

IMPLEMENTATION

10.0 Implementation

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10.1 INTRODUCTION

This Chapter describes the actions required to implement the policies of the Specific Plan in order to revitalize the San Pablo Avenue, Pinole Valley Road and Appian Way corridors, and improve the quality of life for Pinole residents, employers, employees and visitors. Implementing the Specific Plan will require investment in streets, transit, parks, plazas, and improvements to City services such as utilities, police, fire, health and human services. This investment will come from partnerships between the private sector and the City in support of new development. The Implementation Chapter identifies administrative actions, capital projects, and programs that provide the critical link between the plan vision and tangible improvements.

10.2 SPECIFIC PLAN ADMINISTRATION

This section describes the sequence of the key implementing steps the City should follow to effectively execute the Specific Plan. This list of steps is divided into two parts: actions completed as part of Specific Plan Adoption and actions that will be implemented after Specific Plan Adoption.

IMPLEMENTATION ACTIONS COMPLETED AS PART OF SPECIFIC PLAN ADOPTION

- Certify the Environmental Impact Report for the City of Pinole General Plan 2030 and Specific Plan for San Pablo Avenue, Pinole Valley Road and Appian Way;
- Adopt findings, mitigation measures, and monitoring programs as required by the California Environmental Quality Act (CEQA); and
- Adopt land use designations and Policies in the General Plan that allow for the establishment of the Specific Plan zoning districts and adopt the General Plan and Specific Plan concurrently.

IMPLEMENTATION ACTIONS TO BE COMPLETED AFTER SPECIFIC PLAN ADOPTION

- Adopt Zoning Code to allow for the Specific Plan to be implemented in conformance with the General Plan;

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- Set up specific financing plans based upon the general financing options and strategies in the Specific Plan for major capital improvements required to support development in the Specific Plan area – San Pablo Avenue, Pinole Valley Road and Appian Way; and
- Specific Plan Administration, as identified in Chapter 6 – Land Use and Development Standards, which includes review and approval of projects in accordance with the provision of the Specific Plan for San Pablo Avenue, Pinole Valley Road and Appian Way, as described in the section below.

10.3 PLAN ADOPTION

The Specific Plan establishes the land use and development standards for the Specific Plan area – San Pablo Avenue, Pinole Valley Road and Appian Way.

RELATIONSHIP TO THE GENERAL PLAN

The Three Corridor Specific Plan is intended to implement the General Plan for the Specific Plan Area by establishing land use designations (Chapter 6 – Land Use Standards) and development standards for private (Chapter 7 – Private Realm Design Guidelines) and public (Chapter 8 – Public Realm Standards) properties within the Specific Plan Area..

RELATIONSHIP TO THE ZONING CODE

The Specific Plan is designed to supersede selected provisions of the Zoning Code. Where the Specific Plan establishes administrative practices, land uses and/or development standards, the Specific Plan shall govern. Where the Specific Plan is silent on land use or development issues, development and land use shall conform to the Zoning Code. In particular, the Specific Plan relies on the Zoning Code to govern the development review process, nonconforming uses and structures, enforcement, legal procedures, and penalties. When there is a conflict between the Specific Plan and Zoning Code, the Specific Plan shall govern.

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10.4 PLAN ADMINISTRATION

The Community Development Director is responsible for the administration, implementation, and enforcement of this Specific Plan. The Community Development Director may delegate authority to designated staff members. In the event that the Community Development Director position is vacant, the City Manager is responsible for administering the Specific Plan, and may delegate authority to designated staff. Throughout this Chapter the term Community Development Director refers to the Director or his/her designee. The Community Development Director is responsible for making consistency determinations with the Specific Plan, and for determining when an amendment to the Specific Plan text or maps is needed according to the following procedures:

SIMILAR USES

Recognizing that every conceivable use cannot be identified in this Specific Plan and, anticipating that new uses will evolve over time; this section gives the Community Development Director authority to approve uses when their operation, impacts, and scale are similar to those uses listed in this Specific Plan. In making a determination that a use is “similar,” the Director shall make all of the following findings:

- (a) The characteristics of, and activities associated with, the proposed use are equivalent to one or more of the listed uses and will not involve a higher level of activity or population density than the uses listed in the sub-district.
- (b) The proposed use is consistent with the purposes of the applicable land use designation.
- (c) The proposed use is consistent with the General Plan and this Specific Plan.

Determinations will be made in writing and will contain the facts that support the determination. The Department will maintain a record of all such determinations for public review. All determinations will be provided to the Planning Commission, City Council, City Manager, City Attorney, and City Clerk as an information item within 30 days of the Director’s determination.

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HORIZONTAL AND VERTICAL MIXED-USE

Mixed Use Development, when it occurs, should be integrated on each individual property (vertical integration) to ensure consistency with the housing, commercial and industrial objectives of the Specific Plan. Where mixed use development may more successfully accomplish Specific Plan objectives by locating different uses on separate properties, such horizontal integration may be allowed upon finding that the horizontally integrated development:

- (a) Results in housing, commercial and/or industrial development that would create similar land use distribution to that which would occur if the development was vertically integrated; and
- (b) Would result in economic development, housing, circulation sustainability, and/or community character objectives in a manner that would not be possible through vertical integration alone.

NONCONFORMING USES

Where existing uses or structures were established legally and are principally permitted or conditionally permitted within the governing Specific Plan Sub-Area and District, they are considered legal, conforming uses and/or structures. Where existing uses or structures were established legally but are not permitted by the governing Specific Plan Sub-Area and District, they are considered legal, non-conforming uses and/or structures, and are subject to the Nonconforming Uses and Structures provisions of the Zoning Code.

POLICY CONSIDERATIONS

When reviewing land use and development proposals, decision makers may encounter policy conflicts where satisfaction of one policy may interfere with full satisfaction of other policies. When working to resolve such conflicts, decision makers will assign different weight to each policy to shape decisions for the betterment of the City. Though the final determination of what relative weight to assign each policy is a decision that will be reached according to the specific circumstances associated with the proposal, the following guidelines should be used direct policy consideration:

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- Land uses and development proposals must be consistent with the General Plan and Specific Plan;
- As a tool that implements the General Plan, Specific Plan Policies are subordinate to General Plan Policies; and

When these guidelines do not result in clear policy direction, such matters should be referred to the Planning Commission for resolution.

