planning Commission on  
8 January 22. Additionally, the major tenants for the center were expected to be  
9 announced during the January 16 City Council meeting.

10  
11 Commissioner Sekins referenced the Arco Station, Pinole Valley Park, and Carl's  
12 Jr., as examples of businesses where the dumpsters were in odd locations and  
13 should be reviewed by code enforcement.

14  
15 Commissioner Toms noted that the dumpster at the Arco Station had been  
16 approved at the rear and not at the front where it was now located.

17  
18 Commissioner Banuelos shared information he had received at a Green Building  
19 seminar at the County, which information on green building practices he suggested  
20 should be considered in the Zoning Ordinance.

21  
22 Ms. Dunn advised that sample resolutions could be considered by the Planning  
23 Commission as to whether or not the language was something the Commission  
24 would like to endorse, although the City Council would be the ultimate decision  
25 making body. A workshop could be considered between the City Council and the  
26 Planning Commission to discuss green building practices.

27  
28 Commissioner Toms added that if the Pinole Valley Shopping Center planned to  
29 rebuild, she would like to see a demolition plan showing the recycling efforts and  
30 where the material would be used. She noted that when Best Buy had been  
31 constructed, it had been conditioned to provide a demolition plan showing the  
32 recycling of materials.

33  
34 Ms. Dunn understood that the Pinole Valley Shopping Center project did plan to  
35 recycle materials.

36  
37 Chair Chapin reported that Dan Curtin, an icon on land use law, had recently  
38 passed away. He took this opportunity to recognize Mr. Curtin's work in land use  
39 law.

40  
41  
42  
43 Ms. Dunn reminded the Commission that the next meeting of the Planning  
44 Commission would be January 22, 2007, not January 8 as shown on the 2007  
45 Planning Commission meeting schedule.

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I. **COMMUNICATIONS**: 2007 PC and DRB meeting schedule.

J. **NEXT MEETING**: Monday, January 22, 2007.

K. **ADJOURNMENT**: 8:32 P.M.

Transcribed by:

Anita L. Tucci-Smith  
Transcriber