SPECIFIC PLAN AMENDMENT

Over time, various sections of the Specific Plan may need to be revised, as economic conditions or City needs dictate. The policies presented in the Specific Plan contain some degree of flexibility, but any Specific Plan amendments must be judged by relatively fixed criteria. The California Government Code (§ 65453) states that a Specific Plan “may be amended as often as deemed necessary by the legislative body.” Amendments to this Plan may be initiated by a member of the public in accordance with any terms and conditions imposed during the original approval or in accordance with any terms and conditions pertaining to City of Pinole Zoning Code.

- Proposals to amend the Specific Plan must be accompanied by detailed information to document the change required. This information should include a revised Specific Plan text (or excerpt thereof) and revised Land Use Diagram or map amendment, where relevant, depicting the amendment requested.
- Any proposal to amend the Specific Plan must document the need for such change with a written explanation.
- The City and/or applicant must provide an analysis of the amendment’s impacts relative to the Environmental Document used to adopt the Specific Plan. Depending on the nature of the amendment, supplemental environmental analysis may be necessary. The need for such additional analysis shall be determined by the City of Pinole in accordance with the California Environmental Quality Act (§ 15162).

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The Community Development Director shall within thirty (30) days of any submittal of a request to amend this Plan, determine whether the amendment is significant or insignificant. If the amendment is determined to be significant, the application shall be reviewed and considered in the manner prescribed by the Zoning Code. If the amendment is determined to be insignificant, the Community Development Director may approve or deny the application. Any decision of the Director may be appealed to the Planning Commission and/or City Council, provided said appeal is initiated within ten (10) working days of receipt by the applicant of written notice of the Director's decision.

NECESSARY FINDINGS

- The consideration of any proposed amendment to this Plan shall include the determination of the following findings:
- Changes have occurred in the community since the approval of the original Specific Plan which warrants approving the proposed amendment.
- The proposed amendment is consistent with the General Plan for the City of Pinole.
- The proposed amendment will not be incompatible with or detrimental to adjacent properties.
- The proposed amendment will facilitate the delivery of public services and/or improve access to public facilities serving the population within the area of this Specific Plan.

The proposed amendment will enable the delivery of services and public facilities to the population within the area of this Specific Plan.

The Community Development Director will review all of the above-submitted application amendment material and provide a staff report for consideration by the Planning Commission and City Council. The Director may require submission of further amendment application material needed to make a determination with respect to the above findings. The staff report will analyze whether the proposed Specific Plan Amendment is consistent with the General Plan and whether the need to amend the Specific Plan can be supported by the application material provided.

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PUBLIC HEARINGS

If the amendment is considered significant, both the Planning Commission and the City Council must hold Public Hearings on the Specific Plan Amendment, in accordance with § 65453 of the State Government Code.

SPECIFIC PLAN REVIEW

Development standards are mandatory requirements that must be satisfied for all new projects. Qualifying building renovations may be exempt from review as a minor modification. More substantive modifications and renovations are subject to review as outlined below:

- Exemptions: Exemptions include minor modifications, such as painting, maintenance or repair, re-roof, and modifications that increase square footage by less than 200 square feet (within any 2-year period).
- Major Modifications: Major modifications are defined in this Specific Plan as any alterations of more than 10% of an existing building façade or more than 10% increase in existing building square footage.
- Renovations: For expansion or other renovation applications, the Community Development Director retains authority to determine major and minor modifications, exemptions, and give relief from Specific Plan standards based on the determination that they are safe and have no significant adverse impacts upon surrounding property. The Community Development Director may refer proposed renovations to the Planning Commission for review and approval.
- General Height Requirements and Exceptions: Height requirements are provided for each Specific Plan area are included in sections 6.5, 6.6 and 6.7, respectively. The Community Development Director may review and approve architectural features such as tower elements, elevator service shafts, and roof access stairwells that extend above the height limit by less than 10%. The Planning Commission shall review architectural features that extend above the height limit by 10% or more. Telecommunications antennas and service structures located on rooftops may also

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exceed the maximum building height but shall be hidden to the maximum extent possible using appropriate screening and concealing technologies and shall require a use permit in each Specific Plan Area. On the recommendation of the Planning Commission, the City Council may approve buildings that exceed the maximum height adopted in any district in conjunction with a variance application request.

10.5 IMPLEMENTATION PLAN

Implementation tools provide strategies to the City to shape development patterns, protect natural and human infrastructure and protect the quality of life for residents. They can be separated into four distinct categories. Each category has distinct characteristics that make it suitable for specific goals and circumstances. Following are the categories that are available to the City's implementation strategies.

REGULATORY ACTIONS

City ordinances, including zoning, subdivision, environmental, and other standards, as well as the administrative approvals process.

Regulations include:

- Performance standards that regulate development impacts.
- Administrative standards such as information or analyses required for a development.
- Application and the order and timing of approvals by regulating authorities.

PUBLIC IMPROVEMENTS

Public investments and management decisions for infrastructure, public services, public lands, and public processes. Such investment or decisions can include:

- Coordinating capital improvements planning between departments to meet General Plan and Specific Plan goals.
- Water, wastewater, and transportation investments made by the City or ultimately managed by the City.

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- Land acquisition, sale, or exchange for the purpose of preservation or development.
- Management decisions and expenditures for public resources such as streets, parks and property management, and deployment of public services.
- Conducting studies and making decisions on enhancing or modifying the General Plan or supporting documents.

EDUCATIONAL AND PROMOTIONAL PROGRAMS

Formal programs or informal efforts undertaken by the City or in conjunction with the City to encourage voluntary actions by individuals or businesses that help fulfill the City's desired future as described in the Specific Plan and General Plan.

INCENTIVES AND INCENTIVE REGULATION

Incentives offered by the City or in conjunction with the City to elicit actions by individuals or businesses that move the City toward its desired future. The incentives can include:

- Direct financial assistance such as cost sharing
- Indirect financial assistance such as tax breaks or infrastructure improvements
- Regulatory incentives such as density bonuses or flexible regulation
- Professional assistance incentives such as technical assistance in façade or infrastructure design, integration of historic elements, or meeting State or Federal regulatory standards

Table 10-2 summarizes the recommended incentives program that may be adopted by City Council resolution.

Rarely will a single tool or category of tools be sufficient to achieve General Plan and Specific Plan goals. Most policies, and most of the preferred mix of land uses shown on the land use map, require the use of several tools from different categories in order to be realized and sustained. The City must take a 'comprehensive' approach in its

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implementation choices, recognizing that each category of tools has unique strengths and weaknesses.

The following section presents the strategies that will be needed to implement the Specific Plan's land use recommendations. The Potential Incentives and Funding Mechanisms immediately follow.

10.6 IMPLEMENTATION ACTION PLAN MATRIX

The Implementation Action Matrix presents an inter-related framework for achieving the future condition represented by the land use map and the Specific Plan policies. The vision and goals presented in the Specific Plan for San Pablo Avenue, Pinole Valley Road, Appian Way are supported by the Implementation Action Plan Matrix in **Table 10-1**. The Action Plan provides a summary of Specific Plan recommendations and is presented in a table format providing a clear listing of the major programs, projects, and actions needed for implementation. The table also identifies the responsible agency or party, potential funding sources associated with each action (if warranted), and suggested timing of the actions. The table is organized to discuss regulatory actions, programs, and improvement projects for the entire Plan Area with specific direction for each corridor. The following matrix actions in Table 10-1 do not represent the entire universe of strategy options, but provide a series of priorities that support Specific Plan policies.

PHASING

The Specific Plan has been designed to take advantage of development opportunities as market conditions and funding opportunities present themselves. Consequently, no corridor, sub-area or opportunity site identified in the Specific Plan has priority over any other area. Instead, the Implementation Chapter has assigned time horizons to projects and programs (e.g. short-range, mid-range, and long-range) that reflect current priorities. As economic conditions and trends change over time, the City will want to revisit and reorganize these implementation steps to optimize available opportunities. The tools and administrative procedures in this implementation plan should be considerate of market shifts and development conditions and should be used at the discretion of the plan's

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administrators to be flexible or rigid so as to accommodate new development and facilitate the revitalization of San Pablo Avenue, Pinole Valley Road and Appian Way.

**Table 10-1
Implementation Action Plan Matrix**

Timing: 1 = Short-Range (1-3 years), 2 = Mid-Range (4-7years), 3 = Long-Range (8+yrs), 4 = Ongoing	Timing	Responsible Department	Possible Funding
Responsible Department: CD = Community Development, PW = Public Works, R = Recreation		Lead	
LAND USE AND REGULATORY ACTIONS			
Preparation of CEQA Document and Adoption of Specific Plan	1	CD	Redevelopment
Review and adoption of recommended incentives	1	CD	N/A
Create a policy for requiring reciprocal access agreements between parcels	1	CD/PW	N/A
Require all development to minimize land disturbance activities, such as vegetation clearing and grading to reduce erosion potential, sediment loss and soil over compaction that prevents water absorption.	4	CD	Developer Fees
Require all new development to preserve natural drainage features and vegetation to the maximum extent practical or to otherwise maintain predevelopment site hydrology by using site design techniques that store, infiltrate, evaporate or detain runoff. All new development shall comply, at minimum, with current municipal National Pollutant Discharge Elimination System (NPDES) requirements for peak flow, stormwater quality and runoff volume.	4	CD/PW	Developer Fees
Where existing facilities are inadequate, new development shall only be approved when the following conditions are met: <ol style="list-style-type: none"> 1. The developer and/or City can demonstrate that all necessary public facilities will be adequately financed and installed prior to project occupancy (through fees or other means); and 2. The facilities improvements are consistent with applicable facility plans approved by the City or other agencies in which the City is a participant. 	4	CD/PW	Developer Fees/Grants

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Timing: 1 = Short-Range (1-3 years), 2 = Mid-Range (4-7years), 3 = Long-Range (8+yrs), 4 = Ongoing	Timing	Responsible Department	Possible Funding
Responsible Department: CD = Community Development, PW = Public Works, R = Recreation		Lead	
ECONOMIC DEVELOPMENT			
Create a "Green Industry" program for Industrial areas of Pinole that includes: 1. Incentives and streamlined administrative review of eligible uses; 2. Support for synergistic relationships between industrial uses.	1	CD	Redevelopment/ Grants
Create a program that offers incentives and streamlined administrative review to support and encourage development: that 1. Would be located at Specific Plan Opportunity Sites; and/or 2. Furthers the objectives of the Priority Development Area.	1	CD	Redevelopment
Work with the owners of property located adjacent to Pinole Creek to ensure adequate separation between development and the Creek while promoting vertical and lateral access to the creek.	4	CD	N/A
Include projects in the Capital Improvement Program (CIP) to implement the Specific Plan streetscape improvements for Old Town. These improvements would include: 1. Uniform street furniture and amenities; 2. Construction of generous sidewalks; 3. Bus stop amenities; and 4. Bicycle Lanes.	4	CD	BID/RDA/ Grants
Develop and implement a Parking Management Plan for Old Town that: 1. Defines adequate parking as 15% vacancy within a two block radius of a project; 2. Includes provisions for delivery vehicles, disabled parking, and other restricted parking facilities; 3. Provides for parking controls (e.g. time limits, metered parking, etc.) before parking supply is expanded; and 4. Identifies conditions under which shared parking should be expanded to address demand.	3	CD/PW	Redevelopment/ Grants/BID
Create and implement a Marketing Strategy for: 1. The City of Pinole to identify City amenities and role in the regional market; 2. Old Town that describes the land use and redevelopment opportunities created by the Specific Plan adoption, and communicates the vision of Old Town as a vital area of commerce.	4	CD	Redevelopment

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Timing: 1 = Short-Range (1-3 years), 2 = Mid-Range (4-7years), 3 = Long-Range (8+yrs), 4 = Ongoing	Timing	Responsible Department	Possible Funding
Responsible Department: CD = Community Development, PW = Public Works, R = Recreation		Lead	
ECONOMIC DEVELOPMENT			
Continue to identify opportunity sites for the following uses in order to increase the number of people living, working and recreating in the Specific Plan Areas, esp. Old Town: 1. High-quality infill housing; 2. Office, retail and restaurant development; 3. Visitor-serving facilities; and 4. Cultural and entertainment venues.	4	CD	Private Investment/Grants/Redevelopment
Continue to fund redevelopment projects in Old Town, including revitalization of City and RDA-owned sites identified in Specific Plan.	4	CD	Redevelopment/Grants
Encourage and facilitate land assembly for odd-shaped and elongated parcels to provide infill opportunities that enhance civic life by defining the public realm through street and pedestrian-oriented frontages.	4	CD	Redevelopment/Grants
Devise and implement an employment strategy to maintain the long-term economic vitality of Old Town, San Pablo Avenue, Pinole Valley Road and Appian Way by matching the range and types of jobs with the skill set and earning potential of workers and residents.	4	CD	Redevelopment/Grants
Monitor the production and pace of new development through the issuance of building permits. The following shall be reported periodically to the City Council: 1. Production and pace of new residential units; 2. Production and pace of new commercial growth, identifying total square feet of retail, office and visitor-serving (hotel) space; and 3. Total number of planning permits approved and applications pending.	4	CD	Redevelopment
Continue to partner with non-profit organizations, private housing developers and public agencies to facilitate production of: 1. A range of affordable housing; 2. Live-work spaces; 3. Co-housing opportunities; and 4. Assisted living facilities.	4	CD	Private Investment/Redevelopment/Grants
Maintain an inventory of vacant and under-utilized parcels and provide the inventory to interested developers in conjunction with information on available financial assistance programs and development incentives, such as reduced parking requirements.	4	CD	Redevelopment

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Timing: 1 = Short-Range (1-3 years), 2 = Mid-Range (4-7years), 3 = Long-Range (8+yrs), 4 = Ongoing	Timing	Responsible Department	Possible Funding
Responsible Department: CD = Community Development, PW = Public Works, R = Recreation		Lead	
CIRCULATION			
Prioritize capital improvements within the Specific Plan area and create a schedule of implementation activities that will provide enhanced multi-modal, pedestrian friendly access in Old Town, and along the Specific Plan Corridors. The high priority improvements should be included in the CIP	4	PW	Developer Fees, Grants/Redevelopment
Evaluate opportunities for improving the circulation system in Old Town and San Pablo Avenue as part of the approval of new projects, including street, sidewalk, bikeway, transit and other enhancements.	4	CD/PW	Developer Fees/BID/Redevelopment
Construct medians along Pinole Valley Road near Pinole Valley Shopping Center & other locations as identified in the Specific Plan.	2	PW	Redevelopment/Grants
Construct medians along Appian Way near High School & other locations as identified in the Specific Plan	2	PW	Redevelopment/Grants
Reconstruct Appian Way from Tara Hills Drive to San Pablo Avenue.	3	PW	Redevelopment/Grants
Construct bike and pedestrian paths and trails as identified in Pinole Creek Master Plan	4	CD/PW	Redevelopment/Grants
Construct warning features and other safety devices to improve pedestrian safety in Old Town.	2	PW	Redevelopment/Grants
Reconstruct the traffic signal on San Pablo Avenue at Appian	2	PW	Redevelopment/Grants
Evaluate the feasibility and effectiveness of a shuttle or looped bus service that connects key destinations within Old Town to other areas in the City.	2	PW	Federal Grant
Encourage on-street commercial truck loading in Old Town before 11 AM to ensure daytime parking remains available for business patrons and to facilitate pedestrian movement. As necessary, provide adequate truck parking and loading areas to reduce loading activity interference with traffic flow or disruption of the general pedestrian ambience.	4	PW	General Funds
Study and implement parking structure in Old Town	3	CD/PW	Redevelopment/Grants
Explore formation of a Parking Benefit District that dedicates parking revenue to public improvements and services within the Old Town area only. Potential net revenue uses include landscaping, trash receptacles and collection service, street cleaning, pedestrian-scaled lighting, transit and bicycle infrastructure, and management of Old Town transportation amenities and infrastructure.	1	CD/RDA	Redevelopment/Grants

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Timing: 1 = Short-Range (1-3 years), 2 = Mid-Range (4-7years), 3 = Long-Range (8+yrs), 4 = Ongoing	Timing	Responsible Department	Possible Funding
Responsible Department: CD = Community Development, PW = Public Works, R = Recreation		Lead	
CIRCULATION			
Implement a program to maximize efficient use of existing parking lots. Such a program should initially consider improved signage and visibility, including signs that can direct overflow vehicles to alternative locations when lots are full. In part, this will be achieved through the Wayfinding signage program	2	PW	Redevelopment/ Grants
Consider a strategy and identify funding to convert under-utilized surface lots to new uses such as retail, commercial or residences.	2	CD	As funding allows
PUBLIC REALM IMPROVEMENTS			
Implement the streetscape recommendations for San Pablo Avenue, Pinole Valley Road and Appian Way (contained in Chapter 5.0 Circulation). Establish a detailed implementation program that sets timeframes given available funding and community priorities. Improvements can be phased, but priority should be given to San Pablo Avenue through Old Town to re-establish the pedestrian friendly nature of Old Town and slow traffic through Old Town.	2	CD/PW	Redevelopment/ Grants/Fee Credits
Develop designs for Gateway/Entry Monuments at Pinole Valley Road and Appian Way and designate locations for the placement of public art, interpretive signage and entry signage at the following locations: <ul style="list-style-type: none"> i. Entry into Pinole at the southern end of Appian Way near El Sobrante ii. Entry into Specific Plan Area on San Pablo Avenue, Appian Way and Pinole Valley Road iii. Entry into Old Town on San Pablo Avenue, Pinole Valley Road, and Tennent Avenue iv. Entry into Old Town from Hercules (City boundary) v. Other gateways identified by the Specific Plan 	2	CD/PW	Redevelopment/ Grants/Fee Credits
Develop and implement wayfinding system and comprehensive signage program for Old Town and other Specific Plan Corridors, providing informational kiosks and signage oriented to pedestrians	2	CD/PW	Redevelopment/ Grants
Provide street trees as identified in Chapter 8 – Public Realm Design Guidelines	2	PW	General or City Funds
Develop a program, permitting system and identify funding for placement and design of a consolidated network of news racks	2	PW	Redevelopment/ Grants
Require all new development to incorporate sufficient trash and recycling receptacles and enclosures to adequately serve residents and tenants.	4	CD	Redevelopment/ Grants

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Timing: 1 = Short-Range (1-3 years), 2 = Mid-Range (4-7years), 3 = Long-Range (8+yrs), 4 = Ongoing	Timing	Responsible Department	Possible Funding
Responsible Department: CD = Community Development, PW = Public Works, R = Recreation		Lead	
PUBLIC REALM IMPROVEMENTS			
Continue to provide and identify funding for public bike racks and lockers.	4	PW	Redevelopment/Grants
Underground utilities along Pinole Valley Road	3	PW	City Funds/Grants
Revise the Quimby Fee for Downtown projects to improve parks in the Specific Plan Areas and public plazas and provide funding for development of cultural amenities.	2	CD/R	Parkland Fees/RDA
Enhance the visual and functional link to the Pinole Creek along Old Town and Pinole Valley Road through streetscape improvements and complementary design of new development.	4	CD/PW	Redevelopment/Grants/Private Investment
Create plazas in Old Town and other locations along San Pablo Avenue	2	CD/PW	Redevelopment/Grants/Private Investment
Develop and implement a strategy and identify funding to implement the pedestrian linkage improvements along Pinole Creek as recommended in the Pinole Creek Master Plan	4	PW	Redevelopment/Grants
Lighting improvements for the walking trail along Pinole Creek.	2	PW	Redevelopment/Grants
Create and implement a storefront and façade improvement program in the Old Town area	2	CD	Redevelopment BID
Adopt and implement Crime Prevention Through Environmental Design Guidelines (CPTED) to address public safety issues through commercial and residential project design. All new developments and tenant improvements shall be collaboratively reviewed by the Pinole Police Department, Public Works and Community Development to prevent blight and improve public safety through site design.	1	CD	N/A
Identify and implement public safety improvements, including redevelopment and enhancement of existing public parks, plazas, parking areas and restrooms.	4	PW	Redevelopment/Grants/BID
EDUCATIONAL AND PROMOTIONAL PROGRAMS			
Develop a “Virtual Front Counter” Web page on the City’s Planning and/or Redevelopment Agency Web page	1	CD	Time & Materials
Undertake priority neighborhood improvement projects	1	CD	CDBG, public-private partnerships, Redevelopment
Develop and implement art in public places program	2	CD/PW	Developer Fees/Redevelopment

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Timing: 1 = Short-Range (1-3 years), 2 = Mid-Range (4-7years), 3 = Long-Range (8+yrs), 4 = Ongoing	Timing	Responsible Department	Possible Funding
Responsible Department: CD = Community Development, PW = Public Works, R = Recreation		Lead	
EDUCATIONAL AND PROMOTIONAL PROGRAMS			
Create a beautification awards recognition program for San Pablo Avenue, Pinole Valley Road and Appian Way Corridor improvements	4	CD	Redevelopment/Grants
Explore creation of a local main street program for Old Town (private non-profit organization)	2	CD	Redevelopment/Grants
Explore establishing a Property Owner and Business Improvement District (including evaluation of boundaries and whether to include entire Old Town area or only portions)	2	CD/PW	Redevelopment/BID
Explore preparing a Parking Management Plan for the Old Town area to establish shared parking regulations and a parking in lieu fee program	2	CD/PW	Redevelopment/Grants

10.7 POTENTIAL INCENTIVES

The City of Pinole has been positive in providing development incentives for the attraction of business and revitalization of Old Town. In order to encourage desired amenities and project characteristics, the City should explore and adopt an incentives program. The costs and benefits of each incentive will be analyzed prior to a recommendation to the City Council/Agency Board for implementation and the City Council/Agency Board will review incentives following approval of the Specific Plan.

Any incentives offered to property owners within the Specific Plan boundary will not exceed the appraised value of the improvements. If the value of the improvements is in question, the City will conduct an appraisal at the property owner's expense. All incentives and public benefits will be as adopted by City Council in separate resolution. The City Council/Agency Board may amend the incentives and public benefits at any time, but not more often than once per calendar year and not less often than once per five calendar years.

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Table 10-2 summarizes the potential components of an incentives program that may be adopted by City Council resolution. The incentives can be organized into the following categories:

- Fee/tax reductions.
- Other direct financial assistance to developers and businesses.
- Entitlement incentives.
- Other incentives.

Table 10-2
Possible Incentives

Item	Description	Recommended Actions	Funding Source
FEE/TAX REDUCTIONS			
Review of Plan Check Fees (phased over life of SP)	Although the City's Plan Check fees are already modest for most projects, reducing them for projects proposed in the 16 opportunity sites in the Specific Plan Areas – San Pablo Avenue, Pinole Valley Road and Appian Way would send an important message to the development community of the City's commitment to attracting desired development to Old Town and the Planning Areas.	<ul style="list-style-type: none"> • Reduce Plan Check fees for all Plan area projects submitted for review during the first three (3) years of implementation • Revisit this issue after the first three years and consider extending the benefits 	Redevelopment Funds
Review of Business License Fees	As with Plan Check fees, the City's existing Business License fees are modest (\$114/year). Nevertheless, reducing them for a specified period of time (for both existing and new businesses) would send an important message to the business community as to the City's level of commitment to Old Town and the Planning Areas.	<p>Upon adoption of the Specific Plan, give all existing businesses in the Plan area a one-year Business License tax reduction.</p> <p>Offer the same incentive to all new businesses that open in the Plan area during the first three (3) years of implementation</p> <p>Revisit this issue after the first three years and consider extending the benefits</p>	Redevelopment Funds

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Item	Description	Recommended Actions	Funding Source
FEE/TAX REDUCTIONS			
Review of Development Impact Fees	As means of improving the Old Town's economic attractiveness, the City could revise its "Growth Mitigation Fee" schedule to provide lower fees in the Plan area. In order to be consistent with AB 1600 requirements, these fee differentials would need to be based on the cost and availability of infrastructure.	As part of the upcoming study to review and update the City's schedule of impact fees, evaluate the feasibility of adopting different fees for Old Town and other Specific Plan Areas- San Pablo Avenue, Pinole Valley Road and Apian Way). Whereas it conceptually makes sense that impacts are lower (and therefore fees should be lower) in Old Town, this premise would need to be tested as part of the formal study process (as required by AB 1600).	Redevelopment Funds
OTHER DIRECT FINANCIAL ASSISTANCE TO DEVELOPERS AND BUSINESSES			
Storefront/ Façade/ Parking Lot Improvement Reimbursement/ Loan Program	This program should continue to be available to enhance Old Town and businesses along San Pablo Avenue, Pinole Valley Road and Apian Way.	<ul style="list-style-type: none"> Aggressively promote this program as part of the marketing process for the Specific Plan Areas esp. Old Town 	Redevelopment Funds
Revolving Loan Program	The City should develop specific program guidelines for this proposed revolving loan program. The purpose of the this Revolving Loan Fund is to ultimately aid in the revitalization of Old Town, by fostering growth of new businesses and assisting expanding businesses. Its objectives are to improve the visual quality of commercial buildings and mixed uses, increase the City's tax base, and provide needed services to local residents. The program will also help preserve historically architecturally significant structures and address safety issues by eliminating code deficiencies. This loan must be used for non-residential projects only.	<ul style="list-style-type: none"> Periodically reevaluate the program guidelines to ensure the objectives are met. 	RDA funds and/or other City revenues

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Item	Description	Recommended Actions	Funding Source
ENTITLEMENT INCENTIVES			
Expedited Plan Checks	This incentive will provide certainty of the City-controlled review process, and provide priority processing. Project applications will be expedited as there is no triggered EIR if the project meets the requirements of the Specific Plan.	<ul style="list-style-type: none"> For projects within the Specific Plan area, offer expedited processing 	No cost associated with this item (cost recovery)
City sponsored Environmental Review	The City may undertake environmental review for projects at their discretion in order to assist in expediting the development process.		RDA Funds
Streamlined Entitlement and Environmental Documentation	The intent of this incentive is to remove – to the maximum degree possible – the need for discretionary approvals for projects that fall within the “envelope” of development established by the Specific Plan. In many communities, this is achieved through a “Program” or “Master” EIR, which essentially serves as an environmental pre-clearance document for all future projects that are consistent with the Specific Plan land uses.	<ul style="list-style-type: none"> Investigate the various administrative options for minimizing the need for CEQA documentation for future projects proposed within the Specific Plan Area. As appropriate (based on the above investigations), prepare a Program EIR for the Plan area. 	Redevelopment Funds
Parking Incentives	There is currently “surplus” parking in Old Town. This extra capacity can enable the City to lower the required parking ratios for new development, thereby substantially reducing the costs of development and giving Old Town an “edge” relative to other Planning Areas where parking requirements are higher.	<ul style="list-style-type: none"> The Zoning provides for reduced parking requirements as a key incentive for selected sub-areas/districts to account for an existing “reserve” of public parking. To ensure that the lowered requirements do not result in a long-term parking shortage, this issue should be periodically reviewed. 	Redevelopment Funds
Height, Setback and Density Incentives	Within areas such as San Pablo Avenue, Pinole valley Road and Appian Way, that is largely built out with existing uses, land values tend to be relatively high. As a consequence, increased densities are often necessary to make new development (or redevelopment of existing uses) financially feasible. In addition to increasing allowable densities, zoning should allow the flexibility to develop desired land uses for which the future market is uncertain (e.g., live/work space).	<ul style="list-style-type: none"> The Specific Plan provides flexibility and increased density in the land use and developments standards section. Monitor the effectiveness of this provision by revisiting this issue periodically. 	No net cost to City

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Item	Description	Recommended Actions	Funding Source
OTHER INCENTIVES			
3-Tiered Marketing Program	<p>The marketing effort for the Specific Plan Areas should include components:</p> <p>Promoting the Old Town District as a place to shop (i.e., marketing to consumers through advertising, special events, etc.).</p> <p>Promoting the opportunity sites in Old Town to specific retail tenants (i.e., tenant recruitment).</p> <p>“Branding” the opportunity sites as places to live, work, shop, and recreate.</p>	<ul style="list-style-type: none"> The Redevelopment Agency will lead this effort to promote the Old Town to the general public and the Development Community as a place to invest and gather. 	RDA or Business Improvement District (BID).
Area-Wide Infrastructure/Amenity Investments	<p>Area-wide infrastructure and “amenity” (streetscape) investments will serve to “set the table” creating an upgraded urban environment to encourage new private investment.</p>	<ul style="list-style-type: none"> (See Chapter 5. Circulation and 8. Public Realm Public Realm - Mobility and VII. Public Realm Standards and DGs – Gateways and Streetscaping of the Plan) 	Redevelopment Funds
Project-Specific Infrastructure Assistance	<p>In addition to area-wide infrastructure improvements, there may be specific development projects for which it is advantageous for the City to provide financial assistance for the development of on- or off-site or project-specific infrastructure. This type of assistance is typically negotiated on a case-by-case basis (reflecting the specific public benefits that can justify the public investment) and subject to a development agreement.</p>	<ul style="list-style-type: none"> Ensure that guidelines for revolving loan fund are flexible enough to allow for funding of infrastructure related to key “catalyst” projects. 	RDA funds
City/Redevelopment-Owned Opportunity Sites	<p>Site assembly – the process of making sizeable development sites available to private developers – is often an important municipal tool in a redevelopment process.</p>	<ul style="list-style-type: none"> Maintain an inventory of existing City/Redevelopment-owned sites in the Plan Area, noting location, acreage and existing use. Prioritize sites in terms of size, location, and feasibility of relocating existing uses. Market selected site(s) via a developer request for qualifications/proposals process 	Redevelopment Funds

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10.8 FINANCING PLAN

The Specific Plan for San Pablo Avenue, Pinole Valley Road and Appian Way contains comprehensive recommendations for both physical improvements and programs. As such, a variety of funding sources will be required to implement many of these recommendations. In some cases, public/private partnerships will need to be formed to implement desired programs. The following describes various funding mechanisms that are available at the local, state and federal level that may be pursued by the City to help implement the planned public improvements. The discussion below includes examples of potential funding sources for the Specific Plan areas.

LOCAL FUNDING SOURCES

City General Fund

This is the most accessible and flexible funding source available to local agencies. Local revenues are collected in the City General Fund from property tax, sales tax, and transient occupancy tax and expended on projects and programs as defined in the City's adopted budget. Projects and programs that may be funded by this source of money generally include those items which cannot be paid for by other funding sources and which provide a direct community-wide benefit for the residences or businesses in town. However, since this funding source is the City's primary operating capital and highly competitive, it should be looked at as a secondary source to fund most projects.

Redevelopment Area Tax Increment Financing

The Specific Plan areas lies within a City Redevelopment Area, thus, is eligible for expenditure of bond proceeds levied against the potential increased tax increment for the area. The Pinole Redevelopment Agency has significant resources available for infrastructure projects, housing projects, planning and development studies and public/private partnerships. These projects focus on the economic development of blighted areas within the Specific Plan Areas. Most of these monies have been allocated to upgrade infrastructure facilities (storm drains, new curb and gutter), and streets (widening, bulbouts, sidewalks, lane and parking space striping). The remaining funds

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should be carefully used to implement some of the higher priority programs identified in this Specific Plan.

Municipal Bond Financing

Federal and State laws allow cities to issue bonds with interest payment to investors that are exempt from Federal and State income, thus allowing cities to sell the bonds at below market interest rates. Cities in turn can utilize funds for certain projects that serve a public purpose. Provided the public purpose is well defined, such bonds give cities a powerful vehicle for financing capital improvements. Bond payments for improvements within the Specific Plan areas would be secured by the formation of an assessment district. An assessment district such as a landscape, lighting, or street improvement can be formed to fund public improvements that will benefit a localized area. The City issues bonds to pay for such improvements, and the debt is paid by assessing property owners who will be served by this improvement. The individual property owner portion of the debt is based on the owner's proportion of benefit. Any method that reasonably measures these benefits can be used to spread the debt among property owners. One drawback of municipal bond financing is that it requires approval of two-thirds of the voters in a local election. Also, since the project is within the City's Redevelopment area, additional property obligations are not warranted.

Development Impact Fees

While most of the Specific Plan area is built out, some of the planned improvements could be necessary because of the pressures for either new development or recent growth in the surrounding area. Therefore, it could be logical to attach an appropriate portion of the financial responsibility of these improvements to new development. A mechanism commonly utilized for funding various roadway improvements is development impact fees. Impact fees collected through this mechanism are based on the proportion of impact relative to the improvements necessary, providing a clear connection or "nexus" between development and particular improvement. Since most of the project area is built out, development impact fees will not likely be one of the primary mechanisms for paying for improvements.

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OTHER GOVERNMENT SOURCES OF FUNDING

Transportation for Livable Communities Program

The Transportation for Livable Communities (TLC) Program provides planning grants, technical assistance, a Housing Incentive Program and capital grants to help cities and nonprofit agencies develop transportation related projects.

The Transportation for Livable Communities Capital Program funds transportation infrastructure improvements for pedestrian, bicycle and transit facilities. The Metropolitan Transportation Commission (MTC) allocates federal Surface Transportation Program or Congestion Mitigation and Air Quality Improvements Program Funds toward the projects. Grants typically range from \$500,000 to \$3 million per project. A local match of 11.5 percent of the total TLC project cost is required. Project activities eligible for funding include bicycle and pedestrian paths and bridges; on street bike lanes; pedestrian plazas; pedestrian street crossings; streetscaping such as trees, lighting, furniture; traffic calming design features; signage and gateway features.

The Community Design Planning Program funds community design and planning processes to revitalize existing neighborhoods, Downtowns, commercial cores, and transit station areas and stops. The community design planning processes often lead to the development of capital projects. MTC allocates Transportation Development Act or Surface Transportation Program funds to this program. Up to \$75,000 is available per project and a 20 percent local match is required.

TLC provides funding for projects that are developed through an inclusive community planning effort. Applications are available online and there are also regional workshops to provide an overview of TLC, federal-aid process for delivery TLC projects, and TLC application process.

Contra Costa County Measures C & J Discretionary Funds

Measures C & J are transportation sales tax initiatives that were approved by Contra Costa County voters. These Measures have two main elements:

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- The Expenditure Plan administers the distribution of sales tax revenues to transportation programs and projects in the county.
- The Growth Management Program attempts to sustain the expenditure plan's investments by laying out certain requirements that cities and the county must meet in order to receive their share of "Local Street Maintenance and Improvement" funding.

The sales tax is expected to be distributed to specific transportation programs and projects in the county as follows:

- 41% on highways
- 28% on transit
- 0.4% on trails
- 30% on other programs

The City of Pinole could use Measure C funds to improve pedestrian and bicycle paths, highways and transit.

Quimby Act and Parks Reimbursement

Cities and Counties have been authorized since the passage of 1975 Quimby Act to pass ordinances requiring developers set aside land, donate conservation easements, or pay fees for park land and improvements. Revenues generated through the Quimby Act cannot be used for the operation and maintenance of park facilities. The act ensures open space acreage in jurisdictions adopting Quimby Act standards of 3-5 acres per 1,000 residents.

PRIVATE INVOLVEMENT

Private Financing

Private developers may construct many of the public facilities that are required to serve the Area Plan, using cash, funds from private investors, lines of credit, conventional lending sources, and other sources of private financing.

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Private Cost Sharing/Reimbursement Agreement

Public facilities that directly benefit other properties within the Area Plan pay their proportionate share of costs upon some equitable factor. In the case where one property would develop first and construct public facilities benefiting additional properties, the provider of shared infrastructure will be entitled to reimbursement of costs.

In-Lieu Development Fee

In lieu of payment of all or a portion of development fees, developers may dedicate land to the City of Pinole for other purposes such as parks or affordable housing. Whenever a developer determines to dedicate land in lieu of payment, a written application must be made describing the property to be dedicated and the development to receive credit for the development fee. If the land is used for a park, City staff prepares a report to the City Council regarding the proposed dedication. The value of the property to be dedicated must be determined in the same manner as the then current calculation of the average cost of parkland for the Local Park Development Fee.

Impact Fees and Exactions:

Where new development could create impacts from increased population or demand on services, dedications of land and impact fees are exactions which are used to reduce the impact. Such exactions must (a) "advance a legitimate state interest" (such as protection of the public health, safety, and welfare) and (b) mitigate the adverse impacts that would otherwise result from a project. Impact fees must also identify the purpose of the fee and the use to which it will be put. The local agency must also specify the nexus between the development project and the improvement being financed, and must establish that the amount of funds being collected will not exceed that needed to pay for the improvement.

ASSESSMENT DISTRICTS

Assessment Districts are most commonly established to finance the construction of public capital improvements and where authorized, to operate and maintain costs of certain public facilities. Assessment districts are formed in two different ways: (1) Property owners petition the appropriate public agency to form a district and provide a needed public

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improvement, or (2) A public agency foresees the need for an improvement and approaches the affected property owners with an assessment district proposal.

Property and Business Improvement Districts

A property and business improvement district (PBID) is a newly established benefit assessment district that can be formed based upon state legislation known as AB3754. PBID districts are geographically defined business areas in which private property owners band together to gain legal standing and generate sufficient revenue to realize common goals for improving the service and facilities of an area. All types of businesses and some residential zones can be included within this district including commercial, professional office, finance institutions, and high density residential. The PBID can perform a number of activities designed to supplement existing City services; such as marketing district businesses and activities, promotion of public events, street and sidewalk cleaning, graffiti removal, promotion of tourism, sanitation, retail retention and recruitment. Physical improvements such as benches, kiosks, pedestrian shelters, signs, lighting, restrooms, trash receptacles, planting area, fountains, plazas, etc., are often also funded by a PBID.

Within areas of the Specific Plan area, the following activities would be ideally suited for BID funding:

- Marketing activities (including planning, media/banner development, special events organization, and ongoing advertising);
- Landscape and streetscape improvements; and
- Parking improvements (see additional discussion below).

There are several legal forms of BIDs authorized by California law. The most common are districts formed under the Parking and Business Improvement Act of 1989. Business Improvement Areas (BIAs) formed under the 1989 law impose a fee on the business licenses of the businesses (rather than the property owners) operating in the area. The collected funds are used to pay for the improvements and activities specified in the formation documents.

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A similar assessment procedure was authorized by the Property and Business Improvement District (PBID) Law of 1994. The distinction is that the PBID makes the assessment on the real property and not on the business itself.

This is a potential funding source that may be appropriately utilized in Old Town. Establishing a PBID in this area may be difficult until more properties develop and Old Town business sales improve, and should be reconsidered as a likely future source of revenue.

Given the size and diversity of the Specific Plan area, it may be appropriate for separate BIDs or PBIDs to be explored for different sub-areas in the Specific Plan area. In this way, the collected funding could be more specifically targeted to the unique improvement and programmatic needs of each sub-area.

Landscape and Lighting District

The City of Pinole can establish landscape and lighting districts to maintain landscape and lighting in sub-areas of the city, the maintenance cost being paid for by assessments on property owners within each district. These districts are based on land use type and are used to supplement maintenance costs. The Landscaping and Lighting Act of 1972 (Streets and Highway Code section 22500) enables assessments to be imposed in order to finance:

- Acquisition of land for parks, recreation, and open space
- Installation or construction of planting and landscaping, street lighting facilities, ornamental structures, and park and recreational improvements (including playground equipment, restrooms and lighting)
- Maintenance and servicing any of the above.

However, creation of new districts is highly unlikely since the passage of proposition 218, which requires a 2/3-majority voter/landowner approval for formation. Today, the existing residential neighborhoods surrounding Old Town are generally comprised of moderately priced homes. It is unlikely that these owners would be willing to support additional tax assessments.

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Maintenance Assessment District

Maintenance Assessment Districts (MADs) are authorized in the “Landscape and Lighting Act of 1972.” MADs usually fund:

- Maintenance services, construction and installation.
- Open space and mini-parks
- Street medians and street lighting,
- Security
- Flood control and drainage.

Parking Assessment District

The Parking District Law of 1943 (Streets and Highways Code section 31500) authorizes a city or county to finance the following acts:

- Acquisition of land for parking facilities (including the power of eminent domain)
- Improvement and construction of parking lots and facilities
- Issuance of bonds
- Employee salaries

Infrastructure Financing District (Government Code 5395 et seq.)

This is a new mechanism. It allows the use of tax increment funds to help pay for infrastructure (may not include any area in a redevelopment project area). This can increase the funds available for infrastructure without additional burden on the property, but at the expense of the general fund. It may have limited potential, as each agency sharing in the property tax revenues may veto the use of its portion of the tax increment. Even motivated agencies would be taking what would otherwise be general fund revenues and spending them on infrastructure.